



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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February 8, 2012

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *LRoberts*

RE: **DOCKET NO. 420** - SBA Towers III and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at one of three sites located at 49 Mountain Avenue; 23/25 Northwest Corner Road; or 350B Cossaduck Hill Road, North Stonington, Connecticut.

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By its Decision and Order dated February 2, 2012, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 350B Cossaduck Hill Road, North Stonington, Connecticut.

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

LR/MP/laf

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:**

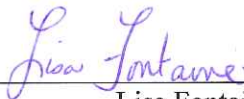


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Linda Roberts  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 420 has been forwarded by Certified First Class Return Receipt Requested mail, on February 8, 2012, to all parties and intervenors of record as listed on the attached service list, dated September 21, 2011.

**ATTEST:**



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Lisa Fontaine  
Fiscal Administrative Officer  
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 checked="" type="checkbox"/> U.S. Mail	SBA Towers III (SBA) and New Cingular Wireless PCS, LLC (AT&T)	<p>Daniel M. Laub, Esq. Christopher B Fisher, Esq. Cuddy &amp; Feder LLP 445 Hamilton Avenue, 14<sup>th</sup> Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax <a href="mailto:dlaub@cuddyfeder.com">dlaub@cuddyfeder.com</a> <a href="mailto:cfisher@cuddyfeder.com">cfisher@cuddyfeder.com</a></p> <p>Hollis Redding SBA One Research Drive, Suite 200C Westborough, MA 01581 <a href="mailto:hredding@sbsite.com">hredding@sbsite.com</a></p> <p>Michele Briggs AT&amp;T 500 Enterprise Drive Rocky Hill, CT 06067-3900 <a href="mailto:michele.g.briggs@cingular.com">michele.g.briggs@cingular.com</a></p>
<b>Party (granted 09/20/11)</b>		<p>Peter R. and Gisele A. Buehler 350D Cossaduck Hill Rd. North Stonington, CT 06359</p> <p>16247 Fringe Tree Drive Spring Hill, FL 34610 (860) 245-5050 or (727) 856-1963 <a href="mailto:buehlerga@comcast.net">buehlerga@comcast.net</a></p>	

<p><b>DOCKET NO. 420</b> - SBA Towers III and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at one of three sites located at 49 Mountain Avenue; 23/25 Northwest Corner Road; or 350B Cossaduck Hill Road, North Stonington, Connecticut.</p>	<p>} Connecticut          } Siting          } Council</p>	<p>February 2, 2012</p>
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**Findings of Fact**

**Introduction**

1. SBA Towers III (SBA) and New Cingular Wireless PCS, LLC (AT&T) (collectively, the Applicant), in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on June 29, 2011 for the construction, maintenance, and management of a telecommunications facility, which would include a 190-foot tall monopole telecommunications tower at one of three sites located at 49 Mountain Avenue (Site A) or 23/25 Northwest Corner Road (Site B) or 350 Cossaduck Hill Road (Site C), in the Town of North Stonington (Town), Connecticut. (Applicant 1, pp. 1-6)
2. SBA is a Delaware limited liability company and a subsidiary of SBA Communications Corporation, a publicly traded company that owns and operates wireless infrastructure facilities nationwide. Its offices are at One Research Drive, Suite 200C, Westborough, Massachusetts. (Applicant 1, p. 7)
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. (Applicant 1, p. 7)
4. The parties in this proceeding are the Applicant and Peter and Gisele Buehler. (Transcript, September 20, 2011, 3:20 p.m. [Tr. 1], pp. 5-6)
5. The purpose of the proposed facility would be to provide wireless communication coverage in the northern section of North Stonington and along Route 201 and other local roads in the area. (Applicant 1, p. 5)
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on September 20, 2011, beginning at 3:20 p.m. and continued at 7:00 p.m. at the North Stonington Volunteer Fire Company, Main Meeting Room, 267 Norwich-Westerly Road, North Stonington, Connecticut. (Tr. 1, p. 3 ff.)
7. The Council held a continued public hearing in New Britain on October 11, 2011. (Transcript 3 – October 11, 2011 at 1:05 p.m. [Tr. 3], p. 3)

8. The Council and its staff conducted an inspection of the proposed sites on September 20, 2011, beginning at 1:30 p.m. On the day of the field inspection, the applicant flew a 5-foot diameter balloon at each site between 12:00 p.m. and 6:30 p.m. Site A had a yellow and red balloon. Site B had a yellow balloon. Site C had a yellow and blue balloon. Weather conditions were generally fair with low winds. However, there were times when the balloons did not reach the full height of 190 feet due to the wind. Also the Site A balloon string did get caught on the trees at some point during the field inspection. (Tr. 1, pp 16-18; Tr. 3, pp. 25-26)
9. Pursuant to CGS § 16-507 (b), public notice of the application was published in the Westerly Sun on June 15 and 17, 2011. This notice listed 23 Northwest Corner Road as Site B. An additional notice was published in the Westerly Sun on June 23 and 24, 2011 to clarify that access to Site B would be via 23 Northwest Corner Road, but the proposed Site B tower would be located at 25 Northwest Corner Road. (Applicant 1, p. 8 and Tab 9; Applicant 6)
10. Pursuant to CGS § 16-507(b), the Applicant sent notices of its intent to file an application with the Council to each person appearing of record as owner of property abutting the properties on which the proposed facilities are located. (Applicant 1, pp. 8-9 and Tab 9)
11. The Applicant received return receipts from all of the abutting property owners to whom it sent notice. (Applicant 2, response 4)
12. Letters were sent to the neighbors of 23 and 25 Northwest Corner Road via Registered Mail (no return receipt requested) to clarify that the proposed site B tower location is at 25 Northwest Corner Road, not 23 Northwest Corner Road. (Applicant 2, response 4)
13. Pursuant to CGS § 16-507 (b), the Applicant provided notice to all federal, state, regional, and local officials and agencies listed therein. (Applicant 1, p. 8 and Tab 8)
14. On September 9, 2011, the Applicant posted a sign near each of the three sites informing the passing public of the proposed facility, time, date, and place of the hearing on this application and how to contact the Council. (Tr. 1, pp. 17-18)

#### State Agency Comments

15. Pursuant to CGS § 16-507, the Council solicited comments on the application from the following state departments and agencies: Department of Agriculture, Department of Energy and Environmental Protection (DEEP), Department of Public Health, Council on Environmental Quality, Public Utilities Regulatory Authority, Office of Policy and Management, Department of Economic and Community Development, the Department of Transportation (DOT), and the Department of Emergency Management and Homeland Security. The Council's letters requesting comments were sent on August 4, 2011 and October 11, 2011. (CSC Hearing Package dated August 4, 2011; Council Memo Requesting Additional State Agency Comments dated October 11, 2011)
16. On August 12, 2011, DOT responded to the Council's solicitation. In its comments, DOT described the process by which leases for wireless telecommunications tower sites may be secured from DOT. No responses were received from any of the other state agencies solicited. (DOT Comments dated August 12, 2011; Record)

### **Municipal Consultation**

17. The Applicant filed a technical report for the Site A facility with the Town of North Stonington (Town) on October 8, 2010. (Applicant 1, p. 26)
18. On October 15, 2010, the Applicant appeared at the First Selectman's Office and answered questions. (Applicant 1, p. 26)
19. A public meeting to review AT&T's need and the proposed Site A facility (the only site for consideration at that time) was held on November 22, 2010. (Applicant 1, p. 26)
20. Based on public comments as well as correspondence from the First Selectman, additional alternative sites were considered. The Site B and Site C candidates were developed and an update was sent to the First Selectman by letter on April 29, 2011. (Applicant 1, p. 26)
21. Town First Selectman Nicholas Millane gave a limited appearance statement at the September 20, 2011 hearing. First Selectman Millane acknowledged the need for service in the area, expressed an interest in co-locating police, fire, and ambulance antennas on any of the proposed towers, but did not have a specific preference as to which tower site would be most appropriate. (Tr. 1, pp. 7-9 and 34)
22. Any of the three sites would work for the Town's municipal emergency services antennas. (Tr. 3, p. 10)
23. SBA would provide space for municipal emergency services antennas at no fee. (Tr. 1, p. 34)

### **Public Need for Service**

24. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 4 - Telecommunications Act of 1996)
25. 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. 4 - Telecommunications Act of 1996; AT&T 1, p. 6)
26. The Act prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 4 - Telecommunications Act of 1996)

27. 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 Item No. 4 - Telecommunications Act of 1996)
28. 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. (Council Administrative Notice Item No. 5 - Wireless Communications and Public Safety Act of 1999; Applicant 1, pp. 10-11)
29. AT&T would provide Enhanced 911 services from any of its proposed sites in compliance with the 911 Act. (Applicant 1, pp. 10-11; Applicant 2, response 6)

**Existing and Proposed Wireless Coverage**

30. AT&T's proposed facility would provide 880 MHz (cellular), 1900 MHz (PCS) service, and 700 MHz (LTE). (Applicant 2, responses 1 and 5)
31. AT&T designs its system for -82 dBm in-vehicle coverage and -74 dBm in-building coverage. (Applicant 2, response 2)
32. AT&T's existing signal strength in the area that would be covered from any of the proposed facilities ranges from -110 dBm to -82 dBm due to uneven terrain. (Applicant 2, response 9, 25, 42)

33. The tables below indicate the distances AT&T would cover along the major routes in the area of its proposed facility at various heights.

<b>Street Name</b>	<b>Coverage at Site A with Tower Height of 190 feet</b>	<b>Coverage at Site B with Tower Height of 190 feet</b>	<b>Coverage at Site C with Tower Height of 190 feet</b>
Route 201 (Glasgo Road)	2.79 miles	2.34 miles	2.71 miles
Route 49 (Pendleton Hill Road, Voluntown Road)	1.18 miles	0.17 miles	0.88 miles
Route 164	0.00 miles	0.00 miles	0.12 miles
Route 216 (High Street)	0.00 miles	0.00 miles	0.06 miles
Norwich Voluntown Road	0.31 miles	0.00 miles	0.05 miles
Interstate 395	0.00 miles	0.00 miles	0.00 miles
Route 138	0.00 miles	0.00 miles	0.00 miles
Secondary Roads	21.31 miles	12.02 miles	18.48 miles

Street Name	Coverage at Site A with Tower Height of 180 feet	Coverage at Site B with Tower Height of 180 feet	Coverage at Site C with Tower Height of 180 feet
Route 201 (Glasgo Road)	2.56 miles	2.24 miles	2.60 miles
Route 49 (Pendleton Hill Road, Voluntown Road)	1.11 miles	0.16 miles	0.88 miles
Route 164	0.00 miles	0.00 miles	0.00 miles
Route 216 (High Street)	0.00 miles	0.00 miles	0.03 miles
Norwich Voluntown Road	0.29 miles	0.00 miles	0.04 miles
Interstate 395	0.00 miles	0.00 miles	0.00 miles
Route 138	0.00 miles	0.00 miles	0.00 miles
Secondary Roads	20.58 miles	11.30 miles	17.70 miles

Street Name	Coverage at Site A with Tower Height of 170 feet	Coverage at Site B with Tower Height of 170 feet	Coverage at Site C with Tower Height of 170 feet
Route 201 (Glasgo Road)	2.24 miles	2.24 miles	2.55 miles
Route 49 (Pendleton Hill Road, Voluntown Road)	1.11 miles	0.16 miles	0.83 miles
Route 164	0.00 miles	0.00 miles	0.00 miles
Route 216 (High Street)	0.00 miles	0.00 miles	0.01 miles
Norwich Voluntown Road	0.29 miles	0.00 miles	0.04 miles
Interstate 395	0.00 miles	0.00 miles	0.00 miles
Route 138	0.00 miles	0.00 miles	0.00 miles
Secondary Roads	20.34 miles	10.52 miles	17.22 miles

(Applicant 2, response 13, 29, 46)



34. The table below indicates the total areas AT&T would cover from the proposed facilities at various heights.

Signal Strength	Coverage Area at Site A with Tower Height of 190 feet	Coverage Area at Site B with Tower Height of 190 feet	Coverage Area at Site C with Tower Height of 190 feet
≤ -82 dBm*	12.96 square miles	7.70 square miles	11.44 square miles

Signal Strength	Coverage Area at Site A with Tower Height of 180 feet	Coverage Area at Site B with Tower Height of 180 feet	Coverage Area at Site C with Tower Height of 180 feet
≤ -82 dBm*	12.53 square miles	7.40 square miles	11.18 square miles

Signal Strength	Coverage Area at Site A with Tower Height of 170 feet	Coverage Area at Site B with Tower Height of 170 feet	Coverage Area at Site C with Tower Height of 170 feet
≤ -82 dBm*	12.11 square miles	7.05 square miles	10.75 square miles

\*This is the signal strength AT&T considers generally sufficient to provide service within vehicles, otherwise known as “in-vehicle coverage.”  
 (Applicant 2, responses 14, 30, and 47)

35. AT&T’s proposed facility would interact with the adjacent facilities identified in the following table, all of which have AT&T antennas on them.

Site Location	Distance to Site A Tower	Distance to Site B Tower	Distance to Site C Tower	Height of AT&T Antennas
2 Wintechog Hill Road, North Stonington	3.88 miles	2.55 miles	3.35 miles	172 feet
39 Norwich Westerly Road, Ledyard	4.61 miles	3.04 miles	4.10 miles	80 feet
39R Norwich Westerly Road, Ledyard	4.55 miles	2.98 miles	4.05 miles	85 feet
1439 Voluntown Road, Griswold	4.97 miles	5.79 miles	5.32 miles	135 feet
Route 164, Preston	4.26 miles	3.75 miles	4.16 miles	140 feet
247 North Road, Hopkinton	5.09 miles	6.43 miles	5.43 miles	266 feet
395 Woodville Avenue, Hopkinton	6.68 miles	7.67 miles	6.68 miles	151 feet
2670 Ten Rod Road, Exeter	7.69 miles	9.23 miles	8.22 miles	167 feet

(Applicant 2, response 18)

36. Site A provides the best coverage of the three sites. Site C provides adequate, but not optimal coverage due to a larger gap (about 500 feet) on Route 201, compared with Site A. Site B does not meet coverage objectives. (Tr. 1, pp. 56-58)
37. Site A could provide the targeted coverage independently as a stand-alone tower. The installation of AT&T antennas at Site B would also require AT&T's co-location on the SBA tower on Glasgo Road in Griswold to provide coverage to the target area. Site C could provide adequate coverage to the target area, and insufficiencies in coverage could be remedied by co-location. See FOF #42. (Tr. 1, pp. 78-79; Tr. 3, pp. 10-15)
38. The SBA tower on Glasgo Road in Griswold cannot provide AT&T's desired coverage as a stand-alone facility. (Applicant 1, p. 12)
39. The minimum height at which AT&T could achieve its coverage objectives (with any of the proposed towers) is 190 feet AGL with an antenna centerline height of 187 feet AGL. (Applicant 2, response 16)

**Site Selection**

40. AT&T initiated a search ring for this area in January 2009. SBA soon followed with its own investigation for a tower site in this area of North Stonington. Subsequently, AT&T and SBA agreed to work together to identify suitable locations for a telecommunications facility. (Applicant 2, response 3; Applicant 1, p. 5)
41. AT&T's search ring was centered between Billings Lake and Route 201 at 41° 30' 34" north latitude and 71° 53' 5.4" west longitude. Its radius was approximately 0.5 miles. (Applicant 2, response 3)
42. There are two communications towers within a radius of approximately four miles of the center of the search ring. Neither of these towers were found to be adequate for AT&T's coverage purposes. The towers are listed in the table below.

<b>Tower Location</b>	<b>Height, Type of Tower</b>	<b>Tower Owner</b>	<b>Approx. Distance and Direction from Search Ring Center</b>
101 Pierce Road, Preston	150 feet, monopole	Sprint	3.97 miles to NW
2172 Glasgo Road, Griswold	199 feet, monopole	SBA Towers	2.01 miles to N

(Applicant 1, Attachment 1)

43. AT&T investigated 13 sites as potential tower locations, including the proposed sites, for its proposed facility. Information about these sites is presented in the table below.

Location	Determination of Suitability
49 Mountain Avenue	This is the proposed Site A.
23/25 Northwest Corner Road	This is the proposed Site B.
350B Cossaduck Hill Road	This is the proposed Site C.
207 Coal Pit Hill Road	AT&T's RF engineers determined this site would not meet coverage objectives.
Wyassup Road	This parcel is on State Forest land and not available for lease.
54 Billings Lake Road	The property owner was initially interested, but decided not to lease due to concerns about visual impacts.
59 Billings Lake Road	This site has deed restrictions with respect to commercial development.
42 Button Road	AT&T's RF engineers determined this site would not meet coverage objectives.
Northwest Corner Road	AT&T's RF engineers determined this site would not meet coverage objectives.
2461 Glasgow Road, Griswold	AT&T's RF engineers determined that this site would have coverage that that would be redundant with other facilities.
53 Legend Wood Road	The property owner was not interested.
51 Legend Wood Road	The property owners were not interested.
49 Legend Woods Road	This parcel was rejected due to a land trust restriction.

(Applicant 1, Tab 2)

44. 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. (Applicant 1, p. 11)

**Site A Description – 49 Mountain Avenue**

45. Site A is located on a 2.24-acre parcel. The property is owned by Tucker Village LLC. (See Figures 1 and 2) (Applicant 1, Tab 3A)
46. The proposed tower would be located at 41° 30' 16.7" north latitude and 71° 52' 55.7" west longitude. Its ground elevation would be 474 feet above mean sea level (amsl). (Applicant 1, Tab 3A – Site Evaluation Report)
47. Land use in the general proximity of Site A is mainly comprised of low-density residential development, much of which is seasonal in nature and associated with undeveloped wetlands, forestlands and surrounding lakes (Billings Lake, Anderson Pond, and Wyassup Lake). (Applicant 2, response 7)
48. Site A is within a Residential R-80 Zoning District. (Applicant 1, p. 22)
49. The Applicant would locate its proposed facility in the western portion of the subject property. It would lease a 100-foot by 100-foot parcel, within which it would develop a 45-foot by 90-foot compound that would include a 190-foot tall monopole tower and a 12-foot by 20-foot equipment shelter. The compound would be surfaced with gravel and enclosed by an eight-foot high chain link fence. (Applicant 1, Tab 3A)
50. 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 monopole would have a diameter of approximately five feet at its base and approximately two feet at its top. (Applicant 1, Tab 3A – Facilities and Equipment Specification; Tr. 1, p. 28)
51. At its proposed height of 190 feet, SBA's tower could accommodate three wireless carriers in addition to AT&T. (Applicant 1, Attachment 3A)
52. AT&T would deploy up to 12 panel antennas and up to 12 diplexers on a low-profile platform at a centerline height of 187 feet AGL. (Applicant 1, p. 5 and Tab 3A)
53. AT&T could use T-arm mounts without compromising coverage. (Applicant 2, response 17)
54. To utilize flush-mounted antennas would require twenty feet of additional height and three levels of antennas: 210 feet, 200 feet, and 190 feet. (Applicant 2, response 17; Tr. 1, p. 21)
55. For backup power, AT&T would rely on a diesel generator. The 210 gallon fuel tank would provide approximately 48 hours of run time. (Applicant 2, response 20)
56. Approximately 214 cubic yards of cut and approximately 40 cubic yards of fill would be required to develop the proposed Site A tower site and access drive. (Applicant 2, response 19)

57. Vehicular access to the proposed facility would extend from Mountain Avenue over a new gravel access drive approximately 400 feet to the proposed equipment compound. (Applicant 1, p. 6)
58. Utility service for the proposed facility would be extended underground from Mountain Avenue and generally follow the existing access drive. (Applicant 1, p. 6)
59. The setback radius of the proposed tower would extend approximately 165 feet onto 49 Ledges Wood Road property located to the south, which is owned by Tucker Village LLC: the same owner as the subject Site A property. The setback radius would also extend approximately 70 feet onto the 39E Ledges Wood Road property owned by Stearns Tamar. It would be difficult to design a yield point to keep the setback radius completely within the Site A subject property. (Applicant 1, Tab 3A; Tr. 3, p. 45)
60. There are 12 residences located within 1,000 feet of Site A. (Tr. 3, p. 24)
61. The nearest residence (not on the subject property) is at Mountain Avenue, 353 feet to the west of the proposed facility. (Applicant 1, Tab 3A; Tr. 3, p. 25; Attachment 3; Tr. 1, p. 18; Applicant 8, response 1)
62. The estimated cost of construction of the proposed Site A facility, including radio equipment, is shown in the table below.

Tower and foundation costs	\$90,000
Site development costs	\$50,000
Utility installation costs	\$30,000
Facility installation	\$93,000
<u>Antennas and equipment</u>	<u>\$250,000</u>
Total Estimated Cost	\$513,000

(Applicant 1, pp. 26-27)

#### **Site B Description – 23/25 Northwest Corner Road**

63. Site B is located on a 86-acre parcel. The property is owned by Eric Berg. (See Figures 3 and 4) (Applicant 1, Tab 4A)
64. The proposed tower would be located at 41° 29' 37" north latitude and 71° 54' 31" west longitude. Its ground elevation would be 400 feet amsl. (Applicant 1, Tab 4A – Site Evaluation Report)
65. Land use in the general proximity of Site B is mainly comprised of undeveloped woodlands (including State Forest land) and low-density residential development. (Applicant 2, response 7)

66. Site B is within a Residential R-80 Zoning District. (Applicant 1, p. 22)
67. The Applicant would locate its proposed facility in the eastern portion of the subject property. It would lease a 100-foot by 100-foot parcel, within which it would develop a 75-foot by 75-foot compound that would include a 190-foot tall monopole tower and a 12-foot by 20-foot equipment shelter. The compound would be surfaced with gravel and enclosed by an eight-foot high chain link fence. (See Figure 3) (Applicant 1, Tab 4A; Applicant 7, response 1)
68. 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 monopole would have a diameter of approximately five feet at its base and approximately two feet at its top. (Applicant 1, Tab 4A – Facilities and Equipment Specification; Tr. 1, p. 28)
69. At its proposed height of 190 feet, SBA's tower could accommodate three wireless carriers in addition to AT&T. (Applicant 7, response 1)
70. AT&T would deploy up to 12 panel antennas and up to 12 diplexers on a low-profile platform at a centerline height of 187 feet AGL. (Applicant 1, p. 5 and Tab 4A)
71. AT&T could use T-arm mounts without compromising coverage. (Applicant 2, response 33)
72. To utilize flush-mounted antennas would require twenty feet of additional height and three levels of antennas: 210 feet, 200 feet, and 190 feet. (Applicant 2, response 33; Tr. 1, p. 21)
73. For backup power, AT&T would rely on a diesel generator. The 210 gallon fuel tank would provide approximately 48 hours of run time. (Applicant 2, response 36)
74. Vehicular access to the proposed facility would utilize the existing access across the 23 Northwest Corner Road property and then continue along a new gravel access drive for approximately 380 feet to the compound. (Applicant 1, Tab 4A)
75. Utility service for the proposed facility would be extended underground from Northwest Corner Road. (Applicant 1, Tab 4A)
76. The setback radius of the proposed tower would remain within the Site B subject property. (Applicant 1, Tab 4A)
77. No residences (located outside the subject properties) are located within 1,000 feet of Site B. (Tr. 3, p. 24, Applicant 8, Attachment A)
78. The nearest residence is at 247 Cossaduck Hill Road, approximately 1,570 feet from the proposed Site B facility. (Applicant 1, Tab 4A; Applicant 8, response 1; Tr. 3, p. 25)

79. The estimated cost of construction of the proposed facility, including radio equipment, is shown in the table below.

Tower and foundation costs	\$90,000
Site development costs	\$50,000
Utility installation costs	\$30,000
Facility installation	\$93,000
<u>Antennas and equipment</u>	<u>\$250,000</u>
Total Estimated Cost	\$513,000

(Applicant 1, pp. 26-27)

**Site C Description – 350B Cossaduck Hill Road**

80. Site C is located on an 11.66-acre parcel. The property is owned by Paul Buehler. (See Figures 5 and 6) (Applicant 1, Tab 5A)
81. The proposed tower would be located at 41° 29' 57" north latitude and 71° 53' 23" west longitude. Its ground elevation would be 444 feet amsl. (Applicant 1, Tab 5A – Site Evaluation Report)
82. Land use in the general proximity of Site C is mainly agricultural land, undeveloped woodlands (including State Forest land) and low-density residential development. (Applicant 2, response 7)
83. Site C is within a Residential R-80 Zoning District. (Applicant 1, p. 22)
84. The Applicant would locate its proposed facility in the eastern portion of the subject property. It would lease a 100-foot by 100-foot parcel, within which it would develop a 75-foot by 75-foot compound that would include a 190-foot tall monopole tower and a 12-foot by 20-foot equipment shelter. The compound would be surfaced with gravel and enclosed by an eight-foot high chain link fence. (See Figure 3) (Applicant 1, Tab 5A; Applicant 7, response 1)
85. 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 monopole would have a diameter of approximately five feet at its base and approximately two feet at its top. (Applicant 1, Tab 5A – Facilities and Equipment Specification; Tr. 1, p. 28)
86. At its proposed height of 190 feet, SBA’s tower could accommodate three additional wireless carriers in addition to AT&T. (Applicant 7, response 2)
87. AT&T would deploy up to 12 panel antennas and up to 12 diplexers on a low-profile platform at a centerline height of 187 feet AGL. (Applicant 1, p. 5 and Tab 5A)

88. AT&T could use T-arm mounts without compromising coverage. (Applicant 2, response 50)
89. To utilize flush-mounted antennas would require twenty feet of additional height and three levels of antennas: 210 feet, 200 feet, and 190 feet. (Applicant 2, response 50; Tr. 1, p. 21)
90. For backup power, AT&T would primarily rely on a diesel generator. The 210 gallon fuel tank would provide approximately 48 hours of run time. (Applicant 2, response 53)
91. Vehicular access to the proposed facility would utilize the approximately 1,720-foot existing access drive and then continue along a new gravel access drive for approximately 510 feet to the compound. (Applicant 1, Tab 5A)
92. Utility service for the proposed facility would be extended underground from Cossaduck Hill Road. (Applicant 1, Tab 5A)
93. The setback radius of the proposed tower would extend approximately 25 feet onto the Ledgen Wood Road property located to the north, which is owned by Aristedes and John Johnson. The tower at Site C could be designed with a yield point. (Applicant 1, Tab 5A; Tr. 3, pp. 44-45; Applicant 8, Attachment A)
94. Two residences (not located on the subject property) are located within 1,000 feet of Site C. (Tr. 3, p. 24; Applicant 8, Attachment A)
95. The nearest residence (not on the subject property) is owned by Ashwillet Farm LLC and is located at 350C Cossaduck Hill Road approximately 680 feet southeast of the proposed Site C facility. (Applicant 8, response 1)
96. The Peter and Gisele Beuhler residence is located approximately 775 feet to the northwest of the proposed Site C facility. (Tr. 1, p. 19)
97. The estimated cost of construction of the proposed facility, including radio equipment, is shown in the table below.

Tower and foundation costs	\$90,000
Site development costs	\$50,000
Utility installation costs	\$30,000
Facility installation	\$93,000
<u>Antennas and equipment</u>	<u>\$250,000</u>
Total Estimated Cost	\$513,000

(Applicant 1, pp. 26-27)

### **Environmental Considerations**

98. Blasting is not expected to be necessary at any of the proposed sites. However, if rock/ledge removal is found to be necessary, chipping would be the preferred method of removal. (Applicant 2, responses 22, 38, and 55)



99. The Site A facility would have no effect on historical or archaeological resources listed in, or eligible for listing in, the National Register of Historic Places based on the final review of the State Historic Preservation Office (SHPO). (Applicant 8, Attachment C)
100. There are no above-ground historical or archaeological resources on which Sites B and C would have a visual effect based on a preliminary review by the SHPO. Further assessment regarding potential archaeological resources would have to be provided; however, no significant impact to below ground resources is expected. (Applicant 8, p. 2 and Attachment C)
101. Sites A, B, and C would comply with the recommendations of the U.S. Fish and Wildlife Service for minimizing the potential for telecommunications towers to impact bird species. (Applicant 2, responses 24, 40, and 57)
102. There are no Important Bird Area's (IBA), as designated by the National Audubon Society, proximate to the three tower sites. The nearest IBA is the Barn Island Wildlife Management Area located approximately 9.5 miles to the south/southeast. (Applicant 2, responses 23, 39, 56)
103. No known extant populations of Federal or State Endangered, Threatened or Special Concern Species occur at any of the three sites. (Applicant 1, p. 14-16)
104. The number of trees with a diameter of six inches or more at breast height that would be removed for the construction of the facilities is listed below

Site	Number of trees to be removed
Site A	36
Site B	15 to 25
Site C	7 to 12

(Applicant 1, Tabs 3A, 4A, and 5A)

105. The distance and direction to the nearest wetlands from the proposed project area of each site is listed below

Site	Distance and direction to nearest wetland
Site A	300 feet to the north and 450 feet to the southeast
Site B	350 feet to the south
Site C	700 feet to the east

(Applicant 8)

106. No adverse impacts to wetlands are expected at any of the three sites. (Applicant 1, pp. 14-17)
107. Lighting or marking of the three towers will not be required by the Federal Aviation Administration. (Applicant 1, p. 21)

108. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's proposed antennas at any of the proposed towers is 3.50% 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. (Applicant 1, p. 20)

**Visibility**

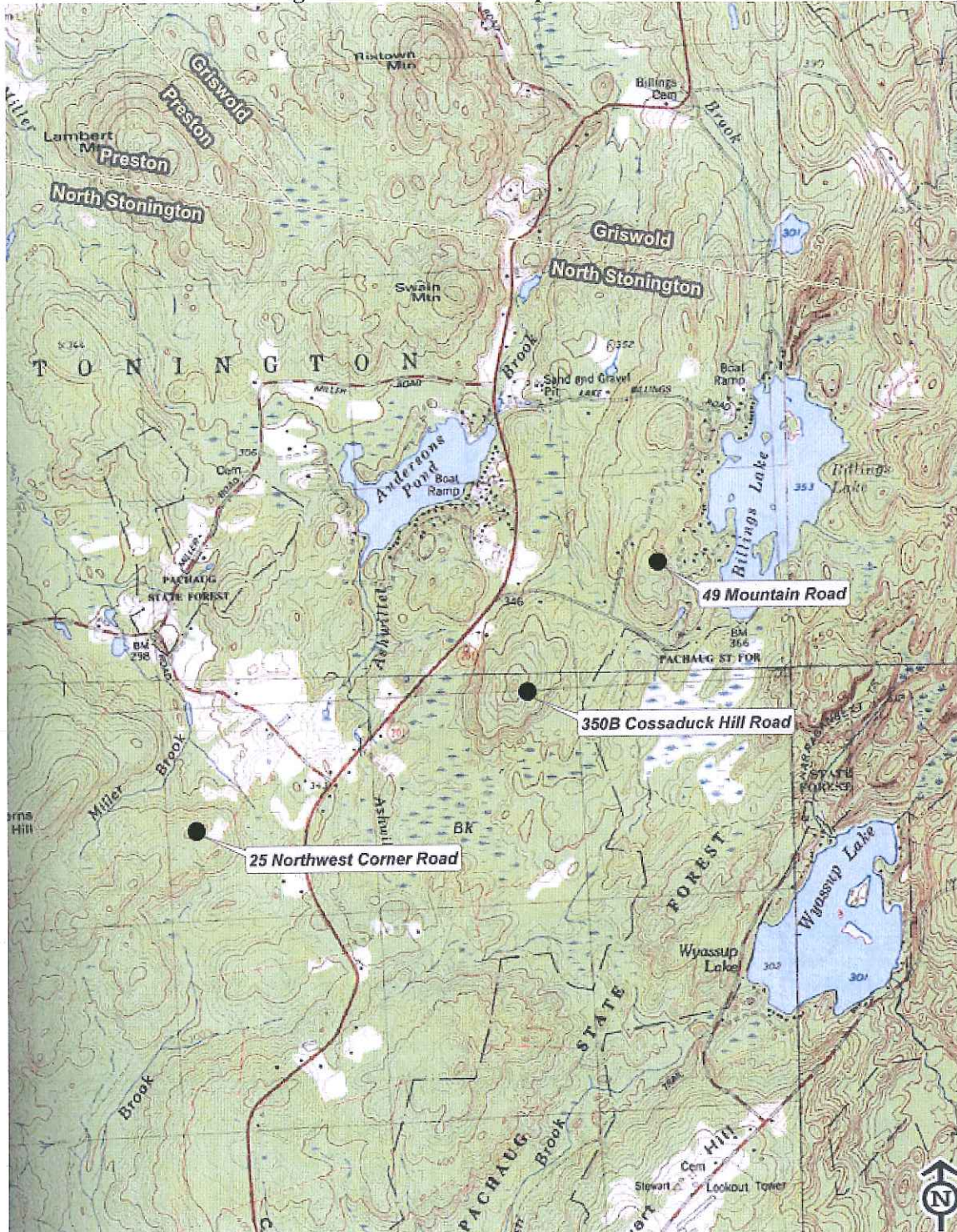
109. The projected visibility of the proposed towers within a two-mile radius of each site is as follows:

<b>Receptor</b>	<b>Site A</b>	<b>Site B</b>	<b>Site C</b>
Year-round visibility (acres)	104 (mostly on Billings Lake, Anderson Pond, and Wyassup Lake)	30	9 (mostly on host property)
Seasonal visibility (acres)	32	32	4 (all on host property)
Residential properties with year-round views	12	1	3
Residential properties with seasonal views	6	2	1

(Applicant 1, Tabs 3C, 4C, and 5C)

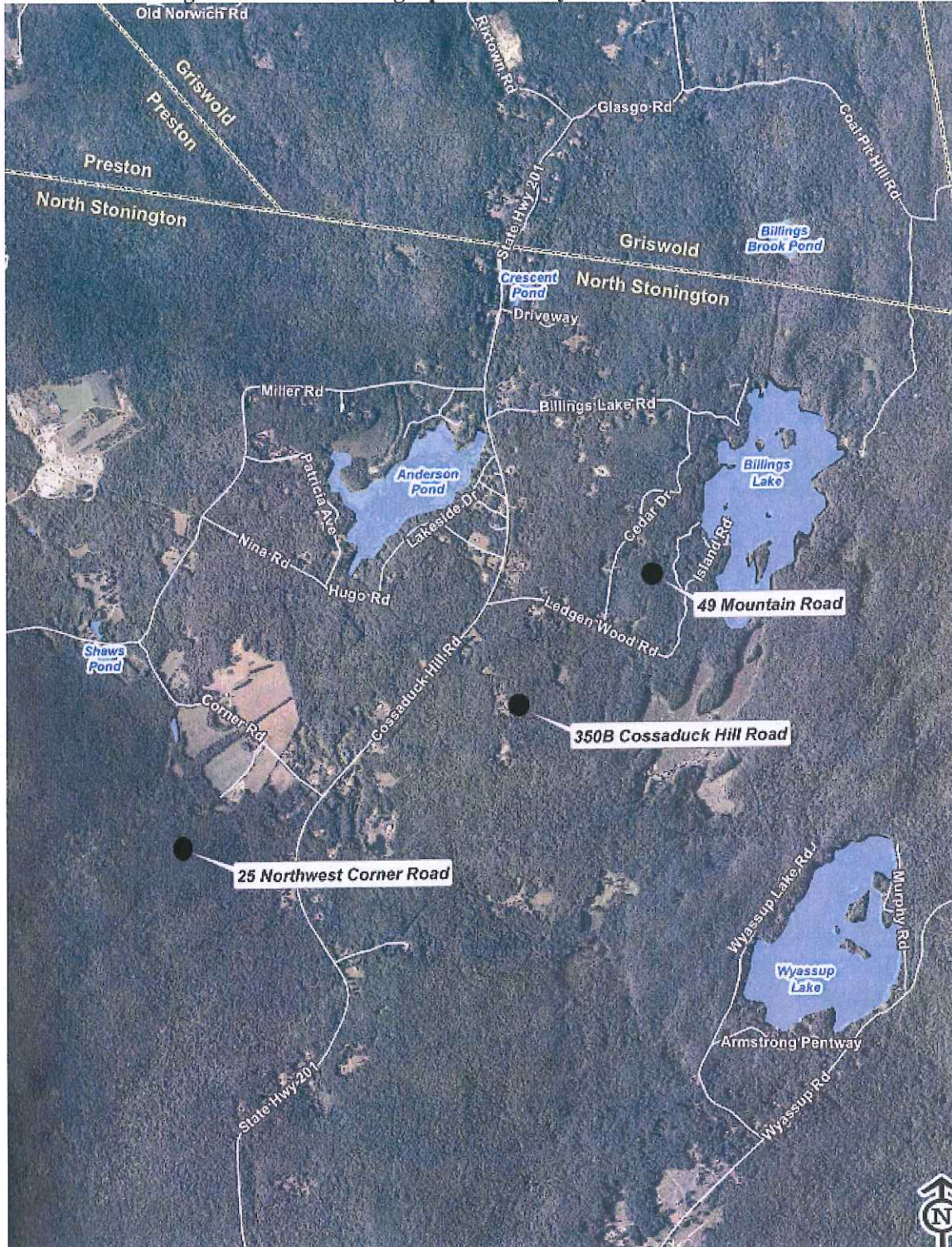
- 110. Site A would be visible year-round from approximately 65 acres of open water on Billings Lake, 13 acres of Anderson Pond, and 11 acres of Wyassup Lake. The distances from Site A to these bodies of water are 0.19 miles, 0.58 miles, and 0.95 miles, respectively. (Applicant 1, Tab 3C)
- 111. Site A would be visible from the south/southwest portion of Camp Wightman as it abuts Billings Lake. Both seasonal and year-round views are expected. (Tr. 3, pp. 9-10)
- 112. The three proposed towers would not be visible from the Narragansett Trail. (Applicant 1, Tabs 3C, 4C, and 5C)
- 113. Approximately the top 30 feet of the Site C tower would be visible above the tree line from the Beuhler property at 350D Cossaduck Hill Road. (Tr. 3, pp. 7-9)

Figure 1: Location of Proposed Facilities



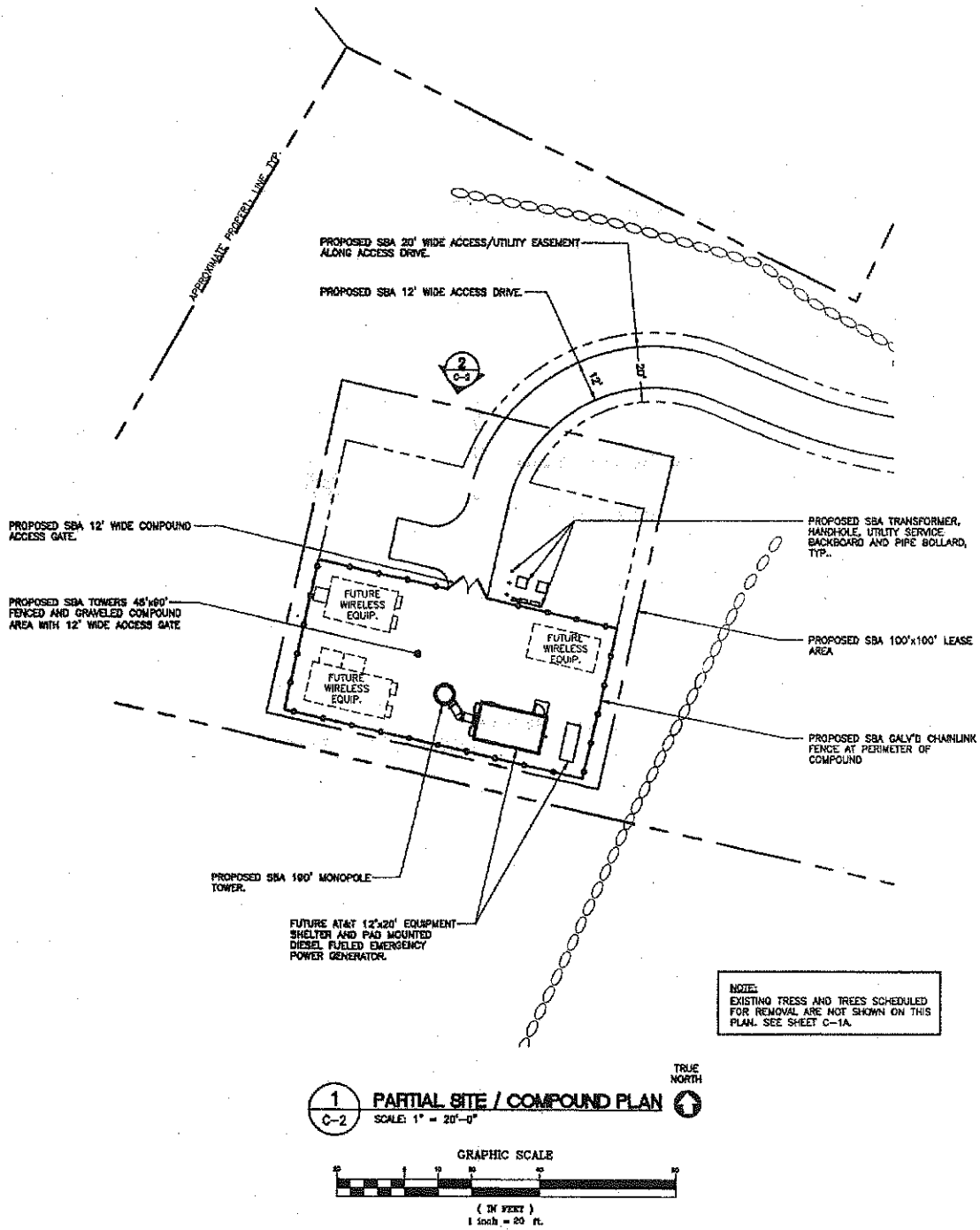
(Applicant 1, Tab C6)

**Figure 2: Aerial Photograph of Vicinity of Proposed Facilities**



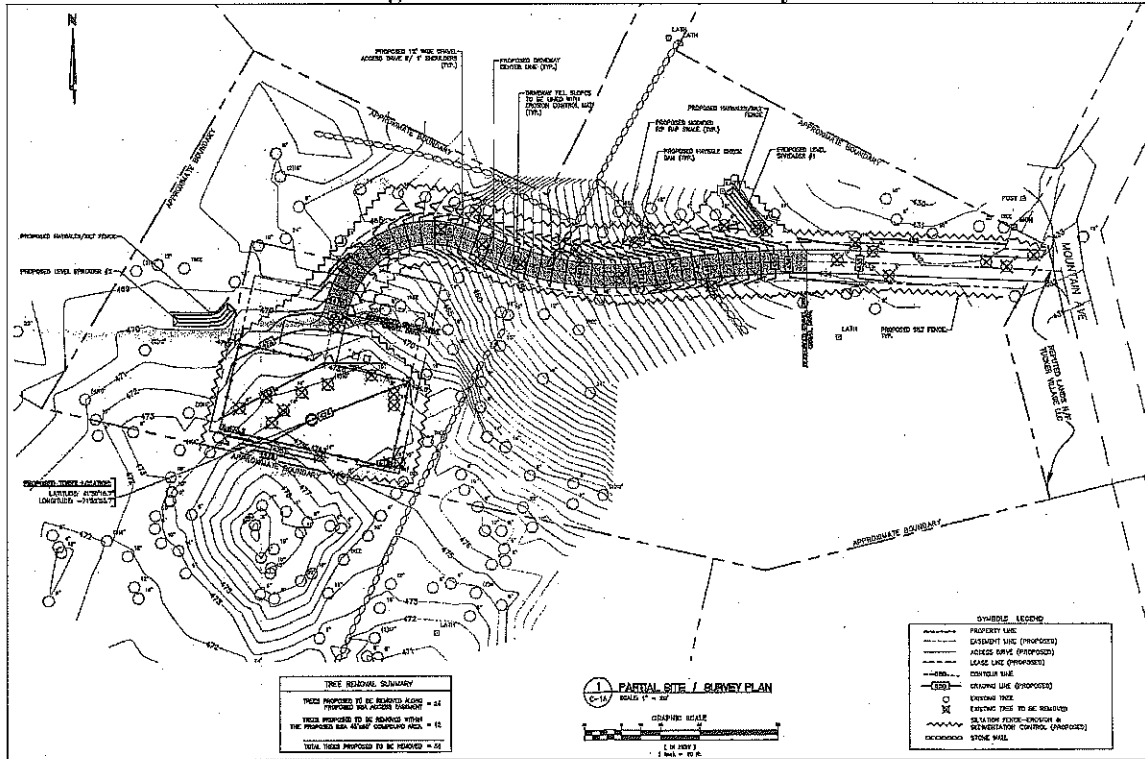
(Applicant 1, Tab C6)

Figure 3: Site Plan for Site A Facility



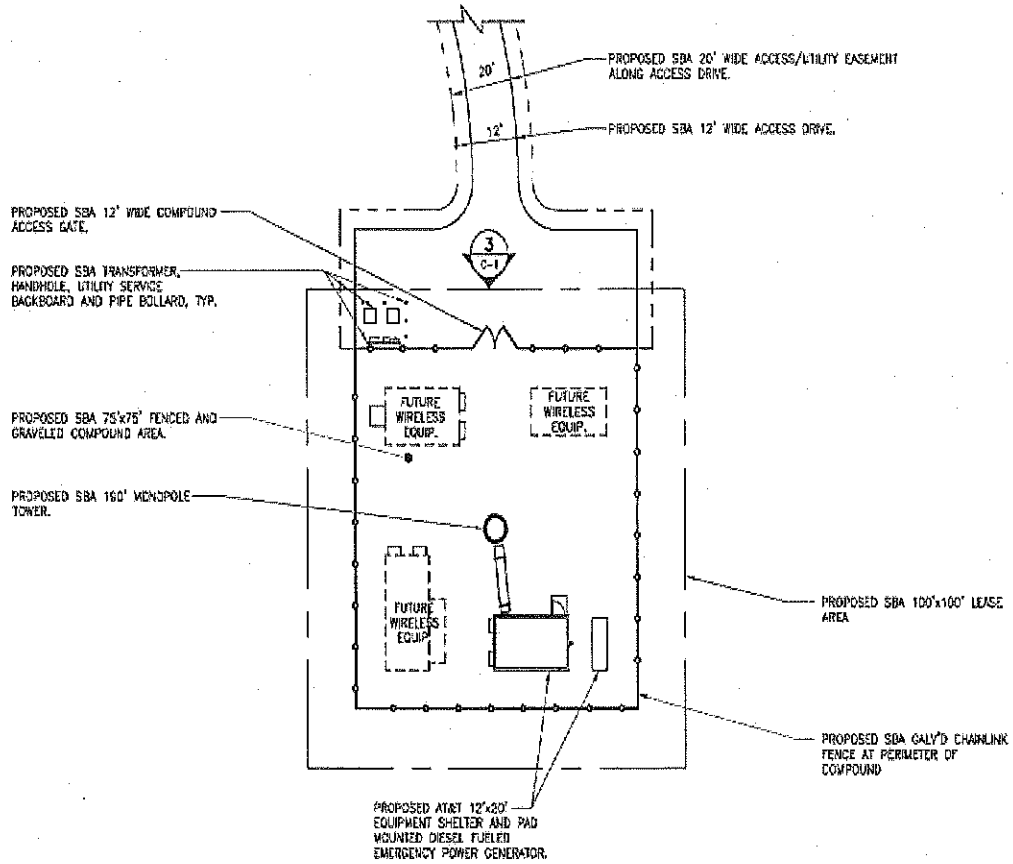
(Applicant 1, Tab 3A)

Figure 4: Access for Site A Facility

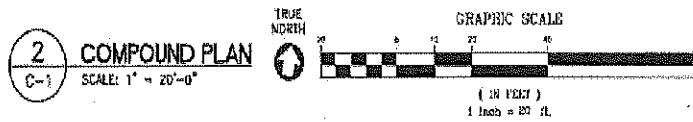


(Applicant 1, Tab 3A)

Figure 5: Site Plan for Site B Facility

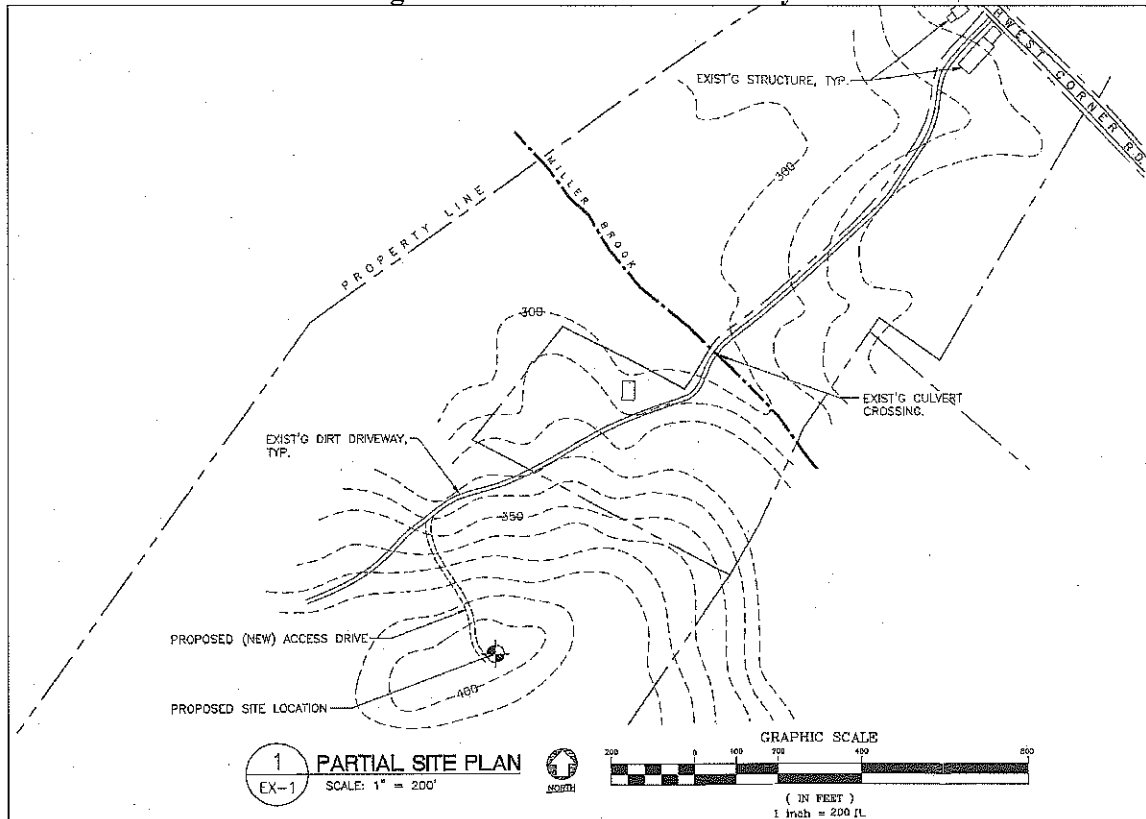


SITE B



(Applicant 7, response 1)

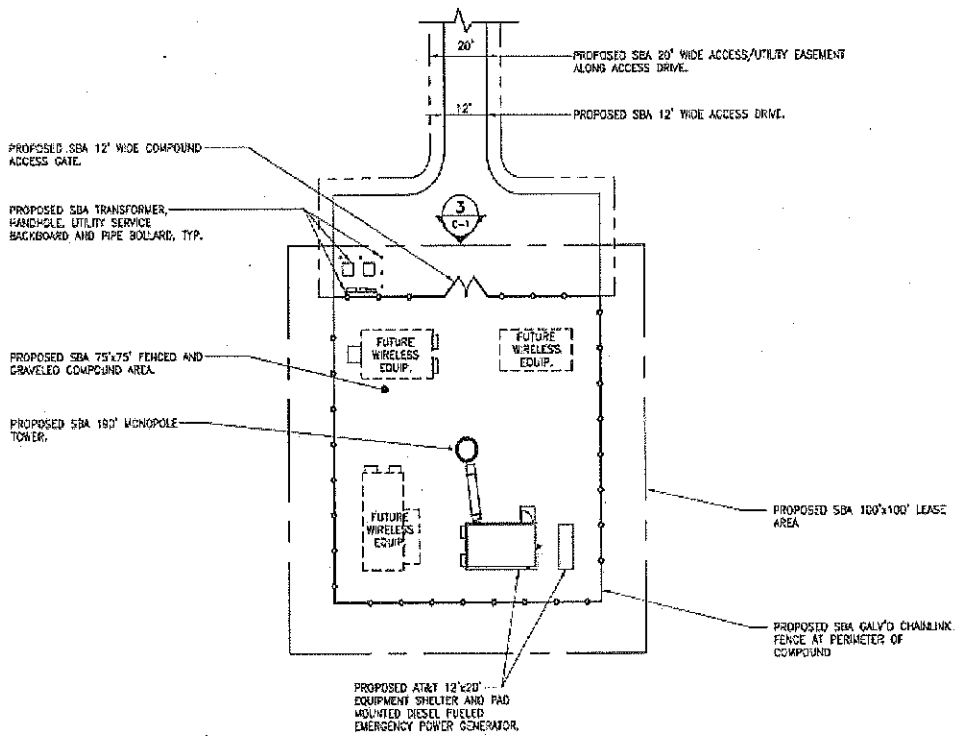
Figure 6: Access for Site B Facility



(Applicant 1, Tab 4A)



Figure 7: Site Plan for Site C Facility

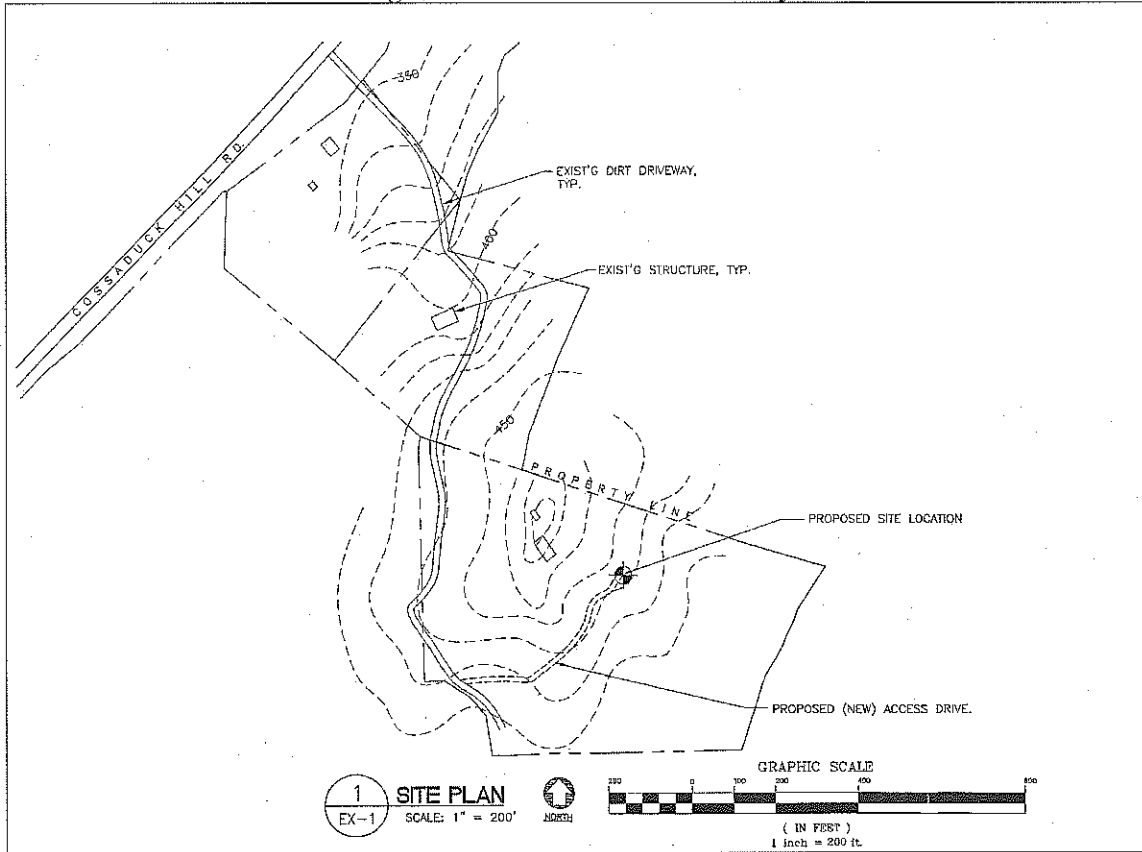


SITE C

2 **COMPOUND PLAN**  
C-1 SCALE: 1" = 20'-0"  
 TRUE NORTH  
 GRAPHIC SCALE  
 0 10 20 30 40 50 60  
 ( IN FEET )  
 1 inch = 20 ft

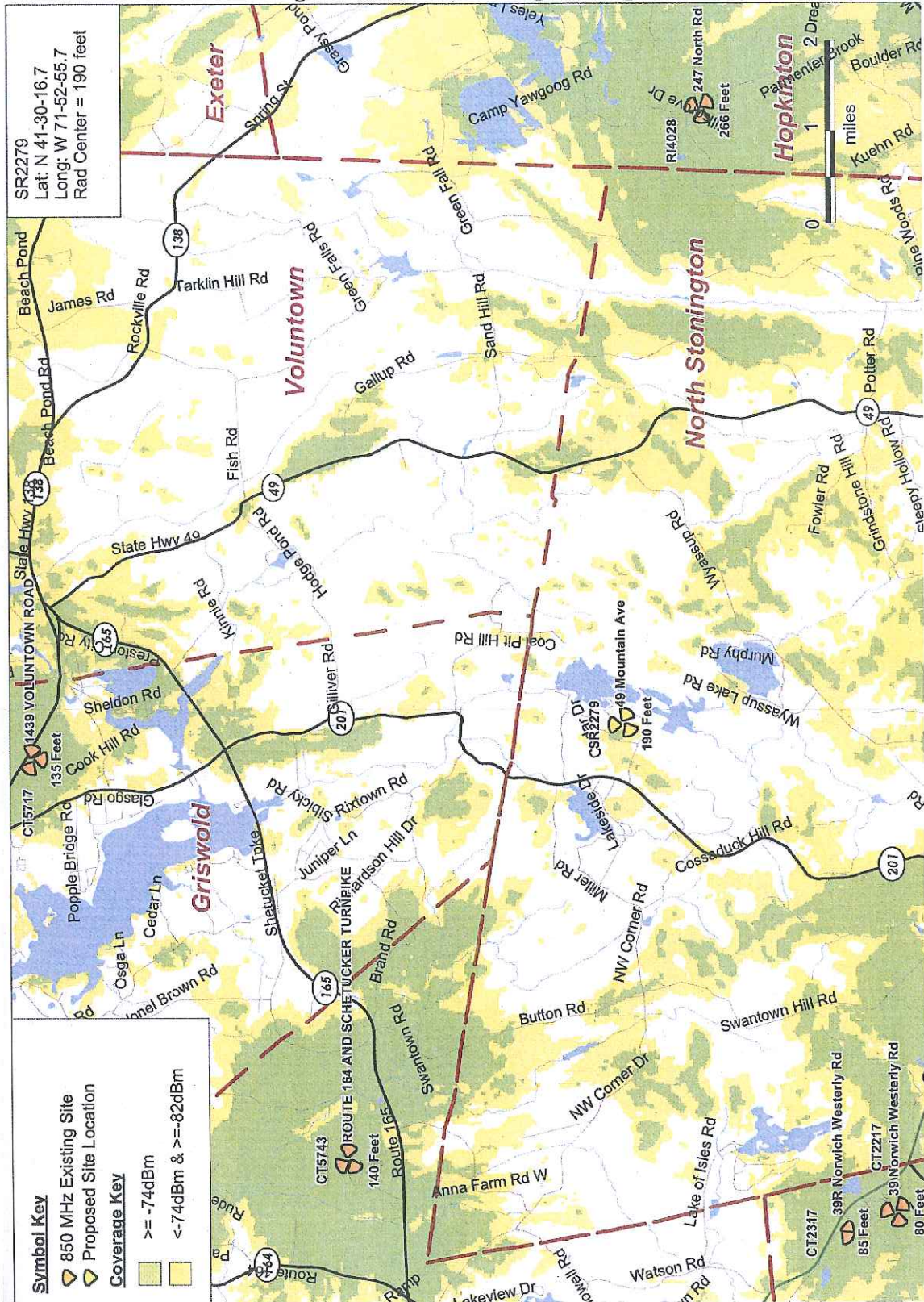
(Applicant 7, response 2)

Figure 8: Access for Site C Facility



(Applicant 1, Tab 5A)

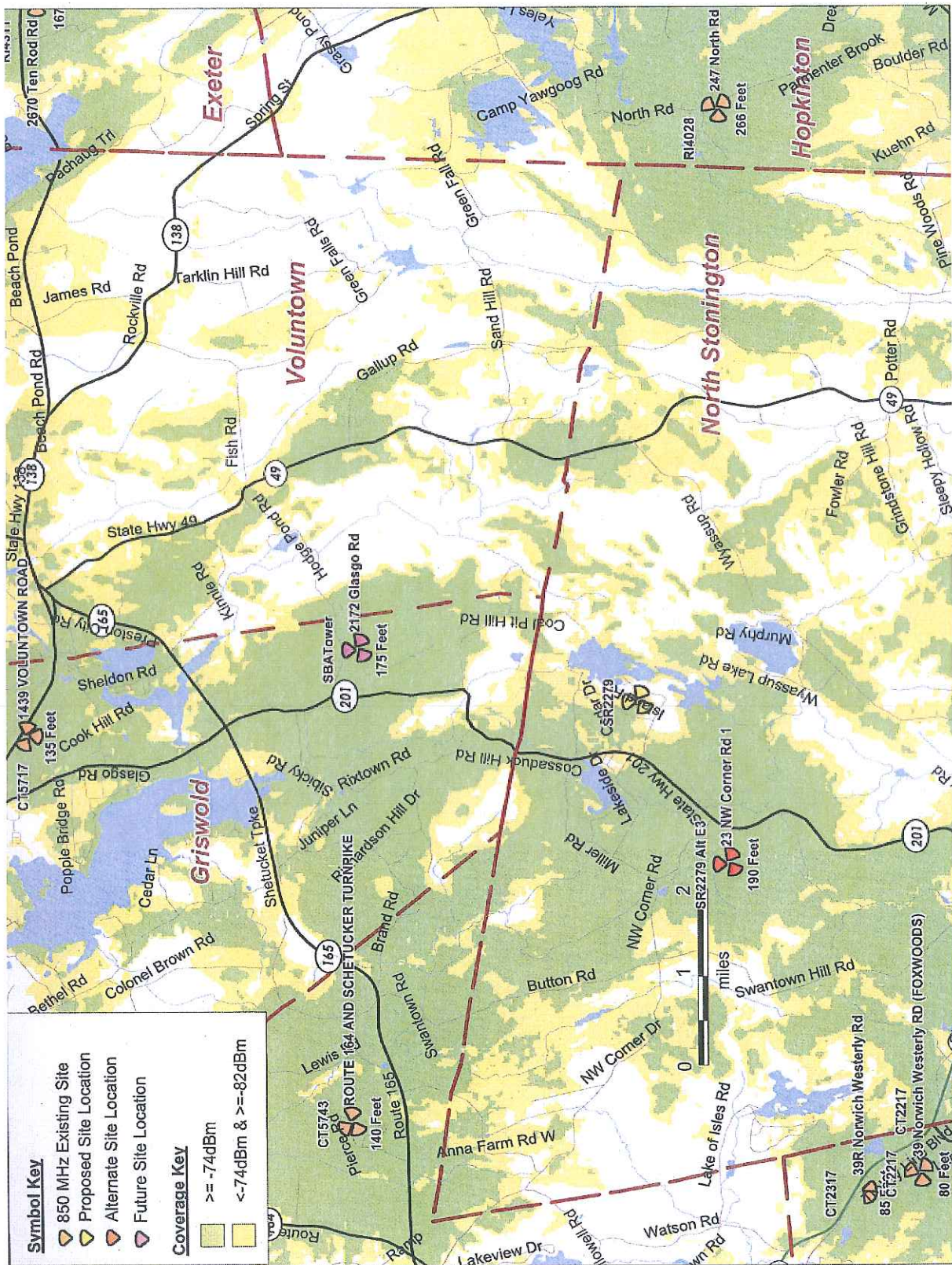
Figure 9: AT&T's Existing Coverage



(Applicant 1, Tab 1)

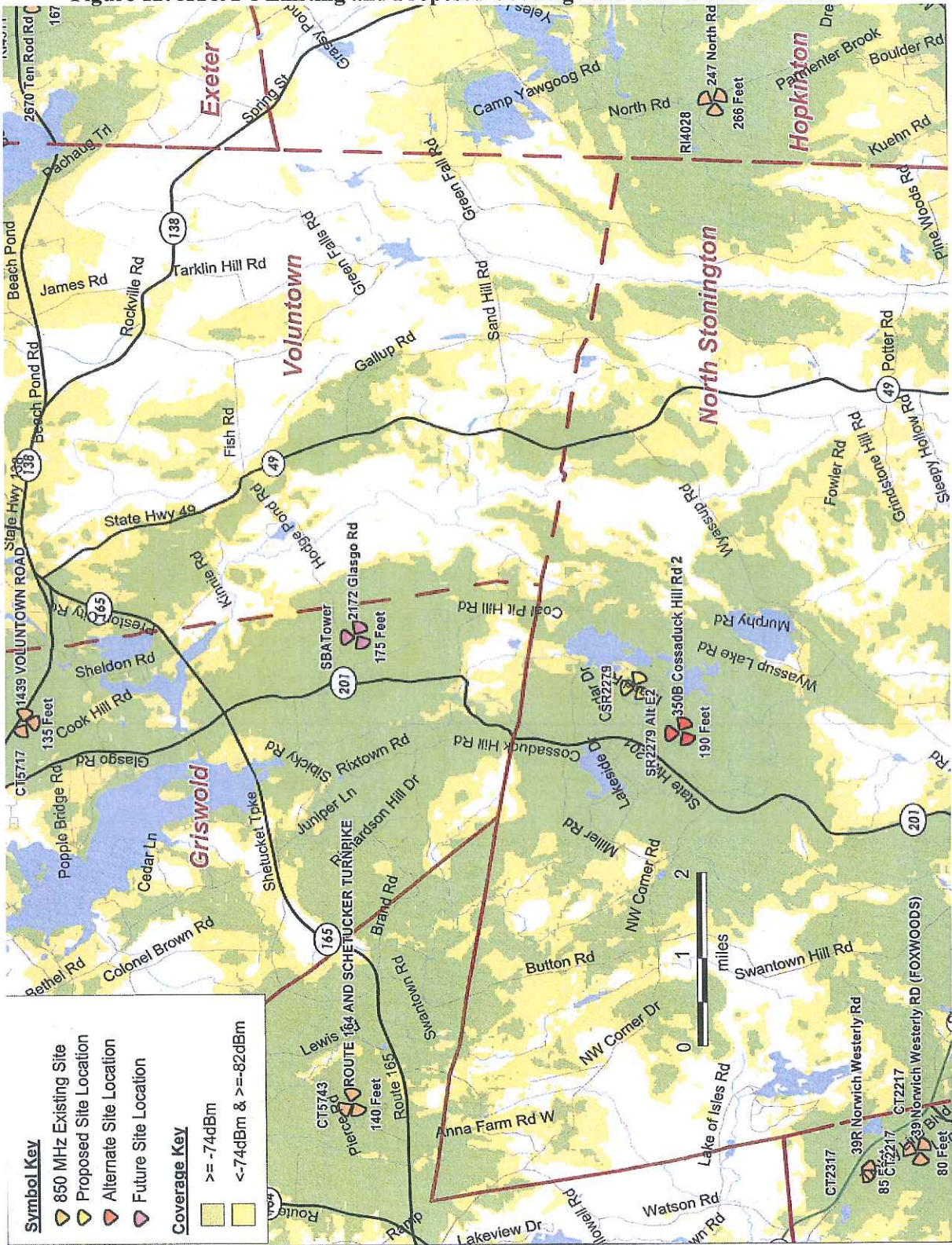


Figure 11: AT&T's Existing and Proposed Coverage with Site B and SBA Site



(Applicant 1, Tab 1)

**Figure 12: AT&T's Existing and Proposed Coverage with Site C and SBA Site**



(Applicant 1, Tab 1)

Figure 13: AT&T's Existing and Proposed Coverage with Site B and w/o SBA Site

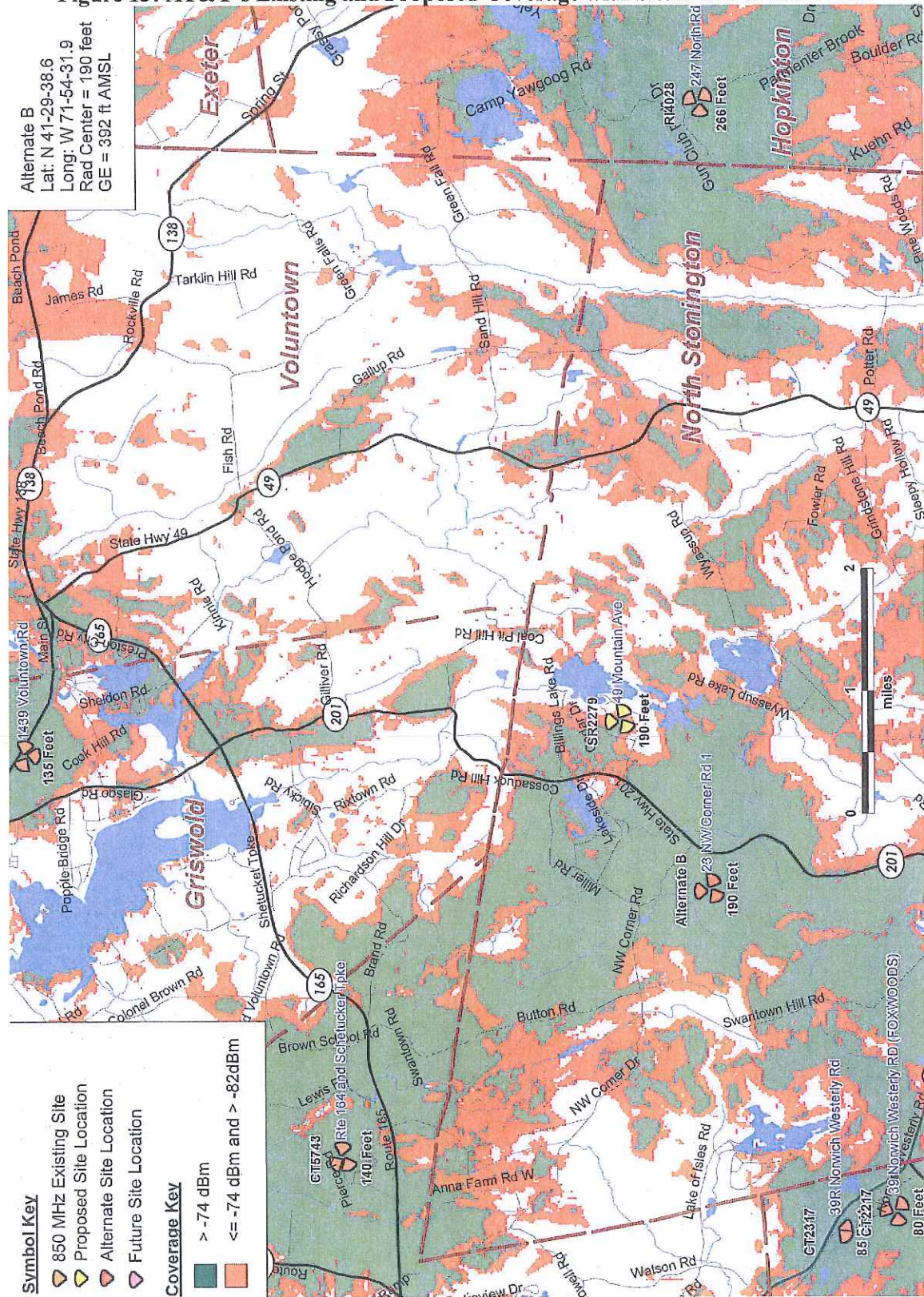
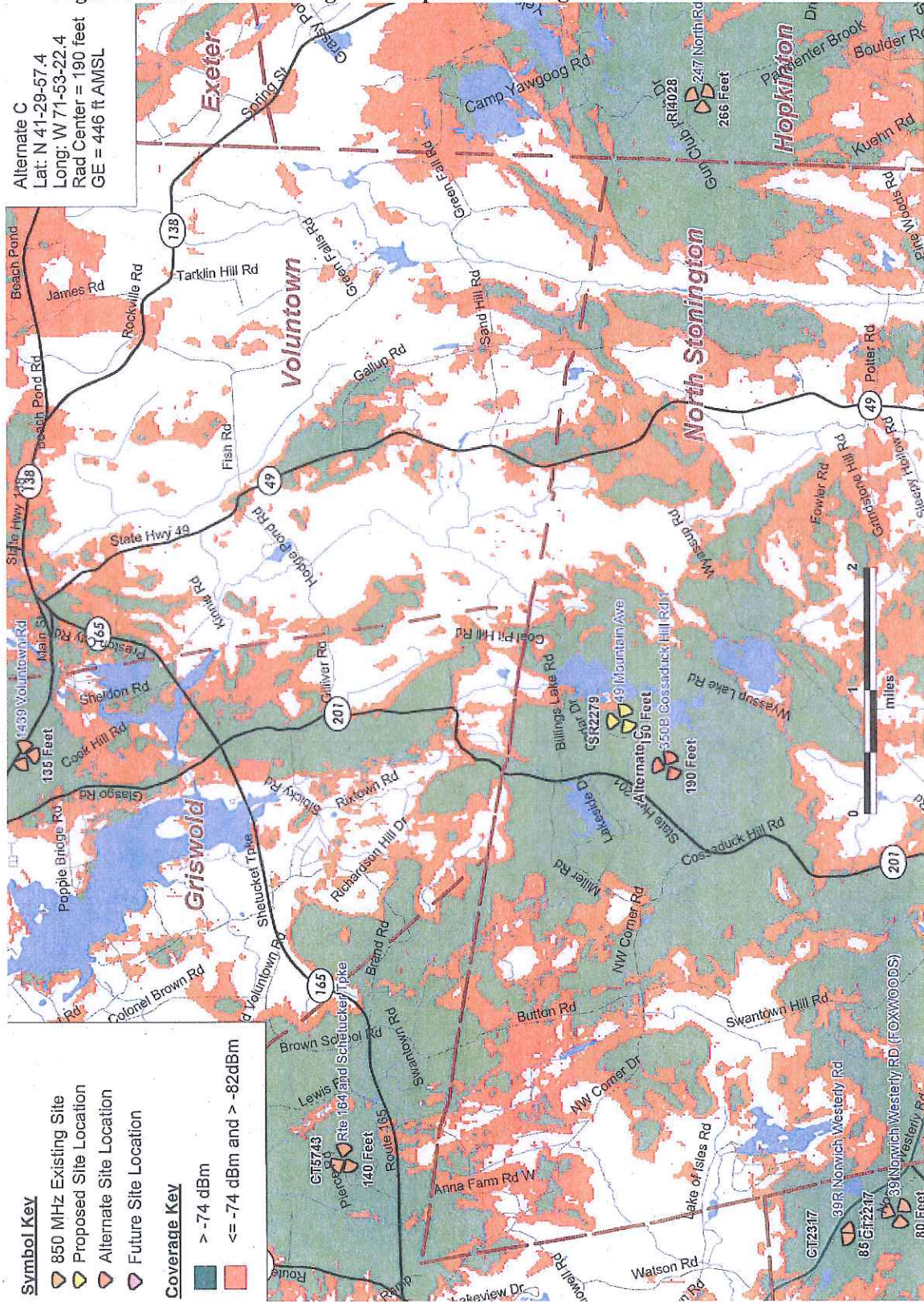


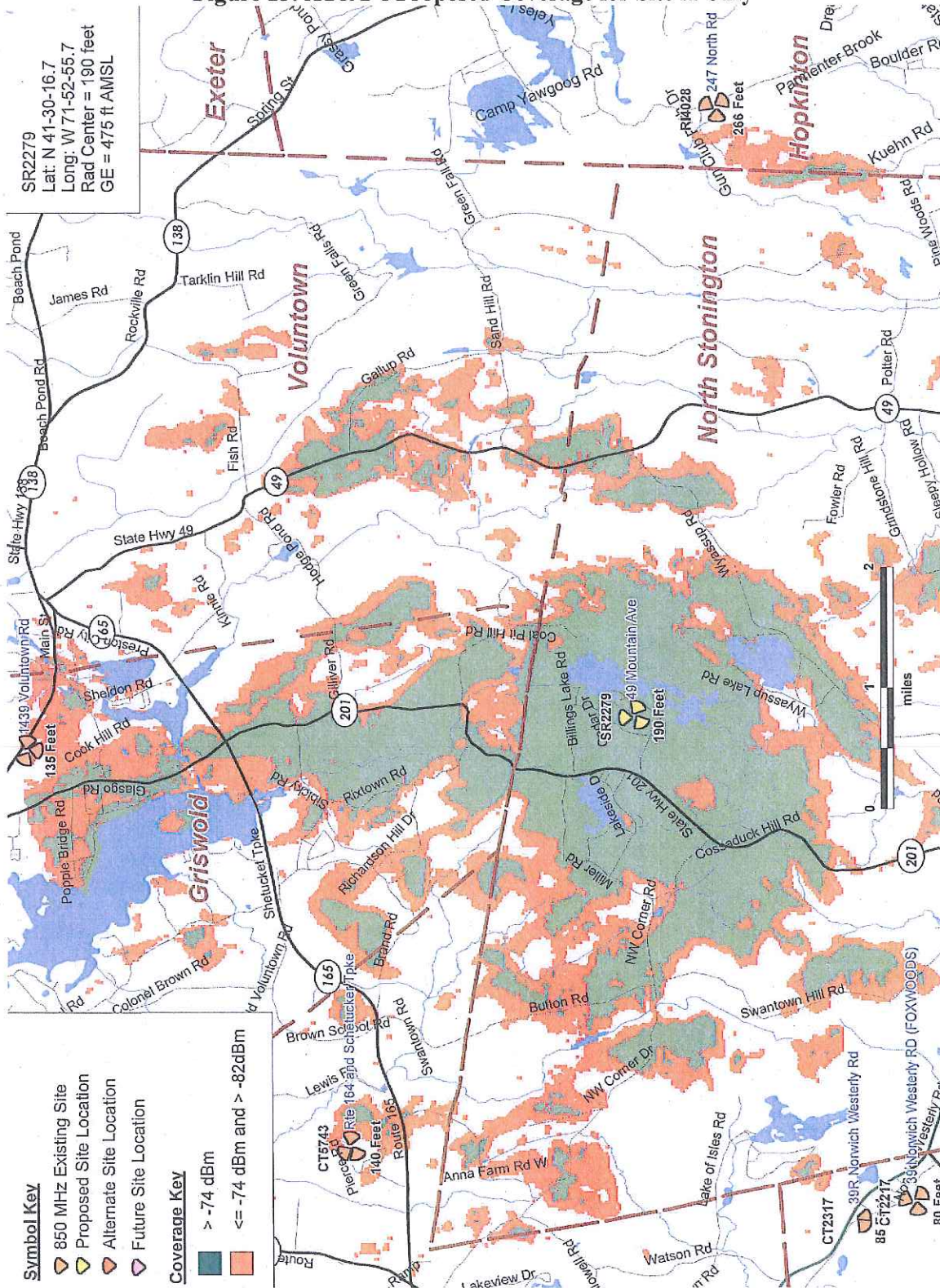
Figure 14: AT&T's Existing and Proposed Coverage with Site C and w/o SBA Site



(Applicant 8)



Figure 15: AT&T's Proposed Coverage for Site A Only



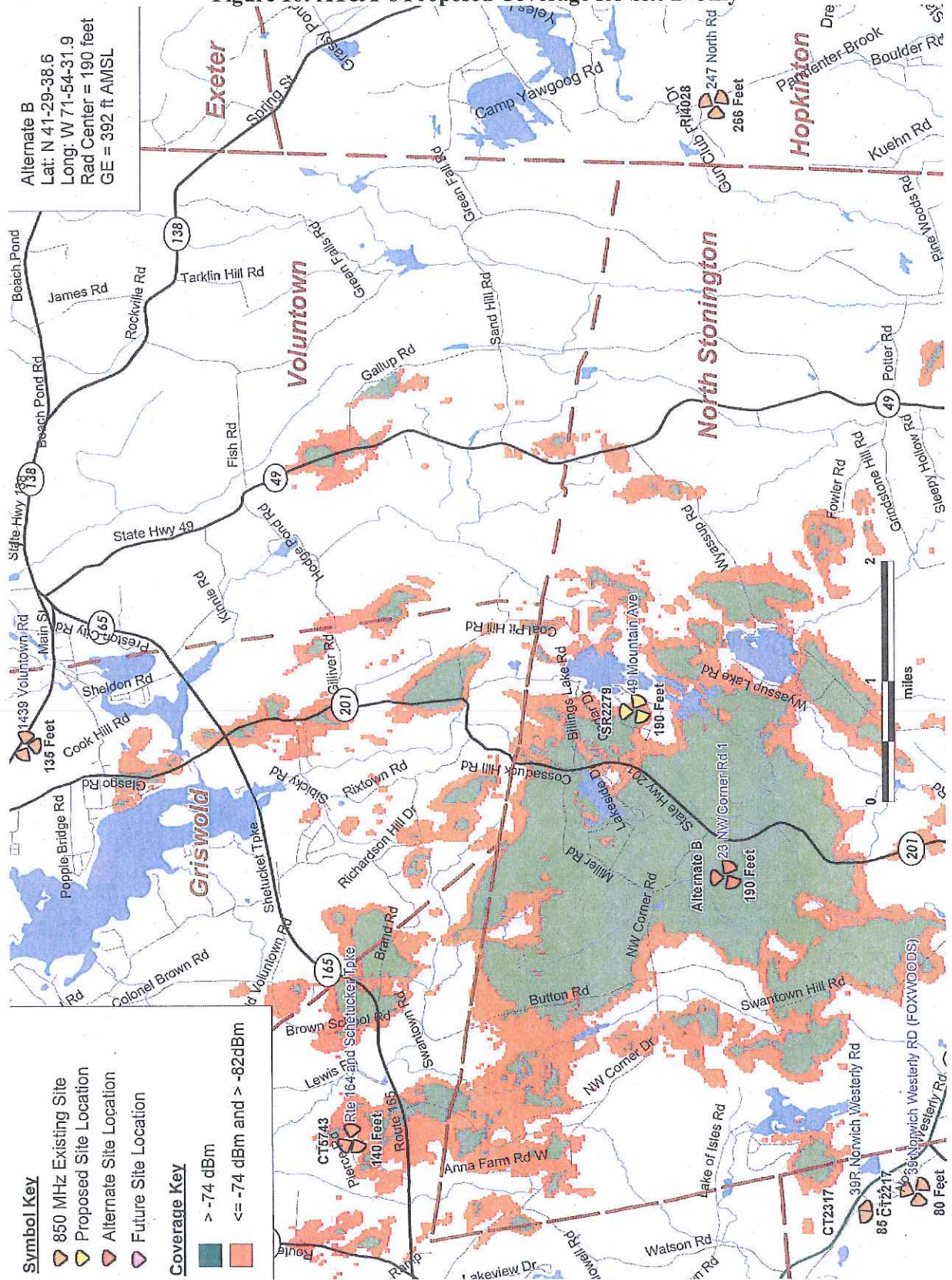
SR2279  
 Lat: N 41-30-16.7  
 Long: W 71-52-55.7  
 Rad Center = 190 feet  
 GE = 475 ft AMSL

**Symbol Key**  
 850 MHz Existing Site  
 Proposed Site Location  
 Alternate Site Location  
 Future Site Location

**Coverage Key**  
 > -74 dBm  
 <= -74 dBm and > -82dBm

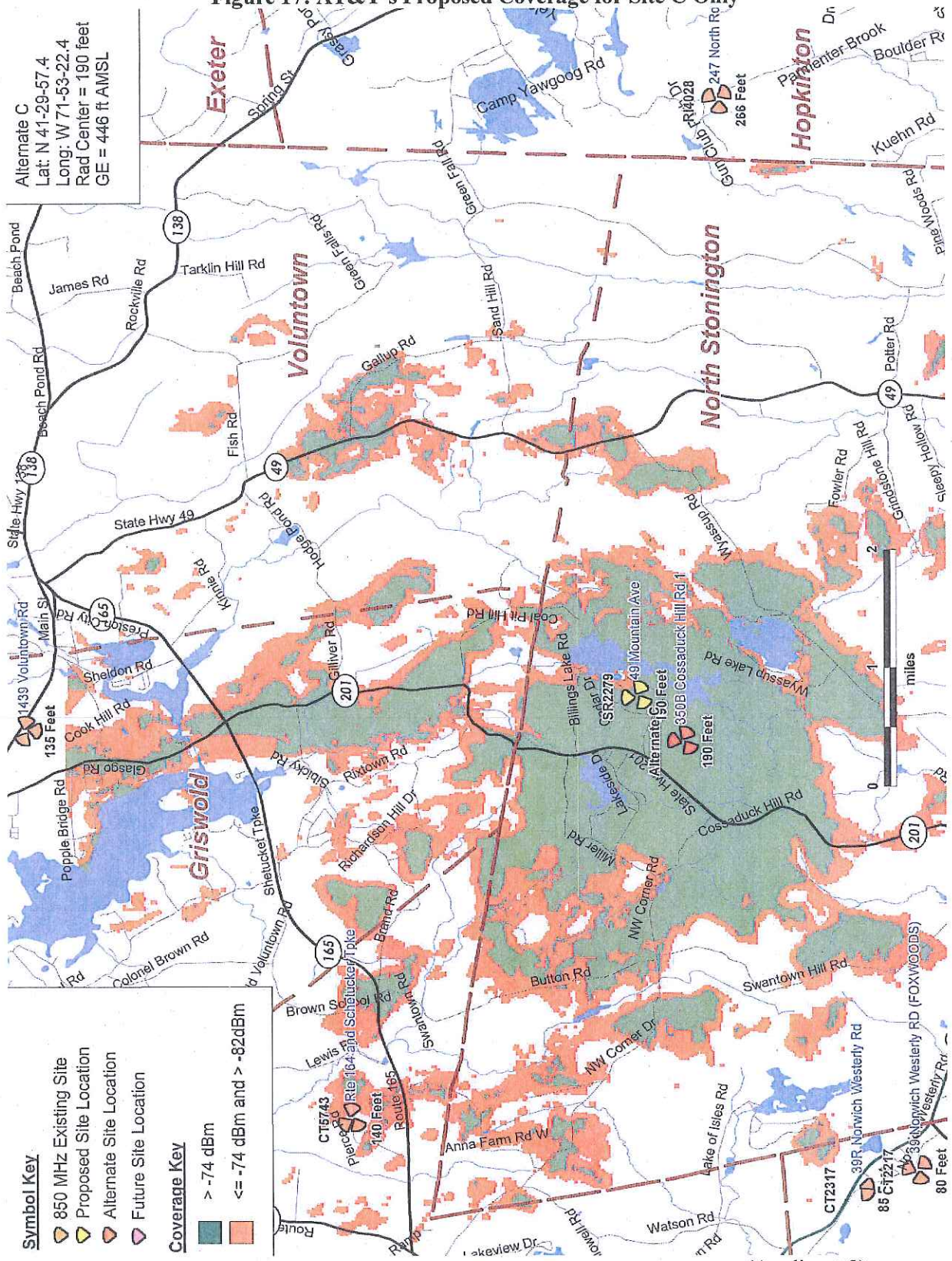
(Applicant 8)

Figure 16: AT&T's Proposed Coverage for Site B Only



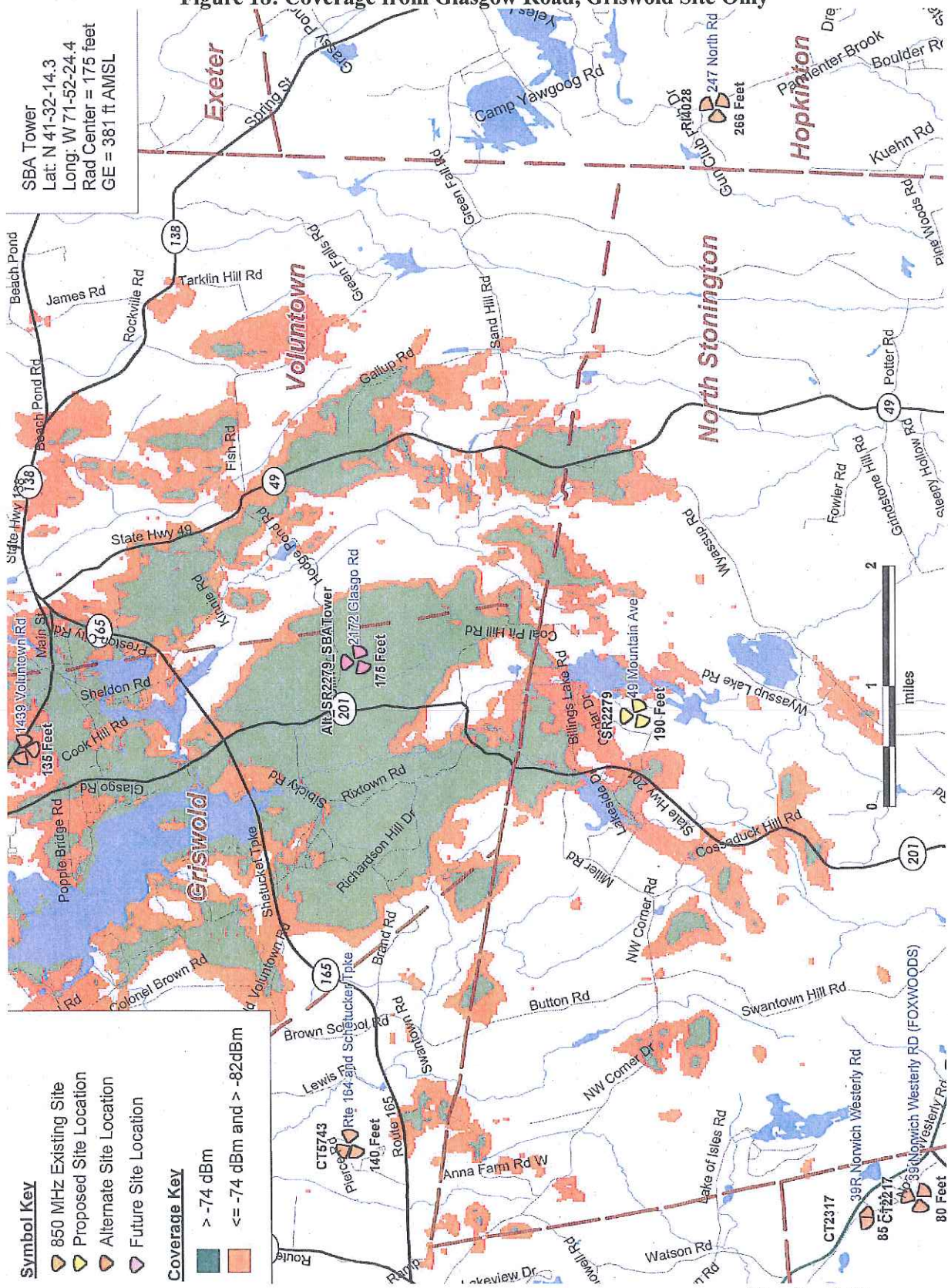
(Applicant 8)

Figure 17: AT&T's Proposed Coverage for Site C Only



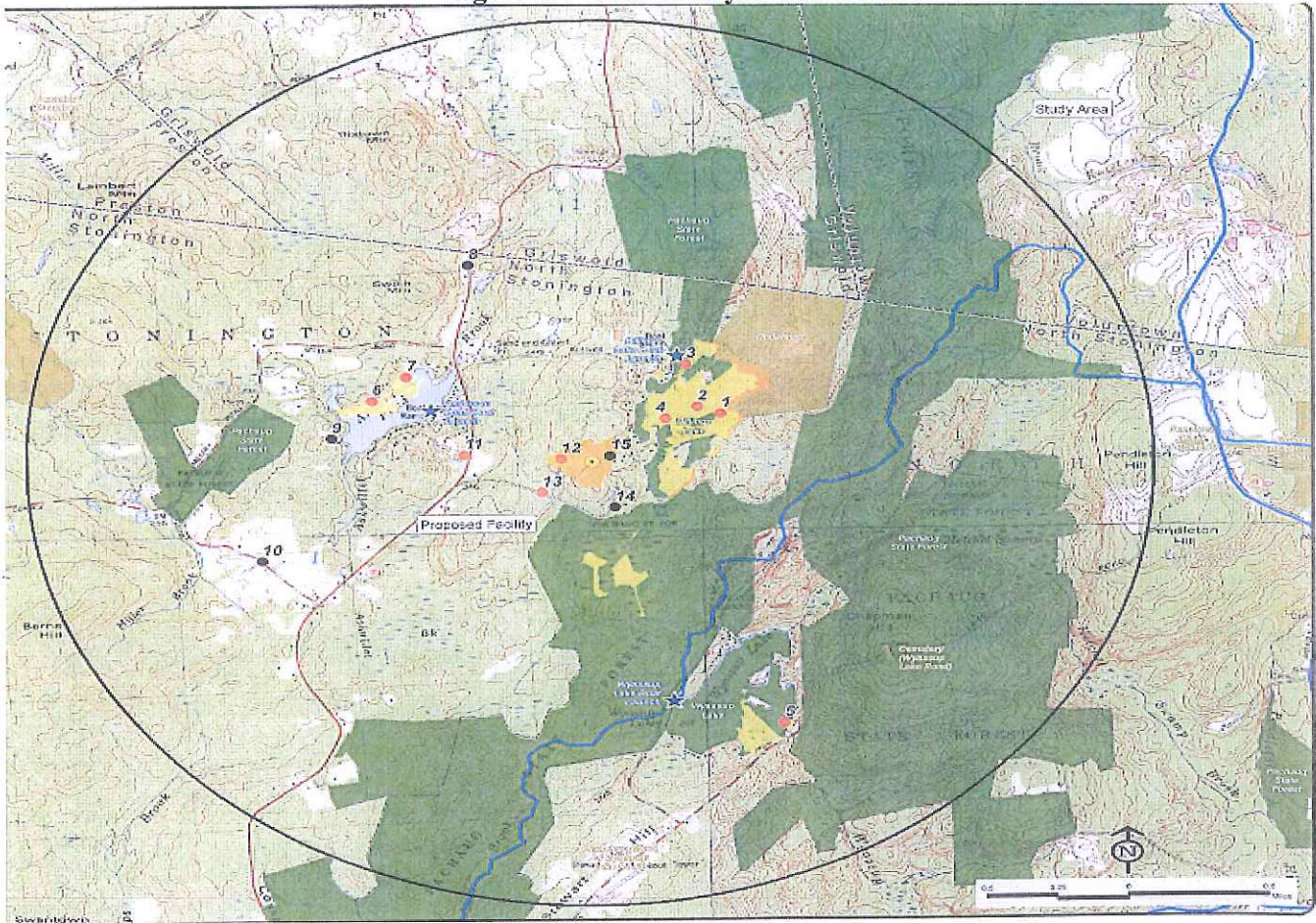
(Applicant 8)

Figure 18: Coverage from Glasgow Road, Griswold Site Only



(Applicant 8)

Figure 19: Visual Analysis of Site A

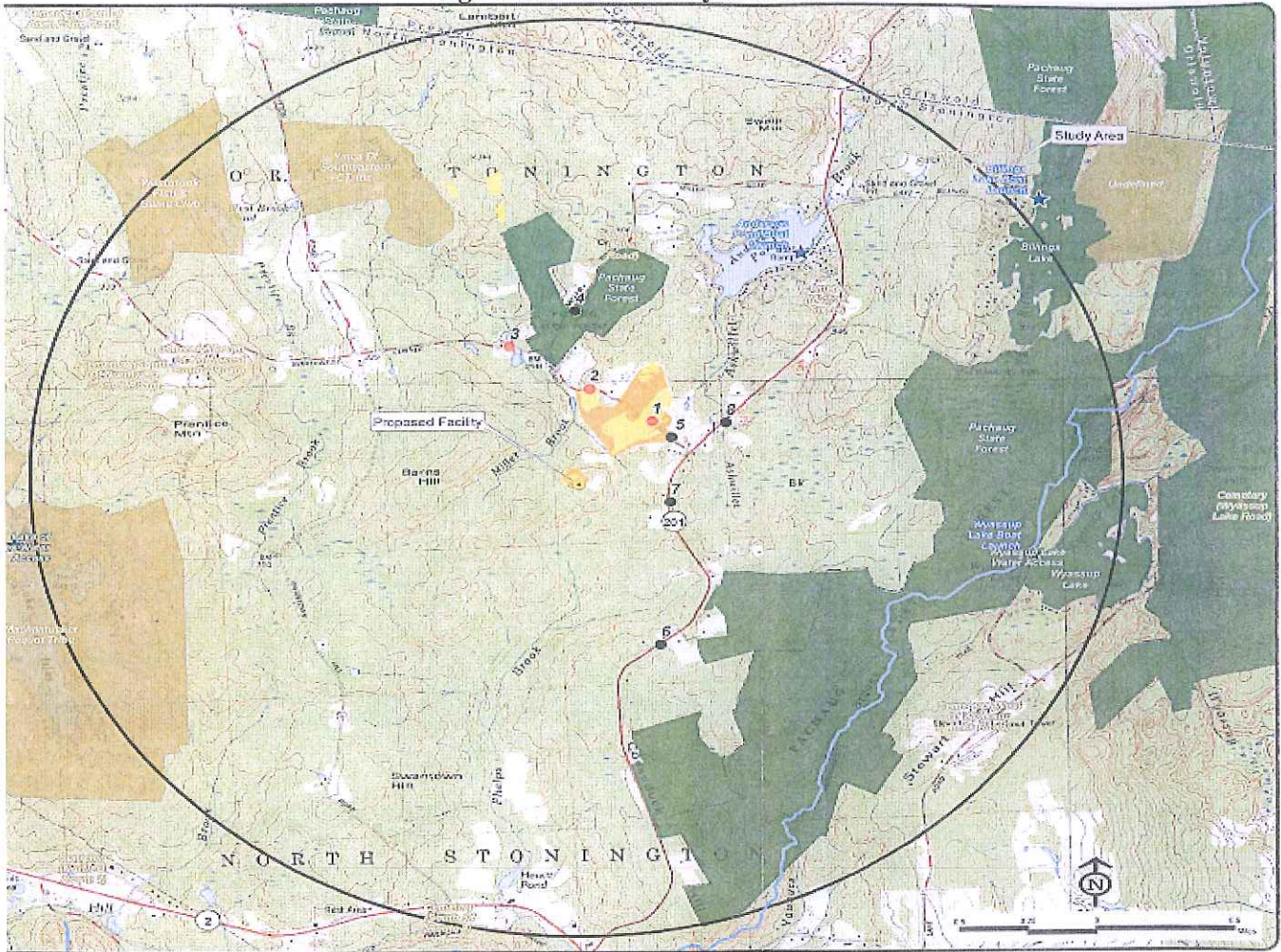


**Legend**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>● Proposed Tower Location</li> <li>● Balloon is not visible</li> <li>● Balloon visible above trees</li> <li>■ Seasonal Visibility Area</li> <li>■ Year-Round Visibility Area</li> <li>■ Protected Municipal and Private Open Space (CT DEP, 1997)</li> <li>■ Cemetery</li> <li>■ Preservation</li> <li>■ Conservation</li> <li>■ Existing Preserved Open Space</li> <li>■ Recreation</li> <li>■ General Recreation</li> <li>■ School</li> <li>■ Uncategorized</li> </ul> | <ul style="list-style-type: none"> <li>■ CT DEP Property (CT DEP, May 2010)</li> <li>■ State Forest</li> <li>■ State Park</li> <li>■ DEP Owned Waterbody</li> <li>■ State Park Scenic Reserve</li> <li>■ Historic Preserve</li> <li>■ Natural Area Preserve</li> <li>■ Fish Hatchery</li> <li>■ Flood Control</li> <li>■ Other</li> <li>■ State Park Trail</li> <li>■ Water Access</li> <li>■ Wildlife Area</li> <li>■ Wildlife Sanctuary</li> <li>■ Federal Open Space (CT DEP, 2004)</li> <li>★ Boat Launches (CT DEP, Dec 2009)</li> <li>— Scenic Road (State and Local)</li> <li>— Narragansett Trail (CT Blue Blaze)</li> <li>— Town Line</li> </ul> |
|---|---|

(Applicant 1, Tab 3C)

Figure 20: Visual Analysis of Site B

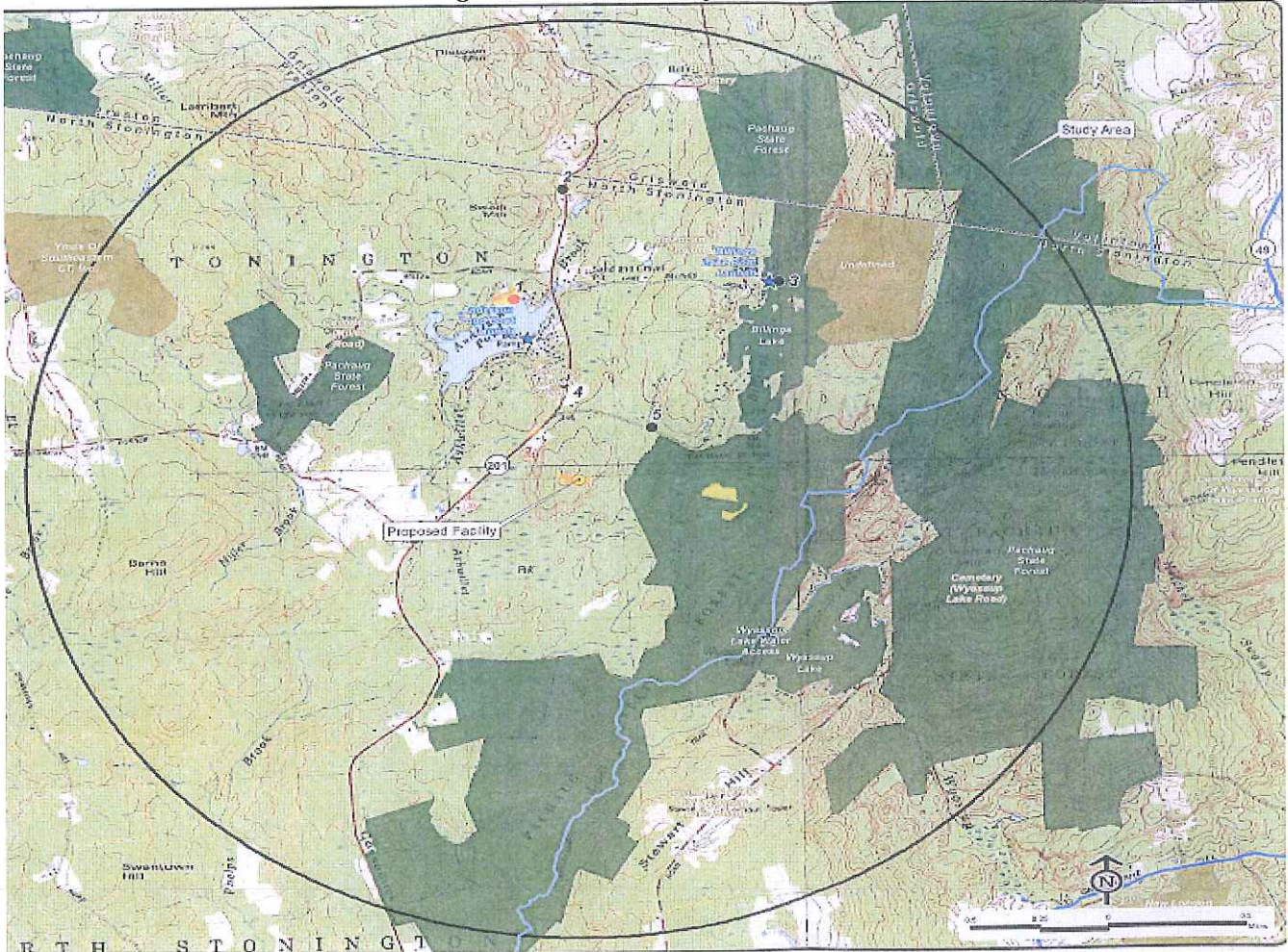


**Legend**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; border-radius: 50%; margin-right: 5px;"></span> Proposed Tower Location</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: black; border-radius: 50%; margin-right: 5px;"></span> Balloon is not visible</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: red; border-radius: 50%; margin-right: 5px;"></span> Balloon visible above trees</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; margin-right: 5px;"></span> Seasonal Visibility Area</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; margin-right: 5px;"></span> Year-Round Visibility Area</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: brown; margin-right: 5px;"></span> Protected Municipal and Private Open Space (CT DEP, 1997)</li> <li>Cemetery</li> <li>Preservation</li> <li>Conservation</li> <li>Existing Preserved Open Space</li> <li>Recreation</li> <li>General Recreation</li> <li>School</li> <li>Uncategorized</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkgreen; margin-right: 5px;"></span> CT DEP Property (CT DEP, May 2010)</li> <li>State Forest</li> <li>State Park</li> <li>DEP Owned Waterbody</li> <li>State Park Scenic Reserve</li> <li>Historic Preserve</li> <li>Natural Area Preserve</li> <li>Fish Hatchery</li> <li>Flood Control</li> <li>Other</li> <li>State Park Trail</li> <li>Water Access</li> <li>Wildlife Area</li> <li>Wildlife Sanctuary</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> Federal Open Space (CT DEP, 2004)</li> <li><span style="display: inline-block; width: 10px; height: 10px; border: 1px solid blue; margin-right: 5px;"></span> Boat Launches (CT DEP, Dec 2009)</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid blue; margin-right: 5px;"></span> Scenic Road (State and Local)</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px dashed blue; margin-right: 5px;"></span> Narragansett Trail (CT Blue Blaze)</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> Town Line</li> </ul> |
|---|---|

(Applicant 1, Tab 4C)

Figure 21: Visual Analysis of Site C



**Legend**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li> Proposed Tower Location</li> <li> Balloon is not visible</li> <li> Balloon visible above trees</li> <li> Seasonal Visibility Area</li> <li> Year-Round Visibility Area</li> <li> Protected Municipal and Private Open Space (CT DEP, 1997)</li> <li> Cemetery</li> <li> Preservation</li> <li> Conservation</li> <li> Existing Preserved Open Space</li> <li> Recreation</li> <li> General Recreation</li> <li> School</li> <li> Uncategorized</li> </ul> | <ul style="list-style-type: none"> <li> CT DEP Property (CT DEP, May 2010)</li> <li> State Forest</li> <li> State Park</li> <li> DEP Owned Waterbody</li> <li> State Park Scenic Reserve</li> <li> Historic Preserve</li> <li> Natural Area Preserve</li> <li> Fish Hatchery</li> <li> Flood Control</li> <li> Other</li> <li> State Park Trail</li> <li> Water Access</li> <li> Wildlife Area</li> <li> Wildlife Sanctuary</li> <li> Federal Open Space (CT DEP, 2004)</li> <li> Boat Launches (CT DEP, Dec 2009)</li> <li> Scenic Road (State and Local)</li> <li> Narragansett Trail (CT Blue Blaze)</li> <li> Town Line</li> </ul> |
|---|--|

(Applicant 1, Tab 5C)

<b>DOCKET NO. 420</b> - SBA Towers III and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at one of three sites located at 49 Mountain Avenue; 23/25 Northwest Corner Road; or 350B Cossaduck Hill Road, North Stonington, Connecticut.	} Connecticut } Siting } Council
	February 2, 2012

### Opinion

On June 29, 2011, SBA Towers III (SBA) and New Cingular Wireless PCS, LLC (AT&T) (collectively, the Applicant) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and management of a 190-foot wireless telecommunications facility located at one of three sites at 49 Mountain Avenue (Site A); 23/25 Northwest Corner Road (Site B); or 350B Cossaduck Hill Road (Site C) in North Stonington, Connecticut. The proposed facility would provide wireless communication coverage in the northern section of North Stonington and along Route 201 and other local roads in the area.

Site A is located on a 2.24-acre residential parcel located within a residential zone. Surrounding land uses include low-density residential development, much of which is seasonal in nature. A 190-foot monopole tower would be located in the western portion of the subject property. Vehicular access to the proposed facility would extend from Mountain Avenue over a new gravel access drive approximately 400 feet to the proposed equipment compound. Utility service for the proposed facility would be extended underground from Mountain Avenue and generally follow the existing access drive.

Development of Site A would require the removal of 36 trees with a diameter of six inches or greater. The nearest wetlands are located approximately 300 feet to the north and 450 feet to the southeast.

Site B is located on an 86-acre parcel also located within a residential zone. Surrounding land uses are mostly undeveloped woodlands and low-density residential development. A 190-foot monopole would be located in the eastern portion of the subject property. Vehicular access to the proposed facility would utilize the existing access across the 23 Northwest Corner Road property and then continue along a new gravel access drive for approximately 380 feet to the compound. Utility service for the proposed facility would be extended underground from Northwest Corner Road.

Development of Site B would require the removal of approximately 15 to 25 trees with a diameter of six inches or greater. The nearest wetlands are located approximately 350 feet to the south of the proposed tower location.

Site C is located on an 11.66-acre parcel also located within a residential zone. Surrounding land uses are agricultural, low-density residential development, and undeveloped woodlands. A 190-foot monopole would be located in the eastern portion of the subject property. Vehicular access to the proposed facility would utilize the approximately 1,720-foot existing access drive and then continue along a new gravel access drive for approximately 510 feet to the compound. Utility service for the proposed facility would be extended underground from Cossaduck Hill Road.

Development of Site C would require the removal of approximately 7 to 12 trees with a diameter of six inches or greater. The nearest wetlands are located approximately 700 feet to the east of the proposed tower location.



Site A would be visible year-round from 104 acres. The majority of this visibility area (90 acres) would be located over open water, mostly on Billings Lake, Anderson Pond, and Wyassup Lake. The number of residences with year-round views would be 12. The numbers of residences with seasonal views would be six. Site A would also be visible year-round from Camp Wightman, since it abuts Billings Lake.

Site B generally has less visibility with year-round views of the tower expected from about 30 acres of area. The numbers of residences with year-round and seasonal views are one and two, respectively.

Site C has the least visibility by area. Site C would be visible year-round and seasonally from nine and four acres, respectively. All or most of this occurs on the subject property. The numbers of residences with year-round views and seasonal views are three and one, respectively.

The Council finds that there is a need for a facility to provide coverage in this area of North Stonington. Site A offers the most coverage with Route 201, Route 49, Norwich Voluntown Road, and secondary roads having coverage lengths of 2.79 miles, 1.18 miles, 0.31 miles, and 21.31 miles, respectively.

Site B cannot provide adequate coverage as a stand-alone site: thus, the Council finds it no longer a viable site for consideration.

Site C offers adequate coverage, almost as much as Site A, with Route 201, Route 49, Norwich Voluntown Road, and secondary roads having coverage lengths of 2.71 miles, 0.88 miles, 0.05 miles, and 18.48 miles, respectively.

Furthermore, the Council notes that insufficiencies in coverage for this area of North Stonington would be possible to remedy by means of co-location, not the addition of another tower. Therefore, the Council finds Site C to be the superior option.

With regard to Site C visibility, this site has less visual impact than Site A, with most occurring on the subject property. The total number of homes with a view of the tower would be four, which is considerably less than 18 for Site A. The Council is also concerned about Site A's visual impact on recreational resources, such as Camp Wightman which abuts Billings Lake. Site C does not impact such resources.

Site C also has the advantage of having the greatest wetland buffer. The nearest wetlands are over 700 feet away for Site C versus 300 feet for Site A. While no adverse impacts to wetlands are expected from either site, the Council believes it is prudent to maximize the wetland buffer. In addition, Site C, while having a longer access drive, requires the removal of the least number of trees six inches diameter or greater. Site C would require the removal of 7 to 12 trees, which is a fraction of the 36 trees that would have to be cleared for Site A. The Council finds that the benefits of the greatly reduced environmental impacts of Site C outweigh the slight reduction in coverage of Site C versus Site A.

According to methodology prescribed by the Federal Communications Commission (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 have been calculated to amount to 3.50% 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. 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. 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.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and operation of a telecommunications facility at Site C, 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, maintenance, and operation of a 190-foot monopole telecommunications facility at Site C at 350B Cossaduck Hill Road in North Stonington, Connecticut. The Council denies certification of proposed Site A and Site B.

<p><b>DOCKET NO. 420</b> - SBA Towers III and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at one of three sites located at 49 Mountain Avenue; 23/25 Northwest Corner Road; or 350B Cossaduck Hill Road, North Stonington, Connecticut.</p>	<p>} Connecticut } Siting } Council } February 2, 2012</p>
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**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, maintenance, and management 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 SBA Towers III (SBA), hereinafter referred to as the Certificate Holder, for a telecommunications facility at Site C, located at 350B Cossaduck Hill Road, North Stonington, Connecticut. The Council denies certification of Site A and Site B, located at 49 Mountain Avenue and 23/25 Northwest Corner Road, respectively, in North Stonington, 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 (AT&T) and other entities, both public and private, but such tower shall not exceed a height of 190 feet above ground level. The height at the top of the AT&T’s antennas shall not exceed 190 feet above ground level. The tower shall be designed with a yield point to ensure that the tower setback radius remains within the boundaries of the subject property.
  
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 North Stonington 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 North Stonington 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 with at least one fully operational wireless telecommunications carrier providing wireless service 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. 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.
8. 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 North Stonington. Any proposed modifications to this Decision and Order shall likewise be so served.
9. 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.
10. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
11. 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.

12. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
13. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
14. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
15. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

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 Day.

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**

SBA Towers III (SBA)  
and New Cingular Wireless PCS, LLC (AT&T)

**Its Representative**

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

Hollis Redding  
SBA  
One Research Drive, Suite 200C  
Westborough, MA 01581

Michele Briggs  
AT&T  
500 Enterprise Drive  
Rocky Hill, CT 06067-3900

**Intervenor**

Peter R. and Gisele A. Buehler


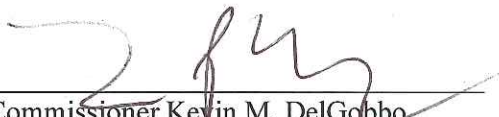

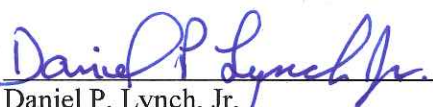
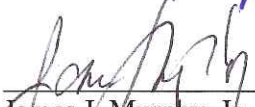
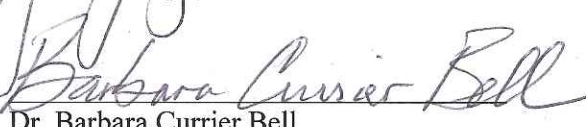
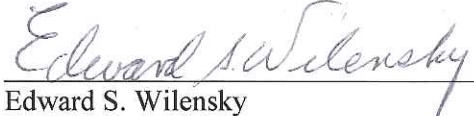
**Its Representative**

Peter R. and Gisele A. Buehler  
350D Cossaduck Hill Rd.  
North Stonington, CT 06359

16247 Fringe Tree Drive  
Spring Hill, FL 34610

**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. 420** - SBA Towers III and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at one of three sites located at 49 Mountain Avenue; 23/25 Northwest Corner Road; or 350B Cossaduck Hill Road, North Stonington, Connecticut; and voted as follows to approve the proposed Site C, located at 350B Cossaduck Hill Road, North Stonington, Connecticut, and deny certification of the proposed Site A and Site B located at 49 Mountain Avenue and 23/25 Northwest Corner Road, respectively, in North Stonington, Connecticut:

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

Dated at New Britain, Connecticut, February 2, 2012



# 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)

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

February 8, 2012

TO: Classified/Legal Supervisor  
**420110920**  
Day, The (Daily)  
47 Eugene O'Neill Drive, P. O, Box 1231  
New London, CT 06320-1231

FROM: *LAF*  
Lisa A. Fontaine, Fiscal Administrative Officer

RE: **DOCKET NO. 420** - SBA Towers III and New Cingular Wireless PCS, LLC  
application for a Certificate of Environmental Compatibility and Public Need for  
the construction, maintenance and management of a telecommunications facility  
at one of three sites located at 49 Mountain Avenue; 23/25 Northwest Corner  
Road; or 350B Cossaduck Hill Road, North Stonington, 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.

LAF





# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### NOTICE

Pursuant to General Statutes § 16-50p (a), the Connecticut Siting Council (Council) announces that, on February 2, 2012, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from SBA Towers III and New Cingular Wireless PCS, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at 350B Cossaduck Hill Road, North Stonington, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.