

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**Message Center Management application for a
Certificate of Environmental Compatibility and
Public Need for the construction, maintenance,
and operation of a replacement telecommunications
facility located at 4 Dittmar Road, Redding, Connecticut**

Docket No. 425

April 26, 2012

TOWN OF REDDING POST-HEARING BRIEF

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies (“RCSA”), the Town of Redding, Connecticut, (“Town”) submits this post-hearing brief in support of its position that the Siting Council (“Council”) should approve the proposed tower development at 4 Dittmar Road in Redding and require Message Center Management (“MCM” or “Applicant”) to implement certain mitigation measures in its Development and Management Plan (“D&M Plan”) for the proposed tower in order to address the reasonable concerns of the Town and its residents. Specifically, and as will be further detailed below, the Town requests that MCM’s D&M Plan address screening, tower design, safety, and noise.

BACKGROUND

MCM applied to the Council on January 6, 2012 (“Application”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for its proposal to remove an existing 110-foot guyed lattice tower (“Old Tower”) and in its place construct a 127-foot steel monopole telecommunications tower (“New Tower”) and expand the existing equipment compound (“Compound”)(collectively, the “Project”) on a parcel of property at 4 Dittmar Road in Redding (“Property”).

The existing communications facility consists principally of a 110-foot guyed lattice tower, equipment, and shelters. The existing facility is operated by MCM and currently supports the antennas and ancillary equipment of AT&T and Sprint/Nextel with antennas extending to an overall height of 116 feet. MCM is proposing to replace the tower and expand the Compound to permit T-Mobile to provide services in the vicinity. The proposal for the Project includes removal of the Old Tower and an equipment shed, the construction of the New Tower with features to resemble an evergreen tree (a “monopine”), and expansion of the equipment Compound. T-Mobile would install several antennas, tower-mounted amplifiers, and remote radio units on a low-profile antenna platform at a centerline height of 120’ above ground level (AGL). AT&T and Sprint/Nextel, current tenants on the Old Tower, will also be relocated to the New Tower at their current centerline heights of 95’ AGL and 110’ AGL. T-Mobile’s unmanned equipment would be located within a 10’ x 20’ area within an expanded and redeveloped Compound at the base of the New Tower. The new Compound would be enclosed by a wood slat fence with significant evergreen screening. Vehicular access to the Project would remain unchanged. The New Tower would also accommodate the Town’s emergency services coverage.

On January 30, 2012, the Town filed its request for party status, which the Council granted on February 2, 2012. Pursuant to the Council’s schedule established for this Petition, the Town issued interrogatories on March 2, 2012 (“Town’s Interrogatories”), filed its comments on March 12, 2012 (“Town’s Comments”), and on March 20, 2012, filed the pre-filed testimony of First Selectman Natalie Ketcham (“Ketcham PFT”), and Sean McNamara, the Town’s Tree Warden (“McNamara PFT”). The Council held its field review on March 27, 2012 (“Field

Review”), the same date that the two duly noticed hearings were held, one in the afternoon (“Afternoon Hearing”) and one in the evening (“Evening Hearing”).

ARGUMENT

The Town’s position is well established in the Town’s Comments, the Ketcham PFT, and the McNamara PFT. Through those documents, the Town provided various recommendations to address its concerns and the concerns of its residents about the Project regarding screening, tower design, safety, and noise. As set forth more fully below, the Town continues to support those recommendations and provides further recommendations in response to issues raised during the course of this proceeding.

I. THE COUNCIL SHOULD REQUIRE MCM TO INCLUDE CERTAIN MITIGATION MEASURES IN ITS DEVELOPMENT AND MANAGEMENT PLAN.

A. Visual Screening of the Compound.

The Applicant proposes to visually screen the Compound on the interior of the Property with an eight-foot high wood-slat fence surrounded by Arborvitae and via a row of Arborvitae along the northern edge of the Property. Application, p. 15; Afternoon Hearing Transcript, pp. 18-19. The Town’s Tree Warden recommended against Arborvitae due to its susceptibility to damage from deer browsing, and suggested instead using a deer-resistant tree species such as Colorado Spruce. McNamara PFT, p. 3. The Applicant’s witness agreed with this and stated that it would install three-foot high deer fencing around the two Arborvitae locations. Afternoon Hearing Transcript, pp. 19, 46-47; Evening Hearing Transcript, p. 38. The Town agrees with the premise raised during the Evening Hearing by one of its residents that deer-proofing with a fence is only as good as the fence; once the fence fails, then the deer can damage the vegetation. Evening Hearing, p. 28. The Town believes that the better approach is to plant deer-resistant

species that will not require fencing. Accordingly, the Town requests that the Council require the Applicant to not use Arborvitae to screen the Compound and to instead utilize a deer-resistant species for this screening. If the Council approves the Applicant's use of Arborvitae, then the Town requests that the Council require the Applicant to install the strongest deer fencing available, to inspect that fencing regularly and frequently, and to maintain that fencing in peak condition at all times.

B. Visual Screening of the New Tower.

The Town reiterates its position that the vegetative screening as proposed by the Applicant is the minimum level of acceptable screening; the Town would welcome additional screening. Ketcham PFT, pp. 2-3. As the Council is aware, there has been discussion of additional screening of the Project by planting large evergreen tree specimens along the Property lines on the abutting property owners' property. The Tree Warden has been in contact with these neighbors regarding this screening and has given them general recommendations on available options. McNamara PFT, pp. 2-3. The Town supports the concept of property-line screening and reaffirms its position that the specific details of such screening need to be worked out by the Applicant and the abutting property owners. Ketcham PFT, pp. 2-3; McNamara PFT, p. 3.

C. New Tower Design.

The Applicant plans to construct a new 120-foot self-supporting monopole tower designed to resemble an evergreen tree (a so-called "monopine") extending to an overall height of 127 feet. Application, p. 3. During a meeting with the Town's residents on June 23, 2011, MCM identified a certain monopine tower in Windsor, Connecticut, as an example of a monopine design. Afternoon Hearing Transcript, p. 69. The Town expressed its interest in having the New Tower look exactly like the Windsor tower. Ketcham PFT, pp. 2, 4-5. To

clarify, the Town would like the New Tower to be at least as realistic in appearance as the Windsor tower. Any other design that is less comparatively realistic would be unacceptable to the Town. Through its interrogatory responses, MCM provided for the first time examples of two monopines designed and installed by Valmont Structures, MCM's preferred vendor. MCM Responses to Town Interrogatories, Response A3, p. 4 and Attachment 2. MCM's witness stated that the final design of the New Tower will be determined during the D&M Plan phase with input from the Town and the Council, and that MCM would provide a detailed three-dimensional rendering of the design. Afternoon Hearing Transcript, pp. 71-72. The Town requests that the Council require the Applicant to involve the Town and the Council in the design of the New Tower, and to provide detailed three-dimensional renderings throughout the process.

D. Safety.

At a height of 127 feet, the potential exists for five feet of the New Tower to fall onto an abutting property if the tower fails at its base. Application, Attachment 3, Map A-1, p. 8; Afternoon Hearing Transcript, p. 20. During the Afternoon Hearing, MCM's witness discussed how the inclusion in the New Tower of a yield point would cause the tower to buckle in on itself rather than falling over like a tree. Afternoon Hearing Transcript, pp. 72-74. MCM currently has no plan to incorporate a yield point into the New Tower for a 127-foot tower, but would include a yield point in a 147-foot tower. *Id.*, pp. 20-21. MCM has stated that it can incorporate such a yield point if requested by the Council. MCM Responses to Town Interrogatories, Responses A9(a) and A(9)(c), p. 7 and 8, respectively. The Town requests that the Council require the Applicant to incorporate a yield point in any New Tower at a height and in a way sufficient to protect the abutting property owners by ensuring that the fall zone of the tower will be completely contained within the Property.

E. Noise.


The Applicant had a noise study conducted of the Project on October 20, 2011 (“Noise Study”). Application, Attachment 6, p. 2. According to the Noise Study, the most stringent application of Connecticut’s noise regulations would be at the property line of a residential receptor at night, with a maximum allowable value of 45 dBA. Noise Study, p. 1. The Noise Study measured the existing noise at the Property and then combined this with the projected noise of the proposed new equipment. Id., p. 2. In doing so, the Noise Study arrived at a projected noise level of 44 dBA at the closest property line. Id., p. 3. The Applicant concludes on the basis of this study that “the existing Facility [produces] low levels of sound and that the modifications as proposed will not create noise impacts.” Application, p. 13. As the Council heard during the Evening Hearing, abutting residents stated that the noise from the existing facility makes it sound like they are living in an “industrial park”, especially during the summer months. Evening Hearing Transcript, p. 20. The Applicant stated that a post-construction noise review will be conducted, and that appropriate noise abatement measures will be implemented if the Project is found to be out of compliance with state regulations and any Council orders. MCM Responses to Town Interrogatories, Response A(1)(b)(iii), p. 2; Evening Hearing Transcript, p. 37. The Town requests that the Council require the Applicant to conduct a post-construction noise study, preferably in the summer months or as soon as is practicable post-construction, and to implement abatement measures if necessary to bring the Project into compliance with state regulations.

II. CONCLUSION

The Town recognizes that balancing the need for reliable cellular service in our state while preserving its character and beauty is no easy task for the Council. This task is made

easier when, as in this case, the Council has before it a developer willing to work with the Town and a Town willing to reciprocate. The Town is asking the Council to make reasonable requests of MCM to address certain concerns of the Town and its residents. MCM has already agreed, at least in principle, to undertake most of these measures. By requiring these things of MCM, the Council can contribute to continuing the positive momentum already established by the Town and MCM. The Town looks forward to working with the Council and MCM to address and successfully complete the mutual mission of preserving the town while meeting certain reasonable development needs.

Respectfully Submitted,

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Certification

This is to certify that a copy of the foregoing has been provided by electronic mail and/or first-class mail on this date to all parties and intervenors of record.



Brad N. Mondschein