

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF HOMELAND TOWERS, LLC AND
NEW CINGULAR WIRELESS PCS, LLC (AT&T) FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND OPERATION
OF A TELECOMMUNICATIONS TOWER FACILITY
ON TOWN OWNED PROPERTY
AT 10 BLACKVILLE ROAD
IN THE TOWN OF WASHINGTON, CONNECTICUT

DOCKET NO. _____

September 16, 2013

APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED



HOMELAND TOWERS

Homeland Towers, LLC ("Homeland")
22 Shelter Rock Lane, Bldg. C
Danbury, Connecticut 06810



New Cingular Wireless PCS, LLC (AT&T)
500 Enterprise Drive
Rocky Hill, CT 06067

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**APPLICATION FOR CERTIFICATE OF
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I. Introduction

A. Purpose and Authority

Pursuant to Chapter 277a, § 16-50g et seq. of the Connecticut General Statutes (C.G.S.), as amended, and § 16-50j-1 et seq. of the Regulations of Connecticut State Agencies (R.C.S.A.), as amended, Homeland Towers, LLC (“Homeland Towers”) and New Cingular Wireless PCS, LLC (“AT&T”) (together the “Applicants”), hereby submit an application and supporting documentation (collectively, the “Application”) for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications tower facility (the “Facility”). The Facility is proposed on Town-owned property at 10 Blackville Road in the Town of Washington, which property is currently developed and used as a municipal garage and maintenance facility. The construction of a tower and compound as proposed for this Facility will permit AT&T, an FCC licensed wireless carrier, and other wireless carriers to

provide reliable wireless services to residents, businesses, schools, municipal facilities and visitors to Washington Depot.

B. Executive Summary

The need for reliable wireless service in the Town of Washington and particularly Washington Depot is well known and well documented. The Town of Washington has to its credit diligently researched potential solutions for wireless services to be provided in Washington Depot, a historic hamlet within the Town. As part of that effort, the Town consulted with its own staff and agencies, outside consultants, carriers including AT&T, and tower infrastructure developers such as Homeland Towers. Based on several years of review, municipal property at 10 Blackville Road was identified by the Town as the most viable location for siting of a tower facility to meet the needs of the community for reliable wireless services. As part of a thorough process, the Town through its electors voted to lease Town property to Homeland Towers for development of a tower facility that would be used by FCC licensed wireless carriers and emergency communications providers.

The Facility proposed in this Application has been designed in accordance with Town requirements as part of its lease. Homeland Towers proposes to construct a self-supporting 135' AGL monopole tower with aesthetic features resembling an evergreen tree which will obscure and "stealth" the tower and antennas (commonly referred to as a "monopine"). AT&T would install up to twelve (12) panel antennas and additional equipment at a centerline height of approximately 126' AGL on the tower. The tower compound will include equipment space for several carriers as well as emergency communications networks and be enclosed by an eight (8) foot tall chain link fence. AT&T would install a 12' x 20' equipment shelter and fixed back-up power generator within the compound. Vehicle access to the Facility would extend from Blackville Road approximately 1,455' in length to the tower compound over an area which is

largely improved as an existing paved access drive. Utility connections would be run underground from an off-site utility pole on Blackville Road.

The Applicants

The Applicant, Homeland Towers LLC, is a Connecticut corporation with offices at 22 Shelter Rock Lane, Danbury, Connecticut. Homeland Towers currently owns and/or operates numerous tower facilities in the state of New York and is developing tower sites in Connecticut. Homeland Towers is a lessee pursuant to an agreement with the Town of Washington. Homeland Towers will construct, maintain and own the proposed Facility and would be the Certificate holder.

The Applicant, New Cingular Wireless PCS, LLC (“AT&T”), is a Delaware limited liability company with an office at 500 Enterprise Drive, Rocky Hill, Connecticut 06067. The company’s member corporation is licensed by the Federal Communications Commission (“FCC”) to construct and operate a personal wireless services system, which has been interpreted as a “cellular system”, within the meaning of CGS Section 16-50i(a)(6).

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

Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Attention: Christopher B. Fisher, Esq.
Daniel M. Laub, Esq.

A copy of all correspondence shall also be sent to:

Homeland Towers, LLC
22 Shelter Rock Lane, Bldg C.

Danbury, CT 06810
Attention: Ray Vergati
rv@homelandtowers.us

AT&T
500 Enterprise Drive
Rocky Hill, Connecticut
Attention: Michele Briggs
MC3185@att.com

C. Application Fee

Pursuant to R.C.S.A. § 16-50v-1a (b), a check made payable to the Siting Council in the amount of \$1,250 accompanies this Application. Included in this Application and its accompanying attachments are reports, plans and visual materials detailing the design and location for the proposed Facility and the environmental effects associated therewith. A copy of the Siting Council's Community Antennas Television and Telecommunication Facilities Application Guide with page references from this Application is also included in Attachment 10.

D. Compliance with C.G.S. §16-50l (c)

Neither of the Applicants is engaged in generating electric power in the State of Connecticut. Therefore, the Facility is not subject to C.G.S. § 16-50r. Furthermore, the proposed Facility has not been identified in any annual forecast reports. Accordingly, the proposed Facility is not subject to § 16-50l (c).

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

Pursuant to C.G.S. § 16-50l (b), copies of this Application have been sent by certified mail, return receipt requested, to municipal, regional, state, and federal officials. A certificate of service, along with a list of the parties served with a copy of the Application is included in Attachment 8. Pursuant to C.G.S. § 16-50l (b), notice of the Applicant's intent to submit this application was published on two occasions in The Voices, the publication used for planning and zoning notices in the Town of Washington. The text of the published legal notice is also

included in Attachment 8. The original publisher's affidavits of publication will be provided to the Siting Council once received from the publisher. Furthermore, in compliance with C.G.S. § 16-50l (b), notices were sent to each person or entity appearing of record as the owner of a property which abuts the premises on which the Facility is proposed. Certification of such notice, a sample notice letter, and the list of property owners to whom the notice was mailed are also included in Attachment 8.

III. Statements of Need and Benefits

A. Statement of Need

1. United States Policy & Law

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

Seventeen years later, it remains clear that the current White House administration, The Congress and the FCC continue to take a strong stance and act in favor of the provision of

wireless service to all Americans. In December 2009, President Obama issued Proclamation 8460 which included wireless facilities within his definition of the nation’s critical infrastructure and declared in part:

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

President Obama further identified the critical role of robust mobile broadband networks in his 2011 State of the Union address.² In 2009, The Congress directed the FCC to develop a national broadband plan to ensure that every American would have access to “broadband capability” whether by wire or wireless. What resulted in 2010 is a document entitled “Connecting America: The National Broadband Plan” (the “Plan”).³ Although broad in scope, the Plan’s goal is undeniably clear:

[A]dvance consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.⁴ [internal quotes omitted]

The Plan notes that wireless broadband access is growing rapidly with “the emergence of broad new classes of connected devices and the rollout of fourth-generation (4G) wireless technologies

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

² Cong. Rec. H459 (Jan. 25, 2011), also *available at* <http://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address>. Specifically the President stressed that in order “[t]o attract new businesses to our shores, we need the fastest, most reliable ways to move people, goods, and information—from high-speed rail to high-speed Internet.”

³ Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.

⁴ *Id.* at XI.

such as Long Term Evolution (LTE) and WiMAX.”⁵ A specific goal of the Plan is that “[t]he United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.”⁶ In April 2011, the FCC issued a Notice of Inquiry concerning the best practices available to achieve wide-reaching broadband capabilities across the nation including better wireless access for the public.⁷ The public need for timely deployment of wireless infrastructure is further supported by the FCC’s Declaratory Ruling interpreting § 332(c)(7)(B) of the Telecommunications Act and establishing specific time limits for decisions on land use and zoning permit applications.⁸ More recently, the critical importance of timely deployment of wireless infrastructure to American safety and economy was confirmed in the Middle Class Tax Relief and Job Creation Act of 2012, which included a provision, Section 6409, that preempts a discretionary review process for eligible modifications of existing wireless towers or base stations.⁹

2. United States Wireless Usage Statistics

Over the past thirty years, wireless communications have revolutionized the way Americans live, work and play.¹⁰ The ability to connect with one another in a mobile environment has proven essential to the public’s health, safety and welfare. As of June 2012,

⁵ Id. at 76.

⁶ Id. at 25.

⁷ FCC 11-51: Notice of Inquiry, In the Matter of Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0407/FCC-11-51A1.pdf.

⁸ WT Docket No. 08-165- Declaratory Ruling on Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance (“Declaratory Ruling”).

⁹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 (2012), available at <http://gpo.gov/fdsys/pkg/BILLS-112hr3630enr/pdf/BILLS-112hr3630enr.pdf>; see also H.R. Rep. No. 112-399 at 132-33 (2012)(Conf. Rep.), available at <http://www.gpo.gov/fdsys/pkg/CRPT-112hrpt399/pdf/CRPT-112hrt399.pdf>.

¹⁰ See, generally, History of Wireless Communications, *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10388 (2011)

there were an estimated 321.7 million wireless subscribers in the United States.¹¹ Wireless network data traffic was reported at 341.2 billion megabytes, which represents a 111% increase from the prior year.¹² Other statistics provide an important sociological understanding of how critical access to wireless services has become. In 2005, 8.4% of households in the United States had cut the cord and were wireless only.¹³ By 2011, that number grew exponentially to an astonishing 35.8% of all households.¹⁴ Connecticut in contrast lags behind in this statistic with 18.7% wireless only households.¹⁵

Wireless access has also provided individuals a newfound form of safety. Today, approximately 70% of *all* 9-1-1 calls made each year come from a wireless device.¹⁶ Parents and teens have also benefited from access to wireless service. In a 2010 study conducted by Pew Internet Research, 78% of teens responded that they felt safer when they had access to their cell phone.¹⁷ In the same study, 98% of parents of children who owned cell phones stated that the main reason they have allowed their children access to a wireless device is for the safety and protection that these devices offer.¹⁸

Wireless access to the internet has also grown exponentially since the advent of the truly “smartphone” device. Cisco reported in 2011 that global mobile data traffic grew in 2010 at a

¹¹ CTIA’s Wireless Industry Indices: Semi-Annual Data Survey Results, A Comprehensive Report from CTIA Analyzing the U.S. Wireless Industry, Mid-Year 2012 Results (Semi-Annual Data Survey Results). See also, “CTIA-The Wireless Association Semi-Annual Survey Reveals Historical Wireless Trend” *available at* <http://www.ctia.org/media/press/body.cfm/prid/2133>.

¹² *Id.*

¹³ CTIA Fact Sheet (2010), *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10323 *citing* Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January - June 2010, National Center for Health Statistics, December 2010 Fact Sheet

¹⁴ CTIA Fact Sheet

¹⁵ CTIA Fact Sheet

¹⁶ Wireless 911 Services, FCC, *available at* <http://www.fcc.gov/guides/wireless-911-services>

¹⁷ Amanda Lenhart, *Attitudes Towards Cell Phones*, Pew Research, *available at* <http://www.pewinternet.org/Reports/2010/Teens-and-Mobile-Phones/Chapter-3/Overall-assessment-of-the-role-of-cell-phones.aspx>

¹⁸ *Id.*

rate faster than anticipated and nearly tripling again for the third year in a row.¹⁹ It was noted in 2010, mobile data traffic alone was three times greater than all global Internet traffic in 2000. Indeed, with the recent introduction of tablets and netbooks to the marketplace, this type of growth is expected to persist with Cisco projecting that mobile data traffic will grow at a compound annual growth rate (CAGR) of 92% from 2010 to 2015.²⁰

3. Site Specific Public Need

The facility proposed in this Application is an integral component of AT&T's network in its FCC licensed areas throughout the state. There is a significant deficiency in reliable AT&T wireless communications service in Washington Depot, the center of municipal, commercial and civic life in the Town of Washington. A deficiency in coverage is evidenced by the inability to adequately and reliably transmit/receive quality calls and/or utilize data services offered by the network. The proposed Facility, in conjunction with other existing and approved facilities in and around Washington is needed by AT&T to provide its wireless services to people living in and traveling through this area of the state. Attachment 1 of this Application includes a Radio Frequency ("RF") Engineering Report with propagation plots and other information which identify and demonstrate the specific need for a facility in this area of the State to serve the public and meet its need and demand for wireless services.

B. Statement of Benefits

Carriers have seen the public's demand for traditional cellular telephone services in a mobile setting develop into a requirement for anytime-anywhere wireless connectivity with critical reliance placed on the ability to send and receive, voice, text, image and video. Provided that network service is available, modern devices allow for interpersonal and internet

¹⁹ Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2010–2015, February 1, 2011.

²⁰ Id.

connectivity, irrespective of whether a user is mobile or stationary, which has led to an increasing percentage of the population to rely on their wireless devices as their primary form of communication for personal, business and emergency needs. The proposed facility would allow AT&T and other carriers to provide these benefits to the public that are not offered by any other form of communication system.

Moreover, AT&T will provide “Enhanced 911” services from the Facility, as required by the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (codified in relevant part at 47 U.S.C. § 222) (“911 Act”). The purpose of this federal legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. In enacting the 911 Act, Congress recognized that networks that provide for the rapid, efficient deployment of emergency services would enable faster delivery of emergency care with reduced fatalities and severity of injuries. With each year since passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill, or injured individuals, such as motorists and hikers. Carriers are able to help 911 public safety dispatchers identify wireless callers’ geographical locations within several hundred feet, a significant benefit to the community associated with any new wireless site.

In 2009, Connecticut became the first state in the nation to establish a statewide emergency notification system. The CT Alert ENS system utilizes the state Enhanced 911 services database to allow the Connecticut Department of Homeland Security and Connecticut State Police to provide targeted alerts to the public and local emergency response personnel alike during life-threatening emergencies, including potential terrorist attacks, Amber Alerts and natural disasters. Pursuant to the Warning, Alert and Response Network Act, Pub. L. No. 109-

437, 120 Stat. 1936 (2006) (codified at 47 U.S.C. § 332(d)(1) (WARN), the FCC has established the Personal Localized Alerting Network (PLAN). PLAN will require wireless service providers to issue text message alerts from the President of the United States, the U.S. Department of Homeland Security, the Federal Emergency Management Agency and the National Weather Service using their networks that include facilities such as the one proposed in this Application. Telecommunications facilities like the one proposed in this Application enable the public to receive e-mails and text messages from the CT Alert ENS system on their mobile devices. The ability of the public to receive targeted alerts based on their geographic location at any given time represents the next evolution in public safety, which will adapt to unanticipated conditions to save lives.

C. Technological Alternatives

The FCC licenses granted to wireless carriers operating in Connecticut authorize them to provide wireless services in this area of the state through deployment of a network of wireless transmitting sites. Washington Depot is located in a valley, generally rural in character and surrounded by significant terrain in all directions. There are no known existing communications sites or structures in the Washington Depot area that could support a wireless facility. In addition, repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to providing service within Washington Depot. The Applicants submit that there are no equally effective, feasible technological alternatives to a new tower for providing reliable personal wireless services in the Washington Depot area.

IV. Site Selection and Tower Sharing

A. Site Selection

AT&T and all other carrier networks do not provide reliable services in Washington Depot. AT&T and other carriers including Verizon and T-Mobile have been engaged in site searches in the Washington Depot area over a period of several years. The Town of Washington and various agencies including the Planning Commission, Conservation Commission and Board of Selectman, have considered the siting of a tower at the Town garage property dating back to at least 2010. The Town initiated process has included review of information from AT&T as well as other carriers, radiofrequency consultants which have confirmed the need for and lack of siting alternatives, visual and environmental studies and other information pertinent to the Town. Homeland Towers subsequently collaborated with Town officials on a proposal to lease land at the Town Garage and develop a tower facility. That process spanning a period of years concluded in March of 2013 with a Town Meeting vote authorizing the Town to enter into a lease with Homeland Towers.

B. Tower Sharing

The proposed Facility is designed to accommodate the antennas and equipment of AT&T as well as four (4) other carriers and antennas for use by companies such as Litchfield County Dispatch which provide emergency communications services in the Town of Washington.

V. Facility Design

The proposed Facility is designed as a self-supporting 135' AGL monopole tower which will reach to an overall height of approximately 140' AGL for the proposed monopine stealthing. The tower will accommodate emergency/municipal communications antennas as well as those belonging to federally licensed wireless carriers. AT&T would install up to twelve (12) panel antennas at a centerline height of approximately 126' AGL along with additional equipment used in providing 4G LTE services. An associated 12' x 20' equipment shelter would be installed at

the tower base on a concrete pad within a compound together with provisions for a fixed diesel back-up power generator. The compound will include space for equipment of other carriers as well as municipal equipment and be enclosed by an eight (8) foot tall chain link fence. Vehicle access to the Facility would extend from Blackville Road through an existing parking lot and existing access drive for approximately 1,455' supplemented with a new approximately 23' extension of the access drive to the proposed tower compound. Utility connections would be run underground from an off-site utility pole on Blackville Road. Attachment 3 contains the specifications for the proposed Facility, including an abutters map, site access maps, a compound plan, tower elevation, and other relevant details of the proposed Facility. Included as Attachments 4, 5 and 6 are various documents obtained or created as part of the Applicants' environmental review including a comparative Visual Resource Evaluation Report (Attachment 5). Some of the relevant information included in Attachments 3, 4 and 5 reveals that:

- Minimal grading and clearing of the compound area would be required for the construction of the proposed Facility;
- The proposed Facility will have no impact on water flow, water quality, or air quality;
- Year-round visibility within a two-mile radius is limited to approximately 170 acres, or approximately 2.1% of the total study area;
- A combination of terrain, mature forest, relatively shorter overall facility height and stealthing combine to minimize visibility of the Facility in the study area; and
- The Facility will not have any visual impact on any historic resources.

VI. Environmental Compatibility

Pursuant to C.G.S. §16-50p (a) (3) (B), the Siting Council is required to find and determine as part of the Application process any probable impact of the Facility on the natural

environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity, and fish and wildlife. As demonstrated in this Application, the Facility will be constructed in compliance with applicable regulations and guidelines, and best practices will be followed to ensure that the construction of the proposed Facility will not have a significant adverse environmental impact. In addition, the regular operation and monthly maintenance of the Facility will not have a significant environmental impact.

A. Visual Assessment

Included in Attachment 5 is a visual assessment which contains a view shed map and photo simulations of off-site views. It is anticipated that approximately 2.1% of the 8,042-acre study area will have visibility of the proposed Facility, and only 170 acres of visibility is expected year round. Qualitatively, many of these views will only be a portion of the tower which itself will be camouflaged as a monopine in a setting of evergreen trees and hillside backdrops. Topography, vegetation, the relatively short height of the tower and the monopine camouflaging would obscure, partially or totally, views of the tower from most locations in the study area. Weather permitting, the Applicants will raise a balloon with a diameter of at least three (3) feet at the proposed site on the day of the Siting Council's first hearing session on this Application, or at a time otherwise specified by the Siting Council.

B. Solicitation of State and Federal Agency Comments

Various consultations and analyses for potential environmental impacts are summarized and included in Attachment 4. Representatives of the Applicants submitted requests for review from federal and state entities including the Connecticut Department of Energy and Environmental Protection (CTDEEP) and the Connecticut State Historic Preservation Officer (SHPO). CTDEEP review is pending and review of the CTDEEP Natural Diversity Database

Maps and U.S. Fish and Wildlife Service information indicate no threatened, endangered or special concern species have been previously identified on the Town Garage site or immediate area. See materials in Attachment 4. Correspondence from SHPO indicated that while the area of potential effect technically overlaps the Calhoun Street/Ives Road National Register of Historic Places District, the tower site would have no adverse effect on the District given its monopine design (See Attachment 6). As required by statute, this Application is being served on state and local agencies, which may choose to comment on the Application prior to the close of the Siting Council's public hearing.

C. Power Density

In August of 1996, the FCC adopted a standard for Maximum Permissible Exposure (MPE) for RF emissions from telecommunications facilities like the one proposed in this Application. The tower site will fully comply with federal and state MPE standards. Additionally, at the request of the Town, a maximum power density report is included herein as part of Attachment 4 that studied a distance 750' from the tower site. That report concludes that the calculated worst-case emissions from AT&T's installation at the Facility at that distance would only be 0.27% of the MPE standard.

D. Other Environmental Factors

The proposed Facility would be unmanned, requiring monthly maintenance visits approximately one hour long. Carriers that maintain antennas and equipment at an approved Facility monitor same 24 hours a day, seven days a week from a remote location. The proposed Facility does not require a water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed. Furthermore, the proposed Facility will neither create nor emit any smoke, gas, dust, other air contaminants, noise, odors, nor vibrations other than those created by any heating and ventilation equipment installed by carriers. During power outages and

weekly equipment cycling an emergency generator would be utilized with air emissions in compliance with State of Connecticut requirements. Overall, the construction and operation of the proposed Facility will not have a significant impact on the air, water, or noise quality of the area.

E. National Environmental Policy Act Review

The Applicants have evaluated the project in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852(codified in relevant part at 42 U.S.C § 4321 et seq.) (NEPA). The existing site was not identified as a wilderness area, wildlife preserve, National Park, National Forest, National Parkway, Scenic River, State Forest, State Designated Scenic River or State Gameland. Furthermore, according to the site survey and field investigations, no federally regulated wetlands or watercourses or threatened or endangered species will be impacted by the proposed Facility. The Facility requires no further Federal review.

F. Air Navigation

The proposed Facility was analyzed for potential impacts to air navigation. The Applicants obtained a TOWAIR determination as well as an independent FAA Aeronautical Evaluation conducted by Site Safe. Both indicate no marking or lighting of the tower for air navigation safety is required and that the tower will not be an obstruction to aviation. See materials included in Attachment 4.

VII. Consistency with the Town of Washington's Land Use Regulations

Pursuant to the Siting Council's Application Guide, a narrative summary of the consistency of the project with the Town's zoning and wetland regulations and plan of conservation and development is included in this section. A description of the zoning

classification of the site and the planned and existing uses of the proposed site location are also detailed in this section.

A. Washington's Plan of Conservation and Development

The Washington Plan of Conservation & Development ("POCD"), effective December 2003, as well as updates as follows: November 2012 Economic Development update, September 2012 Demographics and Housing update, January 2013 Village Centers update (draft), and finally a January, 2013 Sustainability update (preliminary draft) are all included in the Bulk Filing. The POCD notes that Washington Depot, which would be served by the proposed facility, is the "institutional, social, commercial and cultural center of the community". Plan Section 4-5. The draft Village Centers update furthers this finding noting that the "heart of activity in the Town is Washington Depot." The Plan also addresses generally the demand for wireless telecommunication facilities. Plan Section 6-5. This section further outlines ways in which the Town can proactively plan for and participate in wireless telecommunications facility siting through its zoning regulations and planning for coordination with the Connecticut Siting Council and participation in its proceedings. Plan Section 6-5. The Applicants submit that the Town, by leasing the Town Garage for development of a wireless tower facility, have already concluded the project is generally consistent with the Town's POCD.

B. Washington's Zoning Regulations and Zoning Classification

The Town of Washington Zoning Regulations set forth general requirements for communications tower siting. The Facility site is classified in the B-2 (business) zoning district. The table below provides a review of general requirements of tower facilities under the Town of Washington Zoning Regulations accompanied by compliance of the Facility with those requirements.

Zoning Regulation	Proposed Facility
13.19.8 General Requirements.	
<p>a. All New Towers shall be set back at least one time the height of the tower plus 50’ from all boundaries of the Site on which the Tower is located. This setback supersedes all other setback requirements.</p>	<p>Nearest property boundary is 212’ to the north of the proposed tower which exceeds the required 190’.</p>
<p>b. If the Facility or Tower is located in a wooded area, a vegetated buffer strip of undisturbed trees shall be retained for at least 50 feet in width around the entire perimeter except where the access drive is located. Further, in addition to the preservation of a buffer, landscaping around the fence shall be required which shall consist of a row of evergreen trees planted 10 feet on center maximum. The evergreen shall be a minimum of six feet at planting and shall be reasonably projected to grow to a minimum height of fifteen feet at maturity. The landscaping shall screen the building and fence from a view of streets and neighboring properties. The screen shall be maintained by the owner of the property to ensure its effectiveness. The Commission may substitute any combination of existing vegetation, topography, walls, or other features in lieu of evergreen screening, providing the substitute plan equals or exceeds the protection provided by the evergreen screen. The Applicant shall provide financial surety (letter of credit, surety or cash bond) in a form and content acceptable to the Town Attorney and the Independent Consultant and/or the Town’s consulting engineer to cover the cost of the remediation of any damage to the landscape which occurs during the clearing of the Site and to secure the installation of new landscaping required by the screening plan.</p>	<p>The area surrounding the proposed site is currently wooded in most directions save for the area around the Town Garage. The applicants know of no intention to remove other existing trees or for any clearing other than for the Facility.</p> <p>Given the wooded nature of the parcel no additional plantings are proposed. Of note, several existing trees will remain along the perimeter of the compound. Should the Siting Council require, the Applicants will investigate additional plantings as appropriate.</p>
<p>c. Fencing and Signs: The area around the Tower and Communication Equipment Shelter(s) shall be completely fenced for security to a height of eight feet and gated. Use of razor wire is not permitted. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24 hour emergency telephone number shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs may be posted on the fence. If in a residential zone, the fencing and</p>	<p>The compound will be enclosed and secured by an 8’ chain link fence. No razor wire is proposed and signage will be small and only used for providing necessary contact information and warnings as necessary. No advertising signs are proposed.</p>

Zoning Regulation	Proposed Facility
<p>gate shall be designed and made of materials so as to be in keeping with the neighborhood and to appear residential in character rather than commercial. No signs other than as required and approved by the FCC or other state or federal governmental agency having jurisdiction, shall be permitted on the Tower. No advertising shall be permitted from the Tower.</p>	
<p>d. Communication Equipment Shelters and Accessory Buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 12 feet high. The buildings shall be used only for the housing of equipment related to this particular site. Manned equipment incidental to the business office, maintenance depot and vehicle storage is prohibited. Whenever possible, the buildings shall be joined or clustered so as to appear as one building. Any building shall be designed to be in harmony with the surrounding neighborhood properties on the site and to minimize the impact that the Tower will have on these resources. If located in a residential zone, the buildings shall be designed to appear residential. The buildings shall be no larger than necessary to accomplish the functions required.</p>	<p>The AT&T shelter is proposed and it will house only the equipment necessary to support the functions of the proposed Facility and is the standard size AT&T uses at its facilities throughout the state. No manned equipment, office or maintenance depot is required. The site is monitored remotely 24 hours a day, 7 days a week. The shelter and equipment are generally consistent with Town Garage structures and design features.</p>
<p>e. Height and Size. New Towers shall not exceed the minimum height necessary to provide Adequate Coverage for the Wireless Service Facilities proposed for use on the Tower. Applicant may submit a request for additional height to accommodate future sharing and shall provide design information to justify such additional height. [requirements regarding rooftop facilities omitted]</p>	<p>The proposed tower is the minimum height necessary for wireless carriers to provide reliable service to the target area. The tower is designed for collocation without any change in height. Any future height increase, if ever required, would require approval by the Town before any approvals could be sought from the Siting Council.</p>
<p>f. No Tower or Antenna(e) will be permitted on a school roof.</p>	<p>The Application is for a tower, and not proposed on a school.</p>
<p>g. Tower Finish, Antenna Design: The Commission may require the Tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact. Antenna located on a building shall be compatible with underlying structure.</p>	<p>The proposed tower incorporates a monopine design including camouflaging to mimic an evergreen tree.</p>
<p>h. Tower(s) must be of a type which will maximize potential sharing. Lattice type</p>	<p>The proposed tower design incorporates space for up to four (4) additional carriers and the</p>

Zoning Regulation	Proposed Facility
structures are preferred, but where a Monopole is requested, the Applicant must demonstrate future utility of such structure for expansion of service for Applicant and other future Applicants. If possible, each Tower must have the capacity to accommodate at least three Service Providers. The proposed support structure shall be designed for additional facilities including other wireless communications companies, local police, fire and ambulance need, unless it is determined to be technically unfeasible. The Antenna(e) shall be located on existing communications towers, silos, water towers and the like, where available; if no existing Towers are available, antennae may be located on new Towers, where topography, vegetation, buildings or other structures provide the greatest amount of screening.	antennas of emergency agencies as needed.
i. The use of Repeaters to assure Adequate Coverage, or to fill holes within areas of otherwise Adequate Coverage, while minimizing the number of required Towers is permitted and encouraged.	The use of repeaters in this instance is not technically viable and would fail to provide reliable service to the wide area of coverage needed for AT&T and other carriers to serve Washington Depot.
j. If primary coverage (greater than 50%) from proposed Personal Wireless Service Facility is outside Washington, then the permit may be denied unless the Applicant can show that it is unable to locate within the Town which is primarily receiving service from the proposed Facility.	The proposed facility is located in the central portion of the Town and would provide almost all of its service to areas within the Town of Washington.
k. Commercial advertising is prohibited on any Antenna, Tower, or Accessory Building or Communication Equipment Shelter.	No commercial advertising is proposed.
l. Unless required by the Federal Aviation Administration, the FCC or the Connecticut Siting Council, no lighting or illumination of Towers, or the Personal Wireless Service Facility, is permitted, except for manually operated emergency lights for use only when operating personnel are on site.	No lighting or illumination of the tower for air navigation is necessary or proposed.
m. No Tower or Personal Wireless Service Facility that would be classified as a hazard to air navigation as defined by the Federal Aviation regulations is permitted.	The tower is not classified as a hazard to air navigation as per the TOWAIR report and FAA Aeronautical Evaluation obtained by the Applicants and included in Attachment 4.
n. No clear cutting of timber, except as	20 trees of 6” or greater diameter at breast

Zoning Regulation	Proposed Facility
approved in connection with construction, is allowed within the setback area.	height will have to be removed for the construction of the facility.
o. No Tower or Personal Wireless Service Facility, including any guy wires, with the exception of Repeaters shall be located:	
1. Closer than 1500' on a horizontal plane, to any structure, existing at the time of Application, which is, or is able to be occupied or habitable, on the property of any school (public or private).	The nearest schools are approximately ½ mile distant from the facility.
2. Closer than 750' on a horizontal plane, to an existing Dwelling Unit, or, day- care center, hospital, nursing home, church or other place of worship.	The closest off-site residence is approximately 217' to the west (44 Bee Brook Road).
p. No Repeater shall be located closer than 50' to an existing Dwelling Unit, nor less than 25' above ground.	No repeaters are proposed.
q. No Tower or Personal Wireless Service Facility, including any guy wire, with the exception of Repeaters shall be located within any of the following areas:	
1. Local or federally regulated wetland or vernal pool;	The Facility is not located in a federally regulated wetland or vernal pool.
2. The habitat of any Local or State listed Rare or Endangered Wildlife or Rare Plant Species;	No special habitat for rare or endangered species has been identified in the project area.
3. Within 500' horizontally from any Historic District or property listed or eligible to be listed on the Local, State or Federal Register of Historic Places;	The Facility is not located within 500' of historic districts or properties.
4. Within 200' horizontally from any river or watercourse;	The Facility is not within 200' of a river or watercourse.
5. Within 500' horizontally from any known archaeological site;	There are no known archaeological sites within 500' of the Facility site.
6. Within 500' of a Local, State or Federally designated scenic road;	No scenic roads are within 500' of the Facility
7. On a lot which is less than the minimum lot size required for the zoning district in which it is located;	The subject parcel is approximately 17.3 acres and is already developed with town facilities.
8. On property designated as a scenic ridge line pursuant to the Planning Commission approved Plan of Conservation and Development.	The property is not designated as a scenic ridge line.
13.19.9 Towers and Personal Wireless Service	

Zoning Regulation	Proposed Facility
Facilities shall be located so as to minimize the following potential impacts:	
a. Visual/Aesthetic: Towers shall, when possible, be sited where their visual impact is least detrimental to areas that possess scenic quality of local, regional or statewide significance such as:	The Facility is located within a wooded area and positioned to minimize visibility. In addition, views of the tower will be of a monopine structure designed to camouflage with the existing terrain and trees.
1. Ridge lines	Few if any views are above ridgelines.
2. Connecticut State Forests, Connecticut Natural Area Preserves, and Natural Area Inventory Sites	Visibility from such resources is not substantial as documented in the Visibility Analysis included as Attachment 5
3. Areas permanently preserved by land trusts and similar organizations	Visibility from such resources is not substantial as documented in the Visibility Analysis included as Attachment 5
4. Areas marked as —rural on the State Plan of Conservation and Development set forth at Conn. Gen. Stat. Section 16a-24 et. seq.	The site is generally in a Village area as shown on the State POCD locational map from 2013.
5. Roads designated as Scenic Roads pursuant to Conn. Gen. Stat. Section 7-149a and 13b-31b through 13b-31e.	There is no anticipated visibility from any nearby scenic road.
b. Diminution of residential property values: Siting shall be in as low population density areas as possible.	The site is located on the Town Garage site.
c. Structural failure and attractive nuisances	The tower will meet all foundation and tower structural standards and requirements.
d. Safety from excessive electromagnetic radiation: In case the Tower or Personal Wireless Service Facility is found to exceed the FCC guidelines.	The Facility will comply with federally mandated emissions standards.
13.19.10 The following locations are ranked in order of preference for tower sitings:	
a. The use of municipal lands, with the approval of the Town, which comply with other requirements of this Section 13.19 and where visual impact can be minimized and mitigated;	The underlying parcel is municipally owned.
b. Shared use of existing Personal Wireless Service Facilities shall be encouraged;	The Facility will be available for collocation of multiple carriers.
c. The use of Repeaters to provide Adequate Coverage without requiring new Tower(s) shall be encouraged;	Repeaters would not be technically adequate to meet the public’s demand for services in this area.

Zoning Regulation	Proposed Facility
d. Clustering of Towers: Applications for Towers adjacent to Existing Towers shall be encouraged, providing the location is suitable (based on these regulations).	Only one tower is proposed.
13.19.11 Towers and Personal Wireless Service Facilities shall be located so as to provide Adequate Coverage and Adequate Capacity with the least number of Towers and Antennae which is technically and economically feasible.	One tower is proposed with only antennas and equipment that are necessary to provide reliable coverage to the central area of Washington.
13.19.12 The Commission shall request input from the Fire, Police, Ambulance and other Emergency Services regarding the adequacy for emergency access of the planned drive or roadway to the site. The Commission shall require the accessway, driveway or right of way to the site be constructed and maintained to meet the Town's road standards ordinance unless where it is shown that such standards are unnecessary for safety and traffic use.	The existing access drive will be used to get to and from the facility. A short 23' addition to this existing access drive is needed to get to the Facility compound.
13.19.19 Siting Council. If any or all of the Towers and Facilities and related structures regulated by this Section 13.19 become subject to the jurisdiction of the Connecticut Siting Council, this regulation shall remain in effect to the extent not pre-empted by the statutory Siting Council jurisdiction and even to the extent pre-empted shall serve as a guide to the siting council as to the factors important to the Town in the location of towers and related facilities defined under this Section 13.19. Further, these regulations shall remain effective to the extent that they do not conflict with the laws and regulations of the Connecticut Siting Council.	The Facility as proposed falls within Siting Council jurisdiction.

C. Planned and Existing Land Uses

The Facility is proposed on a Town owned parcel of land that is developed and used as a maintenance garage. Consultation with municipal officials did not indicate any other planned changes to the existing or surrounding land uses. Copies of the Town of Washington Zoning Code, Inland Wetlands Regulations, Zoning Map and Plan of Conservation and Development (with updates) are included in the Bulk Filing.

D. Washington's Inland Wetlands and Watercourses Regulations

The Washington Inland Wetlands Regulations (“Local Wetlands Regulations”) regulate certain activities conducted in “Wetlands” and “Watercourses” as defined therein. In this case, two wetland areas were delineated in proximity to the proposed Facility consisting of a rip-rap armored drainage swale (Wetland 1: located ± 540 feet south of the proposed Facility on the Subject Property) and a manmade pond feature (Wetland 2: located ± 390 feet north both on and off the Subject Property). See Wetland Delineation Report included in Attachment 4. All appropriate sediment and erosion control measures will be designed and employed in accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Council of Soil and Water Conservation. Soil erosion control measures and other best management practices will be established and maintained throughout the construction of the proposed Facility. The Applicant does not anticipate an adverse impact on any wetland or water resources.

VIII. Consultations with Town Officials

C.G.S. § 16-50l generally requires an applicant to consult with the municipality in which a new tower facility may be located for a period of ninety days prior to filing any application with the Siting Council. As noted in the Application, this Facility is proposed on a Town-owned parcel of land and has involved technical consultations with the Town over a period of several years. These consultations included Town meetings where AT&T, Verizon and T-Mobile were invited to discuss the need for and lack of alternatives for tower siting in Washington Depot. Further, the Town obtained its own independent analyses and was provided detailed information regarding the potential environmental effects of any tower at the Town Garage site as part of its consideration of a lease with Homeland Towers. As part of the process, the Town of Washington and several of its constituent agencies conducted detailed and thorough reviews of

the area and this specific site in its own efforts to minimize environmental impacts as outlined in meeting minutes and resolutions included in Exhibit 7. The Town of Washington has been involved in an ongoing technical consultation with the Applicants, and specifically Homeland Towers, regarding the specific details of the proposal herein for over a year. In furtherance of Homeland Tower’s lease, a draft Application was also provided to the Town for its review prior to filing with the Siting Council. The project, has undergone a municipal consultation process for well over ninety days and this Application incorporates Town decisions as incorporated into its lease with Homeland Towers as noted in correspondence from the Town's First Selectman, Mr. Lyons.²¹

IX. Estimated Cost and Schedule

A. Overall Estimated Cost

The total estimated cost of construction for the proposed Facility is represented in the table below.

Requisite Component:	Cost (USD)
Tower & Foundation	165,000
Site Development	133,000
Utility Installation	30,000
Facility Installation	50,000
Subtotal Homeland Towers Cost	378,000
Antennas and Equipment	250,000
Subtotal AT&T Cost	250,000
Total Estimated Costs	628,000

B. Overall Scheduling

Site preparation work would commence following Siting Council approval of a Development and Management (“D&M”) Plan and the issuance of a Building Permit by the

²¹ The Applicants submit that Section 16-50I is not legally applicable to municipal properties that have gone through a municipal lease process involving consultation. The Town of Washington, in correspondence included in this Application, has confirmed that it has consulted with the Applicants for more than 90 days and authorized filing of this Application with the Siting Council.

Town of Washington. The site preparation phase is expected to be completed in 4-5 weeks. Installation of the monopole, antennas and associated equipment is expected to take an additional three weeks. The duration of the total construction schedule is approximately 8 weeks. Facility integration and system testing for carrier equipment is expected to require an additional 2 weeks after construction is completed.

X. Conclusion

This Application and the accompanying materials and documentation clearly demonstrate that a public need for a new tower in Washington Depot exists to provide wireless services to the public. AT&T and other wireless carriers have gaps in reliable wireless service in and around this area of the state. The Applicants respectfully submit that the public need for the proposed Facility outweighs any potential environmental effects from development of tower, none of which have been identified as substantial or significant. Accordingly, the Applicants respectfully request that the Siting Council grant a Certificate of Environmental Compatibility and Public Need to Homeland Towers for a new wireless telecommunications Facility at 10 Blackville Road in Washington.

Respectfully Submitted,

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