

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**RE: APPLICATION OF TOWER HOLDINGS, LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 199 BRICKYARD ROAD IN THE
TOWN OF FARMINGTON, CONNECTICUT**

**APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

November 7, 2014

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CONNECTICUT SITING COUNCIL**

IN RE:

DOCKET NO. _____

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LLC FOR A CERTIFICATE OF
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**APPLICATION FOR CERTIFICATE OF
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I. INTRODUCTION

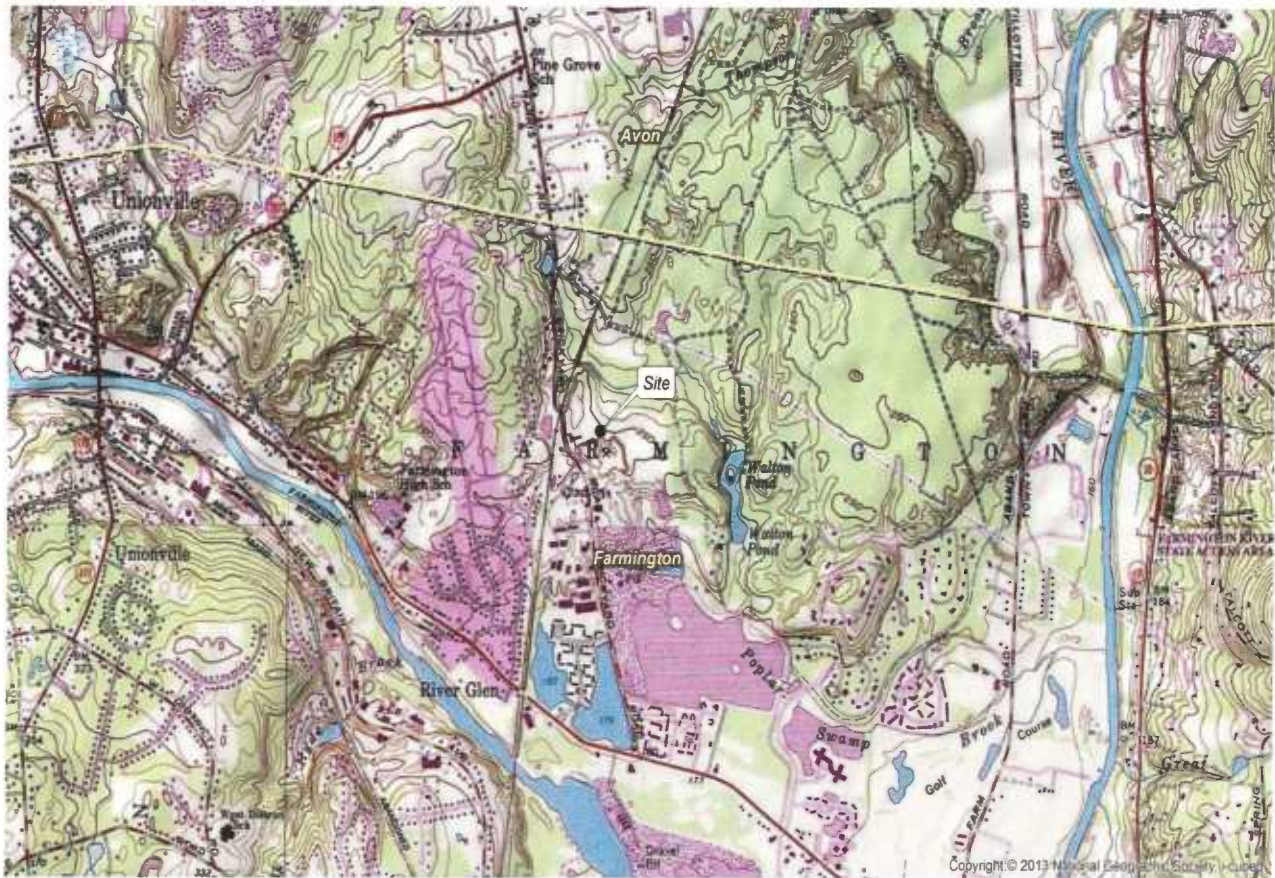
A. Authority and Purpose

In accordance with General Statutes § 16-50g *et seq.* and § 16-50j-1 *et seq.* of the Regulations of Connecticut State Agencies, Tower Holdings, LLC (“Tower Holdings”), hereby submits this Application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance and operation of a wireless telecommunications facility (“Facility”) at 199 Brickyard Road, Farmington, Connecticut, to the Connecticut Siting Council (“Council”).

B. Executive Summary

Tower Holdings seeks to construct, maintain and operate the Facility on real property known as 199 Brickyard Road, Farmington, Connecticut (“Property”). The proposed Facility would provide reliable wireless communications services to local roads and areas in the north-central portions of the Town of Farmington (“Town”) in the vicinity of the intersection of Brickyard Road and Harris Road as well as Wildwood Road.

Figure 1 - Site Location



The Facility would consist of a 180 foot lattice structure with New Cingular Wireless PCS, LLC's ("AT&T") panel antenna array mounted at approximately 140 feet above grade level ("AGL"). The proposed Facility would also provide other important benefits such as needed tower training courses and a site for other beneficial communications equipment.

The other communications equipment includes: (1) Dunning Sand & Gravel ("Dunning"); (2) Marcus Communications, LLC ("Marcus"); and (3) radio station "Soft Rock" 106.5 WBMW ("WBMW"). Dunning's antenna would consist of a DB224 Dipole and would be located at 160 feet AGL. Marcus' antennas would consist of an RFI BA40-67 antenna and would be located at 170 feet AGL. WBMW's antenna would consist of a DCR-L1 FM radio antenna and would be located at 175 feet AGL.

The highest point of the proposed Facility would be the top of the lattice structure at 180 feet AGL. The Facility, however, would also include a six foot lightning rod, with a diameter of approximately three-quarters of an inch in diameter, which would bring the total height to 186 feet AGL.

The Facility would sit within a 3,600 square foot area leased to Tower Holdings, located in the eastern portion of the Property, which is an approximately 2.49 acre parcel, consisting of two lots. The Property currently hosts a commercial building, which is the headquarters of Northeast Towers, Inc. ("NET"). The remainder of the Property includes the storage of equipment and tools associated with NET's business of constructing, modifying, reinforcing, maintaining and decommissioning towers of all types.

Related equipment cabinets and a fixed back-up generator would be placed nearby within the leased area. The equipment would be surrounded by an eight foot chain link fence. Access to the proposed Facility would be across an existing bituminous drive from Brickyard Road. Utility connections would also extend from Brickyard Road. The site plan, topographic site map and aerial of the proposed Facility are appended hereto as Attachment 1.

C. The Applicant

Tower Holdings is a limited liability company organized under the laws of the State of Connecticut. It has a business address of 199 Brickyard Road, Farmington, Connecticut. Communications concerning this Application for a Certificate should be addressed to the attorneys for Tower Holdings as follows:

Updike, Kelly & Spellacy, P.C.
265 Church Street
New Haven, CT 06510
Telephone: (203) 786-8317
Attention: Jesse A. Langer, Esq.

D. Application Fee

The estimated total construction cost for the Facility would be less than \$5,000,000. In accordance with § 16-50v-1a(b) of the Regulations of Connecticut State Agencies, a check made payable to the Council in the amount of \$1,250 accompanies this Application.

E. Compliance with General Statutes § 16-50l(c)

Tower Holdings is not engaged in generating electric power in the State of Connecticut; thus, the proposed Facility is not subject to General Statutes § 16-50r. The proposed Facility has not been identified in any annual forecast reports and, therefore, is not subject to General Statutes § 16-50l(c).

II. SERVICE AND NOTICE REQUIRED BY GENERAL STATUTES § 16-50l(b)

Pursuant to General Statutes § 16-50l(b), Tower Holdings sent copies of this Application to municipal, regional, State and Federal agencies and officials. A certificate of service, along with a list of the agencies and officials served with a copy of the Application, is appended hereto as Attachment 2. Tower Holdings has also published notice of its intent to file this Application on two separate occasions in the *Hartford Courant* in accordance with § 16-50l(b). Copies of the legal notices and the publisher's certificate are appended hereto as Attachment 3. Furthermore, in compliance with § 16-50l(b), Tower Holdings sent notices to each person appearing of record as the owner of real property abutting the Property. Certification of such notice, a sample notice letter, and a list of all property owners to whom the notice was mailed are appended hereto as Attachment 4.

III. STATEMENT OF NEED AND BENEFITS

A. Overview

In amending the Communications Act of 1934 with the Telecommunications Act of 1996, the United States Congress recognized the important public need for high quality telecommunications services throughout the United States. The purpose of the Telecommunications Act of 1996 (“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. Conf. Rep. No. 104-458, 206, 104th Cong., Sess. 1 (1996).

Congress preserved state and local authority over the siting of telecommunications facilities. 47 U.S.C. § 332(c)(7)(A). That authority, however, is limited in that state and local agencies cannot unreasonably discriminate among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of wireless services. 47 U.S.C. § 332(c)(7)(B)(I) and (II). State and local authorities also cannot promulgate legal requirements that prohibit or have the effect of prohibiting the provision of wireless services. Additionally, state and local authorities cannot regulate or deny an application for the “placement, construction, and modification of [telecommunications facilities] on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC’s] regulations governing such emissions.” 47 U.S.C. § 332(c)(7)(B)(iv).

B. Statement of Need Concerning AT&T

The Facility is an integral component of AT&T’s network, specifically in this area of the Town. There is a gap in coverage in the vicinity of the intersection of Brickyard Road and Harris Road, as well as Wildwood Road, along with the nearby areas in the north-central

portions of the Town. AT&T needs the Facility, in conjunction with other existing telecommunications facilities in the Town and in the Town of Avon, to provide reliable services to the public. The propagation plots, appended hereto as Attachment 5, depict AT&T's need for the Facility.

C. Statement of Need Concerning Tower Training and Safety

1. NET

Tower Holdings is affiliated with NET, a Connecticut corporation, which is headquartered at 199 Brickyard Road in Farmington, Connecticut. NET was established in 1981 and, since that time, has constructed, modified, reinforced, maintained and decommissioned towers of all types, including broadcast towers, telecommunications facilities, rooftop installations, water tank installations, silos, billboards and smokestacks. NET is experienced with a variety of towers including lattice structures, broadcast towers, monopoles, guyed towers and stealth towers.

NET has grown into a premier tower construction company in the northeast (and nationally for broadcast towers) and prides itself on providing extensive training and certification programs for its employees, including continued training on an on-going basis. NET has a designated safety officer and holds weekly safety meetings. To further NET's goals of developing and maintaining well-trained employees and overall safety, Tower Holdings has proposed the construction, maintenance and operation of a lattice tower that would host the antennas of various wireless carriers and serve as a training tower. With this training tower, NET would be able to teach its employees on site, in a controlled environment, about new technologies and equipment as they enter the market, and promote safe, efficient and timely installation and repair of towers.

2. A Lattice Design

It is important that the Facility consist of a lattice structure because NET has a national reputation as a broadcast tower climbing company – and broadcast towers are typically of lattice design. A lattice design also allows for more flexibility in training because of their relative size and loading capacity. The lattice design would also enable NET to alter the configuration of the training antennas (which would not be operational) as new technologies and equipment emerge in the market a monopole structure is insufficient for training purposes.

3. The Training Equipment

Periodically, the Facility would host non-operational equipment for training purposes (“Training Equipment”). The Training Equipment would include the following: (1) a satellite dish; (2) an omnidirectional TV antenna flush mounted to the Facility; (3) two-bay FM antenna flush mounted to the Facility; and (4) an approximately sixty foot (eighteen inch diameter) lattice gin pole. Copies of the specifications for the Training Equipment are appended hereto as Attachment 6. The Training Equipment may change from time to time based upon technological innovation within the communications industry. Some of the Training Equipment would be located below AT&T’s antennas. The Training Equipment would not interfere in any way with AT&T’s antennas or those of any future carrier.

4. The Training Courses

NET would limit its training activities to those months in which leaf-on conditions persist, specifically between April and September. Thus, the additional temporary loading related to the Training Equipment would also be limited to the leaf-on months. NET would also make the Facility available for the training of those local municipal first and second responders who work on towers or related structures. NET would provide this training at no cost to the

municipal employees of Farmington and the surrounding municipalities of Avon, Canton and Simsbury.

The trainees would learn to install, maintain and remove one antenna per class. Each antenna would be mounted to the Facility for an approximate one week period. The training would also incorporate the use of a gin pole, which is a rigid pole with a pulley or hook used to lift objects and is commonly used for tower construction, maintenance and repair. Accordingly, the Facility would not host all of the non-operational Training Equipment at the same time, thereby limiting the potential visual impact on the surrounding area. See Attachment 1, specifically SP-2 and SP-3. Attachment 1 depicts the anticipated tower loading for both operational communications equipment and the non-operational Training Equipment. SP-2 depicts the antennas Tower Holdings expects to be affixed permanently to the Facility. SP-3 depicts anticipated configurations during the course of the training season, which would occur exclusively during the leaf-on months.

5. The Need for 180 Feet

This additional height is necessary for several reasons. First, appropriate and effective training conditions generally require approximately forty feet of open space. The antennas of AT&T and the future wireless providers would occupy heights between 110 and 140 feet AGL. The wireless providers' arrays would require 360 degrees of space. The other operators, Dunning, Marcus and WBMW, do not require 360 degrees of space; therefore, NET can provide training at heights between 140 and 180 feet AGL. Second, the proposed lattice structure is designed specially to imitate heights in excess of 200 feet AGL up to 2,000 feet AGL; specifically, the structure is designed to taper from eighteen feet per face at the base to five feet per face at 130 feet AGL, and tapers every twenty feet by two feet to the top of the structure.

This tapered design would ensure that NET's trainees are well-versed in the installation, maintenance and repair of different types of antennas at different heights.

D. Statement of Need for Other Communications Providers

The Facility would also host several communications providers who service the community and surrounding areas. WBMW is a radio station that services eastern Connecticut and parts of Rhode Island. Dunning provides sand, gravel and other landscaping materials to business and residents throughout the community. Dunning also provides trucking services, which require communication between the trucks and Dunning's headquarters located adjacent to the Property. Marcus is a trunked (two-way) radio network operator in Connecticut, providing services to police, firefighters, medical aid, urban engineering, taxi companies and others. The Facility would enable these operators to service their customers more effectively and, thus, the public at large.

E. Statement of Benefits

The usage of wireless services is ubiquitous. The public's demand for traditional cellular telephone services has evolved to include expectations of seamless service, wherever the public is, stationary or not, and readily available access to the internet as well as the ability to send and receive voice, text, image and video through their wireless devices continuously. The ever increasing availability and enhanced sophistication of wireless services has led the public to use their wireless devices as their primary form of communication for both personal and business needs. The proposed Facility would allow AT&T, and other future carriers, to provide these benefits to the public.

Additionally, to help provide the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 ("911 Act"). The

purpose of the 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 capable of rapid, efficient deployment of emergency services would enable faster delivery of emergency care, resulting in reduced fatalities and severity of injuries. With each year since the 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, hikers and boaters.

As an outgrowth of the 911 Act, the Federal Communications Commission ("FCC") mandated that wireless carriers provide enhanced 911 services ("E911") as part of their communications networks. These services ultimately allow 911 public safety dispatchers to identify a wireless caller's location within several hundred feet. The Facility would become an integral component of AT&T's E911 network in this area of the State. As other wireless carriers expand their service in the Town through the Facility, E911 services would experience additional improvement.

Finally, as discussed above, the proposed Facility would enable NET to provide essential training to its employees and local first and second responders. The collocation of the other communications operators would benefit the public through enhanced coverage. Moreover, the collocation of these operators would further the State's policy to avoid the unnecessary proliferation of towers as articulated by General Statutes § 16-50aa(a).

F. Technological Alternatives

There are no other practicable or feasible alternatives to the macro site proposed in this Application. Distributed antenna systems (DAS), repeaters, small cells and other types of transmitting technologies are not a suitable means by which to provide service within the

sizeable coverage gap presented in this Application. The Facility is a necessary component of AT&T's network, and would also allow other wireless carriers to provide services in this area of the Town.

IV. SITE SELECTION AND TOWER SHARING

Generally, carriers licensed by the FCC investigate prospective sites in an area based upon the needs of its wireless network and infrastructure. A carrier, such as AT&T, chooses a target area central to the area in which it has identified coverage and/or capacity needs after extensive research of that particular area. The area targeted is the geographical location where the installation of a site would likely address the identified coverage or capacity need based on general radio frequency engineering and system design standards. The goal is to locate sites that will remedy coverage or capacity issues, cause the least environmental impact and avoid the unnecessary proliferation of towers.

Representatives of Tower Holdings, experienced in the development of wireless infrastructure, collaborated with representatives of AT&T to determine if there was a site within the search area that was more suitable than the Property. Based upon a comprehensive review of the surrounding area, Tower Holdings did not find a site that would be more suitable than the Property. The nearest telecommunications facilities are already in use by AT&T. A map and list of existing facilities within a four mile radius of the proposed Facility are appended hereto as Attachment 7. There are no other structures that AT&T could use to alleviate the existing coverage gap. The Property is well suited to host the proposed Facility because:

- The Property is located in an area zoned for, among other things, industrial uses;
- The Property does not host any wetlands or watercourses, and the nearest wetland is 350 feet to the southwest on a separate property; and

- The construction of the Facility would not require the removal or relocation of any trees. A copy of the Tree Inventory Letter is appended hereto as Attachment 8.

None of the other parcels reviewed were more suitable than the Property. The Property would enable AT&T to address its coverage gap in this area of the Town, afford NET the opportunity to promote safe tower maintenance and repair, and allow other communications operators to serve their needs. A site selection narrative and a map of rejected sites are appended hereto as Attachment 9.

The proposed Facility is designed to accommodate AT&T and three wireless providers, as well as other communications operators. The Facility could also accommodate the Town or local emergency service providers should a need exist. *See Attachment 1*. The design of the proposed Facility comports with the public policy to “avoid the unnecessary proliferation of towers” as set forth in General Statutes § 16-50aa.

V. FACILITY DESIGN

The proposed Facility would consist of a 3,600 square foot compound. The Facility would be located in the eastern portion of the Property, an approximately 2.49 acre parcel, consisting of two lots and located at 199 Brickyard Road in the Town. The Facility would include a 180 foot lattice structure with AT&T’s panel antenna array mounted at approximately 140 feet AGL. The antenna array would consist of three sectors, with 4 antennas per sector.

Related equipment cabinets, and a fixed back-up generator, would be placed nearby within the leased area. The equipment would be surrounded by an eight foot chain link fence. Access to the proposed tower would be across an existing bituminous drive. Utility connections would extend underground from Brickyard Road.

The Facility is designed to host three additional wireless providers. As discussed in Part III, *supra*, it would also host the communications equipment for Dunning, Marcus and WBMW. Dunning's antenna would consist of a DB224 Dipole and would be located at 160 feet AGL. Marcus' antenna would consist of an RFI BA40-67 antenna and would also be located at 170 feet AGL. WBMW's antenna would consist of a DCR-L1 FM radio antenna and would be located at 175 feet AGL. The specifications for these operators are appended hereto as Attachment 10.

VI. ENVIRONMENTAL IMPACT

In accordance with General Statutes § 16-50p, the Council is required to find and determine, among other things, the probable environmental impact of the Facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife. As set forth in this Application, the Facility would not have a substantial adverse environmental effect. Tower Holdings engaged All-Points Technology Corporation, P.C. ("All-Points") to perform a comprehensive environmental review of the Facility.

A. Visibility

The visual impact of the Facility would vary from different locations around the Facility depending on factors such as topography, vegetation and distance from the Facility, as well as the location of structures around the Facility. A Visibility Report, including viewshed maps and photo-simulations of the views of the Facility, prepared by All-Points is appended hereto as Attachment 11.

As part of its visibility analysis, All-Points conducted an in-field verification on April 5, 2013, which included a balloon float during favorable weather conditions (sunny skies and calm winds). The balloon float consisted of a red, four-foot diameter, helium filled balloon tethered to

a string height of 200 feet AGL at the site of the Facility. The balloon's string was flagged with orange survey tape at ten foot intervals from 190 feet AGL down to twenty feet AGL.

The topography and vegetation within a two mile radius of the proposed Facility ("Study Area") serve to minimize the potential visual impact of the proposed Facility. The existing vegetation in the Study Area is mixed deciduous hardwood species with an average estimated height of sixty feet. This vegetation sits on rolling hills that range in ground elevation from approximately 160 feet above mean sea level ("AMSL") to approximately 430 feet AMSL. The tree canopy covers approximately 3,310 acres (or 41 percent) of the 8,042 acre Study Area.

Only 3 percent of the Study Area would have year round views of portions of the Facility. Those year round views are limited to nearby areas to the west and southwest of the Facility along Brickyard Road and over open fields and water to the southeast. Very few residential properties would have direct and unobstructed views of the Facility. Most of the views in the Study Area would be obstructed because of heavy forest cover and landscaping within the surrounding neighborhoods. Brief stretches of year-round visibility may be achieved along portions of roads west of Brickyard Road where some elevation is gained, including Wildwood Road. Photo-simulations 9(A) and 10(A) depict some of the Training Equipment that NET would use for short periods of time during the leaf-on months.

An additional 3 percent of the Study Area would have seasonal (leaf-off) views of the proposed Facility; however, most of these views would be from over one mile away and through existing tree mast. Some limited seasonal views may also occur from a short section of the Farmington Canal Heritage Trail. These limited potential views, however, would be heavily obstructed by intervening forest mast.

General Statutes § 16-50l(g)(1) requires an applicant to include in its Technical Report to the host municipality “the location of all schools near the proposed facility, an analysis of the potential aesthetic impacts of the facility on said schools, as well as a discussion of efforts or measures to be taken to mitigate such aesthetic impacts” All-Points engaged in such an assessment and determined that year round views do not extend beyond one mile of the proposed Facility. Accordingly, the Facility would not be visible to any schools located beyond that one mile radius. The only school located within one mile of the proposed Facility is Farmington High School at 10 Monteith Drive, which is approximately 0.75 miles to the southwest. Some limited views of the Facility may occur from portions of the elevated ball fields on the eastern portion of the school property. Ultimately, the Facility would not be located less than 250 feet from any school or commercial child day care center and the Facility would not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood in which any of the schools or commercial child day care centers are located.

Weather permitting, Tower Holdings will raise a balloon with a diameter of at least three feet at the location of the proposed Facility on the day of the Council’s first hearing session on this Application, or at a time otherwise specified by the Council.

B. State and Federal Agency Comments

Section 16-50j-74(14) of the Regulations of Connecticut State Agencies requires the applicant to provide a listing of all agencies with which reviews were conducted concerning the proposed Facility, including a copy of all positions or decisions taken by those agencies concerning the proposed Facility. In compliance with the Council’s regulations, Tower Holdings submitted a request for review of and comment on the proposed Facility to the following State agencies: the Connecticut Department of Energy and Environmental Protection (“DEEP”) and

the State Historic Preservation Office as a component of the Department of Economic & Community Development (“SHPO”). Tower Holdings also consulted with the following federal agencies: United States Fish and Wildlife Service (“USFW”), the Federal Aviation Administration (“FAA”) and the Federal Communications Commission (“FCC”).

1. DEEP Natural Diversity Database Review

All-Points consulted with DEEP for a review of the proposed Facility under the DEEP Natural Diversity Database (“NDDB”). On October 25, 2013, DEEP stated that the NDDB records “indicate that many state-listed sand barren-obligate plant and invertebrate species occur at this site.” However, DEEP concluded that “it is unlikely that this project will impact the remaining sand barren habitat that exists on-site” because the Facility is proposed within an existing graveled lot. Even though DEEP concluded that the proposed Facility would not impact any biological resources, All-Points performed an additional survey concerning the possible existence of sand barren habitat on or near the Property and, if so, whether that habitat would be impacted by the construction, maintenance and operation of the Facility.

All-Points determined that the area referenced by DEEP as Critical Habitat is located on property, owned by others, which is adjacent to the Property. The Critical Habitat consists of an area with current compost and sand and gravel operations. All-Points further determined that any construction activities, as well as maintenance and operation, would occur on the Property, within existing developed areas and separated by an existing chain link fence. Accordingly, the referenced Critical Habitat sand barren areas, to the extent they still exist, would not be impacted by the construction, maintenance and operation of the Facility. All-Points recommended that sedimentation and erosion controls be designed, installed and maintained during construction

pursuant to the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*. Copies of the DEEP letter and Sand Barren Habitat Survey are appended hereto as Attachment 12.

2. SHPO Consultation

On May 30, 2014, the SHPO determined that “there will be no historical properties affected by the proposed 180’ lattice tower and associated equipment” and that the proposed “location contain little, if any, possibility to yield intact cultural deposits.” A copy of the SHPO letter is appended hereto as Attachment 13.

3. USFW Consultation

The USFW confirmed that there are no threatened or endangered species, or any proposed and final designated critical habitat, that may occur within the boundaries of the site for the proposed Facility. The USFW also confirmed that there are no such species or habitat that may be affected by the proposed Facility. A copy of the USFW Compliance Determination prepared by All-Points, including the USFW confirmation letter, is appended hereto as Attachment 14.

4. FAA Consultation

Tower Holdings has initiated an aeronautical study with the FAA and expects a report indicating that the Facility would not require review and/or registration with the FAA. Tower Holdings will file the FAA confirmation with the Council upon receipt. Tower Holdings processed a TOWAIR determination to determine whether it would have to register the Facility with the FCC. TOWAIR determined that the proposed Facility would not require registration. A Copy of the TOWAIR Determination is appended hereto as Attachment 15.

5. Other Environmental Factors

The Facility would be unmanned, requiring infrequent monthly maintenance visits by each carrier that typically last approximately one hour in duration. AT&T would monitor its equipment at the Facility, which would be monitored twenty-four hours a day, seven days a week from a remote location. The Facility would not require a water supply or wastewater utilities. The Facility would not require outdoor storage or solid waste receptacles and the Facility would not create or emit any smoke, gas, dust or other air contaminants, noise, odors or vibrations. In the event of a temporary power outage, the Facility would require the limited use of an on-site diesel fuel generator. The generator would comply with all applicable DEEP regulations.

Tower Holdings has evaluated the Facility pursuant to the FCC's regulations implementing the National Environmental Policy Act of 1969 ("NEPA"). The Facility is not designated as a wilderness area and is not located in any areas identified as a wildlife preserve or in a USFW National Wildlife Refuge.¹ There are no National Parks, National Forests, National Parkways or Scenic Rivers, State Forest, State Designated Scenic Rivers or State Gamelands located in the vicinity of the proposed Facility.² Furthermore, according to the site survey and field investigations by All-Points, the Facility would not impact any federal or state regulated wetlands or watercourses. Additionally, according to the Flood Insurance Rate Map ("FIRM"),

¹ U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle, review of U.S. Department of Interior (DOI) National Atlas (www.nationalatlas.gov), www.wilderness.net, and the U.S. Fish and Wildlife Service.

² U.S. Geological Survey (USGS) 7.5-Minute Series Topographic Quadrangle, review of U.S. Department of Interior (DOI) National Atlas (www.nationalatlas.gov), www.wilderness.net, National Wild and Scenic Rivers System (<http://www.rivers.gov/mapping-gis.php>) GIS data, and the U.S. Fish and Wildlife Service. The segment of the West Branch and mainstem of the Farmington River, extending immediately below the Goodwin Dam and Hydroelectric Project in Hartland to the downstream end of the New Hartford/Canton town line, is a National Wild and Scenic River System. This segment of the Farmington River, however, is over thirteen miles northwest of the proposed Facility.

the Facility would not be located within a floodplain. A copy of the FIRM is appended hereto as Attachment 16.

All-Points also performed a desktop avian assessment, which documented the proximity of the proposed Facility to avian resource areas and the Facility's compliance with the guidelines recommended by the USFW. All-Points determined that the proposed Facility would not impact any migratory bird species. Most notably, the Facility would comply with the USFW guidelines because the height would be below 200 feet, would not include guy wires and would not require lighting. A copy of the Avian Assessment Report is appended hereto as Attachment 17.

Based upon Tower Holdings' thorough review of the proposed Facility and its potential impact on the environment in accordance with the dictates and spirit of the NEPA, the Facility is categorically excluded from any requirement for further environmental review by the FCC and no permit is required by the FCC prior to construction of the proposed Facility. Ultimately, the construction, maintenance and operation of the proposed Facility would have no significant adverse effect on the State's natural environment, ecological balance, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife.

C. Radio Frequency/Power Density

The Federal Communications Commission ("FCC") has adopted a standard for exposure to radio frequency ("RF") emissions from telecommunications facilities similar to the proposed Facility. These standards are set forth in a bulletin published by the FCC, specifically the FCC's Office of Engineering and Technology Bulletin No. 65, Edition 97-01 (August 1997) ("OET Bulletin 65"). C Squared performed a maximum density calculation with the assumption that all of AT&T's antennas are operating simultaneously at full power and there is 0 dB of cable loss, and provided a cumulative calculation including the antennas of Dunning, Marcus and WBMW.

Under this worst case assumption, the RF power density of AT&T's antennas would not exceed 3.77 percent of the FCC's standard as set forth in the OET Bulletin 65. The cumulative effect of the three other operators would not exceed 25.03 percent of the FCC standard. The calculation concerning the other operators assumes no off-beam pattern loss. The cumulative effect of all of the antennas would not exceed 28.80 percent of the FCC standard. A copy of the Maximum Density Calculation is appended hereto as Attachment 18.

VII. CONSISTENCY WITH MUNICIPAL LAND USE REGULATIONS

Section 16-50j-74(19) of the Regulations of Connecticut State Agencies and § V(R)(2) of the Council's Application Guide, as amended in July, 2012, require an applicant for a Certificate to provide a description of the zoning classification of the site of the Facility and the surrounding areas, and a narrative summary of the consistency of the proposed Facility with the host municipality's regulations and plans. This section addresses the Town's Plan of Conservation and Development ("Plan"), the Town's zoning regulations, the Town's inland wetlands and watercourses regulations, the Town's zoning classification of the site and surrounding areas, as well as Tower Holdings' consultation with the Town. Tower Holdings submitted a bulk filing with the Council contemporaneously with this Application, which included four copies of the following: (1) the Plan; (2) Zoning Regulations; (3) Inland Wetlands Regulations; (4) Subdivision Regulations; and (5) Zoning Maps.

A. Planned and Existing Land Uses

The Property is located in an "Industrial C1 Zone," which allows for a variety of uses including industrial. The Property currently hosts a commercial building, and includes a storage area for equipment and tools associated with NET's business of constructing, modifying, reinforcing, maintaining and decommissioning towers of all types. The areas within the vicinity

of the proposed Facility are zoned for earth excavation and residential to the north, industrial and earth excavation to the south, earth excavation and residential to the east and industrial and residential to the west. A recreational trail (rails-to-trails), which is owned by the Town, passes through the area. Tower Holdings is not aware of any future plans by the Town to change or amend the existing or surrounding land uses.

B. The Plan

The Town's Plan does not address telecommunications facilities and, accordingly, is silent on the consistency of such facilities with the general planning and conversation goals of the Town.

C. The Zoning Regulations

Article IV, § 23 of the Zoning Regulations addresses telecommunications facilities. *See* Bulk Filing, Farmington Zoning Regs., art. IV, § 23. Section 23 lists ten location preferences for proposed telecommunications facilities. The first six preferences relate to existing buildings or structures. The seventh preference refers to facilities less than seventy-five feet in height located in commercial or industrial zones. The eighth preference refers to facilities more than seventy-five feet in height located in commercial or industrial zones. The eighth and ninth location preferences refer to facilities located in residential zones. The Zoning Regulations would allow all new-build telecommunications facilities only upon the grant of a special permit. The following table provides a comparison of the proposed Facility with the requirements set forth in the Zoning Regulations.

Section	Requirement	Proposed Facility
art. IV, § 23(F)(1) and (2)	Lot size: >20,000 sq. ft. Height: <200 ft.	The Property is 2.49 acres and the proposed Facility is less than 200 feet.
art. IV, § 23(F)(3)	Distance to property lines: \geq height of tower Fall zone: shall not contain any buildings Front Yard: \geq height of tower Side/Rear Yard: $\frac{1}{2}$ the height of tower (non-residential zone).	The Facility would comply with the front yard requirement and would not have any buildings in its fall zone. The fall zone would not cross over any Property line because of built in hinge points.
art. IV, § 23(G)(1)	No facility shall be located within 500 feet of a parcel containing a playground or school which is primarily attended by persons under 18 years of age.	The Facility is located more than 500 feet from any such parcel.
art. IV, § 23(G)(2)	No facility shall be located within 200 feet of a residential dwelling.	The Facility is located more than 200 feet from any such parcel. The closest residential dwelling is 617 feet away.
art. IV, § 23(G)(3)	No facility shall be located within 1,000 feet of the boundary of a local historic district.	The Facility is not located within 1,000 feet of a local historic district.

art. IV, § 23(G)(4) and (5)	A facility shall not be lighted unless required by the FAA and, if no lights are required, then the facility shall be painted a non-contrasting neutral color.	The FAA does not require the Facility to be lighted and can be painted a non-contrasting neutral color.
art. IV, § 23(G)(6)	No facility shall be located on the Town's land designated as open space unless approved by the Town's conservation commission.	The Property is not owned by the Town and is not designated as open space.
art. IV, § 23(G)(7)	The facilities shall be either a monopole or lattice design.	The Facility would be a lattice design.
art. IV, § 23(G)(9)	The facility shall be designed to accommodate at least two additional carrier if >100 feet.	The Facility would accommodate up to three future carriers.
art. IV, § 23(G)(10)	The facility must be served by a driveway with parking for at least one vehicle.	The Facility would be served by an existing paved access with sufficient parking for at least one vehicle.
art. IV, § 23(G)(14)	No facility shall be designed, located and operated as to interfere with existing or proposed public safety communications equipment.	The Facility would not interfere with any public safety communications equipment.
art. IV, § 23(G)(15)	All applications for facilities located in a Flood Protection Zone shall comply with art. II, § 16 of the regulations.	The Facility would not be located in a Flood Protection Zone.
art. IV, § 23(G)(16)	The facility shall comply with FCC standards concerning RF.	The Facility would comply with the FCC standards concerning RF.

art. IV, § 23(G)(17)	All utilities proposed to serve the facility shall be installed underground.	The Facility, as proposed, includes underground utilities.
art. IV, § 23(G)(18)	All generators installed must comply with state and local noise ordinances.	The back-up generator would comply with all state and local noise ordinances.
art. IV, § 23(G)(19)	All facilities \geq 50 feet shall include a letter committing to share the facility with other users under reasonable terms.	The Facility would accommodate up to three future carriers, furthering the State's goal of non-proliferation.

D. The Inland Wetlands and Watercourses Regulations

The Town's Conservation and Inland Wetlands Commission Regulations ("Wetlands Regulations) regulate certain activities conducted in or adjacent to "wetlands" as defined therein. Regulated activities include the "removal, relocation or deposition of material, cutting, removing or destroying any vegetation or any obstruction, construction, alteration or pollution" of a wetland or watercourse. *See* Bulk Filing, Wetlands Regulations, § 2 (A) (16). The Town further defines "regulated activity" to include "any clearing, grubbing, grading, cutting or removal of vegetation, paving, excavating, construction, deposition or removing of material and discharge of material including storm water on land located within one hundred and fifty (150) feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity (otherwise known as the upland review area)." *Id.*

There are no wetlands or watercourses on the Property. The nearest wetlands area to the Facility is associated with a man-made stormwater detention basin located on an adjoining parcel, owned by someone other than Tower Holdings, approximately 350 feet to the southwest. Because of the distance from the proposed Facility to the nearest wetlands area, All-Points

concluded that the proposed Facility would not have a direct or indirect impact on any wetlands area or watercourse. A copy of a wetlands report prepared by All-Points is appended hereto as Attachment 19. Additionally, the Facility would not be located within an Aquifer Protection Area. A copy of the Map of Connecticut Aquifer Protection Areas in Farmington and an aerial depicting the location of the proposed Facility in relation to existing Aquifer Protection Areas are also included in Attachment 19.

E. Municipal Consultation

General Statutes § 16-50(g) requires an applicant to consult with the municipality in which the Facility would be located, and with any adjoining municipality having a boundary of 2,500 feet from the proposed Facility, concerning the proposed and possible alternative sites of the Facility. On February 10, 2014, Tower Holdings submitted a technical report concerning the proposed Facility to the Town Manager of the Town, Ms. Kathleen A. Eagen, copying the Planning & Zoning Commission and the Conservation & Inland and Wetlands Commission. The technical report, a copy of which is included in the bulking filing with this Application, included the specifics about the Property, the Facility, the site selection process and the possible environmental impact of the Facility pursuant to § 16-50(e), as amended. There are no municipalities within 2,500 feet of the proposed Facility. A copy of the cover letter submitted with the technical report is appended hereto as Attachment 20.

The Town requested that Tower Holdings participate in a public informational meeting. On April 15, 2014 and July 15, 2014, representatives of Tower Holdings, including individuals from All-Points, C Squared and AT&T, made a presentation to the public concerning the proposed Facility and answered questions posed by the public.

VIII. ESTIMATED COST AND SCHEDULE

Section 16-50j-74 (11) and (12) of the Regulations of Connecticut State Agencies require the applicant for a Certificate to provide a statement of the estimated cost and schedule for proposed Facility.

A. Overall Estimated Cost

The total estimated cost of construction for the Facility is \$201,800. This estimate includes:

1. Tower and Foundation Costs: Foundation = \$27,800 Tower = \$89,000
2. Site Development Costs: \$59,000
3. Utility Installation Costs: \$26,000

B. Overall Scheduling

Tower Holdings would commence site preparation and engineering immediately following the Council's approval of Tower Holdings' Development and Management Plan ("D&M Plan"). Tower Holdings anticipates that it would take approximately eight to ten weeks to install the lattice structure, AT&T's antennas and associated equipment and the antennas of the other communications operators whom will collocate on the Facility. Facility integration and system testing would likely require an additional two weeks after the completion of construction.

IX. CONCLUSION

This Application demonstrates that a public need exists for the proposed Facility and that the Facility would not have any substantial adverse environmental effects. A public need exists for improved wireless services in the Town, as well as for the essential training the Facility would provide to NET's employees and local first and second responders. Furthermore, the collocation of several communications operators who provide services to the community and

surrounding areas will benefit the public and avoid the unnecessary proliferation of towers. The public need for the Facility far outweighs any potential environmental effects resulting from the construction, maintenance and operation of the Facility.

WHEREFORE, Tower Holdings respectfully requests that the Council grant this Application for a Certificate of Environmental Compatibility and Public Need for the proposed Facility.

Respectfully submitted by,

TOWER HOLDINGS, LLC

By: 

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