

**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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I. INTRODUCTION

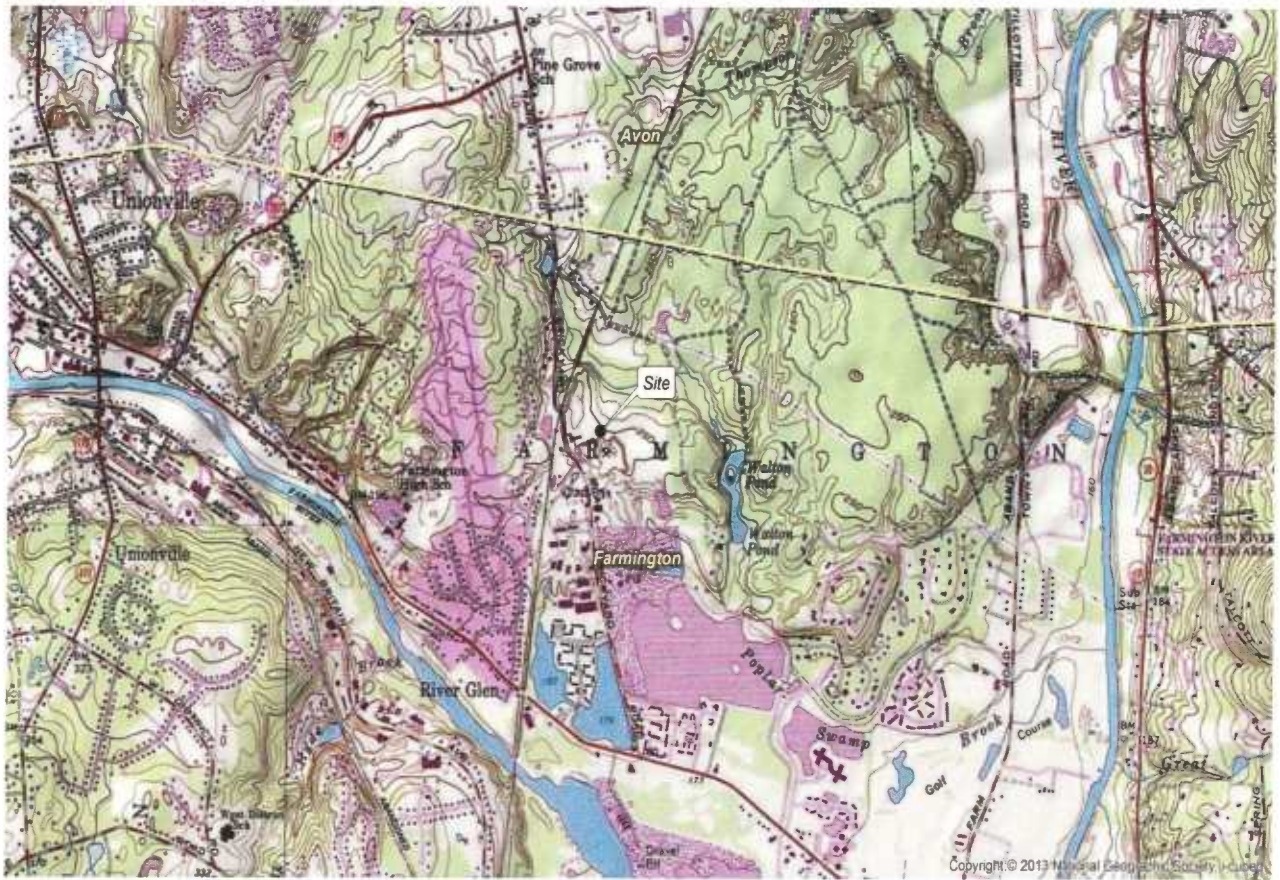
A. Authority and Purpose

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.