



**HOMELAND TOWERS, LLC (HOMELAND)
NEW CINGULAR WIRELESS PCS, LLC (AT&T)**

**Application to the
State of Connecticut Siting Council**

**For a Certificate of
Environmental Compatibility and Public Need**

–NEW CANAAN FACILITY–

Docket No. _____

**HOMELAND TOWERS, LLC (HOMELAND)
9 HARMONY STREET
DANBURY, CONNECTICUT 06810**

**NEW CINGULAR WIRELESS PCS, LLC (AT&T)
500 ENTERPRISE DRIVE
ROCKY HILL, CONNECTICUT 06067**

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1. AT&T's Statement of Radio Frequency (RF) Need with Coverage Plots
2. Summary of Site Search and List of Existing Tower/Cell Sites
3. General Facility Description, Site Evaluation Report, Facilities and Equipment Specifications, Site Impact Statement, Tree Inventory, List of Residential Buildings within 1,000'
4. Aerial Map, Topographical Map, Drawings, FAA 1-A Survey Certification, FAA Determination of No Hazard to Air Navigation, Yield Point Design Confirmation
5. Environmental Assessment Statement
6. Wetland Inspection and Avian Resources Evaluation
7. Power Density Analysis
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9. State Historic Preservation Office (SHPO) Correspondence and CT Department of Energy and Environmental Protection (DEEP) NDDDB Overview Map
10. Materials related to municipal consultation
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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”) 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 a 4.05 acre parcel of land owned by Keith S. and Marina O. Richey with an address of 183 Soundview Lane in the Town of New Canaan (the “Parcel”). The Parcel is improved with a single-family residence, pool, and tennis court. The Facility is proposed within an approximately 2,310 square-foot (“s.f.”) lease area in the northwestern section of the Parcel. Construction of the Facility will permit AT&T and other FCC licensed wireless carriers to provide reliable wireless services to residents, businesses, schools, municipal facilities, and visitors to northeastern New Canaan. The proposed Facility will also be available for emergency communications equipment.

B. Executive Summary

It is well established that the northern portion of the Town of New Canaan suffers from a lack of reliable wireless services. Indeed, an independent wireless market study that the Town commissioned in 2014 confirms the lack of reliable wireless service in this part of Town, including emergency communication services (“independent wireless market study”).¹ The Facility will provide reliable wireless communications services to the northeastern portion of New Canaan and address the significant coverage deficiency in the existing AT&T wireless communications network along the nearby roadways and the neighboring residential and business/retail areas in New Canaan. The Facility is needed by AT&T in conjunction with other existing facilities to provide reliable wireless services to the public that is not currently provided in this part of New Canaan. The area is characterized by significant changes in ground elevation resulting in challenging terrain for signal propagation as well as several forested parcels. The

¹ Wireless Market Study for the Town of New Canaan, CT, prepared by Centerline Solutions, December 1, 2014.

challenging terrain and distance between existing wireless sites and the targeted coverage area result in limited options for AT&T to provide reliable wireless services.

AT&T and Homeland independently investigated different parcels of land in and around New Canaan. AT&T's site search efforts date back several years and Homeland's search was conducted over the last two and one-half years. These searches determined that there are no tall structures located at the higher elevations in this area of the Town of New Canaan and other sites investigated were either unavailable or inappropriate for the siting of a tower facility or technically inadequate to satisfy coverage requirements in this part of the state.

The Facility consists of a new self-supporting monopole designed to resemble a pine tree ("monopine") that is 85' in height with faux branches extending an additional 5' above the top of the pole, bringing the total height to approximately 90'. The monopine tower will be located within a 1,763 s.f. fenced equipment compound located within the 2,310 s.f. lease area in the northwestern portion of the parcel. AT&T's antennas would be installed at an antenna centerline height of 81' on the monopine tower with a walk-in equipment cabinet and emergency back-up generator located within the equipment compound. The monopine tower and fenced equipment compound are designed to support the antennas and equipment of other FCC licensed wireless carriers as well as the Town fire, police, and EMS services communications equipment. Access and utilities to the Facility will be extended from Soundview Lane. The facility will be unmanned with no sanitary or water services and will generate on average 1 vehicle trip per month by each wireless carrier consisting of a service technician in a light duty van or truck.

The Applicants respectfully submit that the public need for a tower to provide reliable wireless services to northeastern New Canaan far outweighs any potential adverse environmental effects from the Facility as proposed in this Application. Indeed, the proposed Facility will provide the important benefit of reliable wireless services to the nearby roadways and the neighboring residential and business/retail areas as well as reliable emergency communication services and will not have any substantial adverse effect on the aesthetics or scenic quality of the neighborhood.

C. The Applicants

Homeland Towers, LLC (“Homeland”), is a New York limited liability company with offices at 9 Harmony Street, Danbury, Connecticut. Homeland currently owns and/or operates numerous tower facilities in Connecticut. Homeland entered into a long term lease with Keith S. and Marina O. Richey. Homeland will construct, maintain and own the proposed Facility and would be the Certificate holder.

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 C.G.S. 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: Lucia Chiochio, Esq.
Daniel Patrick, Esq.

A copy of all correspondence shall also be sent to:

Homeland Towers, LLC
9 Harmony Street
Danbury, CT 06810
Attention: Raymond Vergati
Manuel Vicente

AT&T
500 Enterprise Drive
Rocky Hill, CT 06067
Attention: Jessica Rincon
Harry Carey

D. 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 13.

E. Compliance with C.G.S. §16-50/ (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 § 16-50/ (c).

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

Pursuant to C.G.S. § 16-50/ (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 12. Pursuant to C.G.S. § 16-50/ (b), notice of the Applicant's intent to submit this application was published on two occasions in The New Canaan Advertiser, the publication used for planning and zoning notices in the Town of New Canaan. The text of the published legal notice is included in Attachment 11. The original affidavits of publication will be provided to the Siting Council once received from the publisher. Furthermore, in compliance with C.G.S. § 16-50/ (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 11.

III. Statements of Need and Benefits

A. Statement of Need

1. United States Policy & Law - Wireless Facilities

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.

In December 2009, then 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.²

² Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).

Congress and the Federal Communications Commission further developed a national plan 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]

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.”⁵

Shortly after adoption of the Plan, and 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.⁶ The FCC also adopted various orders in furtherance of the public need for the deployment of wireless infrastructure including specific time limits for decisions on land use and zoning permit applications.⁷ Congress also acted again when it passed the Middle Class Tax Relief and Job Creation Act of 2012, which includes Section 6409 in the Spectrum Act which preempts a discretionary review process for eligible modifications of existing wireless towers or base stations.

More recently in 2018, the FCC adopted two separate orders incorporating several declaratory rulings and a set of new regulations to specifically address various areas of state and municipal oversight of wireless facility siting including towers and small

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

⁴ *Id.* at XI.

⁵ *Id.* at 25.

⁶ 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 <https://docs.fcc.gov/public/attachments/FCC-11-51A1.pdf>.

⁷ 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.

cells.⁸ The first order prohibits any actual or de facto moratoria on the siting of wireless facilities. The second, intended to streamline the siting of current 4G LTE and future 5G wireless infrastructure, addressed numerous provisions of the Telecommunications Act and focused on any state or local siting requirements that might materially inhibit the deployment of wireless facilities including small cells. The Trump Administration has further developed a national strategy for the United States to win the 5G global race and continue American leadership in wireless technology.⁹

2. United States Wireless Usage Statistics

Over the past thirty plus years, wireless communications have revolutionized the way Americans live, work and play. 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 2019, there were an estimated over 421 million wireless devices in the United States amounting to approximately 1.3 devices per person.¹⁰ Of those devices, over 284 million are data-intensive smartphones.¹¹ The United States also saw a record-setting amount of data-traffic with over 28 trillion megabytes carried over U.S. wireless networks in 2018, an increase of 12.9 trillion megabytes (over 82%) from the previous year.¹² The ever-increasing number of households transitioning to mobile voice connection only (i.e. abandoning land lines) has now grown to approximately 54.9% of households nationwide.¹³ As of 2016, Connecticut in contrast lags behind in this statistic with approximately 33.4% wireless only households.¹⁴

⁸ WT Docket No. 17-79 - Declaratory Ruling and Third Report and Order, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.

⁹ See <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-developing-sustainable-spectrum-strategy-americas-future> and <https://www.whitehouse.gov/articles/america-will-win-global-race-5g>

¹⁰ CTIA Annual "The State of Wireless 2018" available at <https://api.ctia.org/wp-content/uploads/2019/06/2019-annual-survey-highlights-final.pdf>.

¹¹ Id.

¹² Id.

¹³ See *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-June 2018*, National Center for Health Statistics, Stephen J. Blumberg Ph.D and Julian V. Luke, found at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201812.pdf>.

¹⁴ See *Modeled Estimates of the percent distribution of household telephone status for adults aged 18 and over, by state: United States, 2016* available at https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201712.pdf.

Wireless access has also provided individuals a newfound form of safety. Up to 80% of *all* 9-1-1 calls made each year come from a wireless device.¹⁵ Beginning May 15, 2015, wireless carriers in the U.S. voluntarily supported Text-to-911, a program that allows users to send text messages to emergency services as an alternative to placing a phone call.¹⁶

Wireless access to the internet has also grown exponentially since the advent of the truly “smartphone” device. Cisco reports that mobile data traffic will continue to grow significantly, reaching 77.5 exabytes per month by 2022 which is an exponential increase from the 4.4 exabytes per month at the end of 2015.¹⁷ As of 2018, smartphone data traffic has surpassed that of fixed broadband.¹⁸

3. Public Need For A Tower For Wireless Services

The Facility proposed in this Application will be an integral component of AT&T’s network in its FCC licensed areas throughout the state. There is a significant deficiency in all carriers’ wireless communications service in the northern part of New Canaan, as demonstrated in the Town’s independent wireless market study. The proposed Facility in northeastern New Canaan will provide reliable services in AT&T’s network to an area of the Town currently experiencing deficient coverage, including Soundview Lane, Colonial Road, Laurel Road, North Wilton Road, Michigan Road, Briscoe Road, Benedict Hill Road, South Bald Hill Road, Lantern Ridge Road, Knollwood Lane, Evergreen Road, and the neighboring residential and business/retail

¹⁵ 911 Wireless Services Guide last reviewed November 2, 2015 available at <https://transition.fcc.gov/cgb/consumerfacts/wireless911srv.pdf>.

¹⁶ See *Text-to-911: What you need to know* available at <https://www.fcc.gov/consumers/guides/what-you-need-know-about-text-911>. It should be noted that while the carriers have committed to supporting 911 texting in their service areas, text-to-911 is not available everywhere. Emergency call centers, called PSAPs (Public Safety Answering Points), are the bodies in charge of implementing text messaging in their areas. These PSAPs are under the jurisdiction of their local state and counties, not the FCC, which governs the carriers. See also *Text-to-911 is now available in Connecticut* available at <https://www.text911ct.org/>, indicating that the State of Connecticut has recently transitioned to the Text-to-911.

¹⁷ *Cisco Visual Networking Index: Forecast and Trends, 2017-2022 White Paper*, February 18, 2019; Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2016-2021, March 28, 2017.

¹⁸ PriceWaterhouseCoopers as reported by CTIA; <https://www.ctia.org/the-wireless-industry/infographics-library>.

areas in New Canaan. The proposed Facility will also provide reliable service to St. Luke's School which has a student/faculty/employee population of over 655. Attachment 1 is a Radio Frequency Engineering Report with coverage plots depicting the "Current Coverage" provided by AT&T's existing facilities in this area of the state and "Proposed Coverage" as predicted from the proposed Facility together with existing coverage from adjacent sites. Additional statistics regarding the overall area, population and roadway miles of expanded coverage in the community are included in AT&T's report.

B. Statement of Benefits

Northeastern New Canaan is an area that unquestionably experiences significant gaps in both emergency communications and reliable wireless services. The coverage area for reliable wireless services encompasses a large area of northeastern New Canaan, which has been labeled by the Town of New Canaan as the "Cellular Communication Priority Area."¹⁹ The benefits to the residents of the Town from the proposed Facility are significant and include:

- 1) In-building emergency and wireless service to thousands of residents who live in the coverage area and depend on New Canaan's police, fire and ambulance and do not otherwise have access to reliable wireless services for mobile 911 calls;
- 2) In-vehicle services along several State and other arterial roads used for access to schools in the coverage area and by residents; and
- 3) In-building emergency and wireless services at St Luke's School and outdoor service at numerous athletic fields where access to emergency communications and reliable wireless services is not readily available.

Beyond the above noted 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 connectivity, irrespective of whether a user is mobile or stationary, which has led to an increasing percentage

¹⁹ See page 76-77 of the Town of New Canaan 2014 Plan of Conservation & Development.

of the population to rely on their wireless devices as their primary form of communication for personal, business and emergency needs. The 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 is 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. New Canaan is a community with significant changes in ground elevation with mainly forested land which provides for a challenging topography for transmitting wireless services in all directions. At this time, there are no known existing tower sites or structures in the northeastern New Canaan area that would meet the technical requirements and/or are available for lease or acquisition for construction of a tower site that could support a wireless facility.

Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means of addressing the existing coverage deficiency in New Canaan. Technologies like small cells are best suited for specifically defined areas where capacity is necessary, such as commercial buildings, shopping malls, and tunnels. Closing the coverage gaps and providing reliable wireless services in northeastern New Canaan requires a tower site that can provide reliable service over a footprint that spans several hundred square-feet. The Applicants submit that there are no equally effective, feasible technological alternatives to a new tower for providing reliable personal wireless services in the northeastern New Canaan area.

IV. **Site Selection and Tower Sharing**

A. Site Selection

AT&T, indeed all other licensed carrier networks, currently do not provide reliable services in most areas of northeastern New Canaan as noted in the Town's independent wireless market study. Carriers, including AT&T have been engaged in site searches in the New Canaan area over a period of several years. This particular site search area in New Canaan is predominated by significant ranges in ground elevation with mainly forested land and challenging terrain. No tall structures are located at the higher elevations in this area of the Town of New Canaan. The entire

area consists principally of a mix of single family residential structures and wooded land.

AT&T and Homeland independently investigated a number of different parcels of land within northeastern New Canaan for construction of a new tower facility. AT&T's site search efforts date back several years. Homeland's search was conducted over a two and one-half year period. The lack of reliable wireless service in this area of Town and the suitability of the proposed Parcel, which abuts St. Luke's school and is located at a high elevation, are demonstrated in the Town's independent wireless market study. The Town's study concluded that St. Luke's school was the "most likely" location of a cell tower facility for the wireless carriers to provide service to northeastern New Canaan.

As provided in Attachment 2, other than the Parcel, twenty-three (23) other sites were investigated and deemed either unavailable or inappropriate for the siting of a tower facility or technically inadequate to satisfy AT&T's coverage requirements for this area of need.

B. Tower Sharing

The proposed Facility is designed to accommodate the antennas and equipment of AT&T and up to three (3) additional wireless carriers for wireless services networks in the Town of New Canaan as well as Town EMS, fire, and police communications equipment.

V. Facility Design

The proposed Facility includes an approximately 2,310 s.f. rectangular shaped lease area located in the northwest portion of the approximately 4.05 acre Parcel located at 183 Soundview Lane. The Facility consists of a new self-supporting monopole designed to resemble a pine tree ("monopine") that is 85' in height with faux branches extending an additional 5' above the top of the pole, bringing the total height to approximately 90'. The monopine tower will be located within a 1,763 s.f. fenced compound. AT&T would install six (6) antennas with nine (9) remote radio head units (RRHs) at a centerline height of 81' and will install a walk-in equipment cabinet and emergency generator at grade within the fenced equipment compound. The tower

would be designed for future shared use of the structure by other FCC licensed wireless carriers as well as Town EMS, fire, and police communications equipment. The monopine will be designed with a yield point so that in the unlikely event of a catastrophic failure, the tower radius will be contained within the Parcel boundaries.

The 1,763 s.f. fenced equipment compound would accommodate AT&T's equipment and provide for future shared use of the Facility by other carriers. The tower compound would be enclosed by an 8' high wood shadowbox fence with sixteen (16) 4.5'x8' sound attenuation blankets. An AT&T walk-in cabinet and 20kW diesel emergency generator would be installed at the tower base on a steel platform within the tower compound.

Vehicle access to the Facility would be provided from the northeast portion of the Soundview Lane cul-de-sac by way of an approximately 140' long and 12' wide proposed gravel access drive along the existing drainage easement.²⁰ Utility connections would be routed underground from the existing electrical vault located in Soundview Lane. Attachments 3 and 4 contain the specifications for the proposed Facility, including an abutters map, existing conditions survey, site plan, compound plan and tower elevation, and other relevant details of the proposed Facility.

Included as Attachments 5, 6, 7 and 8 are various documents obtained or created as part of the Applicants' environmental review including a Visibility Analysis (Attachment 8). Some of the relevant information included in Attachments 5, 6, 7 and 8 reveals that:

- Total area of disturbance is approximately 8,700 s.f. and of the 24 trees proposed for removal, nine (9) are 14" or greater dbh. Seven (7) replacement trees will be installed along the southern boundary of the fenced equipment compound. Site improvements entail approximately 130 cubic yards of fill. Approximately 60 cubic yards of crushed stone are needed for the compound and driveway construction.
- On-site management of stormwater and erosion controls will be implemented during and after construction and as such, the proposed Facility will have

²⁰ The lease area and all construction will take place outside of the existing easement area.

little to no impact on water flow or water quality. No direct impacts to any wetlands or watercourses are anticipated.

- Topography, vegetation and the relative height of the proposed Facility will obscure, partially or totally, views of the tower from most locations within the two-mile radius study area during leaf-on conditions. Visual mitigation is also enhanced by the monopine design.

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 8 is a Visibility Analysis which contains a viewshed map and photo simulations of off-site views. As detailed in the enclosed Visibility Analysis, areas from where the Facility would be visible comprise 35+/- acres of year round visibility and 10+/- acres of seasonal visibility. Together, this represents approximately 0.55%, or less than 1% of the 2-mile radius study area. Topography, vegetation and the relative height of the tower will obscure, partially or totally, views of the tower from most locations in the study area during leaf-on conditions. The visual assessment concludes that the majority of the views beyond the Parcel would be limited to locations at the northern terminus of the Soundview Lane cul-de-sac, portions of St. Luke's School campus, and John D. Milne Lake. Year round views from John D. Milne Lake comprise 25+/- (55%+/- of the total year round predicted visibility) which would be primarily over open water. The presence of mature trees both in the immediate area of the Parcel and throughout much of the study area as well as the monopine design minimizes the extent of visibility.

The nearest school building is located approximately 250' from the Parcel. No commercial child care centers are located within 250' of the Parcel. No views of the Facility are expected from the nearest child day care center which is located approximately 2.8 miles from the Parcel. Moreover, the Visibility Analysis demonstrates that the facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood.

Weather permitting, the Applicants will raise a balloon with a diameter of at least three (3) feet at the Parcel 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. CT DEEP, SHPO and Other State and Federal Agency Comments

Various consultations and analyses for potential environmental impacts are summarized and included in Attachment 9. Representatives of the Applicants submitted requests for review from federal and state entities including the Connecticut Department of Economic and Community Development State Historic Preservation Office (SHPO). SHPO indicated that no previously identified archaeological sites are located within 0.5 miles of the Parcel and, though there are four properties listed, determined eligible for listing, or potentially eligible for listing on the National Register of Historic Places within 0.5 miles of the Parcel, they will not be impacted by the proposed Facility. See SHPO Review Letter in Attachment 9. The Phase IB professional cultural resources assessment and reconnaissance survey recommended by SHPO was conducted and concluded that no cultural resources will be impacted by the proposed Facility. This report was sent to SHPO. The Facility is not located within 0.25 miles of any locations identified on the DEEP Natural Diversity Data Base ("NDDB") maps as areas that represent approximate locations of endangered, threatened, and special concerns species and significant natural communities in Connecticut. See Cultural Resources Screening Maps in Attachment 9. Thus, consultation with CT DEEP is not required. 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. The cumulative worst-case calculation of power density from AT&T's operations would be 23.87% of the MPE standard. A maximum power density report is included in Attachment 7.

D. Wetlands, Drainage & Other Environmental Factors

A wetland delineation was conducted at the Parcel and there were no wetlands identified in or immediately adjacent to the proposed access drive or the lease area. There are off-site wetlands located approximately 420' east of the proposed compound. Proposed sedimentation and erosion controls will be designed, installed, and maintained during construction activities in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control which will minimize any temporary impacts. Overall, the construction and operation of the proposed Facility will not impact any wetlands or inland waterways. The Wetlands Inspection is included in Attachment 6.

Included in Attachment 6 is an Avian Resources Evaluation which concludes that no migratory bird species are anticipated to be impacted by the Proposed Facility. No Important Bird Areas are located in proximity to the Proposed Facility and it will comply with the United States Fish and Wildlife Service guidelines for minimizing impacts to bird species.

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 their facility 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 or generators installed by the carriers. During power outages and

weekly equipment cycling an emergency generator would be utilized with air emissions in compliance with State of Connecticut requirements.

E. National Environmental Policy Act Review

The Applicants 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 parcel 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 will be impacted by the proposed Facility.

F. Air Navigation

The proposed Facility was analyzed for potential impacts to air navigation. The Applicants obtained a Federal Aviation Administration ("FAA") 1-A Survey as well as an FAA Determination of No Hazard to Air Navigation Determination. These confirm that 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 New Canaan'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. New Canaan's Plan of Conservation and Development

The New Canaan's 2014 Plan of Conservation & Development ("POCD"), effective August 1, 2014, is included in the Bulk Filing. POCD Pages 76-77 address wireless service and infrastructure and confirms that "New Canaan needs to enhance the wireless communications coverage in the community and do it in ways which are available, effective, and discrete." The POCD confirms the existence of areas in northern New Canaan where service is not available as well as documented instanced

where people were unable to summon emergency assistance when needed as a result of car accidents and fires. The proposed Facility will provide coverage to a significant portion of the "Cellular Communication Priority Area" on POCD's Conceptual Telecommunication Plan. It is respectfully submitted that the proposed Facility fulfills the POCD's goals by providing reliable wireless service to the northeastern portion of New Canaan.

B. New Canaan's Zoning Regulations and Zoning Classification

The Town of New Canaan Zoning Regulations Section 7.8 set forth general requirements for communications tower siting. The Parcel is classified in the Town's 4 Acre Residence Zone. The Town of New Canaan Zoning Regulations provide specific standards to be submitted to the CSC for consideration in reviewing the "location preferences or criteria" of the proposed Facility pursuant to C.G.S. Chapter 277a. The table below provides a review of general requirements of tower facilities under the Town of New Canaan Zoning Regulations accompanied by the proposed Facility's overall conformity with those requirements.

Section from the Zoning Regulations	Standard or Preference	Proposed Facility
7.8.G.1	Protect the Town's visual quality and minimize any adverse visual impacts of wireless communications facilities through proper design, siting, and screening.	The Town's visual quality will be protected from any adverse visual impacts due to the overall low height of the proposed Facility, the proposed stealth "monopine" design, and surrounding topography and vegetation. As set forth herein, the proposed Facility only has a year-round visibility of approximately 35 acres with a seasonal visibility of approximately 10 acres with most areas of visibility being limited to the immediate vicinity of the tower, the adjacent St. Luke's School campus, and over water on the John D. Milne Lake.
7.8.G.2	Avoid locating wireless facilities in: <ul style="list-style-type: none"> - Special Flood Hazard zones; - Regulated wetland areas. 	As set forth herein, the proposed Facility will not be located within any Special Flood Hazards zones or any regulated wetlands, watercourses, or required buffers.
7.8.G.3	Avoid locating wireless communication	As set forth herein, the proposed Facility

	<p>facilities in locations which will have adverse visual impacts upon:</p> <ul style="list-style-type: none"> - Recognized historic plans (properties listed in the National Register of Historic Places and/or the State Register of Historic Places); - Designated historic district (National Register of Historic Districts, State Register Historic Districts, and/or local historic districts); - Scenic resources designated in the Plan of Conservation and Development or elsewhere; <p>Areas shown on the: Connecticut DEEP Natural Diversity Database, and/or Federal Listed Species and Natural Communities Maps.</p>	<p>will not have any adverse visual impacts on any recognized historic places or structures, Town scenic resources as shown on Town of New Canaan Scenic Resources Map, or any areas shown on the CT DEEP Natural Diversity Database or other maps.</p>
<p>7.8.G.4</p>	<p>For new towers, New Canaan expresses its preference that the number of towers be minimized, especially visually prominent ground-mounted towers.</p>	<p>The proposed Facility is designed to accommodate additional carriers to allow colocation in the future to reduce the need for additional towers.</p>
<p>7.8.G.5</p>	<p>Order and hierarchy of preferences for wireless communication facilities.</p>	<p>While the proposed Facility is technically listed as “Not Preferred” under the Town of New Canaan preferences, none of the preferred antenna types are feasible due to the lack of existing tall structures or buildings in the vicinity and the necessary number of antennas to address the coverage gap preventing the use of internal mounting designs or the use of preferred technological alternatives.</p>
<p>7.8.G.7</p>	<p>New towers shall be located away from property lines and habitable buildings at least as far as the height of the tower, including any antennas or other appurtenances unless adequate information has been provided to demonstrate that a “yield</p>	<p>The 90’ monopine tower is proposed to be located approximately 250’ from the nearest habitable building. While the tower is 38’ feet from the nearest lot line, the proposed monopine tower is designed with a “hinge point” or yield point of at the 52’ above grade level elevation so that in the unlikely</p>

	point" or other approach has been designed into the tower to avoid a tower falling on adjacent properties or habitable buildings.	event of a catastrophic failure, the tower radius will be contained within the parcel. See Yield Point Letter included in Attachment 4.
7.8.G.9	Lighting of any wireless communication facilities shall be clearly disclosed and shall not exceed what is clearly necessary for public safety. No towers shall be artificially lighted unless required by the FAA or other applicable authority and specifically authorized by the Commission.	No illumination is required by the FAA and none is proposed.
7.8.G.10	Signage shall be clearly disclosed and should not exceed what is clearly necessary for public safety.	No advertising signs are proposed, and any other signage would be minimal in scale and nature and would be limited to no trespassing, warning, FCC registration, and associated signs on the compound fencing.
7.8.G.11	Site Development shall minimize impervious surfaces, avoid soil erosion and runoff problems, maintain natural buffers, and provide for security and safe access.	As set forth herein, the proposed Facility will not result in any significant adverse environmental impacts.
7.8.G.12	Tower shall be protected to prevent unauthorized climbing.	The monopine tower will be located within a compound enclosed with an 8' tall fence.
7.8.G.13	Equipment shelters associated with telecommunications facilities: <ul style="list-style-type: none"> - Shall be concealed within buildings that resemble shed and other building types found in New Canaan; - Shall not exceed one story in height and shall not exceed the minimum height in feet for an accessory building as specified in Section 3.5.F.2 of these Regulations; - Shall be setback from property lines in accordance with the requirements in the zoning district for the minimum yard setbacks for principal buildings; 	The proposed equipment cabinet will be concealed from view behind an 8' tall wood shadowbox fence as well as shielded from view by the natural buffer in the area as well as proposed landscaping. The proposed walk-in equipment cabinet will not exceed one story or the maximum permitted height of accessory structures in the Four Acre Residence Zone (30 feet above finished average grade; 35 feet above pre-existing average grade). The proposed equipment compound will meet all setbacks required for principal buildings except for one side yard setback (proposed 20' where 50' are required). The proposed equipment compound and cabinets are scaled appropriately to accommodate

	<p>- Shall be appropriately scaled and designed for the setting and number of carriers provided;</p> <p>The Commission may allow the use of underground vaults or ground-mounted equipment shielded by extensive landscaping and/or fencing.</p>	AT&T's equipment as well as the equipment of additional carriers.
7.8.G.15	Any equipment cabinets or other appurtenances used in association with the tower or antennas shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets.	The equipment cabinets and other grade-level equipment are incorporated as part of this application and will be concealed utilizing the natural buffer, the proposed 8' wood shadowbox fence and proposed landscaping.
7.8.G.16	Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.	The Applicant is proposing an 8' tall wood shadowbox fence to completely enclosed the Facility.
7.8.G.17	Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.	The Facility is proposed on a portion of the Property characterized with a dense natural vegetated buffer between the Facility and the school to the north and residences to the south. The Applicant proposes additional trees along the southern portion of the Facility to further increase the natural buffer.
7.8.G.18	All antennae and equipment shall be operated in a manner consistent with FCC guidelines for radio frequency emissions and other requirements.	An RF Power Density report is included in Attachment 7 which demonstrates compliance with applicable standards.
7.8.G.19	All antennae and equipment shall, under normal operating conditions, be consistent with the noise standards as stated in the Town of New Canaan Noise Ordinance, Chapter 6B of the Town of New Canaan Code.	The only noise that will be emitted from the proposed Facility will result from the proposed generator's use during emergency situations and occasional testing. The Town of New Canaan Noise Ordinance specifically exempts and excludes "noise created as a result of, or relating to, an emergency, including emergency generators, and public health and safety

		<p>emergencies.”²¹ Additionally, the Applicant is proposing noise mitigation measures, including an 8’ tall wood shadowbox fence with sound attenuation blankets along the southeast and southwest sides of the compound.</p>
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C. Planned and Existing Land Uses

The Facility is proposed on a 4.05 acre parcel of land owned by Keith S. and Marina O. Richey with the surrounding area being made up of single family residences and the adjacent St. Luke’s School. Consultation with municipal officials did not indicate any other planned changes to the existing surrounding land uses. Copies of the Town of New Canaan Zoning Code, Inland Wetlands Regulations, Zoning Map and Plan of Conservation and Development are included in the Bulk Filing.

D. New Canaan’s Inland Wetlands and Watercourses Regulations

The New Canaan Inland Wetlands Regulations (“Local Wetlands Regulations”) regulate certain activities conducted in “Wetlands” and “Watercourses” as defined therein. The Town established upland review areas for wetlands and watercourses of 50’ for regulated activities. As set forth in the Wetland Investigation Report in Attachment 6, the proposed Facility is located approximately 420’ west of the nearest wetland resource located along the northeastern boundary of the Parcel. As such, the project would not constitute a regulated activity under Local Wetlands Regulations. The proposed Facility is not anticipated to result in an adverse impact to wetlands due to the distance separating the proposed work activities from the nearest wetland or watercourse. Further, 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 Connecticut Council of Soil and Water Conservation and DEP (2002). Soil erosion control measures and other best management practices will be established and maintained throughout the construction of the proposed Facility. The Applicants do not anticipate an adverse impact on any wetland or water resources as part of construction or longer term operation of the Facility and respectfully submit

²¹ Town of New Canaan Code § 36A-4.

that any indirect impacts would be less than those associated with development of the Parcel for a use as a single family residence.

VIII. Consultation with Town Officials

C.G.S. § 16-50/ 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. With respect to the Facility as proposed in this Application, a Technical Report was filed with the Town of New Canaan on October 1, 2019. Supplemental site search information was submitted to the Town on October 7, 2019. On November 20, 2019, the Town of New Canaan Planning & Zoning Commission and Board of Selectmen held a joint public information meeting at the Town of New Canaan Town Hall which included an opening statement by First Selectman Moynihan, a presentation by the Applicants, and comments and questions from the Board of Selectman, Planning & Zoning Commission and the public. Prior to that public meeting, the Town Planner issued a Planners Memorandum dated November 18, 2019 which is included in Attachment 10.

Subsequent to the information meeting, the Planning & Zoning Commission submitted recommendations in correspondence dated January 2, 2020. In general, the Planning & Zoning Commission recommendations included compliance with Section 7.8 of the Town's Zoning Regulations. A comparison of the Town's Zoning Regulations and the proposed Facility is included in Section VII above. Specific recommendations in the January 2, 2020 letter are addressed in this Application. Confirmation that the proposed Facility will be designed with a yield point to ensure that the tower radius is located completely within the Parcel is included in Attachment 4. The enclosed Facility drawings show that the entire fence enclosure is proposed as wood shadowbox. Landscaping at the perimeter of the fenced compound was enhanced and is shown on the enclosed drawings. The 8' tall fence enclosure and proposed landscaping will screen views of the equipment located within the compound such that additional screening is not needed. The maximum height of the proposed Facility is 90' per the property owner's requirements. Finally, bark-like monopine treatments do not hold up well over time and can be shiny in appearance, which defeats the visual mitigation of the monopine. As shown in the enclosed drawings, the monopine

branches will extend down the length of the facility to 20' AGL, thereby screening the interior pole.

Copies of the municipal consultation documents are included in Attachment 10.

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	150,000
Site Development	95,000
Utility Installation	35,000
Facility Installation	35,000
Subtotal Homeland Towers Cost	315,000
Antennas and Equipment	107,000
Subtotal AT&T Cost	107,000
Total Estimated Costs	422,000

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 Town of New Canaan. 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 northeastern New Canaan exists to provide both emergency communications and wireless services to the public. AT&T and other wireless carriers have gaps in reliable communications 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 the 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 in northeastern New Canaan.

Respectfully Submitted,

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