



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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December 14, 2012

Lucia Chiochio, Esq.  
Christopher B. Fisher, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

RE: **DOCKET NO. 427** – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at one of two sites: 171 Short Beach Road, Branford, or 82 Short Beach Road, East Haven, Connecticut.

Dear Attorneys Chiochio and Fisher:

By its Decision and Order dated December 13, 2012, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) to North Atlantic Towers, LLC and New Cingular Wireless PCS, for the construction, maintenance and operation of a telecommunications facility located at 171 Short Beach Road, Branford, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

Linda Roberts  
Executive Director

LR/cm

Enclosures

c: Parties and Intervenors  
State Documents Librarian

STATE OF CONNECTICUT )

ss. New Britain, Connecticut :

COUNTY OF HARTFORD )

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

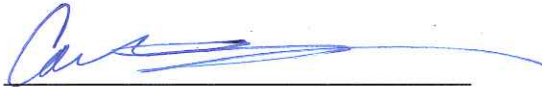
ATTEST:



\_\_\_\_\_  
Linda Roberts  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 427 has been forwarded by Certified First Class Return Receipt Requested mail, on December 14, 2012, to all parties and intervenors of record as listed on the attached service list, dated August 10, 2012.

ATTEST:



\_\_\_\_\_  
Carriann Mulcahy  
Secretary II  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	<input checked="" type="checkbox"/> U.S. Mail	North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC	<p>Lucia Chiocchio, Esq. Christopher B. Fisher, Esq. Cuddy &amp; Feder LLP 445 Hamilton Avenue, 14<sup>th</sup> Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax <a href="mailto:cfisher@cuddyfeder.com">cfisher@cuddyfeder.com</a> <a href="mailto:lchiocchio@cuddyfeder.com">lchiocchio@cuddyfeder.com</a></p> <p>Randy Howse North Atlantic Towers, LLC 1001 3<sup>rd</sup> Ave. West., Suite 420 Bradenton, FL 34205</p> <p>Michele Briggs AT&amp;T 500 Enterprise Drive Rocky Hill, CT 06067-3900 <a href="mailto:michele.g.briggs@cingular.com">michele.g.briggs@cingular.com</a></p>
<b>Intervenor</b> <i>(approved on May 10, 2012)</i>	<input checked="" type="checkbox"/> U.S. Mail	Cellco Partnership d/b/a Verizon Wireless	<p>Kenneth C. Baldwin, Esq. Robinson &amp; Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8345 <a href="mailto:Kbaldwin@rc.com">Kbaldwin@rc.com</a></p>
<b>Intervenor</b> <i>(approved on May 10, 2012)</i>	<input checked="" type="checkbox"/> U.S. Mail	Sarah Pierson 63 Hilton Avenue East Haven, CT 06512 203-215-6635 <a href="mailto:Sarahpierson@att.net">Sarahpierson@att.net</a>	
<b>Party &amp; CEPA Intervenor</b> <i>(Approved on June 21, 2012)</i>	<input checked="" type="checkbox"/> U.S. Mail	Town of Branford	<p>Keith R. Ainsworth, Esq Evans Feldman &amp; Ainsworth, L.L.C. P.O. Box 1694 New Haven, CT 06507-1694 203-772-4900 x 307 203-782-1356-fax <a href="mailto:krainsworth@snet.net">krainsworth@snet.net</a></p>

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<p><b>Intervenor</b> <i>(Approved on July 10, 2012)</i></p> <p><b>CEPA</b> <b>Intervenor</b> <i>(Approved on July 26, 2012)</i></p>	<input checked="" type="checkbox"/> U.S. Mail	<p>Niki Whitehead 9 Hilton Avenue East Haven, CT 06512 203-467-9705</p>	
<p><b>Intervenor</b> <i>(Approved on July 10, 2012)</i></p>	<input checked="" type="checkbox"/> Electronic Mail	<p>Richard Moreland 8 Hilton Avenue East Haven, CT 06512 203-467-1779 <a href="mailto:Richard.moreland@live.com">Richard.moreland@live.com</a></p>	
<p><b>Intervenor</b> <i>(Approved on August 9, 2012)</i></p>	<input checked="" type="checkbox"/> U.S. Mail	<p>Bruce H. Williams, Jr. 54 Hilton Avenue East Haven, CT 06512 203-469-1901 Bhw2&amp;att.net</p>	
<p><b>Intervenor</b> <i>(Approved on August 9, 2012)</i></p>	<input checked="" type="checkbox"/> U.S. Mail	<p>James Edward Berardi 90 Short Beach Road East Haven, CT 06512 203-687-9674 <a href="mailto:Jim.berardi@att.net">Jim.berardi@att.net</a></p>	
<p><b>Intervenor</b> <i>(Approved on August 9, 2012)</i></p>	<input checked="" type="checkbox"/> U.S. Mail	<p>Daniel Criscuolo, Sr. Pamela Maki 100 Short Beach Road East Haven, CT 06512 203-467-8854 <a href="mailto:pamelamaki@gmail.com">pamelamaki@gmail.com</a></p>	



**DOCKET NO. 427** – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at one of two sites: 171 Short Beach Road, Branford, or 82 Short Beach Road, East Haven, Connecticut.

Connecticut  
Siting  
Council

December 13, 2012

## **Findings of Fact**

### **Introduction**

1. North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC (collectively the Applicant), in accordance with the provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on April 24, 2012 for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a wireless telecommunications facility located at either 171 Short Beach Road, Branford or 82 Short Beach Road, East Haven, Connecticut (refer to Figures 1 & 2). (Applicant 1, p. 3)
2. North Atlantic Towers, LLC (NAT) is a Delaware limited liability company with an office in Bradenton Florida. NAT would be the Certificate Holder and would construct and maintain the proposed facility. (Applicant 1, p. 7)
3. New Cingular Wireless PCS, LLC (AT&T) is a Delaware limited liability company with an office in Rocky Hill, Connecticut. AT&T is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless service system in Connecticut. (Applicant 1, p. 7)
4. The parties to the proceeding are the Applicant and the Town of Branford. The intervenors to the proceeding are Cellco Partnership d/b/a Verizon Wireless (Cellco), James Berardi, Daniel Criscuolo, Sr. and Pamela Maki, Bruce H. Williams, Jr., Richard Moreland, Niki Whitehead, and Sarah Pierson. (Record)
5. The purpose of the proposed facility is to provide wireless service to the Route 142 area in the southeast section of East Haven and the southwest section of Branford, including the Short Beach area. (Applicant 1, p. 4, Tab 1)
6. Pursuant to CGS § 16-50m, the Council held a public hearing on July 10, 2012 at the East Haven Senior Center, 91 Taylor Avenue, East Haven, Connecticut. (Transcript 1 – 07/10/12, 3:00 p.m. [Tr. 1], p. 2; Transcript 2 – 07/10/12, 7:00 p.m. [Tr. 2], p. 2)
7. The Council continued the public hearing in New Britain on August 15, September 11, and October 2, 2012. (Transcript 3 – August 15, 2012 [Tr. 3]; Transcript 4 – September 11, 2012 [Tr. 4]; Transcript 5 – October 2, 2012 [Tr. 5])
8. The Council and its staff conducted an inspection of both proposed sites on July 10, 2012, beginning at 2:00 p.m. The applicant flew a red balloon at each site from 12:00 p.m. to 6:00 p.m. to simulate the height of the proposed facilities. Winds in excess of 10 mph were common for the early portion of the balloon fly, preventing the balloons from reaching full height during the field review. Calmer winds prevailed later in the day, allowing the balloons to reach their respective heights at certain times. (Applicant 9, Q. 10)

9. Notice of the application was sent to all abutting property owners by certified mail. All return receipts were received except for Carl Cheslock (Branford abutter), William Delegorges (East Haven abutter, and James Berardi (East Haven abutter). A second notice was sent to these abutters via first class mail. (Applicant 1, Tab 8; Applicant 2, Q. 1)
10. Pursuant to CGS §16-50(b), public notice of the filing of the application to the Council was published in The Sound, the East Haven Courier, and The New Haven Register. (Applicant 1 p. 8, Applicant 5)
11. Pursuant to R.C.S.A. §16-50j-21, the Applicant installed a four-foot by six-foot sign at the entrance to each property on June 22, 2012. Each sign presented information regarding the project and the Council's public hearing. (Applicant 8)
12. Pursuant to CGS § 16-50l(b), the Applicant provided notice of the application to all federal, state and local officials and agencies listed therein. (Applicant 1, p. 8, Tab 7)

#### State Agency Comment

13. Pursuant to CGS § 16-50j(h), on May 11 2012, the Council solicited comments on this application from the following state agencies: Department of Agriculture, Department of Energy & Environmental Protection, Department of Public Health, Council on Environmental Quality (CEQ), Public Utilities Regulatory Authority, Office of Policy and Management, Department of Economic and Community Development, the Department of Transportation (DOT), and the Department of Emergency Management and Homeland Security. (Council memo to State Department Heads dated May 11, 2012)
14. On July 6, 2012, the Council received a written response from the DOT Bureau of Engineering and Construction stating that a permit would be required if construction occurred within the Route 142 right-of-way. (Record)
15. On July 3, 2012 the Council received written comment from the CEQ expressing concern for migratory birds and coastal scenic resources. (Record)
16. With the exception of the DOT and CEQ, no other state agencies submitted comments in response to the Council's solicitation. (Record)

#### Municipal Consultation

17. On July 30, 2010, the Applicant submitted a technical report to the Town of Branford representatives that provided details regarding the Branford Site. (Applicant 1, p. 30)
18. The Applicant met with the Town of Branford's Telecommunications Committee on October 8, 2010. Representatives from Cellco and T-Mobile Northeast also attended. (Applicant 1, p. 30)
19. The Applicant attended a community meeting in the Town of Branford on November 22, 2010. After the meeting, the Town of Branford requested that the Applicant delay the application filing process so that the Town could examine potential alternatives. (Applicant 1, p. 23)
20. Various alternatives were examined by the Applicant through December 2010. One of the sites examined, the East Haven Site, was deemed viable by the Applicant and a lease was secured. The Applicant developed site documentation during the Spring of 2011. (Applicant 1, p. 31)



21. On June 14, 2011, the applicants submitted a technical report to the Towns of East Haven and Branford, detailing both proposed sites. (Applicant 1, p. 31)
22. On August 15, 2011, the Applicant met with East Haven representatives to discuss the proposal. The Town of East Haven requested a community meeting, which was subsequently delayed due to Hurricane Irene. During the delay, the East Haven site was redesigned from a 125-foot tower to a 103-foot tower to meet Federal Aviation Administration (FAA) guidelines for the avoidance of tower lighting and marking. (Applicant 1, p. 32; Applicant 2, Q. 14)
23. The Applicant notified the Town of Branford and Town of East Haven regarding the East Haven Site redesign on February 29, 2012. (Applicant 1, p. 32)
24. On March 15, 2012, the Applicant attended a community meeting in East Haven. (Applicant 1, p. 32)
25. After the East Haven community meeting, the Applicant did not receive any comment from town officials from either town and the Applicant proceeded to file the application with the Council. (Applicant 1, p. 32)

**Public Need for Service**

26. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item 4)
27. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. (Council Administrative Notice Item 4)
28. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item 4)
29. The Telecommunications Act of 1996 prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item 4)
30. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (911 Act). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (Council Administrative Notice Item 6)
31. In December 2009, President Barack Obama recognized cell phone towers as critical infrastructure vital to the United States. (Council Administrative Notice Item No. 10)
32. The proposed facilities would enable AT&T to provide Enhanced 911 services to the surrounding area, as required by the 911 Act. (Applicant 1, p. 14)

33. Pursuant to the tower sharing policy of the State of Connecticut under C.G.S. §16-50aa, if the Council finds that a request for shared use of a facility by a municipality or other person, firm, corporation or public agency is technically, legally, environmentally and economically feasible, and the Council finds that the request for shared use of a facility meets public safety concerns, the Council shall issue an order approving such shared use to avoid the unnecessary proliferation of towers in the state. (Conn. Gen. Stat. §16-50aa)
34. NAT would provide lease-free space on either tower for emergency service antennas. The Town of Branford does not intend to locate at either site. The Town of East Haven is considering use of the East Haven site. (Applicant 1, p. 30; Tr. 4, p. 9, 129)

**AT&T - Existing and Proposed Wireless Coverage**

35. AT&T proposes to operate cellular (800 MHz), personal communication service (PCS - 1900 MHz), and long-term evolution (LTE - 700 MHz) equipment at the proposed sites. (Applicant 1, Tab 5)
36. To maintain reliable service, AT&T designs and operates its system at a signal level threshold of -82 dBm for in-vehicle service and -74 dBm for in-building service. (Applicant 1, Tab 1; Applicant 2, Q. 5)
37. The existing cellular signal level in the proposed service area ranges from -82 dBm to less than -100 dBm. The proposed service area generally extends along the Farm River in East Haven from Meadow Street south to Whalers Point Road, and from the Farm River east to Harbor Street in Branford (refer to Figure 3). (Applicant 1, Tab 1; Applicant 2, Q. 7; Applicant 9, Tab 4)
38. The nearest AT&T facilities to the proposed service area are as follows:

<b>Location</b>	<b>Distance from service area (Rt. 142 at Farm River)</b>	<b>Antenna height</b>
259 Commerce St., East Haven	1.3 miles west	57 feet
290 Dodge Ave., East Haven	1.9 miles west	40 feet
96 Frontage Rd., East Haven	2.4 miles northwest	56 feet
65 Messina Dr., East Haven	1.7 miles northwest	95 feet
4 Beaver Road, Branford	1.6 miles northeast	115 feet
150 North Main St. Branford	2.9 miles northeast	113 feet

Coverage from these existing sites does not extend to the proposed service area. (Applicant 1, Tab 1)

39. Installing antennas at the proposed sites would provide the following reliable cellular service to the proposed service area:

<b>Antenna Height</b>	<b>Main Roads</b>	<b>Secondary Roads</b>	<b>Coverage Provided (Area)</b>
<i>Branford Site - 120 feet</i>	1.37 miles	10.6 miles	1.8 square miles in-building 1.6 square miles in-vehicle
<i>East Haven Site - 100 feet</i>	0.95	9.0 miles	1.7 square miles in-building 1.5 square miles in-vehicle

AT&T uses cellular service to define the limits of service for AT&T customers. PCS service provides significantly less coverage. (Applicant 1, Tab 1; Applicant 2, Q. 6)



40. The Branford Site offers greater coverage to AT&T's proposed service area than the East Haven Site. With the Branford site, reliable in-building coverage would occur along Route 142 and adjacent areas. Additionally, most of the Cosey Beach area would have in-vehicle coverage but not in-building coverage (refer to Figure 4). The Branford Site would complete coverage on Route 142 in western Branford and there would be no need for AT&T to install another facility in this area of Branford. (Applicant 1, Tab 1; Applicant 9, Q. 12; Tr. 4, pp. 71-72)
41. The East Haven Site would provide reliable in-vehicle coverage to the Cosey Beach area including Cosey Beach Avenue, Cosey Beach Road, Bradford Avenue, Coe Avenue and Steven Street. Unreliable service would occur along 400 feet of Cosey Beach Road and an adjacent town-park (refer to Figure 4). (Council Administrative Notice 48; Applicant 9, Tab 4)
42. The East Haven site would leave gaps of unreliable coverage ( $>-82$  dBm) in residential areas of Branford including Lanphiers Cove area (Rustic Road, Howard Avenue, Brocketts Point Road), Sunset Lane, Kenwood Lane, Vineyard Road, Castle Rock Street, Harbor Street, and Pawson Road (refer to Figure 4). (Applicant 1, Tab 1, Tab 4A, Tab 4C, Tab 5C; Applicant 9, Q. 12; Council Administrative Notice 48; Tr. 3, pp. 68-69; Tr. 4, p. 76)
43. Installing antennas at 110 feet at the Branford Site expands the existing coverage gaps, especially in the area of Alps Road in Branford. (AT&T 9, Q. 12)
44. Although coverage from either proposed site would leave unreliable coverage in either Branford or East Haven, AT&T would not seek to find a coverage solution to these unreliable areas in the immediate future. Other areas in AT&T's service area would have a higher priority than the relatively small unreliable areas that would remain if one of the sites were constructed. (Tr. 1, pp. 68-69; Tr. 4, pp. 116-119)

#### Cellco- Existing and Proposed Coverage

45. Cellco holds an FCC license to provide wireless service in Connecticut. (Cello Request to Intervene, 04/25/12; Cellco 1, Q. 2)
46. Cellco proposes to install cellular, PCS and LTE equipment at the site. Cellco utilizes the cellular and PCS bands primarily for voice services and LTE for data services. (Cellco 1, Q. 3; Tr. 3, pp. 118-120)
47. Cellco's existing level of service within the proposed service area ranges from -86 dBm to -100 dBm (refer to Figure 5). (Cellco 1, Q. 1)
48. Cellco's minimum signal strength necessary for reliable service is -85 dBm. (Cellco 1, Q. 2)
49. The proposed sites would provide the following coverage areas:

<b>Antenna Height</b>	<b>Cellular</b>	<b>PCS</b>	<b>LTE</b>
<i>Branford Site - 110 feet</i>	6.7 square miles	3.2 square miles	6.4 square miles
<i>East Haven Site - 90 feet</i>	7.4 square miles	3.3 square miles	6.3 square miles

(Cellco 1, Q. 1)



50. Cellco prefers the East Haven Site, as it provides slightly better coverage and serves a greater population than the Branford Site. (Tr. 3, p. 111)
51. At cellular and LTE frequencies, the East Haven Site would provide coverage to the Route 337 and Cosey Beach areas of East Haven and most of the Branford shoreline area. The Branford site covers the Branford shoreline area but does not extend into the Cosey Beach and Route 337 areas of East Haven (refer to Figure 6). (Cellco 1, Tabs 3 & 4)

#### Site Selection

52. AT&T established a search area for the proposed service area in 2005 that was centered on the shoreline area of western Branford. AT&T did not find any existing structures that could meet coverage needs. (Applicant 1, p. 4)
53. In 2009, NAT, in consultation with AT&T, began reviewing potential sites within the proposed service area. The search area covered a mostly residential area with limited availability of large parcels. Additionally, the presence of the Tweed New Haven Airport in East Haven, approximately 1.25 miles west of the East Haven Site, limited tower heights. (Applicant 1, p. 4, Tab 2)
54. After determining there were no viable structures within the search area, NAT searched for properties suitable for tower development. Potential locations that were investigated and rejected by the Applicant are as follows:
- a) 189 Alps Road, Branford – rooftop mount could meet coverage objectives but lease negotiation failed;
  - b) 100 Double Beach Road, Branford (CT Hospice) – did not meet coverage requirements;
  - c) 64 Shore Drive, Branford (Short Beach FD) – rooftop mount did not meet coverage requirements and property too small to accommodate a tower facility;
  - d) 82 Shore Drive, Branford – site too visible;
  - e) 345 Shore Drive (Orchard House) – Town of Branford not interested in leasing property;
  - f) 175 Clark Avenue, Branford (yacht club) – site limited to 75 feet in height due to FAA criteria and such height would not meet coverage objectives;
  - g) Westwood Road, Branford – town park with no visual screening;
  - h) 68-88 Burban Drive, Branford – former town school but too far from proposed service area;
  - i) Summit Place, Branford – town parcel too far from proposed service area;
  - j) 108 Cherry Hill Road, Branford- town parcel too far from proposed service area;
  - k) 44 Brown Road, East Haven – visibility and FAA concerns;
  - l) Apartment complexes south of Briarwood Lane, Branford – investigated at request of Council, rooftop mount would not meet coverage objectives and deed restrictions in place for undeveloped portions of property;
  - m) 67/71 Goodsell Road, Branford – owner contacted Applicant after July 10, 2012 hearing. Applicant determined parcel is near the existing Docket 386 site (123 Pine Orchard Road) and would be too visible from an historic district.  
(Applicant 1, Tab 2; Applicant 2, Q. 2; Applicant 10; Applicant 12, Q. 4; Applicant 17, Q. 1; Applicant 18)
55. Cellco established a search ring for the area in January 2012 and determined both proposed sites were suitable for coverage needs. Cellco did not investigate any other properties. (Cellco 1, Q. 8)

56. A two-tower configuration with a 100-foot tower at the Branford Site and an 80-foot tower at the East Haven Site would provide coverage to the area. However, such a configuration would be inconsistent with the Tower Sharing policy of the State under C.G.S. §16-50aa. Additionally, the visual impact of two towers would be greater, potential co-locators on the tower would be at lower levels thus affecting coverage, and costs of construction would double. (AT&T 9, Q. 8)
57. A distributed Antenna System (DAS) would not be feasible in the proposed coverage area, given the size of the coverage gaps. Current outdoor DAS applications are constructed with a very specific coverage target, usually a major road, a tunnel, or stadium, and are surrounded by overlying macro sites. A DAS system would be extensive for the proposed service area, as it would require multiple antennas on poles in a coverage service area to accommodate multiple carriers as well as the different communication technologies in use by each carrier. Many pole mounts would be required as well because the signal from DAS antennas are limited to line-of-sight and can only cover short distances. (Applicant 1, Tab 3; Tr. 1, pp. 56-60)

#### **Branford Site Description – 171 Short Beach Road**

58. The Branford Site is located on a 0.87-acre parcel owned by 171 Short Beach Realty, LLC. (Applicant 1, Tab 4A)
59. The parcel is located on the northwest side of Route 142 and is developed with a 6,500 square foot commercial building that houses a heating and air conditioning business. (Applicant 1, Tab 4A, Tab 4B)
60. The Applicant proposes to construct a 120-foot monopole in an open, gravel area in the northeast corner of the parcel, approximately 257 feet northwest of Route 142 (refer to Figure 7). The tower site would be accessed through the existing parking lot. (Applicant 1, Tab 4A)
61. The proposed tower would be located at an elevation of 59 feet above mean sea level (amsl). (Applicant 1, Tab 4A)
62. The property is zoned Residential, R-3. Abutting property includes a land trust parcel to the north and west, a developed commercial property to the east, and developed residential properties to the south and southeast. (Applicant 1, Tab 4A; Applicant 10, Tab 3)
63. The nearest property line is approximately 14 feet northwest of the proposed tower (Branford Land Trust property). (Applicant 10, Tab 3)
64. The nearest dwelling is approximately 136 feet south of the proposed tower (Perrelli property). (Applicant 10, Tab 3)
65. There are approximately 41 residences within 500 feet, and 334 residences within 1,000 feet of the proposed tower site. (Applicant 2, Q. 16; Applicant 14)
66. The Branford Site is not within 250 feet of a licensed day care facility or public school. (Applicant 9, Q. 4, Q. 5)
67. The proposed tower would be designed to support five levels of platform-mounted antennas. It would be constructed in accordance with Electronic Industries Association standard ANSI/TIA-222-F. The next available height for co-location is 110 feet agl. (Applicant 1, Tab 4A; Cellco 1)

68. AT&T proposes to install up to 12 panel antennas on a platform at a centerline height of 120 feet above ground level (agl). Cellco proposes to install up to 15 panel antennas on a platform at a centerline height of 110 feet agl. (AT&T 1, Tab 4A; Cellco 1, Q. 3)
69. The Applicant would construct a 50-foot by 50-foot compound around the tower. The compound would be enclosed by an eight-foot high chain link fence. Underground utilities would service the compound. (Applicant 1, Tab 4A; Tr. 5, p. 19)
70. AT&T would install a 12-foot by 20-foot equipment shelter within the compound. A diesel generator would be located on a concrete pad adjacent to the shelter. The generator would be able to run for approximately two days before it would need re-fueling. (Applicant 1, Tab 4A; Tr. 1, pp. 39-40)
71. Cellco would install a 12-foot by 24-foot equipment shelter within the compound. The shelter would include a diesel generator for emergency power. (Cellco 2, Q. 4)
72. The estimated construction cost of the facility, not including Cellco's antennas or radio equipment, is:

Tower and foundation	\$75,000.
AT&T's antennas/radio equipment	\$250,000.
Site development	11,250.
Utilities	7,500.
<u>Facility installation</u>	<u>93,000.</u>

Total estimated cost \$436,750.  
(Applicant 1, p. 33; Applicant 2, Q. 17)

#### **East Haven Site Description – 82 Short Beach Road**

73. The East Haven Site is located on a 0.91-acre parcel owned by the Riverside Volunteer Fire Department. (Applicant 1, Tab 5A)
74. The parcel is located on the south side of Route 142 and contains a firehouse and associated parking areas. (Applicant 1, Tab 5A)
75. The Applicant proposes to construct a 103-foot monopole along the south edge of the parking area, behind the fire station (refer to Figure 8). The tower site would be accessed through the existing parking lot. (Applicant 10, Tab 4)
76. The proposed tower would be located at an elevation of 59 feet above mean sea level (amsl). (Applicant 1, Tab 5A)
77. The property is zoned Residential, R-1. Developed residential properties abut the site to the north, east, and west. An undeveloped lot and Farm River State Park are located to the south. (Applicant 1, Tab 5B)
78. The nearest property line is approximately 33 feet east of the proposed tower (Williams property). (Applicant 10, Tab 4)
79. The nearest dwelling is approximately 142 feet northwest of the proposed tower site (Berardi property). Mr. Berardi's garage is approximately 122 feet from the tower. (Applicant 10, Tab 3)



80. There are approximately 83 residences within 500 feet, and 115 residences within 1,000 feet of the proposed tower site. (Applicant 10, Tab 4; Applicant 14)
81. The East Haven Site is not within 250 feet of a licensed day care facility or public school. (Applicant 9, Q. 4, Q. 5)
82. The proposed tower would be designed to support four levels of platform-mounted antennas. It would be constructed in accordance with Electronic Industries Association standard ANSI/TIA-222-F. The next available height for co-location is 80 feet. (Applicant 1, Tab 5A)
83. AT&T proposes to install up to 12 panel antennas on a platform at a centerline height of 100 feet agl. Cellco proposes to install up to 15 panel antennas on a platform at a centerline height of 90 feet agl. (AT&T 1, Tab 5A; Cellco 1, Q. 3)
84. The Applicant would construct a generally rectangular 2,500 square foot compound around the tower. The compound would be enclosed by an eight-foot high chain link fence. Underground utilities would service the compound. (Applicant 1, Tab 5A; Tr. 5, p. 19)
85. The location of the compound would not interfere with fire department operations. (Applicant 12, Q. 8)
86. AT&T would install a 12-foot by 20-foot equipment shelter within the compound. A diesel generator would be located on a concrete pad adjacent to the shelter. The generator would be able to run for approximately two days before it would need re-fueling. (Applicant 1, Tab 5A; Tr. 1, pp. 39-40)
87. Cellco would install a 12-foot by 24-foot equipment shelter within the compound. The shelter would include a diesel generator for emergency power. (Cellco 2, Q. 4)
88. The estimated construction cost of the facility, not including Cellco's antennas or radio equipment, is:

Tower and foundation	\$75,000.
AT&T's antennas/radio equipment	\$250,000.
Site development	51,250.
Utilities	7,500.
<u>Facility Installation</u>	<u>93,000.</u>
<u>Total estimated cost</u>	<u>\$476,750.</u>

(Applicant 1, p. 33; Applicant 2, Q. 17)

#### Environmental Concerns

89. Development of the Branford Site would require the removal of 12 small trees. Development of the East Haven Site would require the trimming of trees along the rear property line. The base of the proposed tower is within ten feet of the top of a 28-foot high slope. The setback from 54 Hilton Avenue is 56 feet, located entirely on the steep slope of the embankment. (Applicant 1, Tab 4A; Applicant 10, Tab 4; Tr. 3, p. 102)
90. Development of either site, as proposed, would have no adverse effect on historic, architectural or archeological resources listed in or eligible for the National Register of Historic Places. (Applicant 1, p. 21)

91. The Branford Electric Railway Historic District is approximately 0.3 miles east of the East Haven Site at its closest point. This district includes a trolley museum located 0.8 miles north of the site and an associated linear trolley track that extends south from the museum to Court Street in Branford. The State Historic Preservation Office determined that the proposed 103-foot tower would have no effect on this historic district but if the tower was increased in height, it would have a detrimental impact. (Applicant 1, p. 21; Applicant 2, Q. 12)
92. Development of either site would have no effect on Federal or State endangered, threatened, or special concern species. Both sites are within previously disturbed areas and no further on-site surveys for wildlife and habitat are necessary. (Applicant 1, p. 22; Applicant 7; Applicant 12, Q. 12, Q. 13)
93. Neither site is located within a 100 or 500-year flood zone. (Applicant 1, pp. 23-24)
94. Development of either site would not directly impact any wetlands. No wetlands were identified within 100 feet of the proposed Branford Site. The nearest wetland to the East Haven Site is located approximately 56 feet to the south, at the base of a steep slope adjacent to the compound, on the abutting Williams property. Development of the East Haven Site would not affect this wetland. (Applicant 1, Tab 4B, Tab 5B; Applicant 12, Q. 14; Williams 2; Tr. 3, pp. 17, 47, 56-57; Tr. 4, p. 55)
95. Erosion and sedimentation controls would be established and maintained for the duration of construction. (Applicant 1, p. 27; Tr. 3, pp. 20-21, 57-58)
96. The Branford Site is generally flat and minimal grading and filling is expected. (Applicant 1, Tab 4A)
97. The East Haven Site is located adjacent to a steep slope. Approximately 800 cubic yards of material would be removed from the site and replaced with controlled fill. Although the rear of the fire station property may consist of unconsolidated material from previous filling, the Applicant does not expect any slope destabilization from the installation of a foundation. The Applicant would excavate all fill material until stable soils are reached. The proposed tower would have a caisson foundation installed down to the stable soil layer. The steep slope adjacent to the compound would have no effect on this narrow-profile foundation. (Applicant 1, Tab 5A; Williams 2; Tr. 3, pp. 21, 58-59, 68-73; Tr. 4, pp. 15-16)
98. The Branford Site parcel is located within the Connecticut Coastal Management Act's (CCMA) coastal boundary. The proposed tower location on the parcel is not located within the CCMA boundary. No coastal resources, as defined in the CCMA, would be adversely affected by development of the Branford Site. The nearest coastal area is Lanphiers Cove, approximately 0.23 miles southeast of the site. (Council Administrative Notice 48; Applicant 1, Tab 4B)
99. The East Haven Site is located within the CCMA coastal boundary. The nearest coastal area is the Farm River, approximately 0.18 mile east of the site. No coastal resources, as defined in the CCMA, would be adversely affected by development of the East Haven Site. (Applicant 1, Tab 5B, Tab 5C)
100. The nearest National Audubon Society designated Important Bird Area is Lighthouse Point park in New Haven, 1.5 miles west of the East Haven Site and 2.6 miles west of the Branford Site. This IBA was designated due to the large number of migrating hawks, eagles, and other birds that migrate just inland from the water's edge. (Council Administrative Notice 47; Applicant 1, Tab 4B, Tab 5B)



101. The Connecticut coastline is within the Atlantic Flyway, a generalized regional migratory bird flyway used as a stopover for migratory birds. Within the flyway, the Atlantic Coast Joint Venture (ACJV), a partnership of State and federal entities as well as conservation groups, has identified "waterfowl focus areas" as the most important waterfowl habitats within the flyway. Both proposed sites are within the ACJV designated New Haven Harbor waterfowl focus area. (CEQ comments of July 3, 2012; Applicant 9, Q. 15)
102. The Branford Site is located within a half-mile of two marshes on Killams Point and one marsh north of Castle Rock Road in Branford. (CEQ comments of July 3, 2012; Applicant 1, Tab 4C; Applicant 2, Tab 6)
103. The East Haven Site is located within a half-mile of extensive tidal marshes associated with the Farm River north, south and east of the site, including marshes within Farm River State Park, and the East Haven Marsh Wildlife Area. (CEQ comments of July 3, 2012; Applicant 1, Tab 5C; Applicant 2, Tab 6; Whitehead Administrative Notice Items 1 and 2; Williams 18)
104. Migratory bird collisions with towers occur most frequently when towers are lighted and have guy wires. In foggy conditions, the birds are attracted to the lights, circle the tower and strike the guy-wires. The proposed sites are not marked or lighted, do not have guy-wires, and are relatively short. Birds that live or migrate in the area of the proposed towers would most likely be able to see the towers and avoid them. (Tr. 3, pp. 17-18; Tr. 4, pp. 83-84)
105. The design of both proposed towers would comply with recommended guidelines of the United States Fish and Wildlife Service for minimizing the potential for telecommunications towers to impact bird species, including waterfowl. The guidelines recommend that towers be less than 199 feet tall, avoid the use of aviation lighting, and avoid guy wires as tower supports. (Council Administrative Notice 14; Applicant 12, Q. 13)
106. Neither site, as proposed, would require FAA hazard obstruction marking/lighting. The proposed Branford site can be constructed up to 199 feet agl without marking/lighting. The proposed East Haven site would require marking/lighting if the tower and/or antennas exceed 103 feet in height. (Applicant 1, p. 23, Tab 5A; Applicant 9, Q. 11; Tr. 4, pp. 86-87)
107. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of the proposed AT&T and Cellco antennas would be below the Maximum Permissible Exposure standard, as adopted by the FCC, at the base of both proposed towers (Branford Site – 42% of standard, East Haven – 61%). This determination was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower base. (Applicant 1, Tab 4B, Tab 5 B; Cellco 1, Tab 7)

**Visibility**

108. The projected visibility of the proposed towers within a two-mile radius of each site is as follows:

<b>Receptor</b>	<b>Branford Site</b>	<b>East Haven Site</b>
Year-round visibility (land)	25 acres (most within ¼ mile)	30 acres (most within ¼ mile)
Year-round visibility (water and marsh)	2,000 acres	1,416 acres
Seasonal visibility (land)	19 acres (within ¼ mile)	27 acres ( most within ¼ mile)
Residential properties with year-round views	54	35
Residential properties with seasonal views	29	36

(Refer to Figures 9 & 10). (Applicant 1, Tab 4C, Applicant 4)

109. The projected visibility of the proposed 120-foot Branford Site from select locations is as follows:

<b>Location</b>	<b>Approximate Distance/Direction from Site</b>	<b>Visibility</b>
Adjacent to #156 Short Beach Road	315 feet east	50 feet above trees
Adjacent to #180 Short Beach Road	475 feet south	70 feet above and through trees
Adjacent to #505 Shore Drive	686 feet southeast	35 feet above and through trees
Adjacent to # 1 Lanphiers Cove Road	900 feet south	55 feet above trees
Adjacent to # 18 Lanphiers Cove Road	0.2 mile south	20 feet above trees
Adjacent to #4 Brocketts Lane	633 feet east	60 feet above house
Double Beach Road	0.36 mile south	40 feet above and through trees
Harbor Street at Parker Memorial Park	0.70 mile east	40 feet above trees
Parker Memorial Park	0.52 mile east	20 feet above trees
Adjacent to #230 Harbor Street	0.91 northeast	20 feet above trees
Block Island Road at marina	1.34 miles east	20 feet above trees
Adjacent to #25 Sunset Beach Road	1.35 miles east	75 feet above trees
Adjacent to #72 Spinnaker Run	1.2 miles southeast	60 feet above trees
162 Short Beach Road	365 feet southeast	Entire facility
166 Short Beach Road	380 feet southeast	Entire facility
170 Short Beach Road	355 feet southeast	Entire facility
174 Short Beach Road	370 feet southeast	Entire facility

(Applicant 1, Tab 4C; Tr. 1, pp. 27-29)

110. The projected visibility of the proposed 103-foot East Haven Site from select locations is as follows:

<b>Location</b>	<b>Approximate Distance/Direction from Site</b>	<b>Visibility</b>
Route 142 at Jefferson Place	0.25 mile east	10 feet above building
Adjacent to #54 Hilton Avenue	316 feet east	20 feet above trees
Adjacent to #40 Hilton Avenue	370 feet east	30 above and through trees
Adjacent to #18 Hilton Avenue	422 feet south	12 feet above trees
Adjacent to #65 Short Beach Road	264 feet north	40 feet above firehouse
River Street at Greenlawn Cemetery	1.17 miles northwest	10 feet above trees
8 Hilton Avenue	465 feet southeast	15-20 feet above trees
9 Hilton Avenue (interior)	485 feet southeast	Visible - not quantified
54 Hilton Avenue (interior and exterior)	270 feet east	50 feet above trees
100 Short Beach Road (Rt. 142)	140 feet southwest	15 feet above trees
63 Hilton Avenue	340 feet east	Visible – not quantified
71 Short Beach Road	200 feet north	70 feet above firehouse, compound visible

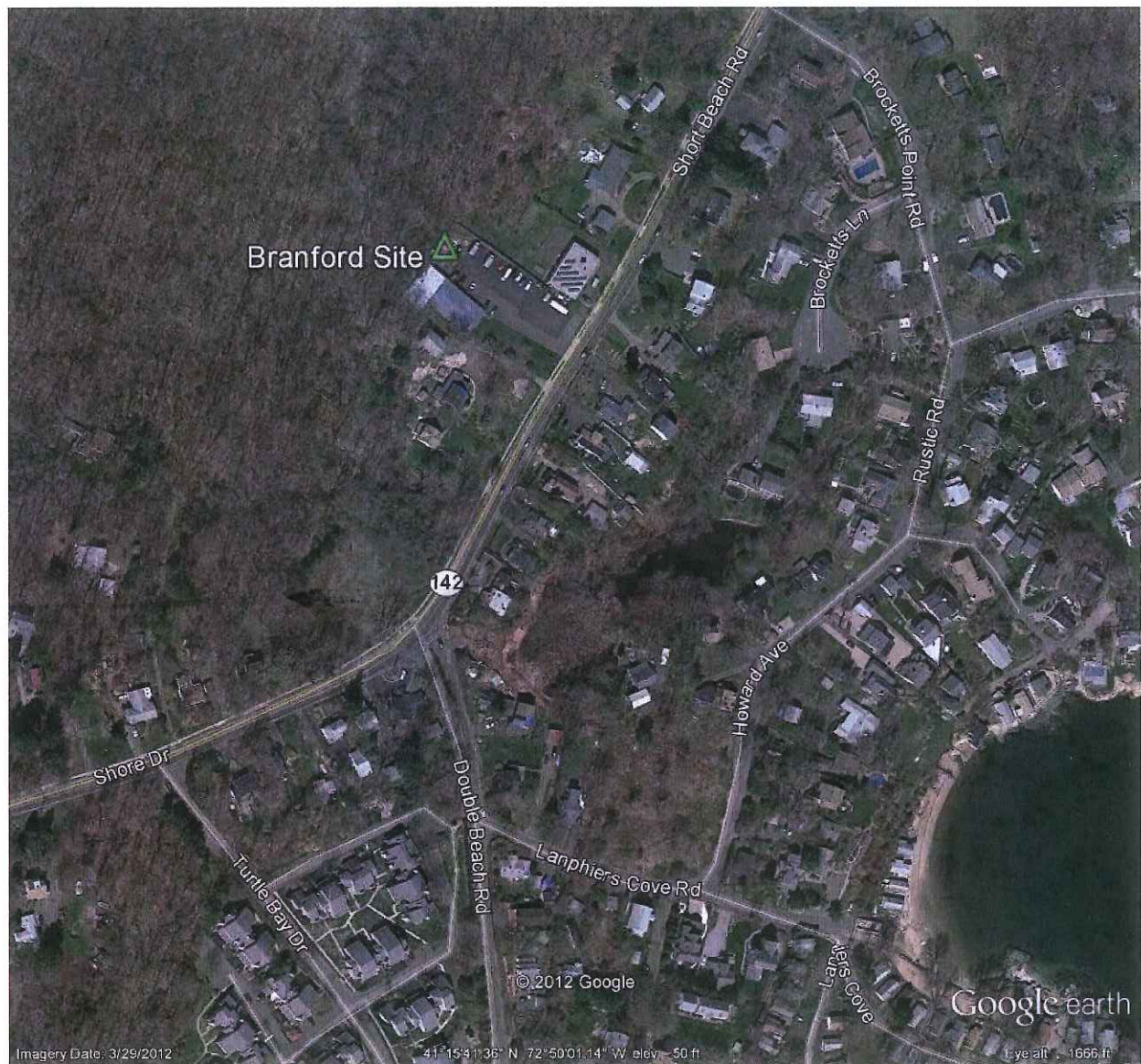
(Applicant 4; Applicant 9, Q. 2; Tr. 1, pp. 17-20; Tr. 3, pp. 143-144; Tr. 4, pp. 12-14, 23-24, 53-54; Tr. 5, pp. 8-9)



111. The East Haven site is approximately 200 feet north-northeast of the nearest boundary of Farm River State Park, a park maintained for passive recreation use. Most of the park is wooded with a few open marsh areas and rock outcrops. Seasonal views of portions of the tower could occur from various locations within the park. (Applicant 2, Q. 10; Whitehead Administrative Notice 2; Tr. 4, p. 67)
112. The Branford Site abuts the Short Beach Preserve, a 40-acre wooded parcel owned by the Guilford Land Trust. No information regarding views from the parcel is in the record. (Applicant 1, Tab 4A; Town of Branford 2008 Plan of Conservation and Development)
113. The Branford Site is located 870 feet from the Branford Trail at its closest point. This Town-designated trail extends generally in an east-west direction from Parker Memorial Park in Branford to Short Beach, using a combination of paved roads, dirt roads and some trail along its length. The upper 20 feet of the Branford Site tower would be visible from spot locations on roadways in the Lanphiers Cove Road area, approximately 900 feet south of the site. (Applicant 1, Tab 4C; Applicant 2 Tab 6)
114. The East Haven Site is approximately 475 feet east of the Shoreline Greenway Trail at its closest point. This trail extends in a north-south direction from the Farm River, south through Farm River State Park and to the Cosey Beach area of East Haven using roadways and wooded trails. Year-round views of the upper portion of the tower would occur where the trail crosses Route 142 and along a section that follows Fairview Avenue. (Applicant 2, Tab 6; Tr. 4, pp. 64-66)
115. Neither site would be visible from the Branford Electric Railway Historic District. The trolley right-of-way also serves as a portion of the Short Beach section of the Branford Trail. The State Historic Preservation Office (SHPO) determined a 103-foot tower would have no effect on the historic district. SHPO further indicated the East Haven site with tower lighting would have an adverse environmental effect on the historic district. (Council Administrative Notice 28; Applicant 1, Tab 4C, Tab 5C; Tr. 1, p. 23; Tr. 4, p. 95)
116. Neither site would be visible from the Short Beach Historic District, a district recognized by the State Historic Preservation Office. The district extends along Route 142 from Clark Avenue east to Glen Street in Branford and south to Long Island Sound. (Applicant 2, Q. 13, Tab 6)
117. A flush-mount tower design at the Branford Site would require a 160-foot tower to accommodate AT&T's and Cellco's antennas. AT&T would need three tower levels to accommodate their antennas and Cellco would need two tower levels for their antennas. Installing antennas below the proposed tower heights would not meet coverage objectives for either carrier. (Applicant 18. Q. 1; Tr. 3, pp. 112-114; Tr. 5, pp. 17-18, 20-21)
118. A flush-mount tower design, including utilization of one multi-band antenna per sector, limits network optimization by restricting the orientation of the antennas and creates interference issues associated with LTE services. Demand for LTE services continues to expand and network flexibility is essential to maintain service. (Applicant 9, Q. 9; Tr. 1, pp. 61-66; Tr. 3, pp. 112-114, 119-122; Tr. 5, pp. 34-36)

119. The FAA lighting/marketing requirement for structures over 103 feet agl limits stealth designs at the East Haven Site. A coniferous tree design at this site would require a tree with a flat top to accommodate AT&T's platform-mounted antennas at 100-foot agl. The FAA tower height restriction prevents the installation of the typical seven feet of faux branches to create a conical design at the top of the tower. The flat top design does resemble naturally occurring pine trees that lose their upper portions from wind damage. The faux branches would extend fourteen feet from the tower to conceal the antennas and platform mounting bars from view. Trees in the immediate area of the East Haven Site are mostly deciduous and average 65-70 feet in height. (Tr. 1, pp. 33-36; Tr. 3, pp. 30-31; Tr. 5, pp. 32-34; Applicant 18; Q. 2)
120. A flush-mount tower design would not be feasible at the East Haven Site, as it would require the tower to exceed 103 feet in height to meet coverage needs. Both AT&T and Cellco would need multiple tower positions to mount antennas to achieve coverage objectives. Antennas mounted below the proposed heights would not meet coverage objectives. (Tr. 1, pp. 32-33, 61-66; Tr. 3, pp. 112-114; Tr. 5, pp. 21, 40-41)
121. The proposed Branford Site offers more co-location opportunities than the proposed East Haven Site, given its greater height and potential for expansion. (Tr. 3, pp. 161-162)





**Figure 1:** Location of Branford Site at 171 Short Beach Road in Branford. (Applicant 1, Tab 4 B)



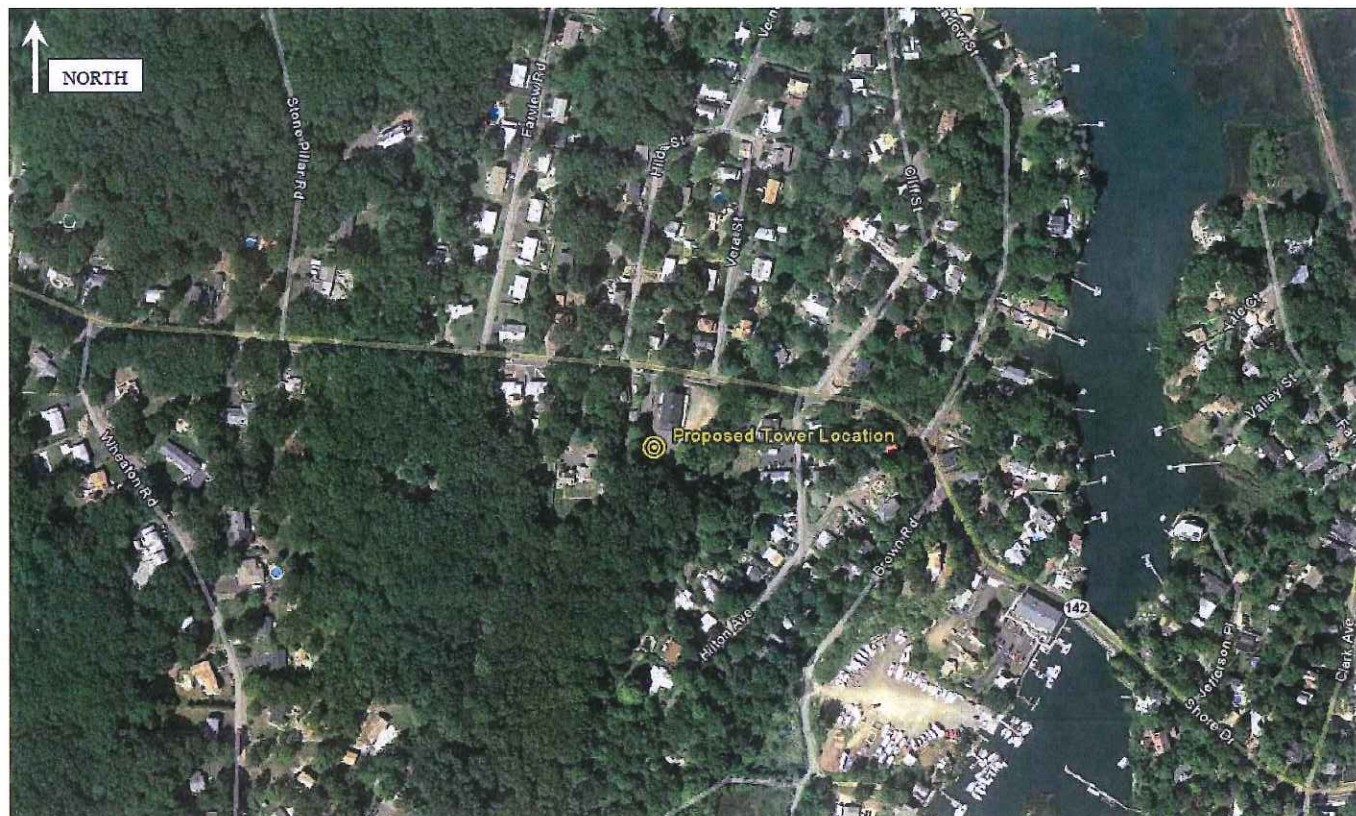


Figure 2: East Haven Site location at 82 Short Beach Road in East Haven. (Applicant 1, Tab 5B)

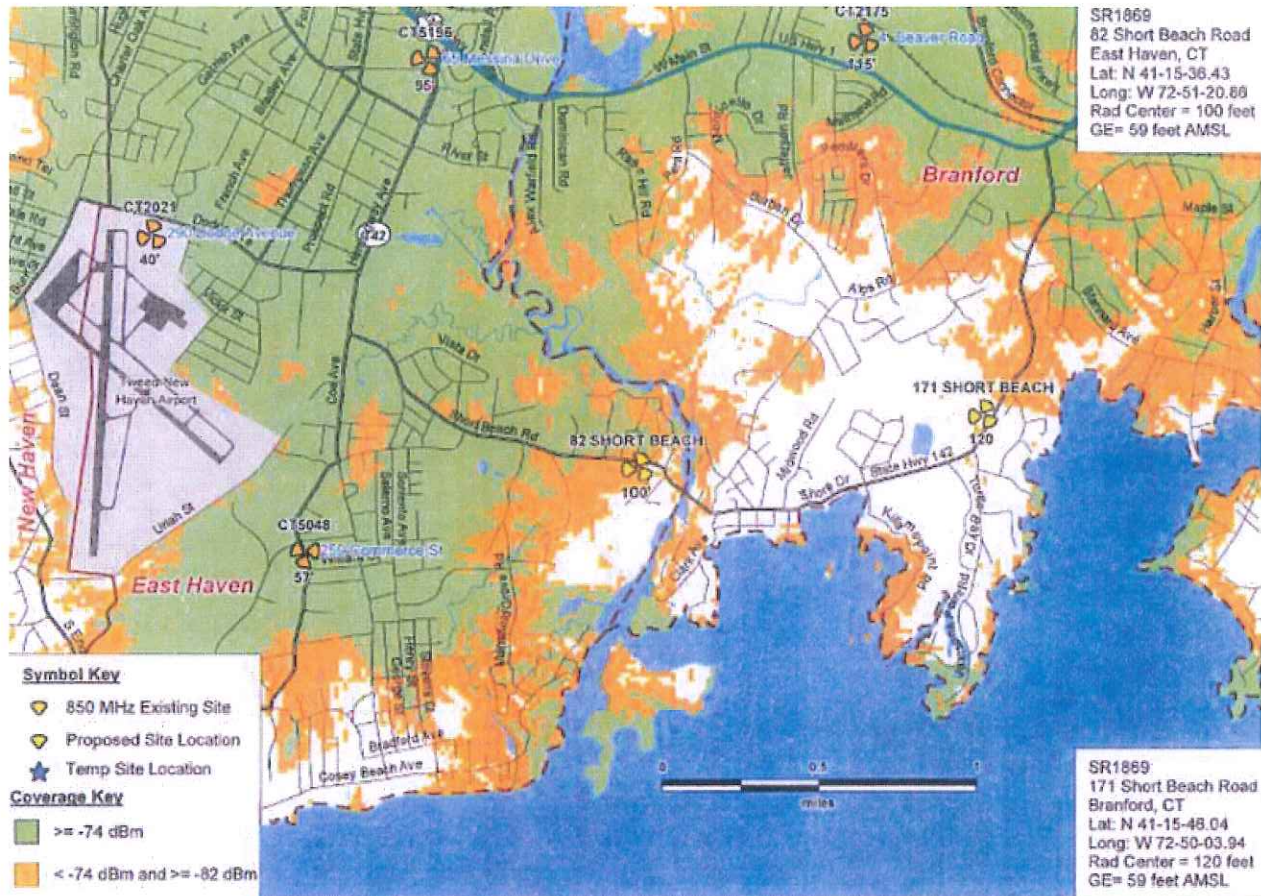


Figure 3: Existing AT&T cellular coverage in proposed service area. (Applicant 9, Tab 4)



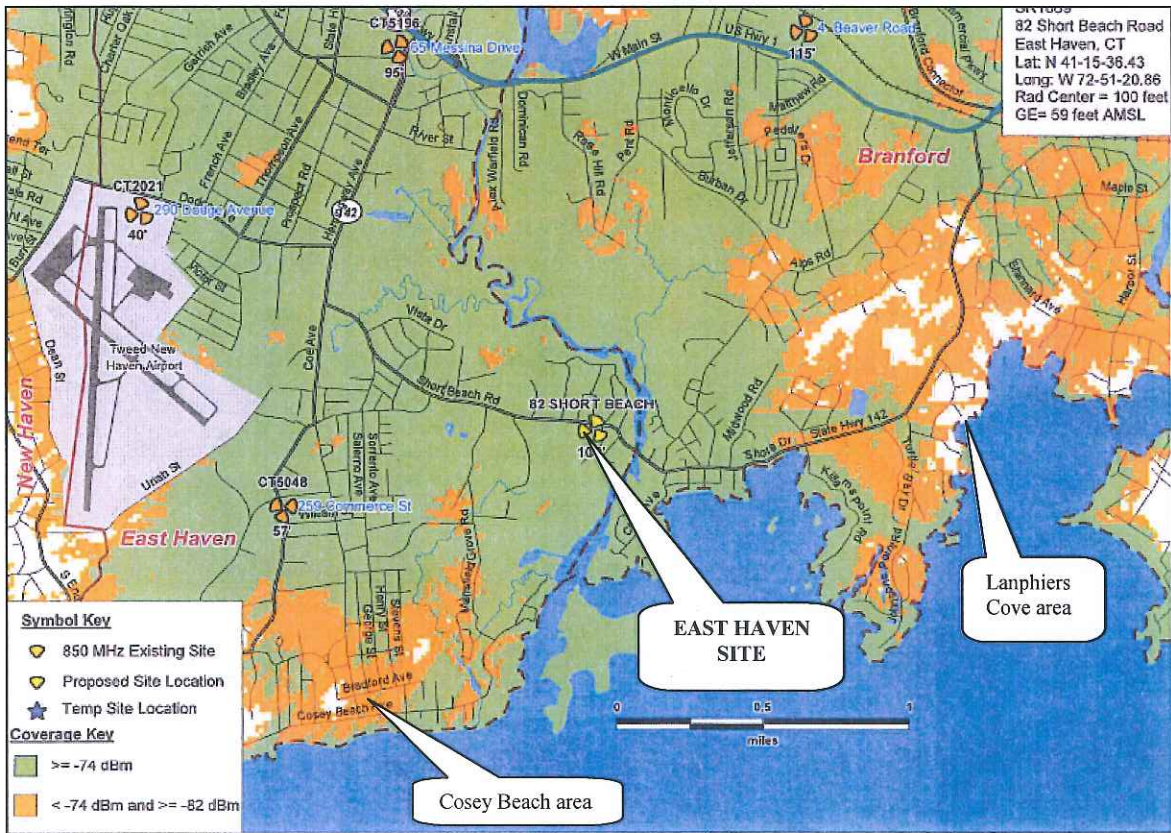
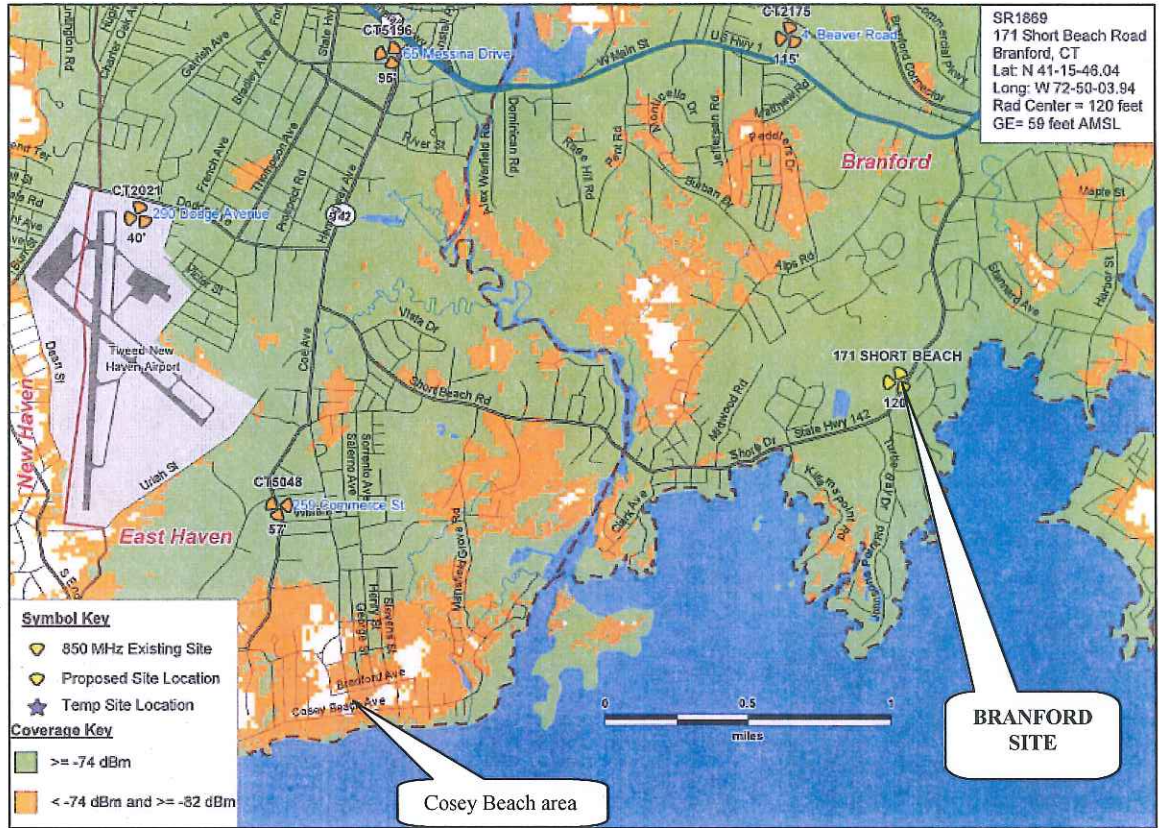


Figure 4: Proposed AT&T cellular coverage from Branford Site (top) and East Haven Site (bottom).



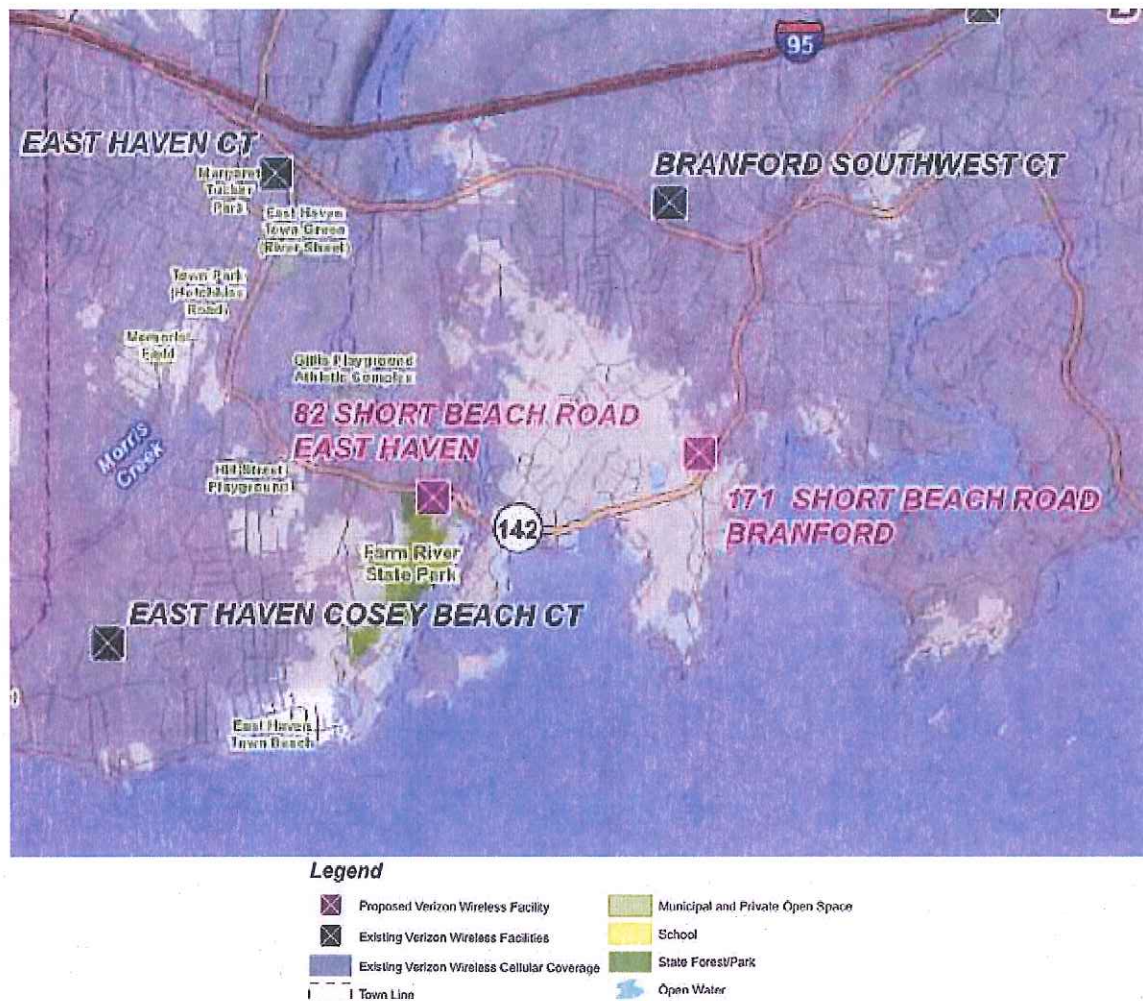


Figure 5: Existing Cellco cellular coverage (-85dBm). (Cellco 1, Tab 2)

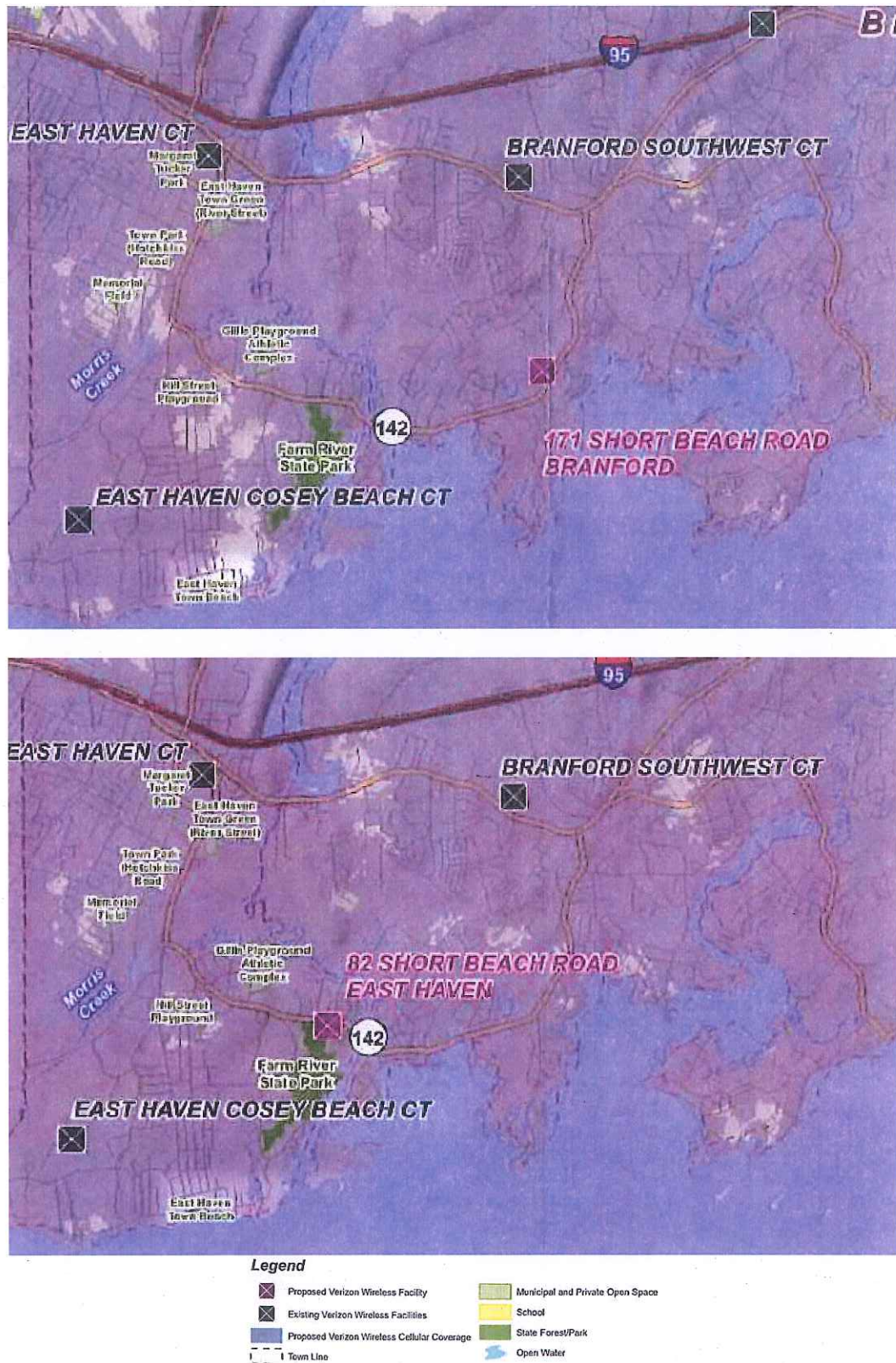


Figure 6: Proposed Cellco cellular coverage (-85dBm) from Branford Site (top) and East Haven Site (bottom).



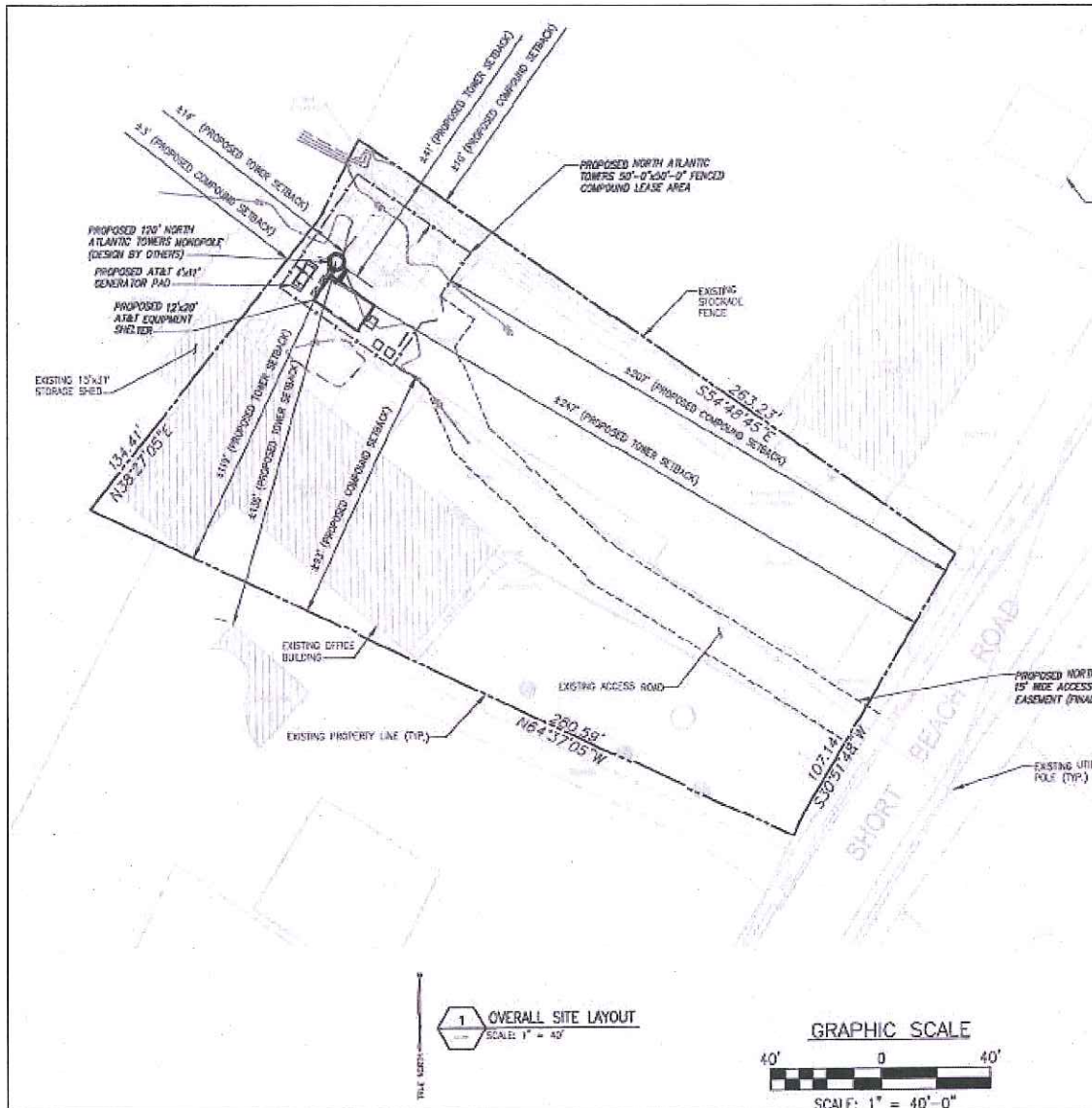


Figure 7: Branford Site proposed site plan. (Applicant 10, Tab 3)

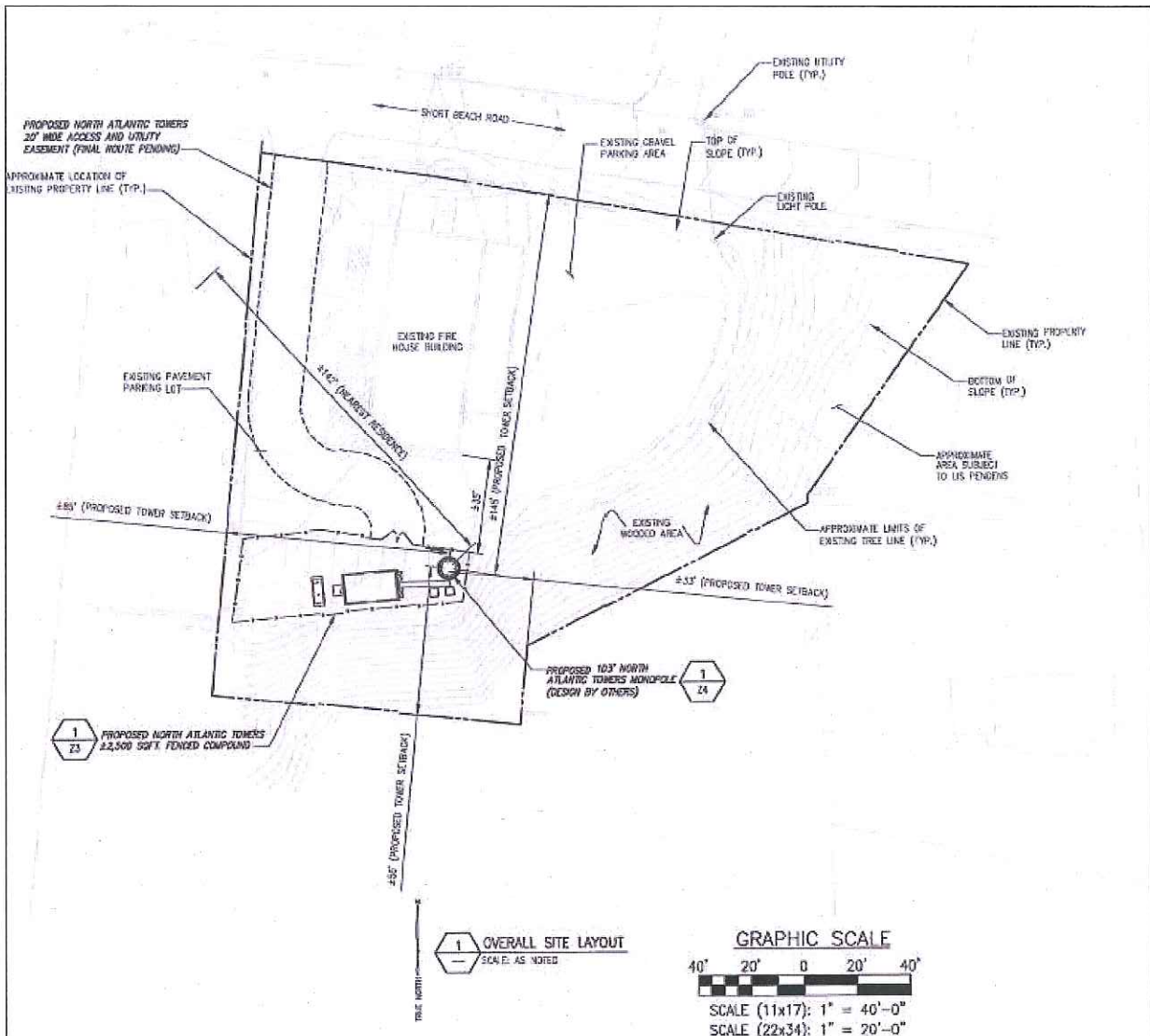
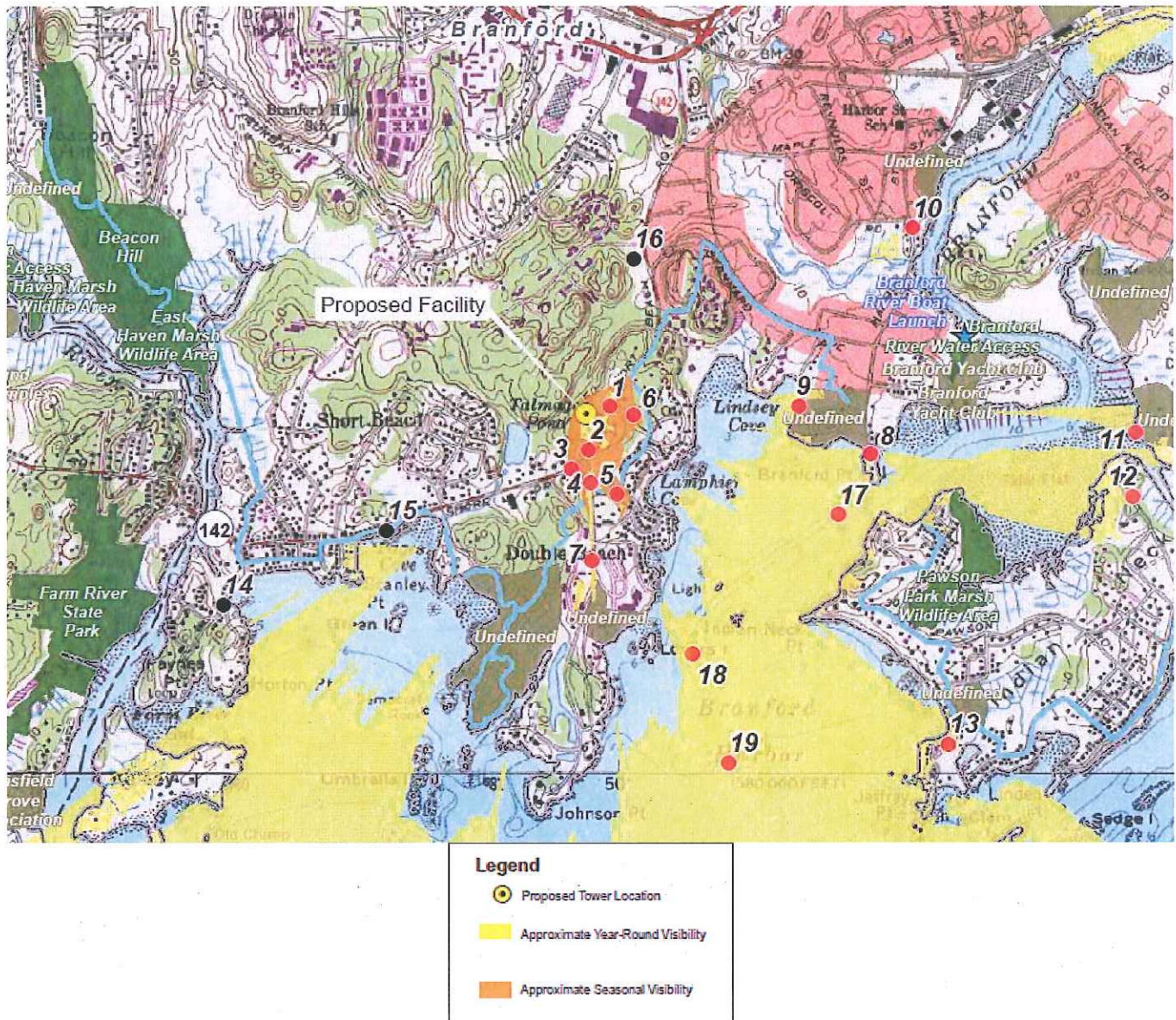


Figure 8: East Haven Site proposed site plan. (Applicant 10, Tab 4)





**Figure 9:** Projected visibility of the proposed Branford Site. Photo-simulations with corresponding photo-location map numbers follow. (Applicant 1, Tab 4C)





Branford Site photo-simulation 1 - Adjacent to #156 Short Beach Road, 0.06 mile east.



Branford Site photo-simulation 2 - Adjacent to #180 Short Beach Road, 0.09 miles south.





Branford Site photo-simulation 4 - Adjacent to #1 Lanphiers Cove Road, 0.17 miles south.



Branford Site photo-simulation 7 - Double Beach Road, 0.36 miles south.



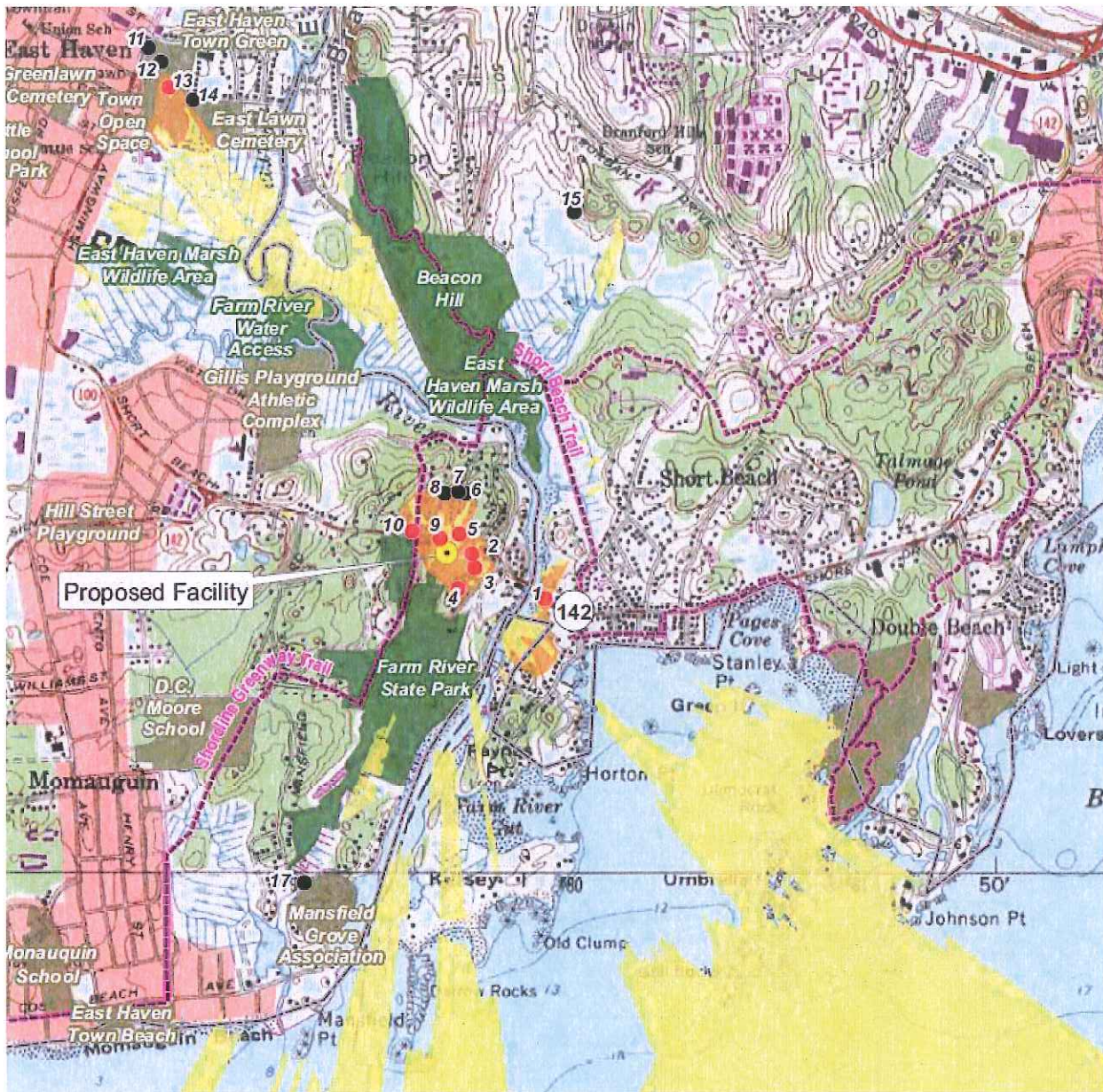


Branford Site photo-simulation 8 - Harbor Drive at Parker Memorial Park, 0.70 miles east.



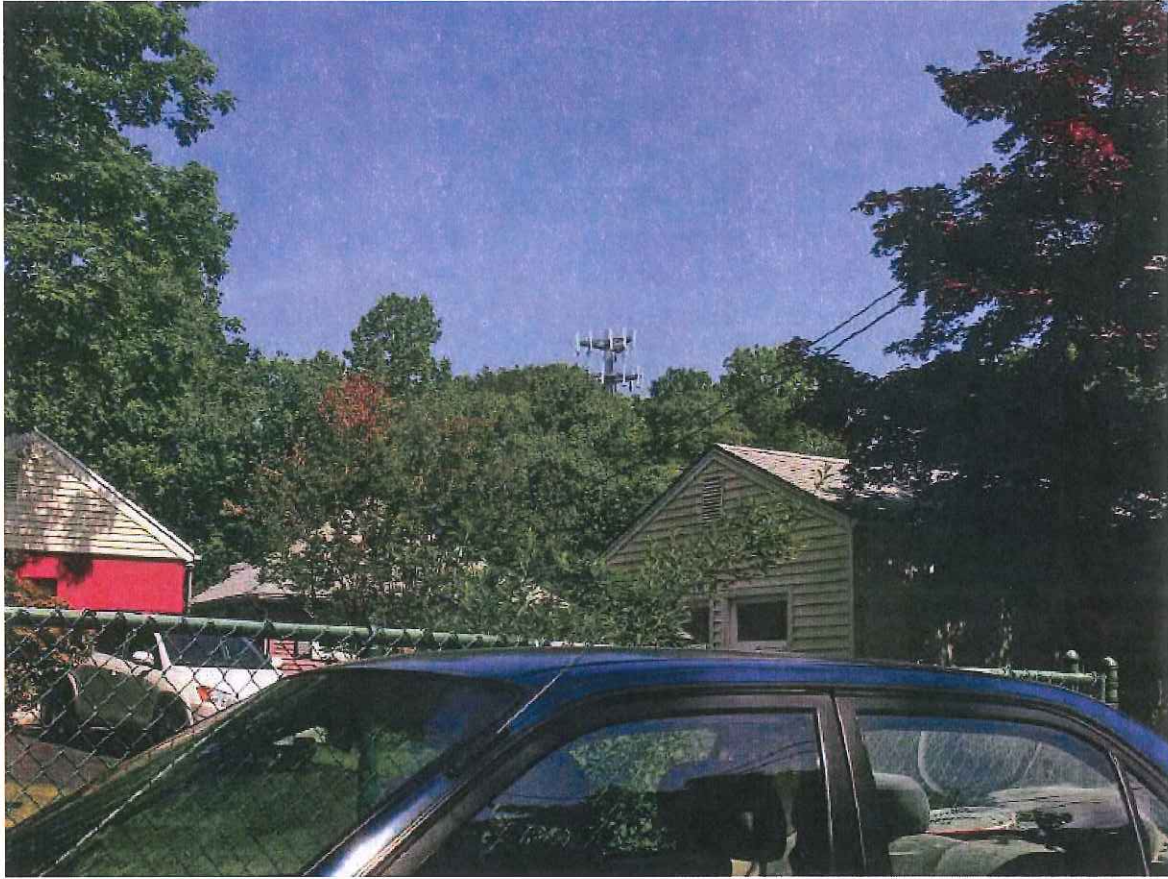
Branford Site photo-simulation 12 - Adjacent to #25 Sunset Beach Road, 1.35 miles east.



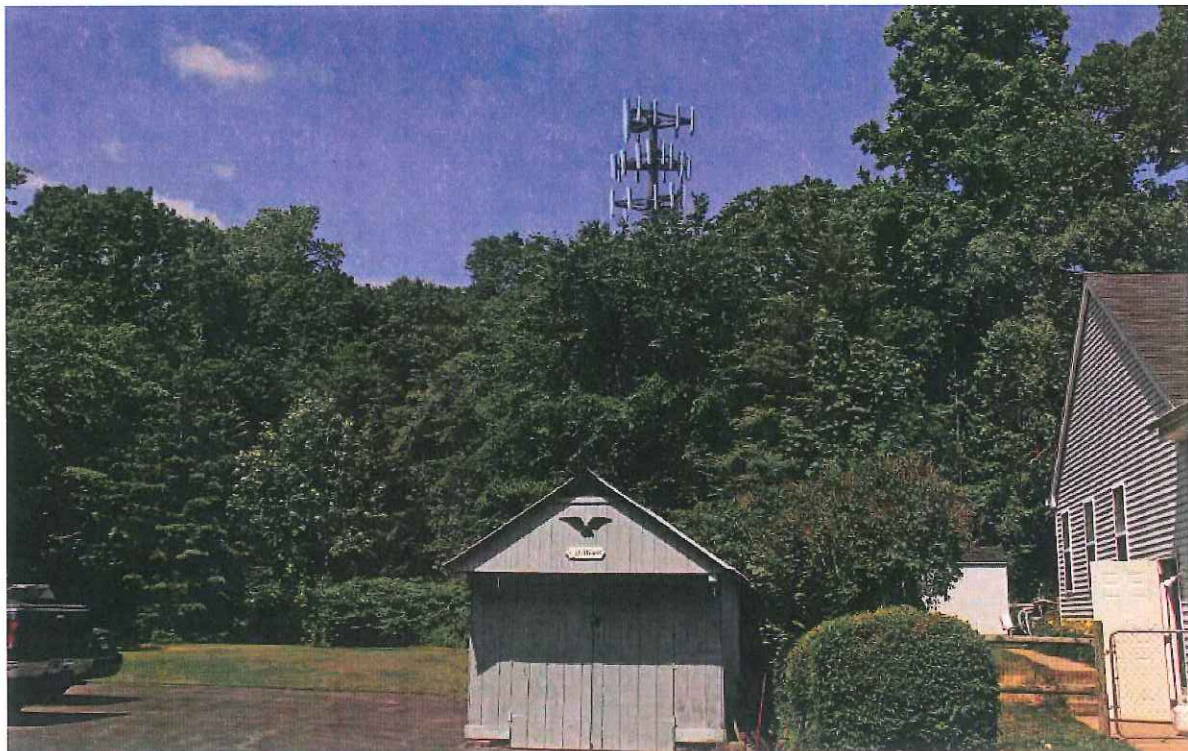


**Figure 10:** Projected visibility of the proposed East Haven Site. Photo-simulations with corresponding photo-location map numbers follow. (Applicant 1, Tab 5C)





East Haven Site photo-simulation 4 – Adjacent to #18 Hilton Avenue, 422 feet southeast of site.



East Haven Site photo-simulation 2 – Adjacent to # 54 Hilton Avenue, 316 feet southeast of site.





East Haven Site photo-simulation 5 – Adjacent to #65 Short Beach Road, 264 feet northeast of site.



East Haven Site photo-simulation 3– Adjacent to #40 Hilton Avenue, 370 feet southeast of site.



**DOCKET NO. 427** – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at one of two sites: 171 Short Beach Road, Branford, or 82 Short Beach Road, East Haven, Connecticut.

Connecticut

Siting

Council

December 13, 2012

### Opinion

On April 24, 2012, North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility located at either 171 Short Beach Road in Branford (Branford Site) or 82 Short Beach Road in East Haven (East Haven Site), Connecticut. The proposed facility would provide wireless service to the Route 142 area in the southeast section of East Haven and the southwest section of Branford, including the Short Beach area.

The proposed Branford Site consists of a 120-foot monopole and associated equipment compound located in the northeast corner of a 0.87-acre parcel, developed with a 6,500 square foot commercial building and associated parking areas for a heating and air conditioning business. Access to the site would be from an existing parking lot. Although the parcel is mostly open, several trees would need to be removed for a 50-foot by 50-foot compound. No wetland resources were identified on the parcel or immediately adjacent to the proposed construction area. Land use in the area includes woodlands to the north and west, a commercial property to the northeast, and residential development to the east and south.

The proposed East Haven Site consists of a 103-foot monopole and associated equipment compound located on a 0.91-acre parcel, developed with a fire station. A 103-foot tower is proposed because any structure that exceeds this height would be required to have aviation warning lights due to the proximity of Tweed Airport in New Haven. The State Historic Preservation Office opined that a tower with aviation hazard lighting would have an adverse environmental effect on a nearby historic district.

The proposed East Haven Site is located along the southern property, along the top of a steep slope. The 2,500 square-foot compound would be generally rectangular in shape, placed in a gravel area behind the fire station. Residential development is located north, east and west of the site. Farm River State Park is located to the south. The East Haven site would require no clearing or the disturbance of any wetlands. A wetland exists at the base of the steep slope, on abutting property but erosion control measures would prevent impacts to this resource. Although concerns were raised about the unconsolidated fill in area where the tower would be constructed, the Council finds the Applicant could engineer the tower to ensure the slope remains stable and the tower foundation secure.

The Council is satisfied that the Applicant has conducted a thorough search of alternative properties that could host a facility, including properties suggested by the Town of Branford and by the Council. The proposed coverage area is located mostly in a residential area with small lot sizes. The few large parcels within the search area are protected by land trusts, or consist of state park lands. Additionally, the commercial and municipal properties in the search area were not available for lease.

The Applicant examined Distributed Antenna Systems (DAS) and a two tower configuration. The Council concurs with the Applicants position that a DAS is not feasible because it would require many more poles and antennas than a macro site to achieve comparable coverage, and it would not provide sufficient flexibility for developing a robust wireless network as a whole. A two-tower configuration double construction costs, increase visual impacts, and be inconsistent with the Council's tower-sharing policy by reducing tower heights and associated coverage footprints for future co-locators.

Both AT&T and Cellco Partnership d/b/a Verizon Wireless (Cellco) have unreliable coverage in the Short Beach area of Branford and East Haven. Neither proposed facility, however, can meet 100 percent of each carrier's coverage objectives, given the terrain and extent of coverage gaps in the area. AT&T prefers the Branford Site, as it would provide mostly in-building coverage from Branford Harbor west to the Farm River, including residential areas around Short Beach, Lanphiers Cove, and Stannard Avenue. The Branford Site would marginally improve coverage to the Cosey Beach area of East Haven, but only at the in-vehicle service level. Some unreliable AT&T service would remain, especially around Cosey Beach Road and Dewey Avenue. For Cellco, the Branford Site would satisfy coverage objectives in Branford but would leave a portion of the Cosey Beach area with unreliable service.

The East Haven site provides in-building coverage for AT&T to the Short Beach area of Branford and the Wheaton Road area of East Haven. Additionally, most of the Cosey Beach area would have coverage in-vehicle coverage but not in-building, and a small area of unreliable coverage would remain on Cosey Beach Avenue. Coverage would be rated as in-vehicle for a mile of Route 142, including adjacent residential areas, east of Short Beach. Additionally, AT&T would have unreliable service to the Lanphiers Cove, Briarwood Lane, and Stannard Road areas. Cellco would have greater coverage from the East Haven site with Cosey Beach and most of the Route 142 corridor fully covered, except for some unreliable service in the Stannard Road, Alps Road and Briarwood Lane areas.

Near-range visibility of both sites is similar, as they are both visible from coastal waters and from the surrounding residential areas. Several residences in close proximity to both towers would have substantial views of the towers, and, in a few cases, a view of the entire facility. Long-range visibility would occur from Long Island Sound but, given the distances involved and the developed nature of the shoreline, the Council finds such visibility would not have an adverse effect on this resource.

Both proposed sites are within the migratory bird Atlantic Flyway. While both proposed sites are also close to the New Haven Harbor "waterfowl focus area", the risk of migratory bird collisions is low because both proposed towers comply with United States Fish and Wildlife Service guidelines that recommend towers be less than 199 feet, avoid use of lighting, and avoid guy wires for tower supports.

After examining the environmental impacts and the range of coverage at each location, the Council finds the Branford site preferable. It is located on a commercial property and abuts another commercial property to the north. A wooded land trust parcel buffers the site to the northwest. In general, the Council finds the land uses in the area of the Branford site are more compatible with cell tower development than the Farm River watershed lands where the East Haven site is located. The Council notes there has been considerable effort by federal, State and local entities to protect natural and cultural resources within a half-mile of the East Haven site, including the establishment of two historic districts, the creation of Farm River State Park, the protection of Beacon Hill, and the preservation of extensive tidal marshes.



The Branford site would provide coverage for AT&T to the Branford coastline, as well as in-vehicle coverage to most of the Cosey Beach area of East Haven. While Cellco would not obtain complete coverage of the Cosey Beach area, it would meet its coverage objectives along the Route 142 corridor in Branford and along the Farm River area of East Haven.

A tower at the Branford site offers more flexibility in terms of tower-sharing than a tower at the East Haven Site as the lowest available co-location spot would be at 100 feet rather than 80 feet as would be the case at the East Haven Site. The latter, being close to Tweed Airport, would effectively be capped at 103 feet, since, if it were to be extended, it would be required by the FAA to have aviation hazard marking and lighting, which the Council finds would have a detrimental effect on the surrounding neighborhood. A tower at the Branford site could be extended in the future without such detriment, facilitating tower share opportunities.

Acknowledging greater visual impacts from a tower at the Branford Site, which would be roughly 20 feet taller than the one in East Haven, the Council examined whether the tower could be built without platforms, giving it a slim profile. The Council finds, however, that such a flagpole type tower would not allow carriers the flexibility necessary either to maintain current networks or to support future network improvements. Nonetheless, to provide some shielding against open views from the east and southeast, the Council will order the Applicant to install solid wood fencing around the compound and to plant evergreen trees.

The proposed Branford Site is consistent with the provisions of the Connecticut Environmental Protection Act, as it will not have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water or other natural resources of the state. In consideration of all relevant surrounding circumstances and factors, there is no feasible and prudent alternative to the proposed tower. To mitigate views of the facility, the Council will order the Applicant to install solid wood fencing around the compound and install evergreen trees to shield open views from the east and southeast.

According to methodology prescribed by the Federal Communications Commission (FCC) Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined worst case radio frequency power density levels of AT&T's and Cellco's proposed antennas have been calculated to amount to 42% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and operation of a telecommunications facility at the Branford Site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 120-foot monopole telecommunications facility at the Branford Site at 171 Short Beach Road in Branford, with the condition that the Applicant install a stockade compound fence and evergreen trees for landscaping to shield views of the facility from the southeast.

**DOCKET NO. 427** – North Atlantic Towers, LLC and New }  
Cingular Wireless PCS, LLC application for a Certificate of }  
Environmental Compatibility and Public Need for the }  
construction, maintenance and operation of a telecommunications }  
facility located at one of two sites: 171 Short Beach Road, }  
Branford, or 82 Short Beach Road, East Haven, Connecticut.

Connecticut

Siting

Council

December 13, 2012

### **Decision and Order**

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to North Atlantic Towers, LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at the Branford Site, located at 171 Short Beach Road, Branford, Connecticut.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of New Cingular Wireless PCS LLC and Cellco Partnership d/b/a Verizon Wireless, and other entities, both public and private, but such tower shall not exceed a height of 120 feet above ground level. The height at the top of the Certificate Holder's antennas shall not exceed 123 feet above ground level.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Branford for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, stockade compound fencing, radio equipment, access road, utility line, and landscaping along the south and west side of the compound; and
  - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
3. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.



4. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
7. Any request for extension of the time period referred to in Condition 6 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Branford. Any proposed modifications to this Decision and Order shall likewise be so served.
8. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
9. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
10. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall comply with said section and provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.
11. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
12. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.

13. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
14. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in The New Haven Register and The Sound.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

**Applicant**

North Atlantic Towers, LLC and  
New Cingular Wireless PCS, LLC

**Its Representative**

Lucia Chiocchio, Esq.  
Christopher B. Fisher, Esq.  
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White Plains, NY 10601

Randy Howse  
North Atlantic Towers, LLC  
1001 3<sup>rd</sup> Ave. West., Suite 420  
Bradenton, FL 34205

Michele Briggs  
AT&T  
500 Enterprise Drive  
Rocky Hill, CT 06067-3900

**Intervenor**

Cellco Partnership d/b/a Verizon Wireless

**Its Representative**

Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597

**Intervenor**

Sarah Pierson  
63 Hilton Avenue  
East Haven, CT 06512



**Intervenor**

Town of Branford

**Its Representative**

Town of Branford  
Keith R. Ainsworth, Esq  
Evans Feldman & Ainsworth, L.L.C.  
P.O. Box 1694  
New Haven, CT 06507-16

**Intervenor**

Niki Whitehead  
9 Hilton Avenue  
East Haven, CT 06512

**Intervenor**

Richard Moreland  
8 Hilton Avenue  
East Haven, CT 06512

**Intervenor**

Bruce H. Williams Jr.  
54 Hilton Avenue  
East Haven, CT 06512

**Intervenor**


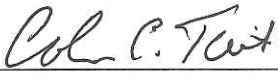
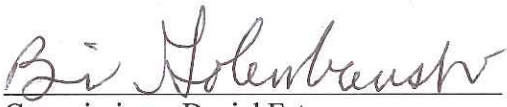

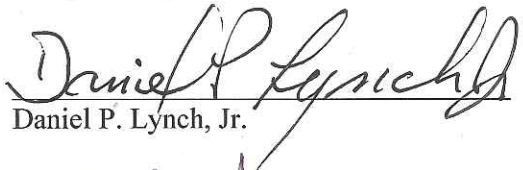
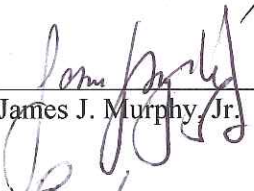
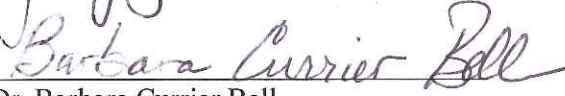
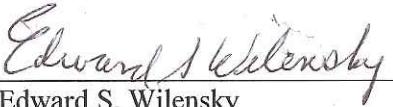
James Berardi  
90 Short Beach Avenue  
East Haven, CT 06512

**Intervenor**

Daniel Criscuolo, Sr.  
Pamela Maki  
100 Short Beach Road  
East Haven, CT 06512

**CERTIFICATION**

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **Docket No. 427**, and voted as follows to approve the proposed East Haven Site located at 171 Short Beach Road, Branford, Connecticut.

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Robert Stein, Chairman	Yes
 _____ Colin C. Tait, Vice Chairman	Yes
_____ Chairman Arthur House Designee: Michael Caron	Absent
 _____ Commissioner Daniel Esty Designee: Brian Golembiewski	Yes
 _____ Philip T. Ashton	Yes
 _____ Daniel P. Lynch, Jr.	Yes
 _____ James J. Murphy, Jr.	Yes
 _____ Dr. Barbara Currier Bell	Yes
 _____ Edward S. Wilensky	No

Dated at New Britain, Connecticut, December 13, 2012