

**CONNECTICUT SITING COUNCIL**

<b>PETITION OF NEW CINGULAR</b>	)	
<b>WIRELESS PCS, LLC ("AT&amp;T") TO THE</b>	)	
<b>CONNECTICUT SITING COUNCIL FOR A</b>	)	<b>PETITION NO. 1010</b>
<b>DECLARATORY RULING THAT NO</b>	)	
<b>CERTIFICATE OF ENVIRONMENTAL</b>	)	<b>DECEMBER 8, 2011</b>
<b>COMPATIBILITY AND PUBLIC NEED IS</b>	)	
<b>REQUIRED FOR THE PROPOSED</b>	)	
<b>INSTALLATION OF A CONCEALED</b>	)	
<b>TOWER ON A WATER TANK AND</b>	)	
<b>RELATED FACILITIES LOCATED AT A</b>	)	
<b>WATER TREATMENT PLANT AT</b>	)	
<b>455 VALLEY ROAD</b>	)	
<b>GREENWICH, CONNECTICUT</b>	)	

**SUPPLEMENTAL SUBMISSION II**

The following supplemental submission contains information in support of AT&T's Petition No. 1010 and responses to public comments filed with the Siting Council:

1) Prior SNET Zoning Approval For An Antenna Attachment on the Water Tank

Annexed in Exhibit 1 are copies of a recorded Site Plan Approval Certificate dated November 13, 2001, an October 15, 2001 letter/approval resolution from the Town of Greenwich Planning & Zoning Commission and related drawings for an antenna attachment proposed by AT&T's predecessor, SNET Mobility, LLC., for an antenna installation on the Aquarion water tank at 455 Valley Road in the Town of Greenwich. In 2001, the Town Planning & Zoning Commission approved an installation that consisted of galvanized pipe frames to be spot welded to the top of the water tank in three sectors with a total of twelve panel antennas. The approval resolution also notes that the Town's Inland Wetlands Agency approved the project in 2001. The type of installation as proposed and approved in 2001 was and is an attachment under local

zoning jurisdiction. SNET Mobility, LLC never constructed the approved facility and coverage is still deficient in the AT&T network.

Currently, AT&T is proposing a lattice tower structure on top of the water tank to which the antennas will be affixed along with screening material which is for aesthetic purposes only. As such, the project falls under Siting Council jurisdiction as a tower as defined under State law, the legal analysis for which is included in the Petition filed on AT&T's behalf. Of note, the concealed tower as currently proposed by AT&T would extend to 64' AGL as compared with the antennas and mounts approved by the Planning & Zoning Commission would have extended to just over 52' AGL and would not have been screened from public view. The prior Town Planning & Zoning Commission's site plan and wetlands approvals for a facility in this location supports a Siting Council finding that the current concealed tower proposal does not present any significant adverse environmental effects.

2) Response to Public Comments Filed with the Siting Council

The Siting Council is in receipt of generalized opposition letters to this project from some residential property owners and a request for a public hearing. The following comments are offered in response to the various assertions made as part of the request for a public hearing:

- a) Safety/Fall Zone – Correspondence to the Council from neighbors erroneously states that the nearest residential property is 62' away and that the concealed tower extension is 65' in height. As clearly shown on drawing C02 behind Tab B of the Petition, a 64' radius from the site is largely within the Aquarion property and extends just slightly into the right-of-way for Valley Road. None of the 64' radius extends onto residential properties.

- b) Alternative Sites – Correspondence to the Council from neighbors contains unsupported and unspecified suggestions of “numerous alternatives”. While alternatives are not legally an issue for purposes of the Council’s ruling on AT&T’s Petition, we note that the area of need is well north of Route 1 and south of the Merritt Parkway and principally residential. AT&T has evaluated new tower site alternatives in the area none of which have been able to be leased. Properties evaluated include among other sites, Fort Stamford on the National Register of Historic Places, which was the subject of AT&T presentations to City of Stamford officials in 2009. Additionally, it is important for the Council to know that in 2009, T-Mobile proposed a controversial tower site adjacent to the North Mianus School along Palmer Hill Road in Greenwich. That location was opposed by many in the community and the Town of Greenwich requested that numerous alternative sites be evaluated including the Aquarion property at 455 Valley Road. The Town hired its own consultant to assist in the evaluation of the suggested alternatives which included the water tank, DAS and other properties where a conventional tower might be an option. The Town’s own consultant came to the conclusion that DAS was not a viable alternative for this part of Greenwich and stated that the best technical solution was a new tower on Town property known as the Pinetum. Unfortunately, that parcel has a deed restriction that many in the community have stated precludes its use as a tower site. As such, AT&T is not aware of any viable alternatives to this installation in trying to serve this part of the State.
- c) Environmental Impacts - Correspondence to the Council from neighbors contains allegations that the AT&T project creates a threat to the Mianus River and associated

wildlife. These opinions are unsupported by any facts. The wetland delineation report from AT&T's professionals at VHB which was included in Tab E of the Petition, the prior Town wetlands approvals for a similar project and the fact that the underlying property is developed and actively used as a water treatment plant do not support the neighbors assertions of any water quality or wildlife impacts to the Mianus River.

- d) Compliance with FCC MPE limits - Correspondence to the Council from neighbors contains an unsupported statement that the AT&T project would create health risks to families and children who live in the area. AT&T commissioned a comprehensive report by C Squared Systems which is behind Tab F of the Petition. The Council is specifically referred to the discussion on pages 4 and 5 of the report which goes into extensive detail in demonstrating compliance with the FCC's MPE limits at several residential locations.
- e) Historic Impacts - Correspondence to the Council from neighbors contains an unsupported statement that the AT&T project would impact some homes in the area that are alleged to be over 100 years old. AT&T's consultants from VHB conducted a review of the area for any impacts on State and Federal historic sites and properties and concluded there were no historic impacts. The State of Connecticut Historic Preservation Officer confirmed these findings and determined that the project would have no adverse historic impacts as noted in correspondence provided in AT&T's November 15, 2011 Supplemental Filing, Tab 3.
- f) Aesthetics – Correspondence to the Council from neighbors includes an opinion that the AT&T project would introduce “unnatural” aesthetics to the area. AT&T

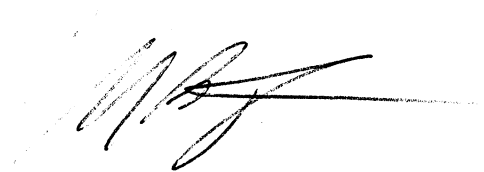
respectfully submits that a 17.5' concealed tower on the top of an existing water tank at the Aquarion water filtration plant with associated buildings and treatment areas would not introduce unnatural aesthetics to the area. By concealing the tower structure and maintaining a consistent color, it will blend into the existing condition for the area and do so in a manner that AT&T submits is an improvement over the prior approved plan for unscreened antennas mounted to the top of the water tank. The Council is respectfully referred to the visual study prepared by CHA and included in Tab C of the Petition for further evidence regarding the project's lack of visual or aesthetic impacts to this area of Greenwich.

- g) Traffic – Correspondence to the Council from neighbors contains an interesting theory that road traffic will increase due to improved wireless service in the area. We are not aware of any statistical correlation in this regard and simply note that the AT&T project will require routine visits once or twice a month by a service technician in a light duty truck or van which cannot be considered a traffic impact to area roadways.
- h) Need for Wireless Services - Correspondence to the Council from neighbors contains a vague assertion that there is no need for the facility due to “alternative communications options”. While the public need for wireless services is not legally an issue for purposes of the Council's ruling on AT&T's Petition, we refer the neighbors to Section 704 of Telecommunications Act of 1996 which affirms the public's right to obtain wireless services from wireless carriers and that State and local governments cannot prohibit such services from being provided.

- i) Property Values – Correspondence from neighbors contains a statement that the AT&T project will result in a decrease in property values. Property values are not legally an issue for purposes of the Council’s ruling on AT&T’s Petition.

Based on the foregoing, we respectfully submit that, as to those issues which are legally relevant for Council consideration in Petition 1010, none of the neighbors comments rise to the level of warranting a public hearing. Additionally, none of the correspondence to the Council states an intent by neighbors to participate in the proceedings by introducing any facts contrary to those offered by the Petitioner. We further submit that this project presents fewer environmental considerations than other energy and telecommunications projects that the Council has reviewed and approved by declaratory ruling and without the need for a public hearing.

Respectfully Submitted,



Christopher B. Fisher, Esq.  
Cuddy & Feder, LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 761-1300

Attorneys for and on behalf of  
Petitioner AT&T

cc: First Selectman Peter Tesei, Town of Greenwich  
Katie Blankley, Assistant Town Planner, Town of Greenwich  
Liz Camerino Schultz, Aquarion  
Michele Briggs, AT&T

**EXHIBIT 1**

EX3699PR0231



TOWN OF GREENWICH

15407

Planning and Zoning Commission

Diane W. Fox  
Town Planner/Zoning Enforcement Coordinator

Laurence I. Bradley  
Joseph R. Potenza  
Katie Blankley  
Matthew N. Steinberg  
Mary K. Young

**SITE PLAN APPROVAL CERTIFICATE**

I, Lora Siefert, Secretary of the Planning and Zoning Commission of the Town of Greenwich, Connecticut, do hereby certify that the Commission granted final site plan approval, for the following project at its meeting held on, October 2, 2001 at which a quorum was present.

**RECORD OWNER:** Connecticut American Water Company  
**PROJECT:** SNET Mobility, LLC to install 12 telecommunications panel antennas on top of an existing water tank  
**PROJECT LOCATION:** Mianus River Filtration Plant on Valley Road, RA-1 Zone  
**SITE PLAN NUMBER:** #2206

The complete site plan is on file in the office of the Planning and Zoning Commission, Town Hall, Greenwich, Connecticut, as are the approved minutes of the meeting and the decision letter which includes any modifications to the approval.

IN WITNESS WHEREOF, I have hereunto set my hand the day 15 of November, 2001

*Lora Siefert*  
Lora S. Siefert  
Secretary  
*[Signature]*  
Town Clerk

Received for Record NOV 15 2001 at 9h 45m A M. and recorded by [Signature]





# TOWN OF GREENWICH

Planning and Zoning Commission

Diane W. Fox  
Town Planner/Zoning Enforcement Coordinator

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Joseph R. Potenza  
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## CERTIFIED MAIL

October 15, 2001

Paul Tusch, Esq.  
Cacace, Tusch & Santagata  
777 Summer Street  
Stamford, CT 06901

**RE: Application #2206, as submitted by Paul Tusch, Esq., authorized agent for record Owner the Connecticut American Water Company and applicant SNET Mobility, LLC, for a final site plan to erect twelve (12) telecommunication panel antennas on top of an existing water tower per Sections 6-15 and 6-140.1 of the Building Zone Regulations for a 2.63 acre property located at the Manus River Filtration Plant on Valley Road in the RA- 1 zone as shown on the site plan and architectural drawings prepared by Maguire Group, Inc dated 5/30/01.**

Dear Mr. Tusch:

The Planning and Zoning Commission at a regular meeting held on October 2, 2001, considered the above referenced application and took the following action:

A motion to approve this application was made by Mr. Maitland and seconded by Mr. Weiss (Voting in favor Messrs Heimbuch, LeBien, Maitland and Weiss; voting against Mrs. Colombo).

Whereas, the Commission held three regular meetings on August 7, 2001, September 11 rescheduled to September 13, 2001, and September 25, 2001 and took all testimony required by law on this application; and

Whereas, this application is for the installation of twelve panel antennas that operate under the FCC in the 880 – 894 MHz frequency, and the antennas measure 52'' high x 13'' wide x 11.4'' deep and will be erected on top of an existing 47.7 feet high circular container on property owned by the Connecticut-American Water Company in the RA-1 zone, which is an integral part of the Mianus River Filtration Plan and the Greenwich Water System; and is considered a water tower within the meaning of the Building Zone Regulations of Section 6-127; and

Whereas, the twelve panel antennas will be arranged in three groups of four antennas around the circumference of the top of the existing water tower, which is currently 47.7 feet high and the antennas are proposed to extend just less than 6 feet above that height and a cable to connect the antennas with the accompanying ground equipment will run down the side of the tower along an existing overflow pipe and will be painted to match the tower; and

Whereas, the Commission finds that this water tower is legally non-conforming as to setbacks under the current regulations and this application does not increase the degree of non-conformity because no expansion of the water tower setback location is occurring relative to the property line; further the Commission finds that water towers are exempt from the height limitations under Section 6-127 and since these proposed antennas do not constitute structures under 6-5(49) (because they are under six feet in height and do not substantially obstruct light and air) there is no increase in height of the water tank structure even with the added antennas; and

Whereas, the Commission notes that the use of existing structures is encouraged by Federal and State authorities for these types of telecommunications equipment applications and this approval is consistent with P&Z applications of a similar nature such as Final Site Plan #2194, which was the approval for six (6) panel antennas mounted on an existing Connecticut American Water Tower on Butternut Hollow Road; and

Whereas, the leased area consists of the top of the water tower, the interior of an existing structure that will be renovated to house the accompanying equipment, and a 25 foot wide right-of-way from Valley Road. The access guidelines set forth in the lease agreement limit the applicant to conduct site visits and construction times to between the hours of 8:00 a.m. and 6:00 p.m. (except in an emergency) due to the residential location of the facility. The duration of the lease is for a five (5) year period with the possibility of renewing the lease for three (3) additional five (5) year terms; and

Whereas, there are currently several large trees to remain which will continue to shield the tower from residents' views, and existing structure for the accompanying equipment and the structure will be improved with the installation of ventilation, air conditioning and condensation control units, a new doorway, concrete stairs, and metal railings outside the doorway and will have a stucco mason finish painted "desert taupe" (Sika Palette) per the Architectural Review Committee. In addition, the antennas will be painted a neutral gray color; and

Whereas, the Inland Wetlands Agency approved a permit for the site at their October 30, 2000 meeting which was needed due to the proximity of a proposed ten foot gravel access way to the Mianus River and the need for soil and erosion controls to be installed prior to and during construction , and

Whereas, the applicant stated that this area is currently within a significant coverage gap along Valley Road and the eastern part of Greenwich and although other sites were investigated this was the most appropriate to provide communication coverage for the area as shown on the applicants map and for all these reasons the Commission finds that this site plan application meets the standards of site plan Section 6-15 and 6-140.1 of the Building Zone Regulations; and

**THEREFORE BE IT RESOLVED** that Application #2206, as submitted by Paul Tusch, Esq, authorized agent for record Owner the Connecticut American Water Company and applicant SNET Mobility, LLC, for a final site plan to erect twelve (12) telecommunication panel antennas on top of an existing water tower per Sections 6-15 and 6-140.1 of the Building Zone Regulations for a 2.63 acre property located at the Mianus River Filtration Plant on Valley Road in the RA- 1 zone as shown on the site plan and architectural drawings prepared by Maguire Group, Inc dated 5/30/01 is hereby approved with modifications.

The modifications are as follows and will be addressed on the three sets of plans to be submitted to staff for signoff prior to building permit:

- 1) Prior to any activity on site, written approval by the CT American Water Company to install the system be submitted to Planning and Zoning.
- 2) Prior to any work in the area, all soil and erosion controls will be in place and shown on the plan subject to the Inland Wetlands Watercourses Agency permit conditions.
- 3) The antennas will be painted a neutral gray color per the Architectural Review Committee.
- 4) Final approval from the Architectural Review Committee for resolution on whether the water tower should be painted a different color and final approval of the construction drawings must be received prior to building permit issuance.
- 5) A structural analysis of the water tower for the additional weight load must be approved by the Building Department prior to building permit issuance.
- 6) An application must be filed with the Planning and Zoning Office if there is any change to the location or materials of any equipment including the use of the Building proposed with this application.

- 7) The applicant must remove all primary and secondary equipment upon termination of the approvals set forth in this letter or expiration of lease. A note be added to plan requiring said removals.

If you have any questions, please call our office.

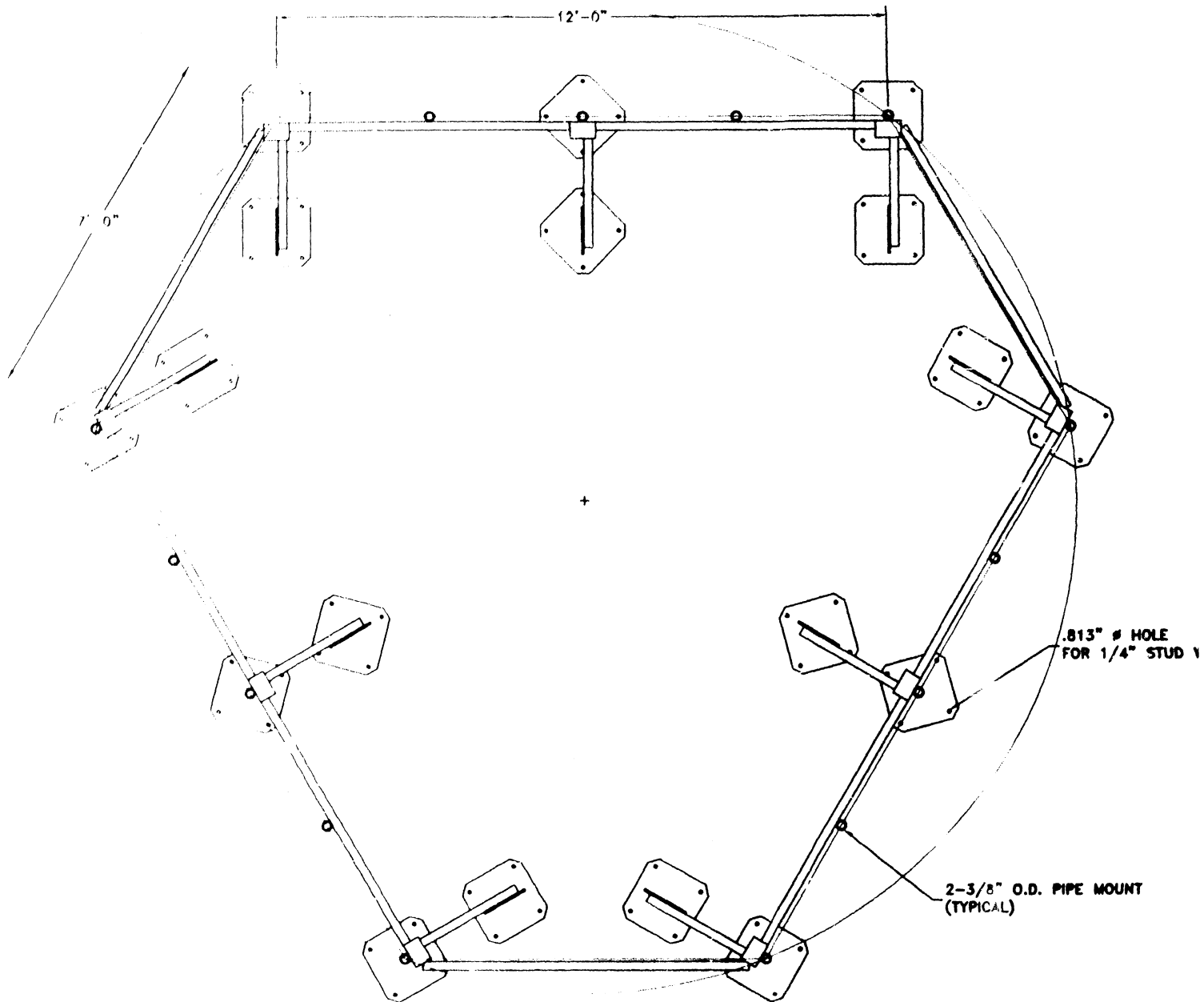
Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Blankley', with a large, sweeping flourish at the end.

**Katie Blankley, Planner II**

CC: Jim Maloney  
William, Marr  
Bruce Dixon  
Michael Aurelia





**PLAN OF SUPPORT ASSEMBLY**

**NOTES**

1. SUPPORT ASSEMBLY BY MTS INC. PART NO. WT-RTA12-12-96  
12' WATER TOWER ROOF-TOP ASSEMBLY
2. V.I.F. DENOTES "VERIFY IN FIELD." ALL DIMENSIONS & CONDITIONS TO BE COORDINATED WITH PIROD INC., VENDOR DRAWING, TO BE COORDINATED/ VERIFIED WITH FIELD CONDITIONS, ETC.
3. INSTALL ANTENNA FRAME AT MINIMUM HEIGHT REQUIRED TO CLEAR EXISTING TANK STRUCTURE.

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S-1

**ROOF-TOP WATER TANK MOUNT**  
NOT TO SCALE