

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

A PETITION OF ARX WIRELESS, LLC
FOR A DECLARATORY RULING ON
THE NEED TO OBTAIN A SITING
COUNCIL CERTIFICATE FOR THE
REPLACEMENT OF AN EXISTING
TELECOMMUNICATIONS TOWER AT
1605 DURHAM ROAD,
WALLINGFORD CONNECTICUT

PETITION NO. _____

January 30, 2024

**PETITION FOR A DECLARATORY RULING:
INSTALLATION HAVING NO
SUBSTANTIAL ADVERSE ENVIRONMENTAL EFFECT**

I. Introduction

Pursuant to Sections 16-50j, 16-50j-38 and 16-50j-39 of the Regulations of Connecticut State Agencies ("R.C.S.A."), ARX Wireless LLC ("ARX") hereby petitions the Connecticut Siting Council (the "Council") for a declaratory ruling ("Petition") that no Certificate of Environmental Compatibility and Public Need ("Certificate") is required under Section 16-50k(a) of the Connecticut General Statutes ("C.G.S.") to replace an existing 162-foot monopole tower with a new 162-foot monopole tower on an approximately 268-acre parcel on 1605 Durham Road, Wallingford, Connecticut (the "Property"). The Property is owned by Tilcon Materials, Inc. ("Tilcon").

II. Background

At the Property, SBA Towers Inc. ("SBA") currently owns and maintains a 162-foot monopole tower ("SBA Tower") at a ground elevation of approximately 324 feet above mean sea level ("AMSL").

The existing tower was approved by the Town of Wallingford ("Town") on December 16, 1999. See Town approval attached as Exhibit 1. The Council assumed jurisdiction of the SBA Tower when it approved the shared use of the tower by Springwich Cellular Limited Partnership in TS-SCLP-148-000619.

The SBA Tower is currently shared by Sprint which has antennas at the 162-foot level; T-Mobile which has antennas at the 152-foot level; Verizon which has antennas at the 132-foot level; AT&T which has antennas at the 122-foot level; and Dish Communications which has antennas at the 110-foot level. (See Tower Elevation Existing and Proposed, included on Plan Sheet C-104 in Exhibit 2). The existing tower, carriers' equipment, cabinets and shelters are located on the ground near the base of the tower within a 60' x 60' foot compound area. The compound is surrounded by an eight-foot security fence and gates. Access to the existing tower compound extends along an existing gravel access to Durham Road. (See Project Plans included in Exhibit 2).

A. SBA Tower Lease

At the Property, SBA currently owns and operates the SBA Tower pursuant to a lease dated November 30, 1999 (“SBA Lease”). ARX is Tilcon’s manager of the Site. The SBA Lease expires on January 31, 2024. Tilcon, through its manager, gave SBA notice of its intention not to renew the Lease.

B. ARX Lease

On October 22, 2023, Tilcon entered into a lease agreement with ARX (“ARX Lease”) for the construction, operation and maintenance of a replacement tower. ARX contacted SBA on numerous occasions to determine if SBA was interested in selling the existing tower to ARX. SBA representatives declined.

ARX therefore proposes to construct a new self-supporting monopole tower approximately 57 feet to the southeast of the existing SBA Tower. A listing of proposed antennas and equipment on the replacement tower is included on Plan Sheet C-105, in Exhibit 2.

The ARX Tower will be designed to accommodate all existing entities sharing the SBA Tower. The new tower will also be designed with excess structural capacity so that new facilities, or further modifications to existing facilities, can be accommodated. ARX will own the replacement tower. After the new tower is constructed and all existing equipment is relocated onto the new tower, the existing SBA Tower and all appurtenances will be removed.¹

¹ Pursuant to Section 9 of the SBA Lease, SBA is required, to the extent reasonable, to restore the Property to its original condition upon the termination of the SBA Lease.

III. Discussion

A. The Proposed Facility Modifications Will Not Have A Substantial Adverse Environmental Effect.

The Public Utility Environmental Standards Act (the "Act"), C.G.S. §§ 16-50g, et seq., provides for the orderly and environmentally compatible development of telecommunications towers in the state to avoid "a significant impact on the environment and ecology of the State of Connecticut." C.G.S. § 16-50g. To achieve these goals, the Act established the Council, and requires a Certificate of Environmental Compatibility and Public Need for the construction of cellular telecommunication towers "that may, as determined by the council, have a substantial adverse environmental effect." C.G.S. § 16-50k(a).

ARX respectfully submits that the replacement tower will not have a substantial adverse environmental effect and therefore approval of this Petition for Declaratory Ruling is appropriate.

1. Physical Environmental Effects

ARX submits that the minor expansion of the facility compound, and the construction of a replacement tower ("ARX Tower") approximately 57 feet to the southeast of the existing SBA Tower, will not involve a significant alteration to the physical or environmental characteristics of the Property or the surrounding area. (See Exhibit 2, Plan Sheet C-103). Vehicular access and utility service to the ARX Tower compound will not change in any way.

2. Wetlands Evaluation

Eric Johnson, Principal Scientist with Environmental Corporation of America (“ECA”), determined that there are no direct wetland impacts resulting from the proposed ARX Tower at the Property. (See Preliminary FCC NEPA Environmental Review dated January 3, 2024 included as Exhibit 3). No impacts are expected to the wetland areas (two ponds) to the north and west of the project area. Further, the project area is not within a 100-year floodplain. Finally, the existing access drive will likewise not be impacted by the proposed facility improvements since no access drive improvements are required or proposed.

3. Visual Effects

As discussed in numerous other Council filings and proceedings, visual impact of a tower is often the most significant and, in many cases, the only discernible environmental effect associated with such facilities. To assess these conditions, ARX engaged Virtual Site Simulations (“VSS”) to review the overall visual impact of the existing SBA 162-foot tower and the replacement ARX 162-foot tower described in this Petition. VSS concluded that the replacement tower would have a *reduced* visual impact, specifically a net change of -.4 acres of overall visibility (leaf off/year round). A copy of the VSS Visibility Analysis is included in Exhibit 4.

4. FCC Compliance

Radio frequency ("RF") emissions from the replacement tower will not exceed the standards adopted by the Federal Communications Commission ("FCC"). Dish Communications filed a cumulative RF emissions calculation (General Power Density table) confirming that the total power density will be 16.26%, well within the RF emissions standards established by the FCC. As the existing carriers will be moving over to the replacement tower at exactly the same heights, the RF emissions will not change.

5. FAA Summary Report

Included in Exhibit 5 of this Petition is a Federal Aviation Administration Determination of No Hazard to Air Navigation for the 162-foot replacement tower at the Property.

B. Notice to the Mayor, First Selectman and Abutting Landowners

On January 30, 2024, copies of this Petition were sent to Wallingford's Mayor Vincent Cervoni, Town Planner Kevin Pagini, and to Durham's First Selectman Brendan Rea and Durham Planning Administrative Coordinator Jennifer Perry, providing notice of ARX's intent to file this Petition together with a copy of the project plans.

Notice was also sent to the owners whose land abuts the Property. Included in Exhibit 6 are copies of the letters sent to Mayor Cervoni, Town Planner Pagini, First Selectman Rea and Planning Coordinator Perry, a sample abutter's notice letter, and the list of those abutting landowners who were sent notice of the filing of the Petition.

C. **A Conclusion That the Proposed Tower Replacement Will Not Have a Substantial Adverse Environmental Effect Would Be Consistent With Siting Council Precedent.**

The Council has previously determined, under similar circumstances, that the replacement of an existing tower would have no substantial adverse environmental effect, does not require a Certificate and, most importantly, is preferable to the construction of a second tower in a particular area. Similar Petitions have been approved by the Council in, for example, Petition No. 827 and Petition No. 722 and many other “drop and swap” Petitions.

IV. **Conclusion**

Based on the information provided above, ARX respectfully requests that the Council issue a determination in the form of a declaratory ruling that the replacement of the existing SBA Tower at the Property will not have a substantial adverse environmental effect and does not require the issuance of a Certificate of Environmental Compatibility and Public Need pursuant to § 16-50k of the General Statutes.

Respectfully submitted,

**PETITIONER,
ARX WIRELESS, LLC**

By: Julie D. Kohler
Julie D. Kohler, Esq.
General Counsel
ARX Wireless Infrastructure LLC

By: David A. Ball
David A. Ball, Esq.
Cohen and Wolf, P.C.

EXHIBIT #1



Town of Wallingford, Connecticut

CT 12/98

WILLIAM E. AUSTIN
CHIEF OF PLANNING & ZONING COMMISSION
LINDA A. BUSH, AICP *Zoning*
TOWN PLANNER
WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06482
TELEPHONE (203) 294-2080

CERTIFIED LETTER

#Z 483 770 392

December 16, 1999

Scanned

Ms. Esther McNary
SBA, Inc./Sprint PCS
125 Shaw Street
New London, CT 06335

RE: Special Permit #418-99
1605 Durham Road

Dear Ms. McNary:

Enclosed is a Legal Notice of Action taken by the Planning and Zoning Commission at their meeting held on December 13, 1999, on the above-referenced application.

Your application for:

A 165 ft. telecommunications tower

has been approved with the conditions listed on the enclosed Zoning Permit. A Special Permit is also enclosed.

A \$10.00 fee is required for the filing of each Special Permit on the Land Records. Please make your check payable to the "Town Clerk" and forward to this office. Also forward to this office two (2) copies of your final plans.

Should you have any questions regarding this matter, please contact this office.

Sincerely,

Thomas M. Talbot
Assistant Town Planner

Enclosures
TMT:ss



Town of Wallingford, Connecticut

418-99

ZONING PERMIT

DATE: December 16, 1999

ISSUED TO:

NAME SBA, Inc./Sprint PCS

ADDRESS 125 Shaw Street - New London, CT 06335

ISSUED FOR: 165 ft. telecommunications tower

LOCATION OF PREMISES: 1603 Durham Road

CONDITIONS OF PERMIT:

1. Comments of the Assistant Manager of the Electric Division, dated 11/24/99.
2. *Posting of \$1,000.00 sedimentation and erosion control bond.*
3. Color of proposed facility to be battleship gray.
4. No landscaping required as per recommendation of the Town Planner.
5. Telecommunications tower to be constructed to support at least four (4) other cell locations.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

ALL WORK CONNECTED WITH A SITE PLAN APPROVAL SHALL BE COMPLETED WITHIN FIVE YEARS AFTER SAID APPROVAL

WALLINGFORD PLANNING AND ZONING COMMISSION

BY: [Signature] Assistant Town Planner

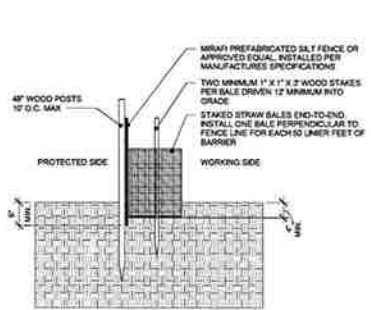
* BUILDING PERMIT WILL NOT BE ISSUED UNTIL CONDITIONS ARE MET.

EXHIBIT #2

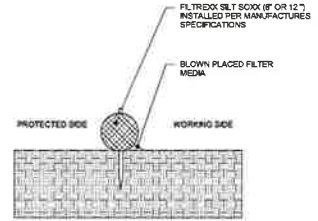
11/20/24 1:18:58 PM
 E:\PROJECTS\ARX WIRELESS\PROJECTS\FUNCTION WALLINGFORD - ISO DOCUMENTS\TOWER REPAIRS\ACHIEVEMENTS - DOCUMENTS - CONNECTICUT SETTING COUNCIL - CSC PETITION\FUNCTION WALLINGFORD - CSC PETITION Rev. 01 (2024).4



1
C-109
COMPOUND SURFACE DETAIL
12\"/>



2
C-109
EROSION CONTROL BARRIER HAY BALE
34\"/>



3
C-109
EROSION CONTROL BARRIER SILT SOXX
34\"/>

GENERAL CONSTRUCTION SEQUENCE

THIS IS A GENERAL CONSTRUCTION SEQUENCE OUTLINING SOME ITEMS OF WHICH MAY NOT APPLY TO THIS SITE.

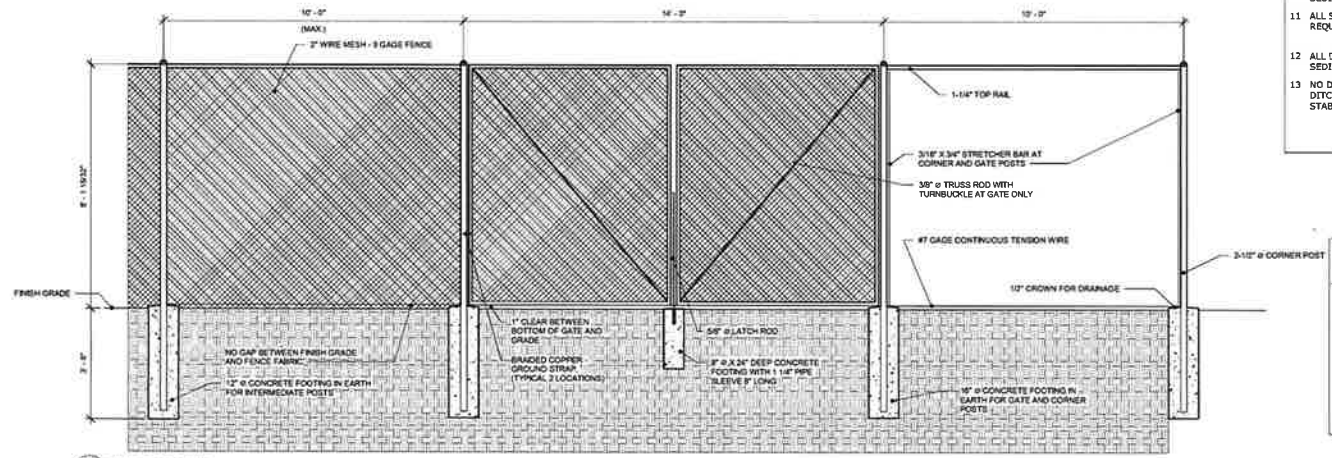
- CLEAR AND GRUB AREAS OF PROPOSED CONSTRUCTION
- INSTALL TEMPORARY SEDIMENTATION AND EROSION CONTROL MEASURES AS REQUIRED
- REMOVE AND STOCKPILE TOPSOIL TO LOCATION AS SHOWN ON THE DRAWINGS OR REMOVE FROM SITE. STOCKPILE SHALL BE SEED TO PREVENT EROSION
- CONSTRUCT CLOSED DRAINAGE SYSTEM. PROTECT CULVERT INLETS AND CATCH BASINS WITH SEDIMENTATION BARRIERS

SILT SOXX NOTES

- USE SILT SOXX WHERE CONDITIONS DO NOT ALLOW STAKES TO BE DRIVEN.
- STRAW BALES TO BE TIED WITH BIODEGRADABLE TWINE
- SILT SOXX FILL TO MEET FILTER SPECIFICATIONS AND APPLICATION REQUIREMENTS
- SILT SOXX COMPOSE MATERIAL TO BE DISPERSED ON SITE OR AS DETERMINED BY THE ARCHITECT

EROSION CONTROL MEASURE NOTES

- DISTURBED AREAS SHALL BE KEPT TO THE MINIMUM AREA NECESSARY TO CONSTRUCT THE ROADWAYS AND ASSOCIATED DRAINAGE FACILITIES.
- HAY BALE BARRIERS AND SEDIMENT TRAPS SHALL BE INSTALLED AS REQUIRED. BARRIERS AND TRAPS ARE TO BE MAINTAINED AND CLEANED UNTIL ALL SLOPES HAVE A HEALTHY STAND OF GRASS.
- BALED HAY AND MULCH SHALL BE MOWINGS OF ACCEPTABLE HERBACEOUS GROWTH, FREE FROM NOXIOUS WEEDS OR WOODY STEMS, AND SHALL BE DRY. NO SALT HAY SHALL BE USED.
- FILL MATERIAL SHALL BE FREE FROM STUMPS, WOOD, ROOTS, ETC.
- STOCKPILED MATERIALS SHALL BE PLACED ONLY IN AREAS SHOWN ON THE PLANS. STOCKPILES SHALL BE PROTECTED BY SILTATION FENCE AND SEED TO PREVENT EROSION. THESE MEASURES SHALL REMAIN UNTIL ALL MATERIAL HAS BEEN PLACED OR DISPOSED OFF SITE.
- ALL DISTURBED AREAS SHALL BE LOAMED AND SEED. A MINIMUM OF 4 INCHES OF LOAM SHALL BE INSTALLED WITH NOT LESS THAN ONE POUND OF SEED PER 50 SQUARE YARDS OF AREAS.
- APPLICATION OF GRASS SEED, FERTILIZERS AND MULCH SHALL BE ACCOMPLISHED BY BROADCAST SEEDING OR HYDROSEEDING AT THE RATES OUTLINED.
- AFTER ALL DISTURBED AREAS HAVE BEEN STABILIZED THE TEMPORARY EROSION CONTROL MEASURES ARE TO BE REMOVED.
- PAVED ROADWAYS MUST BE KEPT CLEAN AT ALL TIMES.
- ALL CATCH BASIN INLETS WILL BE PROTECTED WITH LOW POINT SEDIMENTATION BARRIER.
- ALL STORM DRAINAGE OUTLETS WILL BE STABILIZE AND CLEANED AS REQUIRED, BEFORE THE DISCHARGE POINTS BECOME OPERATIONAL.
- ALL DEWATERING OPERATIONS MUST DISCHARGE DIRECTLY INTO A SEDIMENT FILTER AREA.
- NO DISCHARGE SHALL BE DIRECTED TOWARDS ANY PROPOSED DITCHES, SWALES, OR PONDS UNTIL THEY HAVE BEEN PROPERLY STABILIZED.



1
C-109
CHAIN LINK FENCE DETAIL
12\"/>

FENCE NOTES

- POST IN THE HOLE AND FILL WITH CONCRETE OR GROUT. IF LEDGE IS BELOW FINISH GRADE, COAT BACKFILLED SECTION OF POST WITH COAL TAR, AND BACKFILL WITH WELL-DRAINING GRAVEL.
- ATTACH EACH GATE WITH 1-1/2\"/>

CSC PETITION



Site Number:
CT0264
 Site Name:
WALLINGFORD CT
 1605 DURHAM ROAD
 WALLINGFORD, CT 06472

Prepared For:
ARX WIRELESS
 110 Washington Avenue
 Fourth Floor
 North Haven, CT 06473

Project No: 2023.53
DOUGLAI J. ROBERTS - ARCHITECT
 110 Washington Avenue
 Fourth Floor
 North Haven, CT 06473
 Tel: 203.234.6369
 Email: droberts@outlook.com



Douglas J. Roberts
 Registered Architect
 No. 4310
 State of Connecticut

Key Plan

NO.	DESCRIPTION	DATE
1	General	JAN 16, 2024

Do not add dimensions from drawings. Verify all dimensions prior to construction. Report all discrepancies to architect immediately. This drawing shall not be used in conjunction with any other documents. EJC Group Inc.

REVISION SCHEDULE

NO.	DESCRIPTION	DATE
1	General	JAN 16, 2024

Drawing By: Zachary J. Roberts
 Drawing Date: NOVEMBER 30, 2023
 Reviewed By: Nidra Rowe
 Project No: 2023.53
 Scale: As indicated

Sheet Title:
SITE DETAILS

Original drawing is AND is Do not add dimensions of this drawing.
 Sheet Number: Revision:

C - 106 1

EXHIBIT #3



ENVIRONMENTAL CORPORATION OF AMERICA

ENVIRONMENTAL | GEOTECHNICAL | WETLANDS | ECOLOGY | CULTURAL RESOURCES

January 3, 2024

ARX Wireless, LLC
110 Washington Avenue
North Haven, CT 06473

Attention: Mr. Cory Samples

**Subject: Preliminary FCC NEPA Environmental Review
Proposed Telecommunications Facility
ARX Wireless Site Wallingford (CT0264)
1605 Durham Road
Wallingford, Middlesex County, Connecticut
ECA Project No. 23-003903**

Dear Mr. Samples,

Environmental Corporation of America (ECA) is pleased to provide this Preliminary FCC NEPA Environmental Review report.

Background

ECA understands that ARX Wireless is considering the development of a telecommunications facility located at 41° 28' 10" N, 72° 44' 31.8" W. See Attachment A for a map of the subject site.

Purpose

The purpose of this report is to identify potential concerns relative to FCC NEPA requirements to be used in the site selection process for a proposed telecommunications facility.

Scope of Work

The scope of work consisted of a review of FCC NEPA categories, which included:

- A desktop review of available online resources including USGS topographic maps, the USGS National Map Viewer, Critical Habitat Map for Threatened & Endangered Species, United States Fish and Wildlife Service protected species data, Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), and United States Fish and Wildlife Service National Wetland Inventory (NWI) maps.
- A review of data provided by the Connecticut State Historic Preservation Office (CT SHPO) online viewer, ConnCRIS, in order to identify standing structures.
- A Preliminary FCC NEPA Environmental Review report was prepared to document our findings relative to:

- Wilderness Areas and Wildlife Preserves
- Federally Protected Species and Critical Habitat
- Historic Properties
- Floodplains
- Surface Features and Wetlands

Results

ECA reviewed the resources listed above to evaluate any potential considerations related to FCC NEPA environmental requirements. The findings and notable observations from the information reviewed are provided in the table below.


NEPA Category	Findings / Notable Observations
Wilderness Areas and Wildlife Preserves	No wilderness areas or wildlife preserves are identified within 1 mile of the provided coordinates.
Federal Protected Species and Critical Habitat	The only identified federally listed or proposed species for the project area is the northern long-eared bat (<i>Myotis septentrionalis</i>). The proposed telecommunications facility is located in a cleared area or areas otherwise occupied by an existing telecommunications facility and does not provide suitable habitat for this species. No critical habitat is located within the project vicinity.
Historic Properties	No NHRP listed or eligible properties identified within the ½-mile Area of Potential Effects (APE) for visual effects of the provided coordinates.
Native American Information	Consultation with tribes would be required in order to determine if the proposed undertaking would affect Indian religious sites.
Floodplains	The project area is not located within a 100-year floodplain.
Surface Features and Wetlands	Two ponds are located to the north and west of the project area, but not within the footprint of the proposed telecommunications facility. Impacts to these features are not anticipated.

Summary

Based on the information reviewed, ECA has found no obvious evidence that adverse environmental impacts or effects, as defined in the FCC Rules contained in 47 CFR Sections 1.1301 through 1.1320, would result from the proposed undertaking.

We appreciate this opportunity to provide you with these professional services. If you have any questions regarding this report or the project in general, please call at your convenience.

Sincerely yours,
Environmental Corporation of America

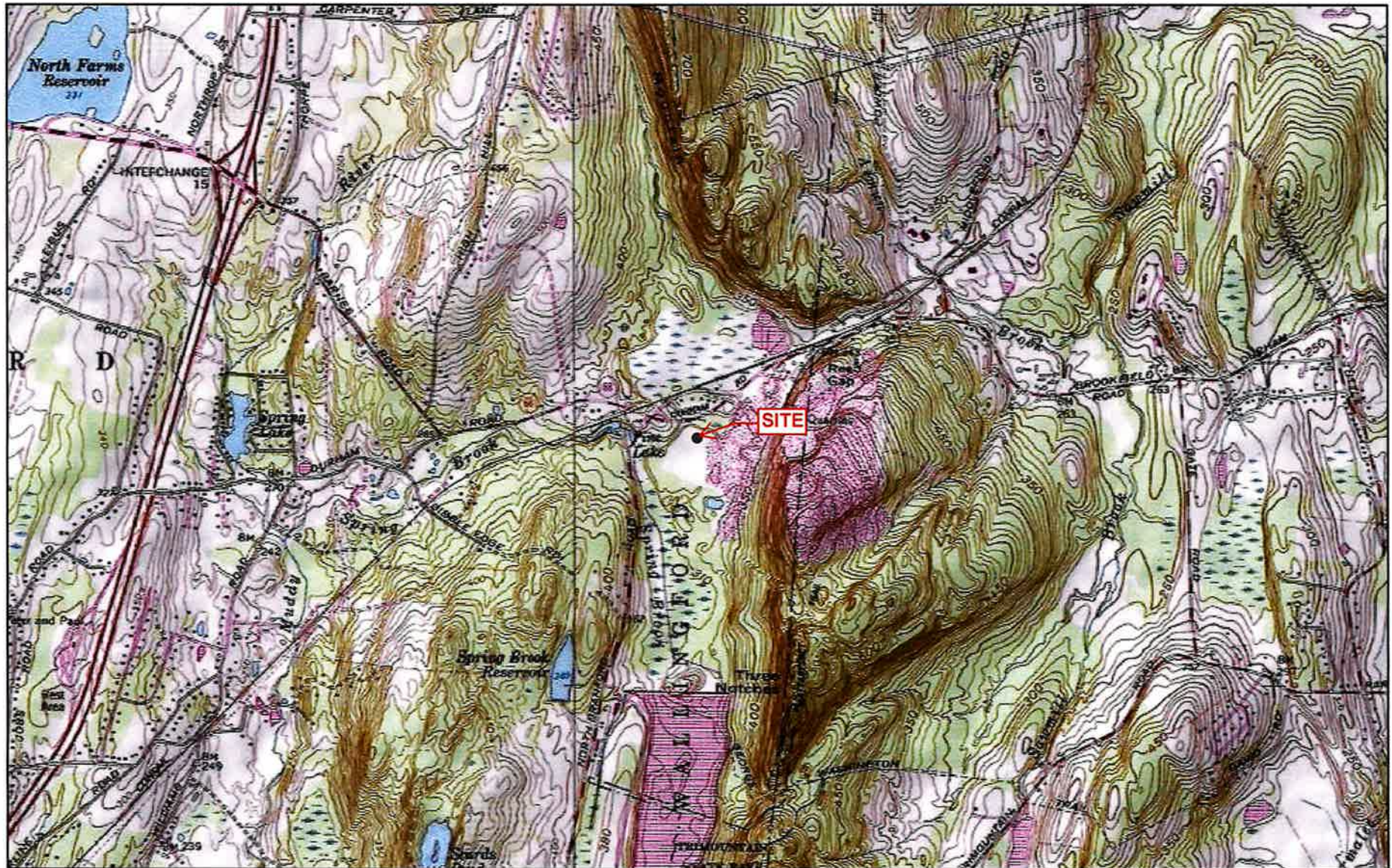

Delana Gilmore, MA, RPA
Project Manager


Eric Johnson
Principal Scientist

Attachment A

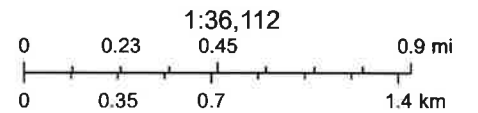
National Map Viewer

The National Map Advanced Viewer



12/28/2023, 8:06:02 AM

-  US Fish & Wildlife Service
-  National Grassland
-  National Wilderness
-  National Forest



Copyright:© 2013 National Geographic Society, i-cubed, USGS The National Map: National Boundaries Dataset. Data Refreshed November, 2023.

Attachment B

Protected Species Information



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104



In Reply Refer To:
Project Code: 2024-0029367
Project Name: Wallingford

December 28, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

PROJECT SUMMARY

Project Code: 2024-0029367

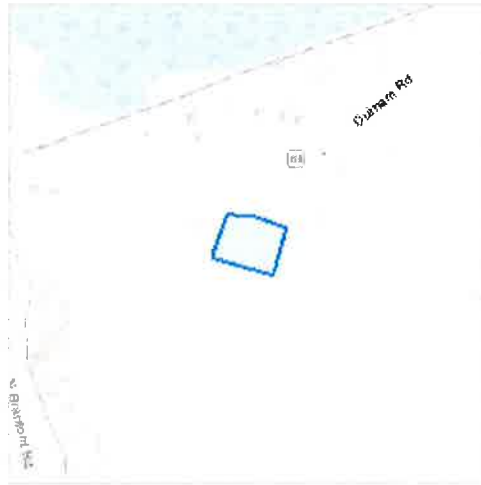
Project Name: Wallingford

Project Type: Communication Tower New Construction

Project Description: Telecommunications Structure

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.4695507,-72.7421071,19.55534,14z>



Counties: New Haven County, Connecticut

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

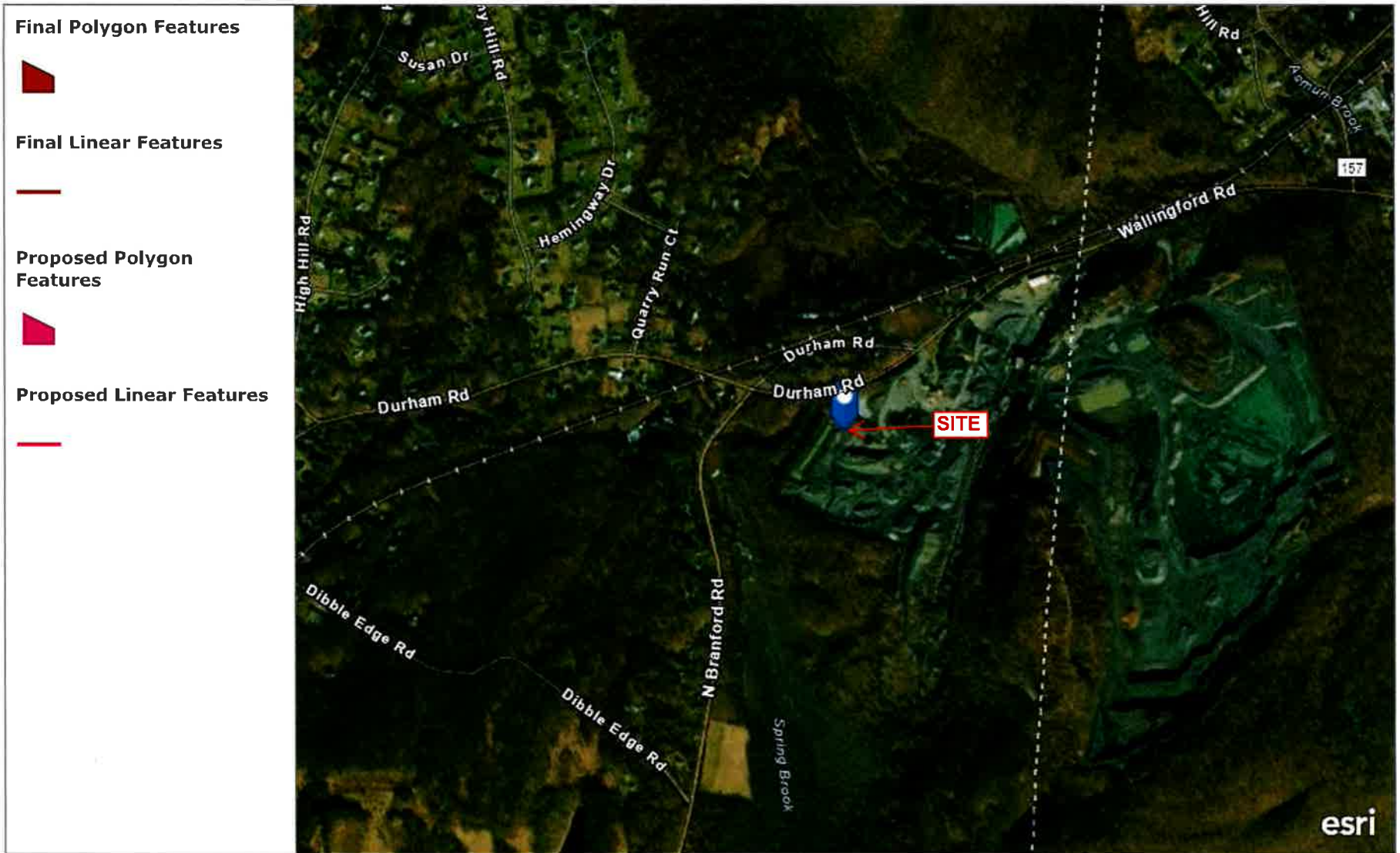
THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Federal Communications Commission
Name: Delana Gilmore
Address: 1375 Union Hill Industrial Ct
Address Line 2: Suite A
City: Alpharetta
State: GA
Zip: 30004
Email: delana.gilmore@eca-usa.com
Phone: 7706672040

Critical Habitat for Threatened & Endangered Species [USFWS]



A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

0.2mi

Maxar | Esri Community Maps Contributors, MassGIS, UConn/CTDEEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Attachment C

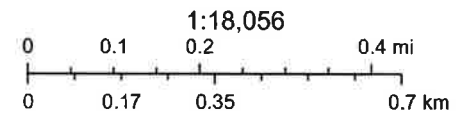
SHPO Information

Wallingford HP Map



12/28/2023, 8:14:34 AM

Above Ground Resources inline0
• Inventoried
□ Municipalities



Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,

ArcGIS Web AppBuilder
Maxar | UConn MAGIC | CC BY-NC-ND

Attachment D

Floodplain Information

National Flood Hazard Layer FIRMette



72°44'50"W 41°28'23"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/28/2023 at 8:02 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

72°44'13"W 41°27'56"N

Basemap Imagery Source: USGS National Map 2023

Attachment E

Wetlands Information



December 28, 2023

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

EXHIBIT #4



November 22, 2023

Keith Coppins
ARX Wireless, Inc.
110 Washington Avenue
North Haven CT 06473
kcoppins@arxwireless.com

Re: CT0264 Wallingford Predicted changes in visibility.

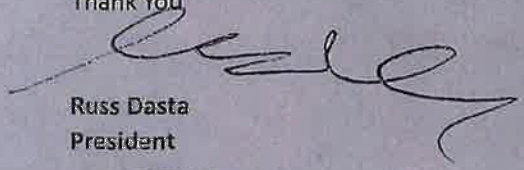
At the request of ARX Wireless, 110 Washington Ave, North Haven CT 06473, VSS, LLC was contracted to assess potential changes in visibility that would occur if the existing tower located at 41.46957, -72.74225 were moved approximately 75 ft to southwest of its current location to 41.46950, -72.74232.

Viewsheds analysis maps were created for both locations using VSS, LLC Interactive Viewshed Analysis Tools (IVS) and those results are as follows; Predicted visibility of the existing facility is approximately 124.8 Acres (leaf on, year-round condition). Predicted visibility of proposed location is approximately 124.4 Acres (leaf on, year-round condition).

The proposed change in facility location is predicted to result in a net change of **minus .4 Acres of overall visibility.**

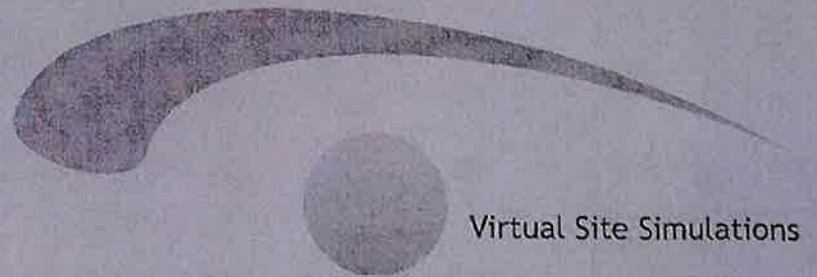
If you would like further clarification on this issue, I can be reached in the office at 401-229-5882

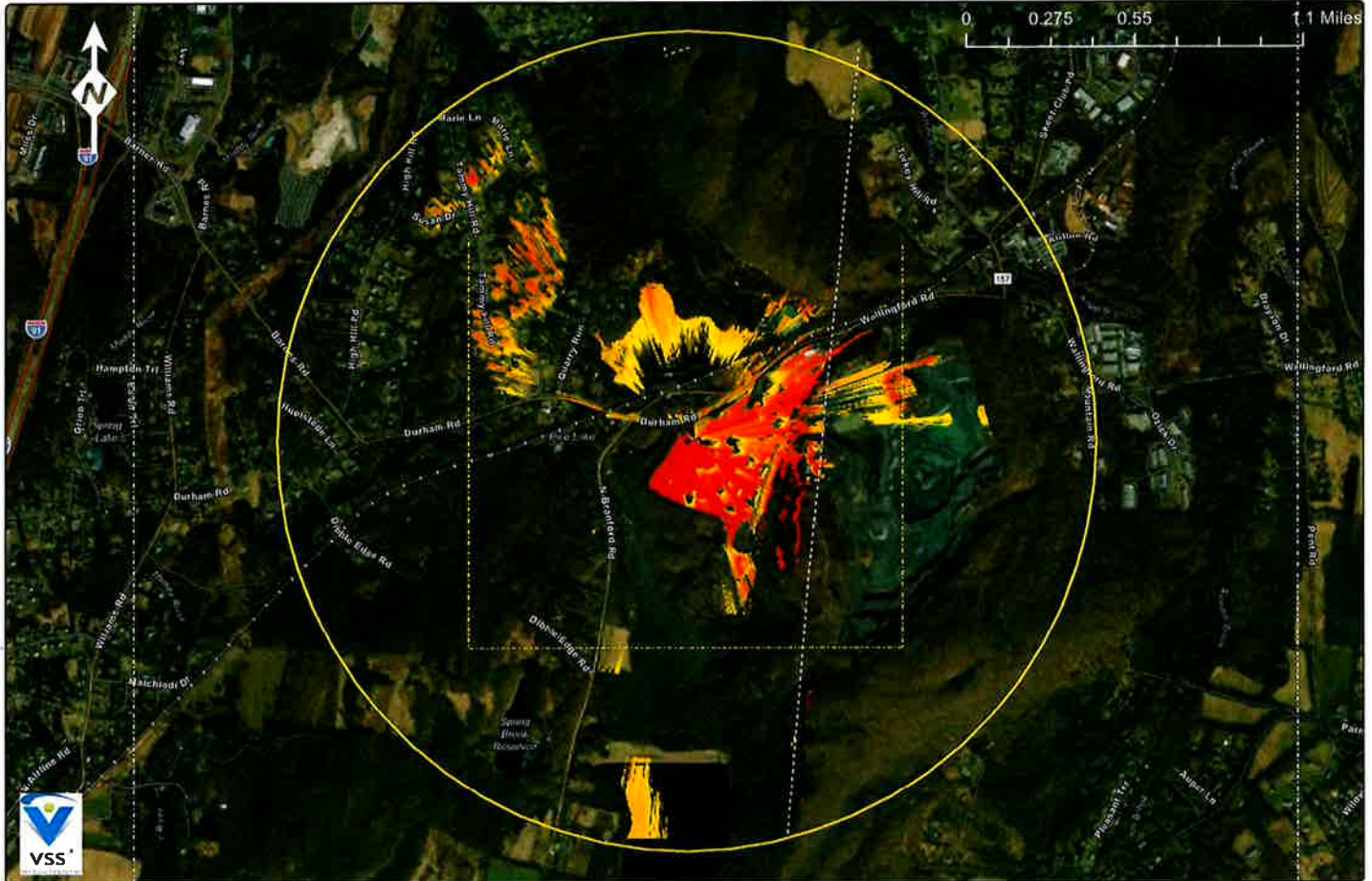
Thank You


Russ Dasta
President



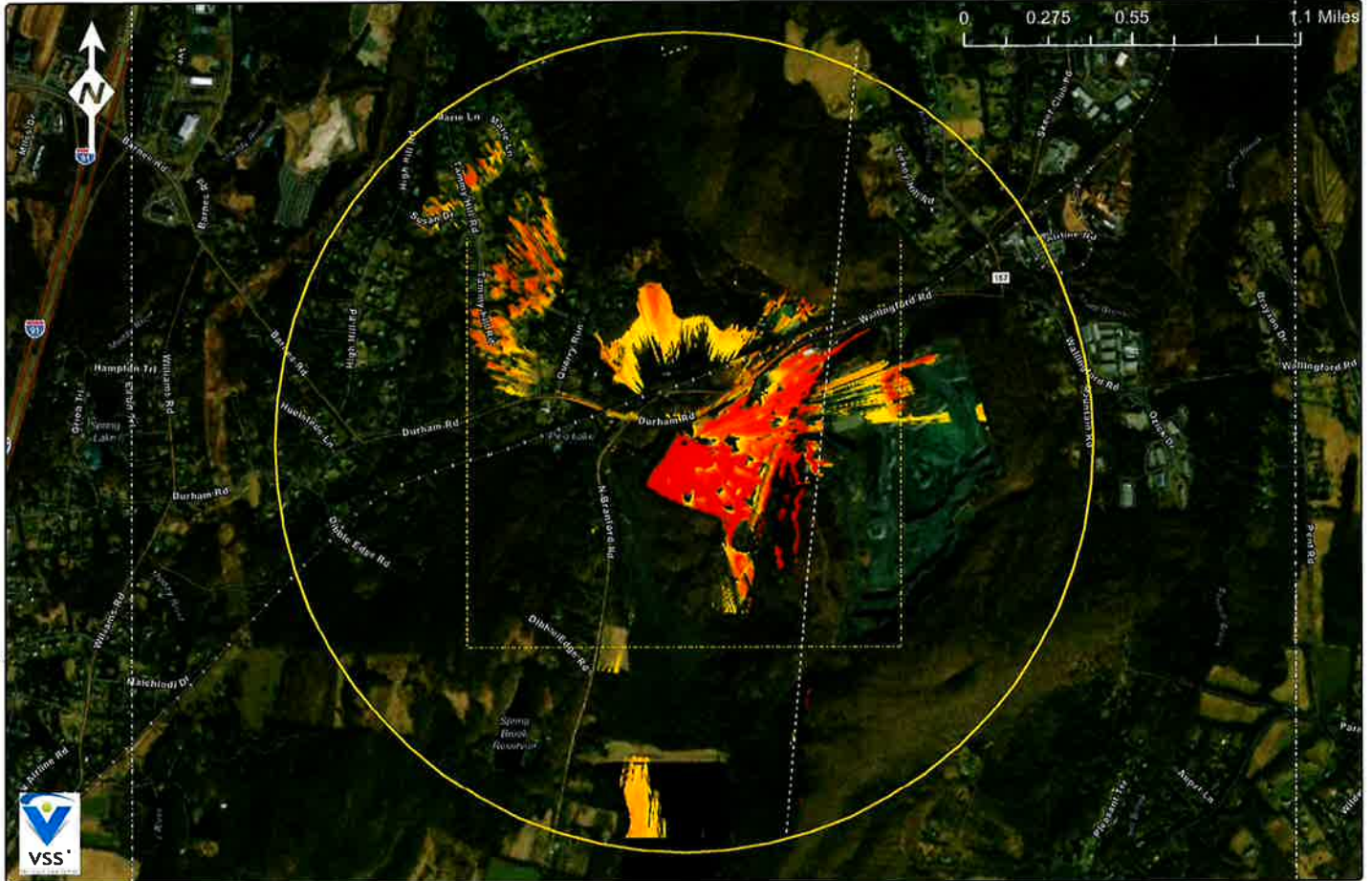
Page 1 of 1





Tower Visibility		Color	Location	% Vis	Acres
Tower Height (ft):	162	Yellow	Top 25%	1.43%	28.7
Lat, Lon:	41.46957 -72.74225	Orange	Top 50%	1.57%	31.5
Ring Range (mi):	1	Red-Orange	Top 75%	1.09%	21.9
Color Bands:	4 equal + base	Red	Top 100%	1.08%	21.8
		Dark Red	Base	1.04%	20.9
			TOTAL	6.21%	124.8 Acres

Created by: VSS, LLC using VSS- IVS Interactive Viewshed Analysis Tool
 Important Note:
 Visibility percentages and acreages based on range parameter.



Tower Visibility				
	Color	Location	% Vis	Acres
Tower Height (ft):		Top 25%	1.41%	28.2
Lat, Lon:		Top 50%	1.52%	30.6
Ring Range (mi):		Top 75%	1.18%	23.8
Color Bands:		Top 100%	1.03%	20.7
		Base	1.05%	21.1
		TOTAL	6.19%	124.4 Acres

Created by: VSS, LLC using VSS- IVS Interactive Viewshed Analysis Tool
 Important Note:
 Visibility percentages and acreages based on range parameter.

EXHIBIT #5



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-ANE-6424-OE

Issued Date: 01/09/2024

Keith Drucker
Arx Wireless Infrastructure, LLC
110 Washington Avenue
North Haven, CT 06473

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole CT0264-Wallingford
Location:	Wallingford, CT
Latitude:	41-28-09.90N NAD 83
Longitude:	72-44-31.70W
Heights:	324 feet site elevation (SE) 199 feet above ground level (AGL) 523 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 07/09/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404) 305-6430, or kelly.r.nelson@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-ANE-6424-OE.

Signature Control No: 606870605-609107625

(DNE)

Kelly Nelson
Specialist

Attachment(s)
Frequency Data
Map(s)

cc: FCC

Frequency Data for ASN 2023-ANE-6424-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W



EXHIBIT #6

DAVID A BALL

Please Reply To Bridgeport
E-Mail: dball@cohenandwolf.com

January 30, 2024

<Name and address>

Re: **A Petition of ARX Wireless, LLC for a Declaratory Ruling on the Need to Obtain a Siting Council Certificate for the Replacement of an Existing Telecommunications Tower at 1605 Durham Road, Wallingford, Connecticut**

Dear <name>:

On January 30, 2024, ARX Wireless, LLC will be submitting a Petition to the Connecticut Siting Council for a declaratory ruling on the need to obtain a Siting Council certificate for the replacement of an existing telecommunications tower at 1605 Durham Road, Wallingford, Connecticut. I've enclosed a copy of the Petition.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

David A. Ball

Enclosure

DAVID A. BALL

Please Reply To Bridgeport
E-Mail: dball@cohenandwolf.com

January 30, 2024

Via Certified Mail Return Receipt Requested

<name and address>

Re: Petition of ARX Wireless, LLC for a Declaratory Ruling on the Need to Obtain a Siting Council Certificate for the Replacement of an Existing Telecommunications Tower at 1605 Durham Road, Wallingford, CT

Dear _____:

On January 30, 2024, ARX Wireless, LLC (the "Petitioner") will be submitting a Petition to the Connecticut Siting Council for a declaratory ruling on the need to obtain a Siting Council certificate for the replacement of an existing telecommunications tower at 1605 Durham Road, Wallingford, Connecticut (the "Property").

The Petitioner proposes to replace an existing 162-foot monopole tower with a new 162-foot monopole tower on the Property. Site plan drawings for the proposed modifications are attached for your review.

State law provides that owners of record of property which abuts the subject parcel must receive notice of the submission of this Petition. This notice is directed to you either because you may be an abutting landowner or as a courtesy notice.

If you have any questions concerning the Petition, please direct them to either the Connecticut Siting Council or to me. My address and telephone number are contained in this letter. The Siting Council may be reached at its New Britain, Connecticut office at (860) 827-2935.

Very truly yours,

David A. Ball

Enclosure

415 NORTH BRANFORD RD	415NBranford LLC	30 Maple Avenue, Meriden 06450	Residential
443 NORTH BRANFORD RD	Robert K. & Kathleen Kohary	443 North Branford Rd Wallingford 06492	Residential
461 NORTH BRANFORD RD	Lagerstrom Irrevocable Family Trust	461 North Branford Rd Wallingford 06492	Residential
433 NORTH BRANFORD RD	Bruce J. Waycott, Jr.	433 North Branford Rd Wallingford 06492	Residential
455 NORTH BRANFORD RD	John Cella (estate), John C. Cella, Christopher M. Cella, Tyler Tracy Cella	31 Liney Hall Lane Wallingford 06492	Other
491 NORTH BRANFORD RD	Christopher W. & Trina A. Regan	491 North Branford Rd Wallingford 06492	Residential
515 NORTH BRANFORD RD	Kevin Polak	515 North Branford Rd Wallingford 06492	Residential
449 NORTH BRANFORD RD	Joseph R. & Judith M. Lagace	449 North Branford Rd Wallingford 06492	Residential
105 NORTH BRANFORD RD	Town of Wallingford, Water-Sewer Div.	377 S. Cherry Street Wallingford 06492	Open Space
DURHAM RD			
DURHAM RD			Commercial
493 NORTH BRANFORD RD	Kellie G. Ferguson	493 North Branford Rd Wallingford 06492	Residential
1489 DURHAM RD	Lisa Zolkiewicz-Ives	1489 Durham Rd Wallingford 06492	Residential
501 NORTH BRANFORD RD	James H. & Ronda B. Barker	501 North Branford Rd Wallingford 06492	Residential
525 NORTH BRANFORD RD	Whitman Irrevocable Family Trust, Dana T. Whitman III, Nancy Whitman	P.O. Box 1723 Wallingford 06492	Residential
1605 DURHAM RD			Industrial
457 NORTH BRANFORD RD	Anthony M. & Sandra E. Dynderski	457 North Branford Wallingford 06492	Residential