

DOCKET NO. 487 – Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 183 Soundview Lane, New Canaan, Connecticut.	} } }	Connecticut Siting Council September 4, 2020
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DRAFT Findings of Fact

Introduction

1. Homeland Towers, LLC (Homeland) and New Cingular Wireless PCS, LLC d/b/a AT&T (AT&T) (collectively, the Applicants), in accordance with provisions of Connecticut General Statutes (C.G.S.) § 16-50g, et seq, applied to the Connecticut Siting Council (Council) on February 7, 2020 for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 85-foot stealth “tree” monopole wireless telecommunications facility at 183 Soundview Lane in New Canaan, Connecticut. (Applicants 1, pp. 4-5)
2. Homeland is a New York limited liability company with offices at 9 Harmony Street, Danbury, Connecticut. Homeland currently owns and/or operates numerous tower facilities in Connecticut. Homeland would construct, maintain and own the proposed facility and would be the Certificate Holder. (Applicants 1, p. 6)
3. AT&T is a Delaware limited liability company with an office located at 500 Enterprise Drive, Rocky Hill, Connecticut. AT&T is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service to Fairfield County, Connecticut. (Applicants, 1, p. 6; Applicants 1, p. 6 and Tab 1, Radio Frequency Analysis Report, p. 1)
4. The parties in this proceeding are the Applicants; Hugh C. Wiley and Judith R. Wiley (the Wileys); and St. Luke’s School/St. Luke’s Foundation, Inc. The intervenors in this proceeding are Joseph E. Sweeney and Kathleen A. Sweeney (the Sweeneys); and Steven Sosnick and Miriam H. Sosnick (the Sosnicks). (Transcript 1, July 9, 2020, 2:00 p.m. [Tr. 1], p. 7)
5. On April 24, 2020, the Council grouped the following parties and intervenors with the same interests pursuant to CGS §16-50n(c): the Wileys, the Sweeneys and the Sosnicks (collectively, the Soundview Neighbors Group). (Council Memoranda dated April 24, 2020)
6. The purpose of the proposed facility is to provide reliable wireless communications services to the northeastern portion of New Canaan and address the significant coverage deficiency in the existing AT&T network along the nearby roadways and the neighboring residential and business/retail areas in New Canaan. (Applicants 1, p. 4)
7. Pursuant to C.G.S. § 16-50l (b), the Applicants provided public notice of the filing of the application that was published in The New Canaan Advertiser on January 30, 2020 and February 6, 2020. (Applicants 1, p. 7; Applicants 4, response 3)
8. Pursuant to C.G.S. § 16-50l (b), notice of the application was provided to all abutting property owners by certified mail. All certified mail receipts from abutting property owners were received. (Applicants 1, p. 7 and Tab 11; Applicants 4, response 1)

9. On February 6, 2020, the Applicants provided notice to all federal, state and local officials and agencies listed in C.G.S. § 16-50l (b). (Applicants 1, p. 7 and Tab 12; Applicants 7, response 34)

Procedural Matters

10. Upon receipt of the application, the Council sent a letter to the Town of New Canaan on February 7, 2020, as notification that the application was received and is being processed, in accordance with C.G.S. § 16-50gg. (Record)
11. During a regular Council meeting on February 27, 2020, the application was deemed complete pursuant to Regulations of Connecticut State Agencies (R.C.S.A.) § 16-50l-1a and the public hearing schedule was approved by the Council. (Record)
12. On February 27, 2020, the Council issued a Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site, pursuant to C.G.S. § 1-210(b) and consistent with the Conclusions of Law adopted in Docket 366. (Record)
13. Pursuant to C.G.S. § 16-50m, the Council published legal notice of the date and time of the public hearing in the New Canaan Advertiser on March 5, 2020. (Record)
14. Pursuant to C.G.S. § 16-50m, on February 28, 2020, the Council sent a letter to the Town of New Canaan to provide notification of the scheduled public hearing and to invite the municipality to participate. (Record)
15. On March 10, 2020, Governor Lamont issued a Declaration of Public Health and Civil Preparedness Emergencies, proclaiming a state of emergency throughout the state as a result of the COVID-19 pandemic. (Council Administrative Notice Item No. 52)
16. On March 11, 2020, the Council held a pre-hearing teleconference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and filing of pre-hearing interrogatories. (Council Pre-Hearing Conference Memoranda, dated March 4, 2020 and March 11, 2020)
17. Pursuant to C.G.S. § 16-50m, the Council gave due notice of a public hearing to be held on April 21, 2020, beginning with the evidentiary session at 3:00 p.m. and continuing with the public comment session at 6:30 p.m. at the New Canaan Town Hall, Meeting Room, 77 Main Street, New Canaan, Connecticut. (Council's Hearing Notice dated February 28, 2020)
18. The Council's Hearing Notice referred to a public field review of the proposed site that would be conducted on April 21, 2020 at 2:00 p.m. (Council's Hearing Notice dated February 28, 2020)
19. On March 12, 2020, Governor Lamont issued Executive Order No. (EO) 7 ordering a prohibition of large gatherings, among other orders and directives. (Council Administrative Notice Item No. 52)
20. On March 14, 2020, Governor Lamont issued EO 7B ordering suspension of in-person open meeting requirements of all public agencies under CGS §1-225. The Freedom of Information Act defines "meeting" in relevant part as "any hearing or other proceeding of a public agency." (Council Administrative Notice Item No. 52, CGS §1-200, *et seq.* (2019))

21. EO 7B allows public agencies to hold remote meetings provided that:
- a) The public has the ability to view or listen to each meeting or proceeding in real-time, by telephone, video, or other technology;
 - b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency's website within seven (7) days of the meeting or proceeding;
 - c) The required notice and agenda for each meeting or proceeding is posted on the agency's website and shall include information on how the meeting will be conducted and how the public can access it;
 - d) Any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency's website for public inspection prior to, during and after the meeting; and
 - e) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.

(Council Administrative Notice Item No. 52)

22. By notice dated March 19, 2020, the Council cancelled the public hearing scheduled for April 21, 2020, including the public field review of the proposed site. (Council's Hearing Notice dated February 28, 2020; Council's Notice of Hearing Cancellation dated March 19, 2020)
23. On March 25, 2020 and June 29, 2020, Governor Lamont issued EO 7M and EO 7DDD, respectively, allowing for an extension of all statutory and regulatory deadlines of administrative agencies for a period of no longer than 90 days as long as notice of such extension is provided before September 9, 2020. (Record; Council Administrative Notice Item No. 52)
24. Pursuant to Governor Lamont's EO 7B and C.G.S. § 16-50m, the Council published legal notice of the date and time of the remote public hearing via Zoom conferencing in The New Canaan Advertiser on June 4, 2020. (Record)
25. Pursuant to Governor Lamont's EO 7B and C.G.S. § 16-50m, on May 29, 2020, the Council sent a letter to the Town of New Canaan to provide notification of the scheduled remote public hearing via Zoom conferencing and to invite the municipality to participate. (Record)
26. On June 11, 2020, the Council held a pre-hearing teleconference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and filing of pre-hearing interrogatories. Procedures for the remote public hearing via Zoom conferencing were also discussed. (CSC Pre-Hearing Conference Memoranda, dated June 4, 2020 and June 12, 2020)
27. In compliance with Governor Lamont's EO 7 prohibition of large gatherings, the Council's Hearing Notice did not refer to a public field review of the proposed site. (Council's Hearing Notice dated May 29, 2020)
28. Field reviews are not an integral part of the public hearing process. (Council Administrative Notice Item Nos. 53 and 54)

29. On June 12, 2020, in lieu of an in-person field review of the proposed site, the Council requested the Applicants' submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the site. On July 2, 2020, the Applicants submitted such information in response to the Council's second set of interrogatories. (Record; Applicants 7, response 53)
30. In compliance with R.C.S.A. § 16-50j-21, the Applicants installed a four-foot by six-foot sign at the entrance to the subject property on June 16, 2020. The sign presented information regarding the project and the Council's public hearing. (Applicants 9)
31. Pursuant to C.G.S. § 16-50m, the Council, after giving due notice thereof, held a rescheduled remote public hearing on July 9, 2020, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom conferencing. The Council provided access information for video/computer access or audio only telephone access. (Council's Hearing Notice dated May 29, 2020; Transcript 1 – 2:00 p.m. [Tr. 1], p. 1; Transcript 2 – 6:30 p.m. [Tr. 2], p. 135)
32. In compliance with Governor Lamont's EO 7B:
 - a) The public had the ability to view and listen to the remote public hearing in real-time, by computer, smartphone, tablet or telephone;
 - b) The remote public hearing was recorded and transcribed and such recording and transcript were posted on the Council's website on July 13, 2020;
 - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the agency's website;
 - d) The record of the proceeding is available on the Council's website for public inspection prior to, during and after the remote public hearing; and
 - e) The Council, parties and intervenors and members of the public who spoke during the public comment session provided their information for identification purposes during the remote public hearing.

(Hearing Notice dated May 29, 2020; Tr. 1; Tr. 2; Record)
33. The Council continued the remote evidentiary hearing session beginning at 1:00 p.m. via Zoom conferencing on July 28, 2020. (Council's Continued Hearing Memo dated July 10, 2020; Transcript 3 – July 28, 2020 – 1:00 p.m. [Tr. 3], p. 1)

State Agency Comment

34. Pursuant to C.G.S. § 16-50j (g), on February 28, 2020 and on May 29, 2020, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Energy and Environmental Protection (DEEP); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Agriculture (DOAg); Department of Transportation (DOT); Connecticut Airport Authority (CAA); Department of Emergency Services and Public Protection (DESPP); and State Historic Preservation Office (SHPO). (Record)
35. The Council did not receive any comments from the state agencies solicited. (Record)

36. While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies. (*Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)).

Municipal Consultation

37. The Applicants commenced the 90-day pre-application municipal consultation process by providing a copy of the technical report to First Selectman Kevin Moynihan (First Selectman) on October 1, 2019. By letter dated October 7, 2019, the Applicants submitted additional information to the First Selectman relative to the site search. (Applicants 1, Tab 10 – Applicants’ Letters to First Selectman Moynihan dated October 1, 2019 and October 7, 2019)
38. By letter dated January 2, 2020, the Town of New Canaan Planning and Zoning Commission (P&Z Commission) provided comments on the proposed project that are attached hereto. See Appendix A. (Applicants 1, Tab 10 – Letter from Town Planning and Zoning Commission dated January 2, 2020)
39. On July 1, 2020 and in a limited appearance statement during the July 9, 2020 public comment session, the P&Z Commission submitted the following comments relative to Section 7.8 of the Town Zoning Regulations for Telecommunications:
- a) Minimize Visual Impacts;
 - b) External mounts are not preferred;
 - c) New towers should be located away from property lines and habitable buildings at least as far as the height of the tower, including antennas. The proposed facility would be located about 20 feet from the nearest property line;
 - d) Equipment shelters shall be concealed within a building and set back from the property lines. The proposed setback for the project is 20 feet;
 - e) Enclose the site in a shadow box fence subject to final review by the Town Planner; and
 - f) Install a more robust landscaping plan subject to final review by the Town Planner.
- (Town P&Z Commission Comments dated July 1, 2020; Tr. 2, pp. 171-174)
40. In response to the P&Z Commission comments, the Applicants note the following:
- a) Applicants propose a stealth “monopine” tower.
 - b) Applicants can paint the antennas or use camouflage socks/sleeves to conceal them rather than utilize internally-mounted antennas that would necessitate a taller tower.
 - c) Applicants discussed with the landowner the possibility of shifting the tower south, but the landowner would prefer not to move the tower closer to any residences on Soundview Lane. Shifting the tower south would also lengthen the access drive and impact more trees to develop the project.
 - d) Applicants do not recommend concealing the proposed ground equipment cabinets in a shed-like building because the cabinets, as proposed, would be located on a concrete pad and would still be below the height of the shadowbox fence.
 - e) Applicants revised its plans for shadowbox fencing on all sides and believes that it provides appropriate visual screening for equipment at the base of the facility.

- f) With the consent of the landowner, Applicants would be amenable to additional landscaping beyond the current plan, including additional plantings to the south of the facility compound and north of the landowner's driveway.
- g) A tower design yield point or "hinge point" would be employed to ensure that, in the unlikely event of a tower failure, the tower fall zone would be contained within the subject parcel.
- h) Regarding the equipment shelter, the proposed walk-in cabinet would be surrounded by an 8-foot fence and it would not exceed one story per Section 7.8.G.13.
- i) Regarding the height of the tower and possible extensions, Applicants propose a "monopine" with a total height of 90 feet that would likely be designed to accommodate a 20-foot extension.
- j) Regarding the minimization of views from neighboring properties, Applicants propose a "monopine" and tower location in the western corner of the subject property, away from the nearby residences.
- k) Regarding the use of faux tree bark on the tower, Applicants note that faux bark has a sheen and presents a maintenance issue.

(Applicants 1, pp. 16, 21-25; Applicants 1, Tab 14 – Hinge Point Memo; Applicants 6, Supplemental Submission, Sheet C-2, CP-1 and SP-1; Tr. 1, pp. 18-21, 48-50, 52-53, 79-81, 102-103; Tr. 3, p. 27; Applicants 5, response 1)

- 41. By email dated July 2, 2020, the First Selectman noted that it is critically important to improve the telecommunications service for public safety reasons. He also gave a limited appearance statement at the July 9, 2020 public comment session. The First Selectman noted that the Wireless Market Study identifies a need for improved cell service in the northeast corner of the Town, but there are no available Town-owned properties in that area. The First Selectman supports a cell tower in the northeast corner of Town, but requests the Council to consider the Town's P&Z regulations. (Town of New Canaan Comments dated July 2, 2020; Tr. 2, pp. 176-180; Applicants 1f)
- 42. The Applicants have designed the proposed tower to accommodate emergency services antennas. The Town has expressed an interest in the top of the tower for future use in co-locating emergency services antennas. Homeland is willing to work with the Town and reconfigure the tree branches and utilize other measures (e.g. camouflage socks) as necessary to accommodate the emergency services antennas within the context of the proposed tower's stealth design. (Applicants 1, p. 5; Applicants 7, response 38)

Public Need for Service

- 43. 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 No. 4 – Telecommunications Act of 1996)

44. 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. AT&T is licensed by the FCC to provide personal wireless communication service to Fairfield County, Connecticut. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996; Applicants 1, Tab 1 – Radio Frequency Analysis Report, p. 1)
45. Section 253 of the Telecommunications Act of 1996 prohibits any state or local statute or regulation, or other state or local legal requirement from prohibiting or having the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
46. Section 704 of the Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services and from prohibiting or having the effect of prohibiting the provision of personal wireless services. This section also requires state or local governments to act on applications within a reasonable period of time and to make any denial of an application in writing supported by substantial evidence in a written record. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
47. Section 704 of the Telecommunications Act of 1996 also prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions, which include effects on human health and wildlife, to the extent that such towers and equipment comply with FCC’s regulations concerning such emissions. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
48. Section 706 of the Telecommunications Act of 1996 requires each state commission with regulatory jurisdiction over telecommunications services to encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans, including elementary and secondary schools, by utilizing regulating methods that promote competition in the local telecommunications market and remove barriers to infrastructure investment. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
49. In December 2009, President Barack Obama recognized cell phone towers as critical infrastructure vital to the United States. The Department of Homeland Security, in collaboration with other federal stakeholders, state, local, and tribal governments, and private sector partners, has developed the National Infrastructure Protection Plan (NIPP) to establish a framework for securing resources and maintaining resilience from all hazards during an event or emergency. (Council Administrative Notice Item No. 11 –Presidential Proclamation 8460, Critical Infrastructure Protection)
50. In February 2012, Congress adopted the Middle Class Tax Relief and Job Creation Act (also referred to as the Spectrum Act) to advance wireless broadband service for both public safety and commercial users. The Act established the First Responder Network Authority to oversee the construction and operation of a nationwide public safety wireless broadband network. Section 6409 of the Act contributes to the twin goals of commercial and public safety wireless broadband deployment through several measures that promote rapid deployment of the network facilities needed for the provision of broadband wireless services. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012)

51. In June 2012, President Barack Obama issued an Executive Order to accelerate broadband infrastructure deployment declaring that broadband access is a crucial resource essential to the nation's global competitiveness, driving job creation, promoting innovation, expanding markets for American businesses and affording public safety agencies the opportunity for greater levels of effectiveness and interoperability. (Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order; Council Administrative Notice Item No. 12 – Presidential Executive Order 13616, Accelerating Broadband Infrastructure Development)
52. Pursuant to Section 6409(a) of the Spectrum Act, a state or local government may not deny and shall approve any request for collocation, removal or replacement of equipment on an existing wireless tower provided that this does not constitute a substantial change in the physical dimensions of the tower. An increase in height from the original, approved height of a tower of up to 10% or 20 feet; whichever is greater, does not constitute a substantial change in the physical dimensions of a tower. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012; Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order)
53. According to state policy, 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)
54. On May 29, 2020, the Council sent correspondence to other telecommunications carriers requesting that carriers interested in locating on the proposed facility in the foreseeable future notify the Council by July 2, 2020. By email dated July 1, 2020, T-Mobile/Sprint* indicated that it has no plans to co-locate on the proposed facility in the foreseeable future. No other carriers responded to the Council's solicitation.

*T-Mobile and Sprint are now one company operating under the name T-Mobile following the close of a merger on April 1, 2020.

(Record)

Existing and Proposed Wireless Services

55. In 2014, the Town of New Canaan commissioned an independent wireless market study (Wireless Market Study) to perform a technical evaluation of existing commercial wireless services in the community. The Wireless Market Study determined that AT&T has coverage gaps east of downtown, west of Route 124, and east of Route 123 along Valley Road. (Applicants 1f, Wireless Market Study, p. 6)
56. Since the Wireless Market Study, two additional tower sites (in Connecticut) have been constructed and are on-air: Silver Hill Hospital on Valley Road and Norwalk Armory. A coverage gap remains in the target area because the Silver Hill Hospital and Norwalk Armory sites are located east of the target area. (Tr. 1, pp. 37-38; Council Docket Nos. 401 and 442)

57. AT&T has a significant coverage deficiency in its wireless communications network for the target area identified as Soundview Lane, Colonial Road, Laurel Road, North Wilton Road, Michigan Road, Briscoe Road, Benedict Hill Road, South Bald Hill Road, Lantern Ridge Road, Knollwood Lane, Evergreen Road, and the neighboring residential and business/retail areas in New Canaan. (Applicants 1, Tab 1, Radio Frequency Analysis Report, p. 1)
58. The proposed facility is primarily intended to provide additional coverage to the target area, but it would also provide enhanced capacity. (Applicants 4, response 15)
59. The proposed facility would not provide any capacity relief to adjacent site sectors. There are no adjacent site sectors that require capacity off-loading at this time. The capacity benefit of the proposed facility would be within the proposed coverage area of the facility. (Applicants 7, response 45; Tr. 1, pp. 24-25)
60. Capacity needs were not within the scope of the Wireless Market Study. (Applicants 1f, Wireless Market Study)
61. AT&T is experiencing coverage gaps at 700 MHz, 850 MHz, 1900 MHz, and 2100 MHz within its target area. (Applicants 1, Radio Frequency Analysis Report, p. 3; Applicants 7, response 43)
62. AT&T would provide service over 700 MHz, 850 MHz, 1900 MHz, and 2100 MHz frequency bands at the proposed site. All frequency bands would be used to transmit voice and data. (Applicants 4, response 16)
63. AT&T's design signal strengths for in-building and in-vehicle coverage are -83 dBm and -93 dBm, respectively for 700 MHz LTE and 850 MHz. For 1900 MHz LTE and 2100 MHz, AT&T's design signal strengths for in-building and in-vehicle coverage are -86 dBm and -96 dBm. (Applicants 1, Tab 1, Radio Frequency Analysis Report, p. 1)
64. AT&T's dropped call data for the neighboring sites at 377 Smith Ridge Road in South Salem NY and 95 Country Club Road in New Canaan, and the sectors that face directly into the area where reliable service is needed indicate elevated voice and data drops. Additionally, data testing indicates that substandard or nonexistent data service is provided within the area identified as a need for the site. (Applicants 4, response 19; Applicants 1, Radio Frequency Analysis Report, p. 8)
65. The table below indicates AT&T's approximate existing coverage gaps along roadways at various frequencies for in-vehicle coverage.

Roadway Type	700 MHz Coverage Gap	850 MHz Coverage Gap	1900 MHz Coverage Gap	2100 MHz Coverage Gap
Main Roads	4.9 miles	3.8 miles	9.5 miles	9.9 miles
Secondary Roads	45.7 miles	36.0 miles	77.9 miles	82.2 miles
Total	50.6 miles	39.8 miles	87.4 miles	92.1 miles

(Applicants 1, Radio Frequency Analysis Report, p. 3; Applicants 7, response 43)

66. The tables below indicate the distances that AT&T would cover along State roads and secondary roads in the area of its proposed facility for various frequencies for in-vehicle coverage.

Roadway Type	700 MHz Coverage at 81 feet	850 MHz Coverage at 81 feet	1900 MHz Coverage at 81 feet	2100 MHz Coverage at 81 feet
Main Roads	0.5 miles	0.5 miles	0.1 miles	0.0 miles
Secondary Roads	11.0 miles	8.8 miles	4.7 miles	3.4 miles
Total	11.5 miles	9.3 miles	4.8 miles	3.4 miles

(Applicants 1, Tab 1, Radio Frequency Analysis Report, p. 5; Applicants 7, response 43)

67. AT&T's proposed facility would interact with the adjacent existing facilities identified in the following table.

Site Location	Distance and Direction from Proposed Tower	Height of AT&T's Antennas above ground level (AGL)	Structure Type
46 Fenwood Lane, Wilton	3.4 miles east- southeast	163 feet	Tower
95 Country Club Road, New Canaan	1.2 miles southeast	89 feet	Tower
208 Valley Road, New Canaan	2.1 miles southeast	86 feet	Tower
187 Danbury Road, Wilton	3.9 miles east	72 feet	Rooftop
289 Danbury Road, Wilton	3.3 miles east	96 feet	Power Pole
27 Cannon Road, Wilton	3.9 east-northeast	102 feet	Power Pole
377 Smith Ridge Road, South Salem, NY	1.9 miles north- northeast	140 feet	Tower

(Applicants 4, response 14; Applicants 7, response 44)

68. This table indicates the total incremental areas that AT&T would cover from its proposed facility for prescribed frequencies based on in-vehicle coverage.

Antenna Height	Area Coverage with 700 MHz	Area Coverage with 850 MHz	Area Coverage with 1900 MHz	Area Coverage with 2100 MHz
81 feet	2.37 square miles	1.86 square miles	1.13 square miles	0.78 square miles

(Applicants 1, Tab 1, Radio Frequency Analysis Report, p. 5; Applicants 4, response 18;
Applicants 6, Supplemental Submission, Sheet CP-1)

69. Per Homeland's lease agreement with the property owner, the maximum height of the proposed facility is 85 feet tall plus five additional feet for faux tree branches on top. While AT&T could provide additional coverage from a taller facility, the antenna height is fixed at the proposed centerline height of 81 feet. (Applicants 4, response 17; Applicants 6, Supplemental Submission, Sheet CP-1)
70. Installing AT&T's antennas at a centerline height of 71 feet (or ten feet lower) would result in a centerline height of 61 feet for Verizon and thus 51 feet for a hypothetical additional carrier. A 51-foot antenna centerline height is below the tops of the trees and is unlikely to be feasible from a radio frequency standpoint. Additionally, a ten-foot reduction in antenna centerline height would result in some loss of AT&T's coverage. (Tr. 1, pp. 27-29)
71. A tower on the Camporine property would perform well for the west or farther northwest area of New Canaan and would work well as a hand-off site to the proposed site at Soundview Lane. Homeland would look at this site (and other comparable alternatives) to serve as a hand-off site to Soundview Lane and act as the next tower in Homeland's comprehensive plan to serve the Town. (Tr. 1, pp. 40-41)

Site Selection

72. Homeland's search ring for the target area had a ¾-mile radius and was centered at the proposed site. (Applicants 4, response 20)
73. There are no other existing towers or other sufficiently tall structures within a 4-mile radius of the proposed site that currently, or could, provide adequate coverage to the target area of northeastern New Canaan. (Applicants 1, Tab 2 – Existing Facilities within 4 mile Radius)
74. After determining there were no suitable structures within the search area, Homeland searched for properties suitable for tower development. Homeland investigated 23 parcels/areas, one of which was selected for site development. The 22 rejected parcels/areas and reasons for their rejection are as follows:
 - a) **1192 Smith Ridge Road, New Canaan (New Canaan Land Conservation Trust, Inc. property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
 - b) **1160 Smith Ridge Road, New Canaan (Garret Camporine property)** – This parcel was initially rejected because, although the owner reached out to Homeland with potential interest, upon further correspondence, an agreement on the lease terms had not been reached. (See FOF Nos. 75 through 82 below);
 - c) **1211 Smith Ridge Road, New Canaan (Scott and Michelle Vallely property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
 - d) **North Wilton Road, New Canaan (New Canaan Land Conservation Trust, Inc.)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
 - e) **82 Puddin Hill, New Canaan (Grace Farms Foundation Inc. property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
 - f) **365 Lukes Wood Road, New Canaan (Grace Farms Foundation Inc. property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
 - g) **627 Laurel Road, New Canaan (Theresa Bowling property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;

- h) **Laurel Road, New Canaan (The Ahern Family Limited Partnership property – Section/Block/Lot 40-101-103)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- i) **Laurel Road, New Canaan (The Ahern Family Limited Partnership property – Section/Block/Lot 40-101-104)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- j) **463 North Wilton Road, New Canaan (Robin and Randall Guynn property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- k) **200 North Wilton Road, New Canaan (Pamela Work property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- l) **101 Sound View Lane, New Canaan (Christine and Gregory Pesaturo property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- m) **174 Sound View Lane, New Canaan (St. Luke’s Foundation property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- n) **377 North Wilton Road, New Canaan (St. Luke’s Foundation Inc. property)** – Homeland had contacted the property owner by mail three times in early 2018 and also met with school officials on October 15, 2019, but the parcel was rejected because of lack of owner interest in leasing space for a tower;
- o) **465 North Wilton Road, New Canaan (Conner and Katherine McGee property)** – The parcel was rejected because of lack of owner interest in leasing space for a tower;
- p) **467 North Wilton Road, New Canaan (Daniel Crowley property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- q) **469 North Wilton Road, New Canaan (North Wilton LLC property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- r) **67 Cross Ridge Road, New Canaan (Charles and Elizabeth Kontulis property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- s) **Smith Ridge Road, New Canaan (Town of New Canaan property a/k/a Clark property)** – The parcel was rejected because of development restrictions on the property, as well as existing on-site wetlands and vernal pools;
- t) **1191 Smith Ridge Road, New Canaan (Simat LLC property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower;
- u) **92 Briscoe Road, New Canaan (Jodi Borner property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower; and
- v) **North Wilton Road, New Canaan (Marjorie Schwesinger property)** – This parcel was rejected because of lack of owner interest in leasing space for a tower.

(Applicants 1, Tab 2 – Site Search Summary; Applicants 4, response 4; Tr. 1, p. 17; Tr. 3, p. 75; Soundview Neighbors Group 7 – Pre-filed Testimony of Garrett Camporine)

- 75. A 2.02-acre property at 1160 Smith Ridge Road (Route 123) is owned by Garrett Camporine and is located in a residential zone. This site has an elevation of approximately 551 feet amsl. This property is bordered to the north by vacant wooded land owned by the New Canaan Land Conservation Trust, Inc. and bordered to the west by wooded land owned by the Town of New Canaan Clark Property. (Soundview Neighbors Group 7, p. 1; Tr. 1, p. 114)
- 76. Mr. Camporine would prefer to sell his property, but he would be willing to discuss a lease with Homeland provided that the cash flow would be sufficient to cover his mortgage and property tax expenses. (Soundview Neighbors Group 7, p. 1)

77. By letter dated June 19, 2020, Homeland made an offer to Mr. Camporine to construct a tower at 1160 Smith Ridge Road. Homeland noted in the offer letter that this proposal is separate from Homeland's current Application to construct a tower on Soundview Lane, and a tower on Mr. Camporine's property would provide coverage to a different section of New Canaan. (Soundview Neighbors Group 7, Exhibit 2 – Homeland Towers Proposal dated June 19, 2020)
78. Homeland's offer to Mr. Camporine is for 20 percent of gross rents collected or \$2,000, whichever is greater, along with annual escalation of 2 percent. In the June 19, 2020 offer letter, Homeland states that it is unable to meet Mr. Camporine's request for an initial monthly rent of \$4,000 to cover his mortgage and tax expenses. (Soundview Neighbors Group 7, Exhibit 2 – Homeland Towers Proposal dated June 19, 2020)
79. A tower facility at 1160 Smith Ridge Road would not provide coverage to the area intended for coverage by the proposed facility because this site is too far to the west. It would not provide adequate coverage to the intended service area. (Applicants 7, response 41)
80. A tower facility at 1160 Smith Ridge Road does not provide improved coverage versus the proposed site, even if 146 feet is antenna centerline height. As compared to the proposed facility, a tower facility at 1160 Smith Ridge Road with a centerline height of 146 feet would not adequately cover the area northeast of the proposed site and bounded on the east by South Bald Hill Road. It would also leave a gap directly east of South Bald Hill Road. It would also leave gaps in the area of the road located south of Briscoe Road and Cross Ridge Road. (Tr. 1, pp. 39-40)
81. A tower facility at 1160 Smith Ridge Road would provide seamless coverage for all of Route 123 in New Canaan at a centerline height of 146 feet. The proposed site would not cover all of Route 123 in New Canaan. (Tr. 1, p. 125; Tr. 3, p. 78)
82. To the extent that a tower is constructed on the Camporine property, in the Town's discussions with Homeland to serve the area, the Town had expressed a preference to keep tower facilities at roughly 120 feet tall and lower. Homeland has considered an antenna centerline height of 106 feet at this site for a tower not to exceed 110 feet tall. (Tr. 1, pp. 26 and 40; Tr. 3, p. 80-81)
83. Three private properties were considered in the Wireless Market Study: St. Mark's Bell Tower, Grace Church, and St. Luke's School. St. Luke's School was considered the "Most Likely" candidate for Verizon and the "Next Likely" candidate for AT&T. St. Mark's Bell Tower and Grace Church were considered "Excluded" for consideration for AT&T's coverage needs. (Applicants 1f – Wireless Market Study, p. xiii)
84. 57 municipally-owned properties were considered in the Wireless Market Study. Homeland previously worked with the Town to site some towers on municipal properties from that list. Specifically, these were located at Irwin Park and West Elementary School. Before the Town wanted to move forward with those two sites, the Town requested that Homeland look at properties in the northeastern corner of the Town. Homeland consulted with the Town of New Canaan regarding sites in the northeast corner of the Town; but no Town properties were available, other than the Clark property which was rejected. (Applicants 1f – Wireless Market Study, pp. xiii and xiv; Tr. 1, p. 16-17)

85. Repeaters, microcell transmitters, distributed antennas systems and other types of transmitting technologies would not be a practicable or feasible means of addressing the existing coverage deficiency in New Canaan. Technologies such as small cells are best suited for specifically defined areas where capacity is needed, such as commercial buildings, shopping malls and tunnels. Closing the coverage gaps and providing reliable wireless services in northeastern New Canaan requires a tower site that can provide reliable service over a footprint that spans a number of square miles. (Applicants 1, p. 14; Tr. 1, p. 27)

Facility Description

86. The proposed site is located on an approximately 4.05-acre parcel at 183 Soundview Lane in New Canaan. The parcel is owned by Keith and Marina Richey. The proposed site location is depicted on Figure 1. (Applicants 1, p. 4)
87. Generally, land use within the immediate vicinity of the site is residential with a school property located immediately to the north. Single-family residentially developed properties are located east, west and south of the subject property. (Applicants 1, Tab 8 – Visual Assessment Report, p. 1)
88. St. Luke’s School is located at 377 North Wilton Road and abuts the subject property to the north. See Figures 1 and 2. (Applicants 6, Supplemental Submission, Sheet CP-1; Applicants 11, Late Filed Exhibit (a))
89. The Wiley’s property is located at 173 Soundview Lane and abuts the subject property to the south and east. The Wiley’s residence is located approximately 400 feet east-southeast of the proposed facility location and at a ground elevation of approximately 465 feet amsl. See Figures 1 and 2. (Applicants 6, Supplemental Submission, Sheet CP-1; Applicants 11, Late Filed Exhibits (a) and (c); Soundview Neighbors Group 4, p. 1)
90. The Sweeney’s property is located at 155 Soundview Lane and abuts the Wiley’s property to the south. The Sweeney’s residence is located approximately 491 feet south-southeast of the proposed facility location and at a ground elevation of approximately 525 feet amsl. See Figure 1. (Applicants 11, Late Filed Exhibits (a) and (c); Soundview Neighbors Group 5, p. 1)
91. The Sosnick’s property is located at 144 Soundview Lane and on the opposite side of Soundview Lane as the Sweeney’s property. The Sosnick’s property is located approximately 686 feet south-southeast of the proposed facility location and at a ground elevation of approximately 525 feet amsl. See Figure 1. (Applicants 11, Late Filed Exhibits (a) and (c); Soundview Neighbors Group 6, p. 1)
92. The subject property is located in the 4-Acre Residence Zone and contains a single-family residence, pool and tennis court. (Applicants 1, p. 4; Applicants 6, Supplemental Submission, Sheet T-1)
93. The tower site is located in the north-northwestern portion of the property, at an elevation of approximately 502 feet above mean sea level (amsl). (Applicants 6, Supplemental Submission, Sheets T-1 and SP-1)

94. The proposed facility would consist of an 85-foot monopole disguised as a tree within an approximately 2,310 square foot irregular shaped leased area. The monopole (or faux “tree trunk”) would be approximately five to six feet in diameter at the base tapering to approximately 18 to 30 inches in diameter at the top. The tower would be designed to support three levels of wireless carrier antennas (in addition to AT&T) as well as municipal emergency services antennas. The tower and foundation would likely be designed to accommodate an increase in tower height of up to 20 feet. (Applicants 1, p. 5; Applicants 6, Supplemental Submission, Sheet CP-1; Applicants 4, response 9; Applicants 5, response 1)
95. Shifting the tower compound to the east would result in a lower elevation. (Tr. 1, p. 47; Applicants 11, Late Filed Exhibit (c))
96. Shifting the tower compound to the west would move the compound into the cul-de-sac. (Tr. 1, p. 47)
97. The monopole would be painted a color that matches tree bark during the wintertime. One possibility is called thunder grey, which has a grayish/brownish tone. (Tr. 1, pp. 81-82)
98. AT&T would install six panel antennas and nine remote radio heads on triple T-arm mounts at a centerline height of 81 feet agl. The total height of the facility with faux branches would be 90 feet agl or approximately 592 feet amsl. (Applicants 6, Supplemental Submission, Sheets T-1 and CP-1)
99. An approximately 1,763 square foot equipment compound would be established at the base of the tower. The size of the lease area would be able to accommodate the equipment of four wireless carriers, including AT&T. AT&T would install its equipment within a 9-foot 6-inches tall* walk-in equipment cabinet located on an 8-foot 8-inches by 8-foot 8-inches concrete pad within the western corner of the compound.
- *The cabinet would be located on stilts to allow for cabling underneath. This would add about 1.5 feet of additional height and raise the total height of the cabinet to about 11 feet agl.
- (Applicants 6, Supplemental Submission, Sheet CP-1; Applicants 7, response 39; Tr. 1, p. 88; Tr. 3, pp. 76-77)
100. The proposed equipment compound will be surrounded by an eight-foot high wood shadowbox fence. AT&T’s proposed compound fence would have a gate that would be locked for security purposes. (Applicants 4, response 10; Applicants 6, Supplemental Submission, Sheet CP-1)
101. By email to Homeland dated June 24, 2020, Verizon expressed an interest in co-locating at the proposed facility at a centerline height of 71 feet, directly below AT&T. (Applicants 4, response 21; Applicants 7, response 38; Tr. 1, p. 45)
102. Development of the site would require approximately 60 cubic yards* of cut for utility trenching and 130 cubic yards of (net) fill for the construction of the compound and access drive. Approximately 60 cubic yards of broken stone would be needed for the compound and access drive construction.

*This material would be used to backfill the trench.

(Applicants 1, Tab 3 – Site Impact Statement)

103. Access to the proposed site compound would be via a new 12-foot wide gravel drive extending east-northeast from the Soundview Lane cul-de-sac for a distance of about 140 feet and along an existing drainage easement. (Applicants 6, Supplemental Submission, Sheet CP-1; Tr. 1, p. 21)
104. The Town of New Canaan operates and maintains a 15-inch reinforced concrete pipe about 8 to 9 feet below grade within the boundaries of the drainage easement. Homeland would be responsible for the repair of any damage done to the drainage pipe where located below its proposed access drive. (Applicants 11, Late Filed Exhibit (e), p. 1; Tr. 1, pp. 69-71)
105. Utilities would extend underground to the site from the existing electrical vault located in Soundview Lane south of the cul-de-sac. (Applicants 6, Supplemental Submission, Sheet SP-1)
106. The nearest property boundary from the proposed tower is approximately 36 feet to the north-northwest (St. Luke's Foundation Inc. property). (Applicants 6, Supplemental Submission, Sheet SP-1)
107. There are approximately eight off-site residential structures within 1,000 feet of the proposed tower site. The nearest residence is located at 173 Soundview Lane, approximately 360 feet east of the tower site (the Wiley's residence). (Applicants 1, Tab 3 – Site Impact Statement and 1,000' Residential Building List; Applicants 1, Tab 11 – Certification of Notice)
108. Site preparation work would commence following Council approval of a Development and Management Plan (D&M Plan) and the issuance of a Building Permit by the Town of New Canaan. The site preparation phase is expected to be completed in four to five weeks. Installation of the monopole, antennas and associated equipment is expected to take an additional three weeks. Facility integration and system testing for carrier equipment is expected to require an additional two weeks after completion of construction. (Applicants 1, p. 27)
109. The estimated cost of the proposed facility is:

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

*AT&T's equipment costs did not materially change due to the updated generator configuration identified in AT&T's May 27, 2020 Supplemental Submission.

(Applicants 1, Tab 1, p. 27; Applicants 7, response 42)

110. Homeland would recover tower construction costs from tenants that utilize the proposed facility. AT&T would recover costs as part of its business operations for its customers. (Applicants 4, response 5; Applicants 7, response 36)

Public Safety

111. The Wireless Communications and Public Safety Act of 1999 (911 Act) was enacted by Congress to promote and enhance public safety by making 9-1-1 the universal emergency assistance number, by furthering deployment of wireless 9-1-1 capabilities, and by encouraging construction and operation of seamless ubiquitous and reliable networks for wireless services. (Council Administrative Notice Item No. 6 - Wireless Communications and Public Safety Act of 1999)
112. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Applicants 1, p. 13)
113. Wireless carriers have voluntarily begun supporting text-to-911 services nationwide in areas where municipal Public Safety Answering Points (PSAP) support text-to-911 technology. Text-to-911 will extend emergency services to those who are deaf, hard of hearing, have a speech disability, or are in situations where a voice call to 911 may be dangerous or impossible. However, even after a carrier upgrades its network, a user's ability to text to 911 is limited by the ability of the local 911 call center to accept a text message. The FCC does not have the authority to regulate 911 call centers; therefore, it cannot require them to accept text messages. (Council Administrative Notice Item No. 22 – FCC Text-to-911: Quick Facts & FAQs)
114. The proposed facility would support text-to-911 service. No additional equipment would be required. (Applicants 4, response 27)
115. Pursuant to the Warning, Alert and Response Network Act of 2006, "Wireless Emergency Alerts" (WEA) is a public safety system that allows customers who own enabled mobile devices to receive geographically-targeted, text messages alerting them of imminent threats to safety in their area. WEA complements the existing Emergency Alert System that is implemented by the FCC and FEMA at the federal level through broadcasters and other media service providers, including wireless carriers. (Council Administrative Notice No. 5 – FCC WARN Act)
116. AT&T's installation would comply with the Warning, Alert and Response Network Act of 2006. (Applicants 4, response 28)
117. Pursuant to CGS §16-50p(a)(3)(G), the tower would be constructed in accordance with the governing standard in the State of Connecticut for tower design in accordance with the most recent International Building Code. (Applicants 1, Tab 3 – Facilities and Equipment Specification; Applicants 4, response 11; Tr. 3, p. 77)
118. The proposed tower would not constitute an obstruction or hazard to air navigation and would not require any obstruction marking or lighting. (Applicants 1, Tab 4 – Federal Aviation Administration Determination of No Hazard to Air Navigation)
119. AT&T's equipment cabinets include silent intrusion alarms. If someone attempts to tamper with or break-in to the equipment cabinet, the technician monitoring the site would be alerted and the police would be contacted. (Applicants 4, response 10)

120. The tower set back radius extends beyond the property boundary approximately 52 feet to the north-northwest. A tower design yield point or “hinge point” would be employed at 52 feet (based on the closest property line of 38 feet away)* to ensure that, in the unlikely event of a tower failure, the tower fall zone would be contained within the subject parcel.

*The yield point takes into account the 85-foot tower height plus 5 feet of top branches for a total height of 90 feet agl.

(Applicants 1, p. 16 and Tab 14 – October 8, 2019 Hinge Point Memo; Applicants 6, Supplemental Submission, Sheet SP-1; Tr. 1, p. 18; Tr. 3, p. 88)

121. A yield point at 52 feet high means that the lower section of the tower (i.e. less than 52 feet) would be overdesigned relative to the upper section of the tower (i.e. greater than 52 feet). So while the entire tower is designed to withstand the loading, the extra strength in the lower section would lead to the tower failing at the yield point height of 52 feet during a catastrophic* event.

*A catastrophic event could be, for example, a major earthquake or hurricane.

(Tr. 1, p. 17; Tr. 3, p. 56)

122. The risk of failure in the lower section of the tower (or the base) would be less due to its overdesign, and a failure of the upper section would remove much of the wind loading and weight. (Tr. 1, pp. 17-18)

123. With respect to using a 90-foot tower setback distance (to avoid the need for a yield point), the tower, as proposed, is currently located where the landowner requested the tower to be located. To relocate the tower on the subject property may require a taller tower. (Tr. 1, p. 18)

124. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of all approved antennas and AT&T’s proposed antennas is 23.9% of the standard* for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation 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 in a sector 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.

*This includes a 10 dB off-beam pattern loss to account for the lower relative gain below the antennas.

(Applicants 1, Tab 7, Calculated Radio Frequency Exposure, Table 1; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

Emergency Backup Power

125. In response to two significant storm events in 2011, Governor Malloy formed a Two Storm Panel (Panel) that was charged with an objective review and evaluation of Connecticut’s approach to the prevention, planning and mitigation of impacts associated with emergencies and natural disasters that can reasonably be anticipated to impact the state. (Final Report of the Two Storm Panel, Council Administrative Notice Item No. 48)

126. Consistent with the findings and recommendations of the Panel, and in accordance with C.G.S. §16-50ll, the Council, in consultation and coordination with DEEP, DESPP and PURA, studied the feasibility of requiring backup power for telecommunications towers and antennas as the reliability of such telecommunications service is considered to be in the public interest and necessary for the public health and safety. (Council Administrative Notice Item No. 31 – Council Docket No. 432)
127. Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the FCC. At present, no standards for backup power for CMRS providers have been promulgated by the FCC. Every year since 2006, AT&T, Sprint, T-Mobile, and Verizon have certified their compliance with the CTIA Business Continuity/Disaster Recovery Program and the Communications Security, Reliability and Interoperability Council standards and best practices to ensure network reliability during power outages. (Council Administrative Notice Item No. 31 – Council Docket No. 432)
128. For backup power, AT&T originally proposed a 20-kilowatt alternating current (AC) diesel-fueled generator for its own use. However, AT&T subsequently changed its design to a 15-kW direct current (DC) diesel-fueled generator. AT&T's diesel fuel tank would provide about 53 hours of run time before it requires refueling. (Applicants 1, Tab 4, Sheets CP-1 and C-1; Applicants 6, Supplemental Submission; Applicants 7, response 46; Tr. 1, p. 77)
129. The proposed generator would be for AT&T's own use. There are no plans for a shared generator at this time because wireless carriers at the site sharing a generator would have a potential common point of failure. (Applicants 4, response 23; Tr. 1, pp. 76-77)
130. The backup generator would be tested periodically for maintenance. These maintenance tests can be pre-scheduled (i.e. programmed) by AT&T and typically occur during the week during regular business hours. Maintenance testing typically last about 30 minutes. (Applicants 4, response 25; Applicant 7, response 47)
131. AT&T would also have a battery backup in order to provide uninterrupted power and avoid a "re-boot" condition. The battery backup system alone could provide about six to eight hours of backup power if the backup generator failed to start. (Applicants 4, response 24)
132. The proposed backup generator would have a double-walled fuel tank with remotely-monitored alarms to protect against fuel leakage. Also, the generator is equipped with secondary containment for engine oil and coolant within the generator's weather enclosure. (Applicants 4, response 22)
133. According to R.C.S.A. §22a-69-1.8, noise created as a result of, or relating to, an emergency, such as an emergency backup generator, is exempt from the State Noise Control Regulations. (R.C.S.A. §22a-69-1.8)
134. Pursuant to R.C.S.A. §22a-174-3b, the generator would be managed to comply with DEEP's "permit by rule" criteria. Therefore, the generator would be exempt from general air permit requirements. (Applicants 4, response 26; R.C.S.A. §22a-174-3b)

Environmental Considerations

135. The facility, equipment and gravel access would be located on approximately 3,105 square feet of Prime Farmland Soils and approximately 1,082 square feet of Statewide Important Farmland Soils. The total acreages of Prime Farmland Soils and Statewide Important Farmland Soils at the site are 1.05 and 0.75 acres, respectively. (Applicants 4, response 12; Applicant 7, response 52)

136. No historic resources would be adversely affected by the proposed facility. (Applicants 4, response 33)
137. The site is not located within a National Heritage Corridor. (Tr. 3, p. 81)
138. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, *et seq.*, contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, *et seq.*)
139. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a)
140. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41)
141. The nearest wetland is Wetland 1, located off-site approximately 420 feet east of the proposed facility compound. (Applicants 1, Tab 6, Wetland Delineation Field Form, p. 2 and Wetland Inspection Map)
142. No direct impacts to wetlands or watercourses are expected to result from the proposed project. The proposed facility is not expected to adversely impact wetlands due to the distance from Wetland 1 to the facility and subject to compliance with the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control and the 2004 Connecticut Stormwater Quality Manual. (Applicants 1, pp. 16-17; Applicants 1, Tab 6, Wetland Delineation Field Form, p. 2)
143. On-site management of stormwater and erosion controls would be implemented during and after construction. Therefore, the proposed facility would have little to no impact on water flow or water quality. (Applicants 1, pp. 16-17)
144. The proposed project would comply with the *2004 Connecticut Stormwater Quality Manual*. (Tr. 1, p. 22)
145. The proposed project would comply with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*. (Applicants 1, p. 25; Tr. 1, p. 22)
146. No fuels would be stored on-site during construction. Construction vehicles would be fueled-up prior to mobilization, and any subsequent fueling would occur off-site. (Applicants 7, response 51)
147. The site is located in the Federal Emergency Management Agency unshaded Zone X, an area outside of the 100-year and 500-year flood zones. (Applicants 4, response 7; Applicants 6 – Supplemental Submission, Drawing VB102)
148. The proposed facility is not located within 0.25-mile of the buffered area of the DEEP Natural Diversity Database. (Applicants 1, p. 18)

149. While there are no known federally-listed species specific to the site, the northern long-eared bat (NLEB), a federally-listed Threatened Species, has the entire State of Connecticut as potential habitat. The Applicants consulted with the U.S. Fish and Wildlife Service and determined that the proposed facility would not have an impact on the NLEB. (Tr. 1, p. 31)
150. A total of 24 trees of six inches in diameter or greater would be removed to construct the facility. (Applicants 1, Tab 3 – Site Impact Statement and Tree Inventory)
151. The proposed facility is not located near an Important Bird Area (IBA), as designated by the National Audubon Society. The nearest IBA to the proposed tower site is Ward Pound Ridge Reservation in Westchester County, New York, approximately 3.0 miles to the northwest. (Applicants 1, Tab 6, Avian Resource Evaluation, p. 2)
152. The proposed facility would comply with the United States Fish and Wildlife Service guidelines for minimizing the potential for telecommunications towers to impact bird species. (Applicants 1, Tab 6, Avian Resource Evaluation, p. 6)
153. Homeland does not anticipate the need for blasting to construct the proposed facility. Prior to construction, a geotechnical survey would be performed to evaluate subsurface conditions. If ledge is encountered, chipping is preferred to blasting. If blasting is required, an appropriate protocol would be followed in accordance with state and municipal regulations. (Applicants 4, response 6)
154. The proposed project is considered a Class B (e.g. utility/communications) emitter for DEEP Noise Control Standards purposes. The abutting residential land is considered a Class A (residential) receptor. Thus, the DEEP Daytime Noise Limits are 55 dBA, and the DEEP Nighttime Noise Limits are 45 dBA. (Applicants 5 – Environment Sound Assessment, p. 5)
155. Sound attenuation blankets are proposed inside the southeast and southwest sides of the fenced compound. (Applicants 4, response 32; Applicants 7, response 50)
156. The predicted routine* and worst-case** sound levels at the nearest receptors are indicated below:

Predicted Routine and Worst-Case Sound Levels Expected at Receptors

Receptor Location	Distance (Ft) (from Cabinet)	Ambient Level Day/Night (dBA)	Daytime Sound Standard (dBA)	Routine Operation (dBA)	Cooler+ Generator Worst-Case Level
P/L, North	35	40	55	40	50 dBA
P/L, East	65	40	55	33	42 dBA
St. Luke's School	240	40	55	21	32 dBA
Residence, Southeast	350	40	55	20	29 dBA
Residence, South	515	40	55	17	26 dBA
Residence, Southwest	425	40	55	19	27 dBA

*Routine operations means that the cabinet cooling/ventilation fans are operating alone.

**Worst-case operation means that a door-mounted cooler is operating to provide additional cooling (when the cabinet is over 100 degrees Fahrenheit), and the emergency backup generator is operating.

(Applicants 6 – Environment Sound Assessment, pp. 1-12)

157. Supplemental cooling would be expected to be limited to the warmest summer days under direct sunlight conditions. Thus, the door-mounted cooler and emergency backup generator operating simultaneously (i.e. the worse-case noise scenario) might never occur at night when the Nighttime Noise Limit of 45 dBA would apply. (Applicants 6 – Environmental Sound Assessment, p. 9)
158. With the proposed sound blankets, the proposed facility would comply with DEEP Noise Control Standards. (Applicants 6 – Environment Sound Assessment, p. 12)
159. Construction noise is exempt from the State of Connecticut Noise Control Regulations §22a-69-1.8(g), which includes, but is not limited to, “physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property.” (R.C.S.A. §22a-69-1.8(g))

Visibility

160. The Applicants’ consultant, All Points Technology, Inc. (APT) used a combination of a predictive computer model, in-field analysis, and review of various data sources to evaluate the visibility of the proposed facility on both a quantitative and qualitative basis. (Applicants 1, Tab 8 – Visual Assessment Report, p. 3)
161. On April 17, 2019, APT positioned a crane at the approximate location* of the proposed facility and extended the crane boom with a brightly-colored flag on top to a height of 90 feet agl, i.e. the top height of the facility. The crane was positioned for roughly four to five hours to allow time for APT to drive the state and local roads within a two-mile radius for its visual inspection.

*Due to the density of the trees at the proposed site, the crane boom was located approximately 5 feet to the north/northwest of the proposed tower centerline.

(Applicants 1, Tab 8 – Visual Assessment Report, p. 3; Tr. 3, pp. 81-82)

162. Information obtained during the field reconnaissance was incorporated into APT’s mapping data layers, including the observations of the field reconnaissance, photo-simulation locations, areas that experienced recent land use changes, and places where the initial modeling was found to over or under-predict visibility. Once the additional data was integrated into the model, APT re-calculated the visibility of the proposed facility from within the two-mile study area to produce the final viewshed map. (Applicants 1, Tab 8 – Visual Assessment Report, pp. 1-6)
163. Based on APT’s viewshed map, the proposed tower would be visible year-round from approximately 35 acres within a two-mile radius of the site (refer to Figure 10). The tower would be seasonally visible (leaf-off conditions) from an additional approximately 10 acres within a two-mile radius of the site. (Applicants 1, Tab 8 – Visual Assessment Report, Viewshed Analysis Map)
164. Year-round views beyond the immediacy of the subject property would be limited to locations at the northern terminus of the Soundview Lane cul-de-sac, portions of the adjacent St. Luke’s School campus and John D. Milne Lake (JDML). (Applicants 1, Tab 8 – Viewshed Assessment Report, p. 6)

165. Year-round views from JDML would be primarily over open water and would comprise about 25 acres or about 71 percent of the total predicted year-round visibility area. Generally, views of the proposed facility from JDML would be tree-top views roughly at or slightly above the existing tree line, and the proposed faux pine tree design would not be as discernable as that of a steel monopole. (Applicants 1, Tab 8 – Viewshed Assessment Report, p. 6; Applicants 3, response 29; Tr. 1, pp. 32-33)
166. Pursuant to CGS §16-50p(a)(3)(F), for a telecommunications facility proposed to be installed on land near a building containing a school, the facility will not be less than 250 feet from such school unless the location is acceptable to the chief elected official of the municipality or the Council finds that the facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood in which such school is located. (CGS §16-50p(a)(3)(F))
167. The nearest building at St. Luke’s School is located approximately 250 feet north of the proposed telecommunications facility. The nearest building containing a commercial child care facility is the Children’s Day School of Wilton approximately 2.8 miles east of the proposed facility. (Applicants 2, Tab 8 – Visual Assessment Report, p. 6; Applicants 6, Sheet SP-1; Applicants 7, response 37)
168. During the study area reconnaissance, APT obtained photo-documentation of representative locations where the boom/flag was visible, and the visibility of the proposed tower from such specific locations within a two-mile radius of the site is presented in the table below:

Specific Location	Photo location on Map	Approx. Portion of Facility Visible	Approx. Distance & Direction to Tower
Osborn Lane	1	Not visible	0.68-mile northwest
Valley Road at Deep Valley Road	2	Not visible	0.48-mile west
Deep Valley Road	3	Not visible	0.18-mile northwest
Colonial Road	4	Visible through trees – top of tower	0.53-mile southwest
Colonial Road	5	Not visible	0.58-mile southwest
Colonial Road	6	Visible through trees – top of tower	0.60-mile southwest
Colonial Road	7	Visible through trees – top of tower	0.58-mile southwest
Valley Road at Colonial Road	8	Not visible	0.52-mile southwest
North Wilton Road at Lantern Ridge Road	9	Year-round – top of tower	0.86-mile southwest
North Wilton Road	10	Not visible	0.57-mile southwest

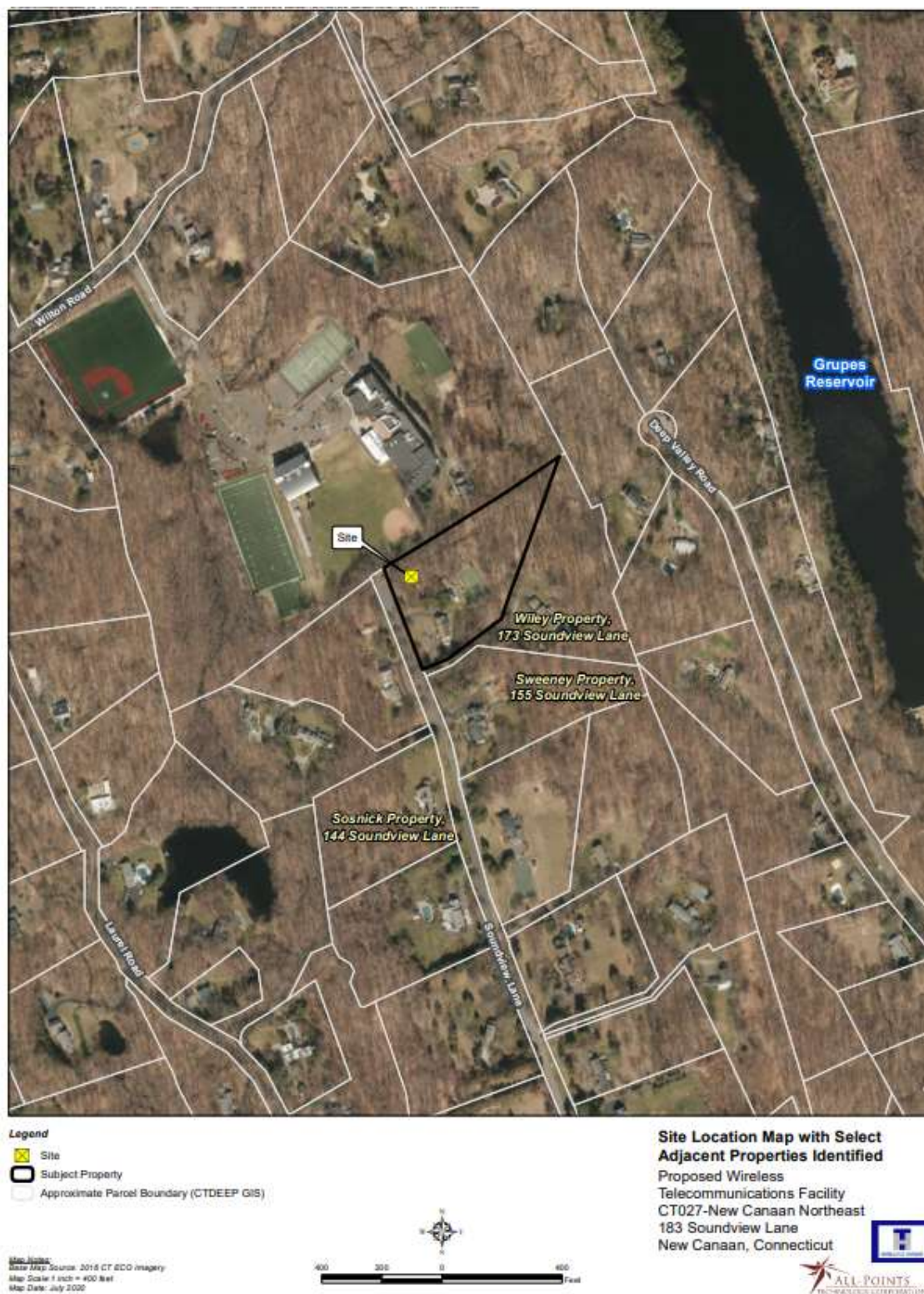
Cross Ridge Road at North Wilton Road	11	Not visible	0.36-mile south
Cross Ridge Road	12	Visible through trees – top of tower	0.52-mile southeast
Cross Ridge Road	13	Not visible	0.60-mile south
Sheridan Drive	14	Not visible	0.92-mile southeast
Briscoe Road at Cross Ridge Road	15	Not visible	0.73-mile southeast
Briscoe Road	16	Not visible	0.36-mile southeast
Briscoe Road	17	Seasonal – approx. top third of tower	0.32-mile southeast
North Wilton Road	18	Year-round – approx. top one-half of tower	0.29-mile southeast
North Wilton Road	19	Seasonal – top of tower through trees	0.27-mile southeast
Soundview Lane	20	Not visible	0.36-mile northwest
Soundview Lane	21	Not visible	0.25-mile northwest
Soundview Lane	22	Not visible	0.10-mile north
Soundview Lane	23	Year-round – full tower	0.03-mile north

(Applicant 1, Tab 8 – Visibility Assessment Report, pp. 3 and 5)

169. APT did not perform photo-documentation from the properties of St. Luke’s School, the Sosnicks, the Sweeneys, or the Wileys because these are all private properties. (Applicants 7, response 49)
170. The proposed facility would generally be visible year-round in portions of the south-central and northwestern areas (near Wilton Road) of the St. Luke’s School property. The facility would also be visible under leaf-off conditions for other areas within the south-central portion of the St. Luke’s School property, areas closer to the school’s southern property line and also the far northern limits of the school property near Wilton Road. See Figure 11. (Applicants 7, response 49(a); Applicants 11, Late Filed Exhibit (b)).
171. The proposed facility would be seasonally visible from roughly the western half of the Wiley’s property, including the Wiley home. Some year-round views are possible along western limits of the Wiley property such as where the Wiley driveway approaches Soundview Lane. Additionally, a photograph taken by Mr. Wiley from the driveway of his residence depicts the top of the crane near the top of the existing treeline. See Figure 11. (Applicants 7, response 49(d); Applicants 11, Late Filed Exhibit (b); Soundview Neighbors Group 4, Exhibit 4 Photograph; Tr. 3, p. 117)
172. The proposed facility would be seasonally visible from the northern portion of the Sweeney’s property. See Figure 11. (Applicants 7, response 49(c); Applicants 11, Late Filed Exhibit (b))

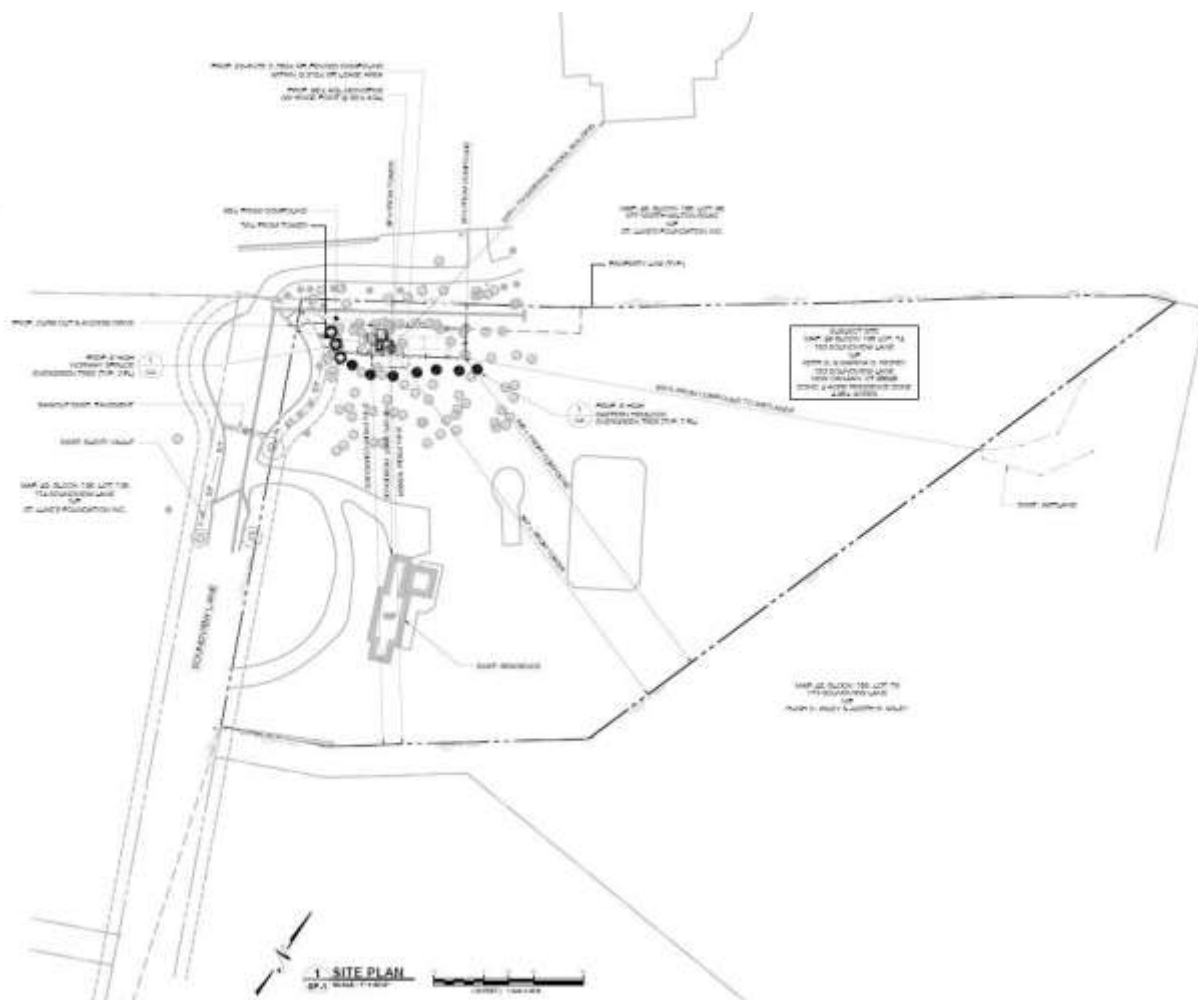
173. The Sweeneys were not aware of the crane raise at the time it was in place. (Tr. 3, p. 117)
174. The proposed facility would not be visible from the Sosnick's property. See Figure 11. (Applicants 7, response 49(b); Applicants 11, Late Filed Exhibit (b)).
175. The Sosnicks were not aware of the crane raise at the time it was in place. (Tr. 3, p. 115)
176. There are no Connecticut blue-blazed hiking trails located within the two-mile study area. (Applicants 2, Tab 8 – Visual Assessment Report, Viewshed Analysis Map)
177. There are no state or locally-designated scenic roads located within the two-mile study area. (Applicants 2, Tab 8 – Visual Assessment Report, Viewshed Analysis Map)
178. While there are a number of stealth tower designs available on the market, the use of a flagless flagpole may be the only other appropriate design at the proposed site. However, flagpole designs are not preferred by wireless carriers as they present network coverage challenges due to the space limitations that hinder the ability to “tilt” antennas and install full arrays. Additionally, flagpole designs require taller facilities to accommodate antenna stacking within the space limitations caused by internally-mounted antennas. A flagpole design is not feasible given the maximum height limitations of the lease agreement with the property owner. Notwithstanding these limitations, the cost to develop a flagpole design would be about \$50,000 less than the proposed tree tower design. (Applicants 4, response 30)
179. Internally-mounted antennas typically require a tower that is about 20 to 30 feet taller to accommodate the required number of antenna arrays for one wireless carrier. (Applicants 5, response 6)
180. While an 8-foot fence is taller than the six feet specified in the Town's regulations, Homeland believes that the 8-foot fence provides better screening. (Tr. 1, pp. 92-93)
181. The proposed sound attenuation blankets would be installed inside the proposed wooden shadowbox fence and thus would not be visible from the exterior of the compound. (Applicants 4, response 32)
182. Seven 8-foot tall Eastern hemlock evergreen trees are proposed along the southern limits of the site. Three 8-foot tall spruce evergreen trees are proposed along the southwestern limits of the site. The height of these trees could be increased if requested by the Council. (Applicants 6, Supplemental Submission, Sheet CP-1; Tr. 1, p. 19 and 100)
183. Landscape plantings along the proposed access drive would not be feasible because the access drive is located in a 20-foot wide non-exclusive drainage easement that contains a reinforced concrete pipe underneath. Homeland would prefer not to landscape this area so that the roots do not disturb the pipe. (Tr. 1, pp. 20-21)
184. Homeland is willing to discuss the possibility of planting on St. Luke's School property in lieu of along the access drive on the subject property. (Tr. 1, pp. 20 and 80)

Figure 1 – Aerial Map



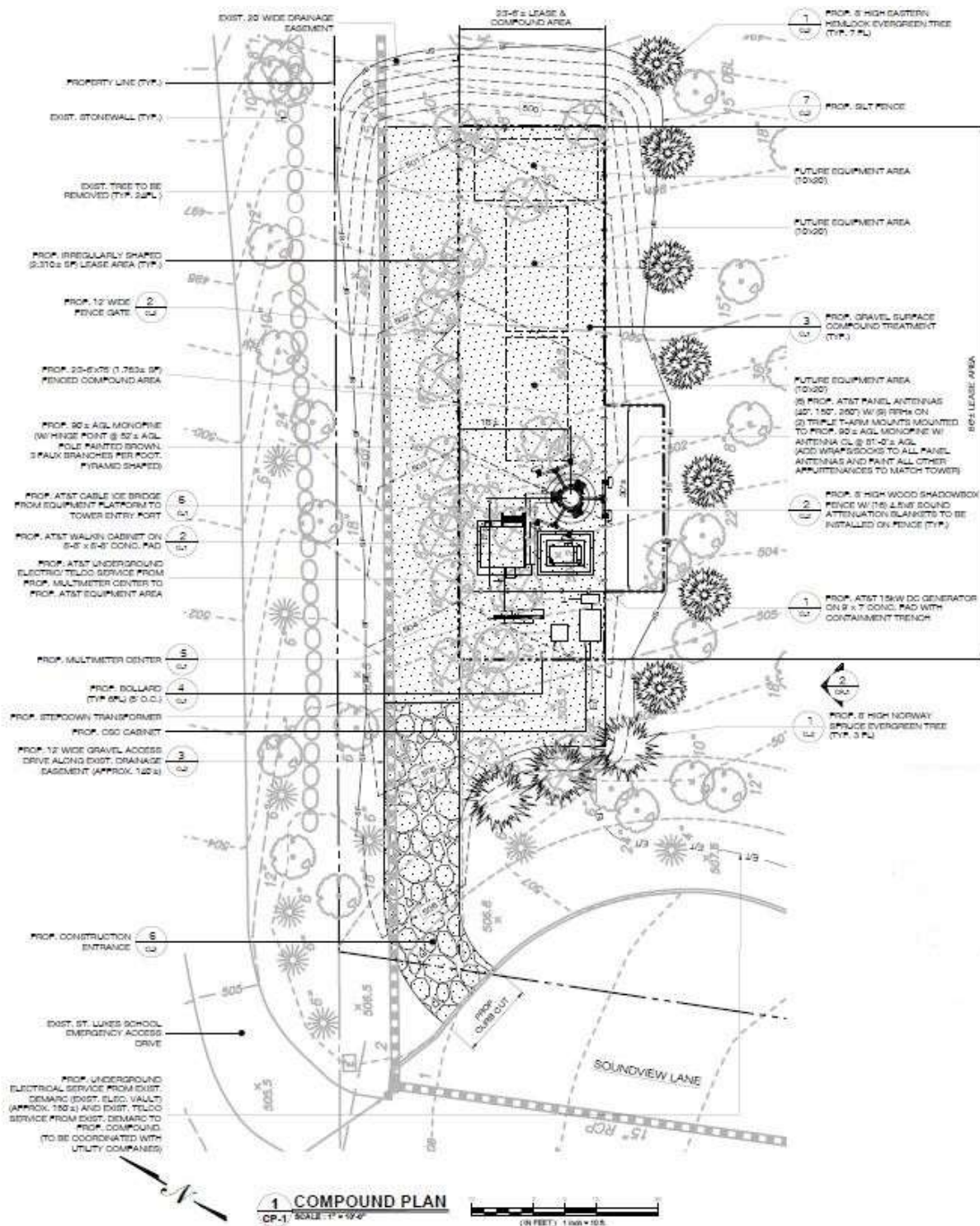
(Applicants 11, Late Filed Exhibit (a))

Figure 2 – Site Plan



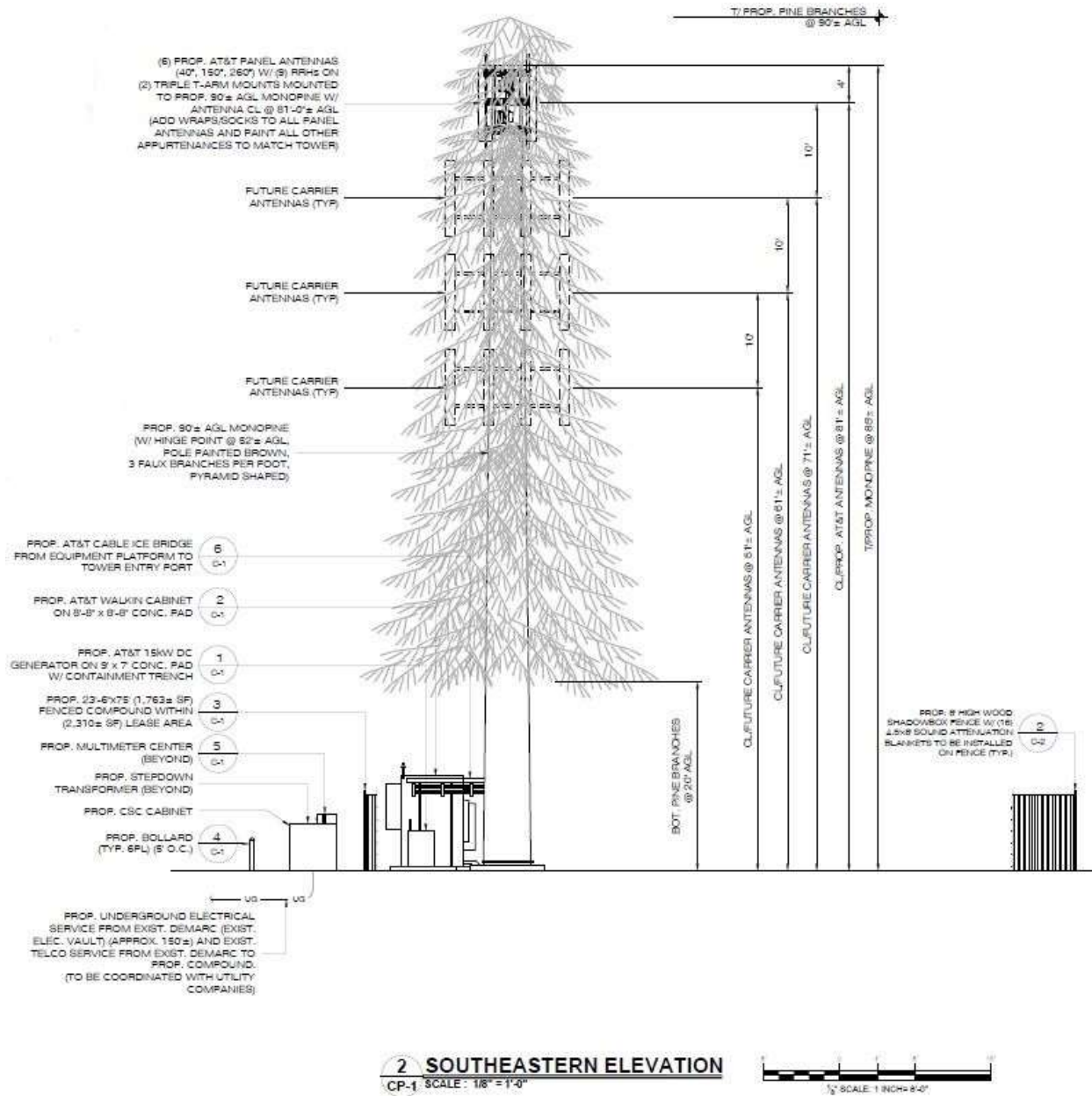
(Applicants 6, Supplemental Submission, Sheet CP-1)

Figure 3 – Compound Plan



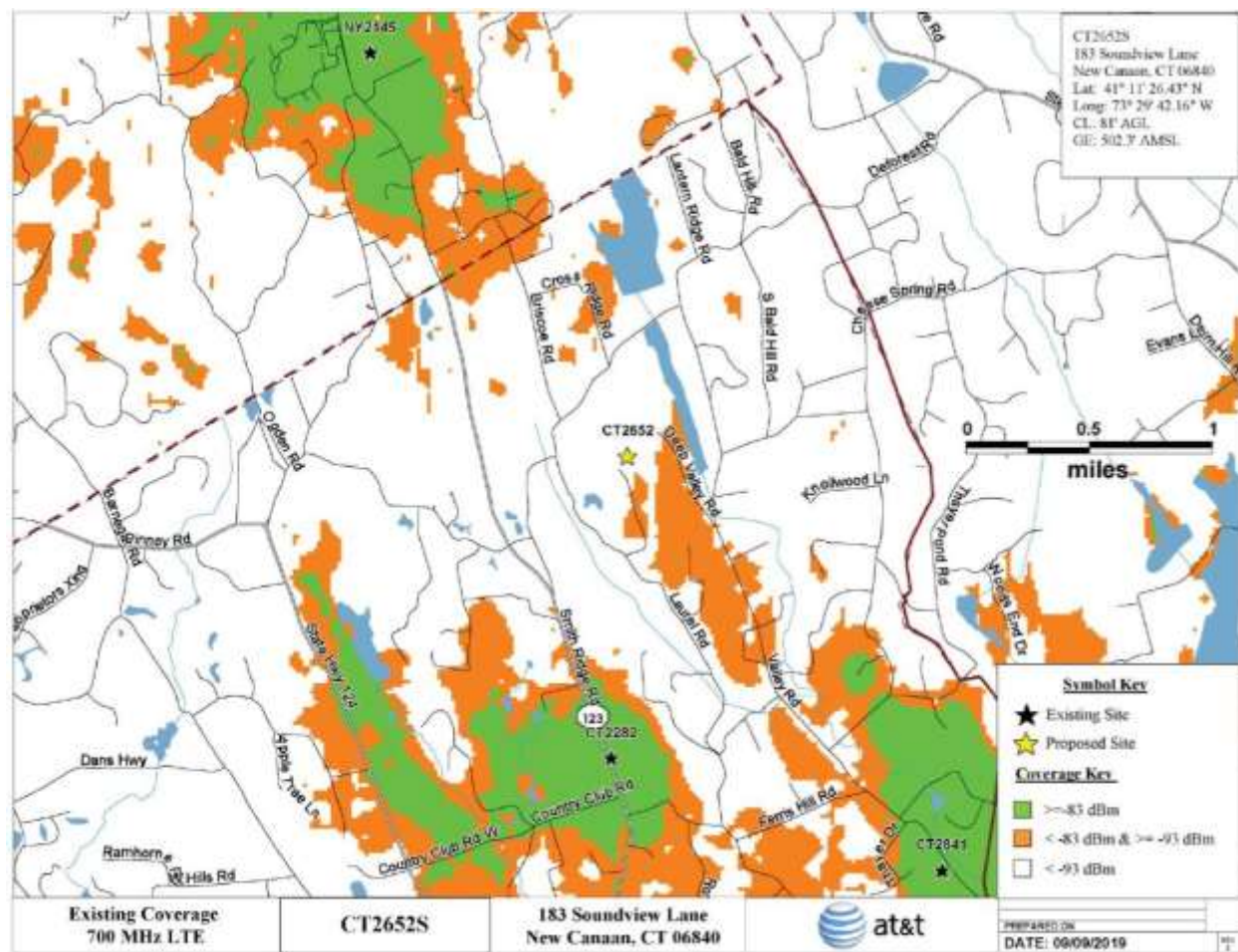
(Applicants 6, Supplemental Submission, Sheet CP-1)

Figure 4 – Tower Profile Drawing



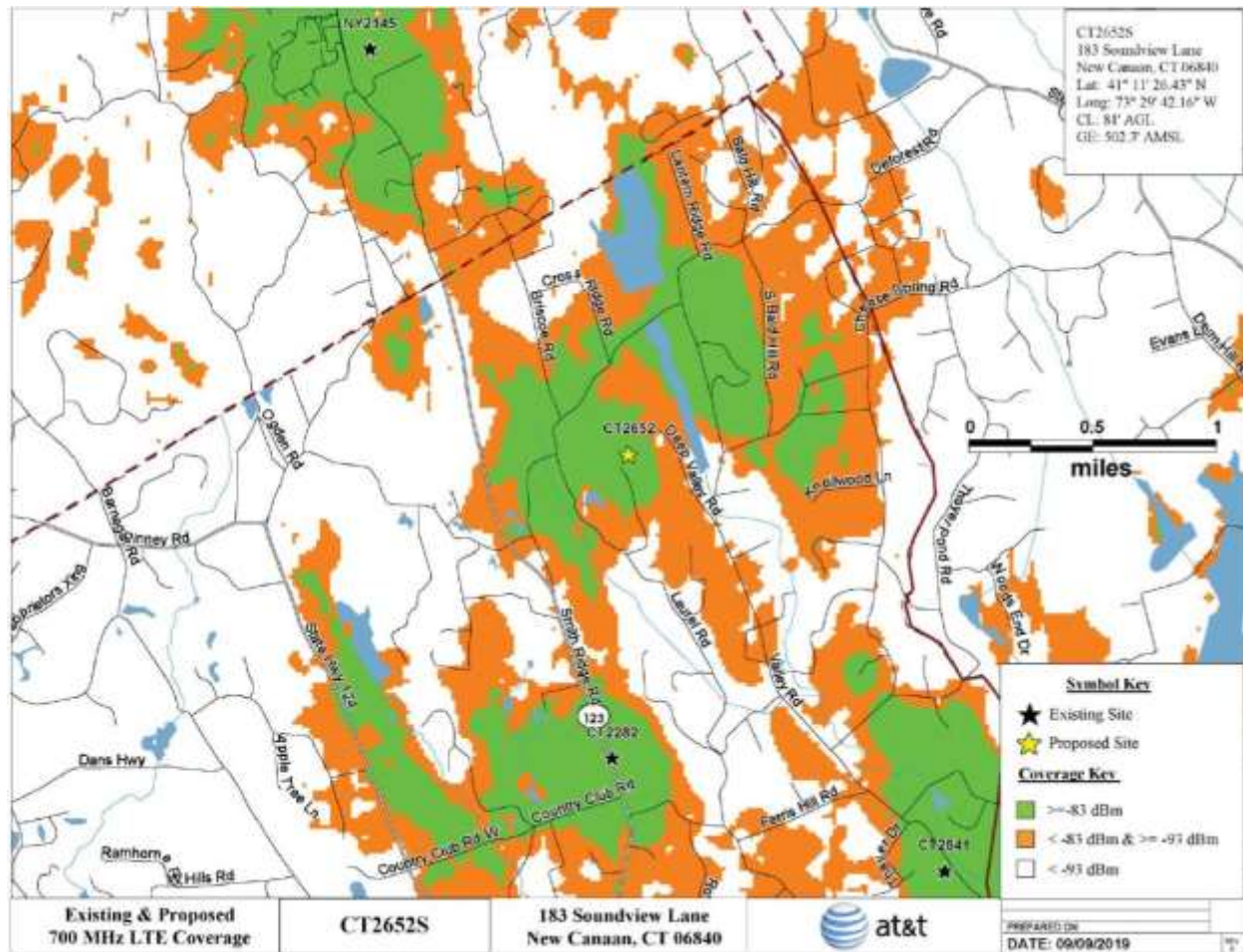
(Applicants 6, Supplemental Submission, Sheet CP-1)

Figure 5 – Existing 700 MHz Coverage



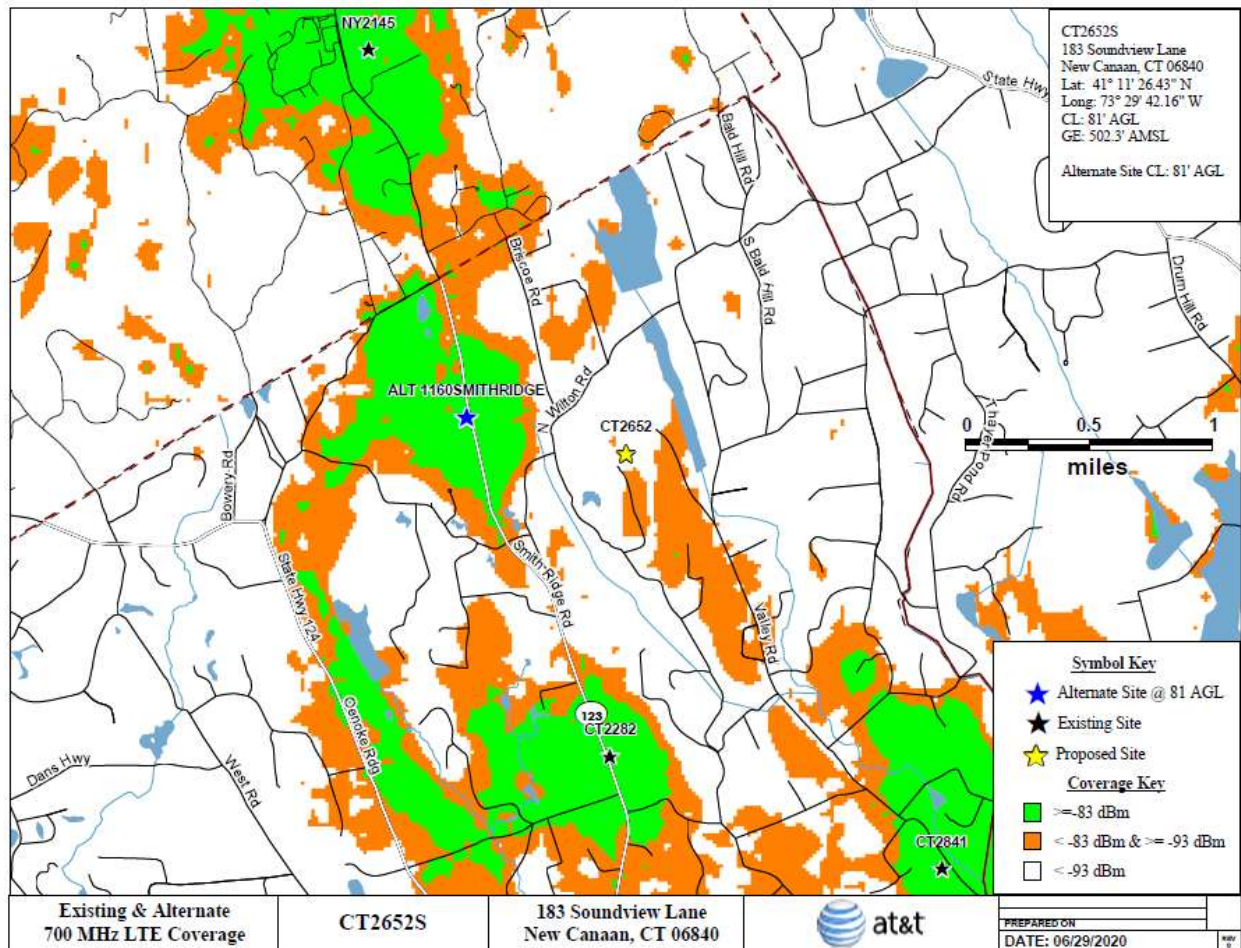
(Applicants 1, Tab 1)

Figure 6 – Existing and Proposed 700 MHz Coverage – Proposed Site



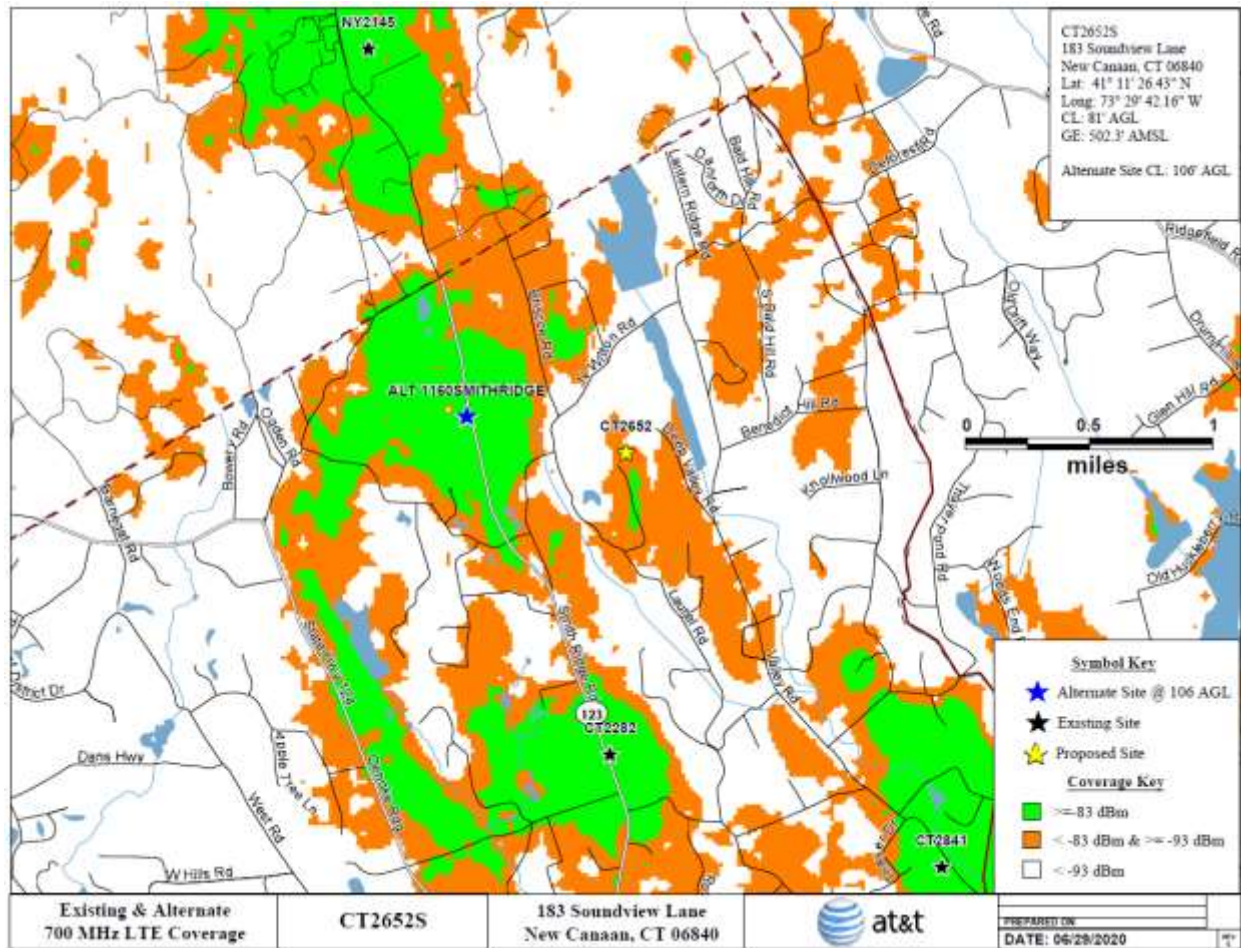
(Applicants 1, Tab 1)

**Figure 7 – Existing and Alternate 700 MHz Coverage – 1160 Smith Ridge Road at Centerline
Height of 81 feet**



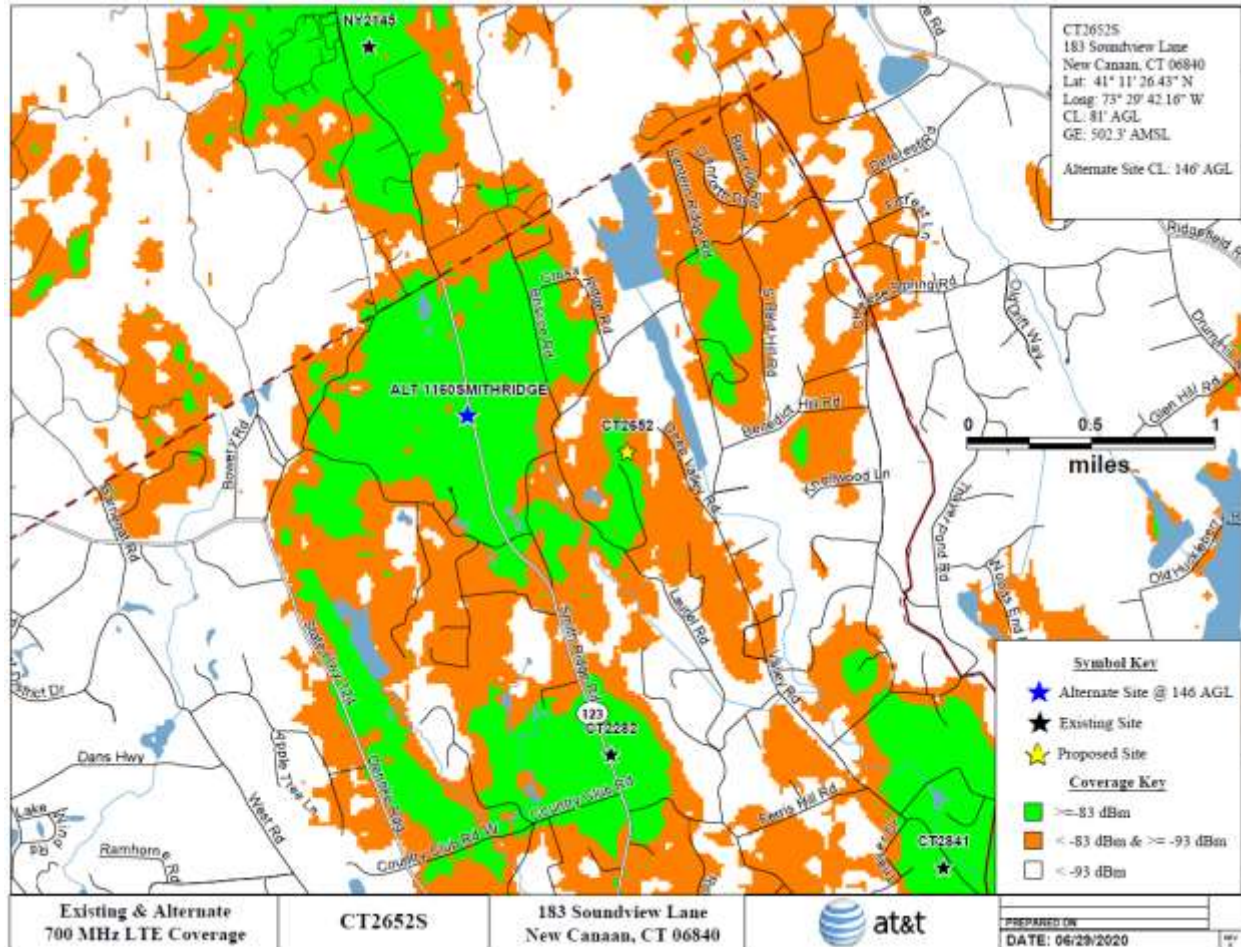
(Applicants 8, response 1)

**Figure 8 – Existing and Alternate 700 MHz Coverage – 1160 Smith Ridge Road at Centerline
Height of 106 feet**



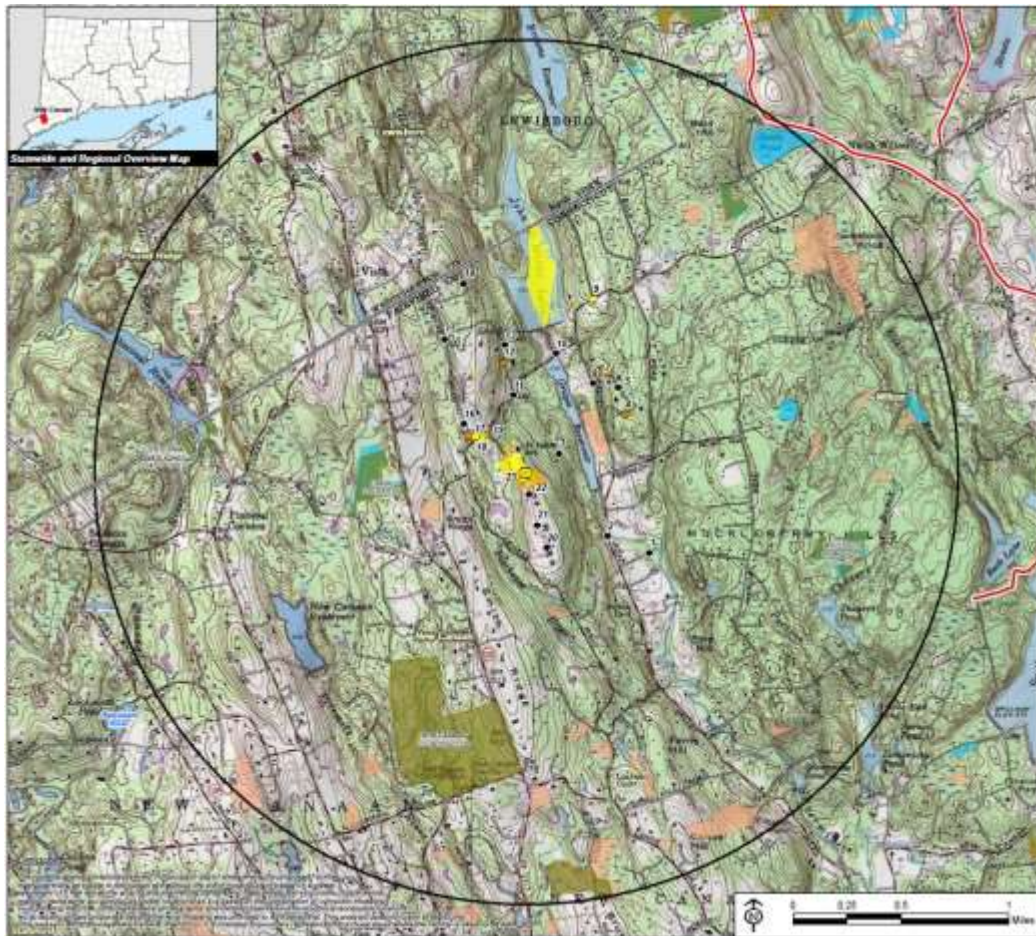
(Applicants 8, response 1)

**Figure 9 – Existing and Alternate 700 MHz Coverage – 1160 Smith Ridge Road at Centerline
Height of 146 feet**



(Applicants 8, response 1)

Figure 10 – Visibility Analysis



Legend

- | | |
|---|--|
| Proposed Site | Trail (CT) |
| Study Area (2-Mile Radius) | Scenic Highway (CT) |
| Photo Locations (April 17, 2019) | |
| Not Visible | DEEP Boat Launches (CT) |
| Balloon Visible Through Trees | Municipal and Private Open Space Property (CT) |
| Seasonal Visibility | State Forest/Park (CT) |
| Year-Round Visibility | Protected Open Space Property (CT) |
| Predicted Year-Round Visibility (35 Acres) | Federal |
| Areas of Potential Seasonal Visibility (10 Acres) | Land Trust |
| State Boundary | Municipal |
| Municipal Boundary | Private |
| | State |

(Applicants 1, Tab 8 – Viewshed Analysis Map)

Figure 11 – Visibility Analysis – Abutting Properties



(Applicants 11, Late Filed Exhibit (b))

Appendix A - Municipal Comments



PLANNING & ZONING
DEPARTMENT

TOWN OF NEW CANAAN

TOWN HALL, 77 MAIN STREET
NEW CANAAN, CT 06840

TEL: (203) 594-3046
FAX: (203) 594-3127

VIA USPS MAIL AND EMAIL

January 2, 2020

Lucia Chiocchio
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Dear Ms. Chiocchio:

As a follow up to the December 17, 2019 Planning & Zoning Commission meeting, I am writing this letter to you on behalf of the New Canaan Planning and Zoning Commission, with respect to the proposed telecom facility located at 183 Soundview Lane. First, let me thank Homeland Towers and yourself for addressing the Planning and Zoning Commission and the Board of Selectmen at a joint information meeting on November 20, 2019.

At the Planning and Zoning meeting on December 17, 2019 the Commissioners discussed the proposed application to the Connecticut Siting Council and would like to make the following recommendations regarding the proposed telecom facility located at 183 Soundview Lane.

- 1) Overall adherence to Sect. 7.8 of the Zoning Regulations. A copy is attached for your reference. The Commission respectfully requests that Homeland review and compare the Regulations to their application in detail.
- 2) Confirm that the fall point/yield zone is designed in such a way that should the tower fall, it will not land on a residential dwelling nor on school property. Both of these land uses are in the immediate vicinity of the proposed telecom.
- 3) Fencing should not be chain link; rather the fencing should more appropriately match that of a typical single family residential zone.
- 4) Landscaping. The Commission was appreciative that landscaping was proposed; however, a more robust plan that includes native plants would further improve the plan.
- 5) The Commission recognizes the need for the equipment shelter; however, in a single family zone such uses are encouraged to have an exterior appearance that resembles a typical New Canaan accessory structure. For example, a barn, shed or similar.
- 6) Clarification on the height of the tower and future potential extensions.

- 7) Minimize the views from neighboring properties as noted in the Regulations. The Commission notes that this neighborhood is a single family residence zone and ideally the views of a utility structure should be minimized.
- 8) There are products available on the market to clad the telecom pole in a bark like texture to help it blend into the landscaping in the neighborhood.

While the Commission realizes the need for increased cell service in New Canaan, it is also cognizant of the fact that the location is a single family neighborhood with a school in close proximity. Bearing this in mind the Commission makes the above noted recommendations to further enhance the project and insure that it will better fit into the neighborhood. An effort to attain the aforementioned objectives we believe, and despite the additional expense, would ultimately benefit the project and the Town.

Sincerely,



John H. Goodwin
Chairman, New Canaan Planning Commission

cc: Connecticut Siting Council
P&Z Commission
Board of Selectmen
Lynn Brooks Avni, Town Planner/Sr. Enforcement Officer

JHG/lis