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 18, 2020

DRAFT Opinion

On February 7, 2020, Homeland Towers LLC (Homeland) and New Cingular Wireless PCS, LLC (AT&T) (collectively, the Applicants), applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of wireless telecommunications facility to be located in the Town of New Canaan (Town), Connecticut. The purpose of the proposed facility is to provide reliable wireless communications services to the northeastern portion of the Town.

The United States Congress recognized a nationwide need for high quality wireless services through the adoption of the Federal Telecommunications Act of 1996 and directed the Federal Communications Commission (FCC) to establish a market structure for system development and develop technical standards for network operations. The FCC preempts state or local regulation on matters that are exclusively within the jurisdiction and authority of the FCC, including, but not limited to, network operations and radio frequency emissions. Preservation of state or local authority extends only to placement, construction and modifications of telecommunications facilities based on matters not directly regulated by the FCC, such as environmental impacts. The Council's statutory charge is to balance the need for development of proposed wireless telecommunications facilities with the need to protect the environment.

Homeland owns and/or operates numerous tower facilities in the state. Homeland would construct, maintain and own the proposed facility and would be the Certificate Holder. AT&T is licensed by the FCC to provide personal wireless communications service throughout the state and would lease space on the proposed tower for their telecommunications equipment.

AT&T is currently located on ten existing telecommunications facilities within a four-mile radius of the proposed site. None of these sites currently, or could, provide adequate coverage to the target area in the northeastern portion of the Town. Thus, the Applicants investigated available vacant land sites for a new tower. Of 23 sites reviewed, 20 properties, including the St. Luke's School property, were rejected because the property owner was not interested in leasing space for a tower. One Town-owned property, known as the Clark property, was rejected because of development restrictions, as well as on-site wetlands and vernal pools. One private property, owned by Garrett Camporine, has a willing landowner, but an agreement on the lease terms had not been reached. A tower facility at this site would also not provide coverage to the area intended for coverage by the proposed facility because this site is too far to the west. Specifically, it would not provide adequate coverage to the intended service area. Thus, one site was selected: the proposed site at 183 Soundview Lane.

In 2014, the Town commissioned a Wireless Market Study. The 2014 Wireless Market Study identifies the St. Luke's School property as the "Most likely" candidate for Verizon and the "Next Likely" candidate for AT&T with respect to being a viable cell site location. While the school property is not available for lease for a tower site, the proposed site abuts this property directly to the south. The Camporine property is located on Route 123, about two-thirds of a mile to the

west-northwest of the proposed site. Applicants' indicated that this site would work well as a hand-off site to the proposed site at Soundview Lane. Homeland would look at the Camporine property site (and other comparable alternatives) to serve as a hand-off site to the proposed Soundview Lane facility in the future as part of Homeland's comprehensive plan to serve the Town.

Homeland proposes to construct a 85-foot stealth "tree" monopole (with the top "tree branches" reaching a maximum height of 90 feet) and an associated equipment compound in the western portion of a 4.05-acre parcel at 183 Soundview Lane. The subject parcel is located in the Town's 4-Acre Residence Zone and currently contains a residence. 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). AT&T would install its equipment within an 8-feet 8-inches long by 8-feet 8-inches wide by 9-feet 6-inches high walk-in equipment cabinet. Cabling clearance under the equipment cabinet requires an additional 18 inches of height. Thus, the walk-in cabinet would reach a maximum height of approximately 11 feet.

AT&T's radio frequency propagation modeling demonstrated a need to provide wireless service to several existing service gaps in the area. While the proposed facility would provide enhanced capacity as well, the capacity benefit would be within the proposed coverage area; no adjacent site sectors require capacity off-loading at this time. AT&T would provide service via 700 MHz, 850 MHz, 1900 MHz, and 2100 MHz for both voice and data. AT&T would need an antenna centerline height of 81 feet because a lower height would result in some loss of coverage. Additionally, a ten-foot reduction in AT&T's antenna centerline height would lower a second carrier to 61 feet and a third carrier to 51 feet. A 51-foot antenna centerline height would be below the tree line and unlikely to be viable.

The tower will be designed to support the antennas of two additional carriers, as well as municipal emergency services antennas, and would likely be designed to accommodate a 20-foot extension. No other wireless carriers expressed an interest to the Council in co-locating on the tower at this time. However, Verizon expressed an interest to the Applicants regarding co-location on the tower directly below AT&T at a centerline height of 71 feet. The Town also expressed an interest in co-locating emergency services antennas on the top of the tower.

Access to the site would be via a new 12-foot wide gravel drive extending from the Soundview Lane cul-de-sac. Utilities would be installed underground from Soundview Lane to the proposed compound.

In the event an outage of commercial power occurs, AT&T would rely on a diesel-fueled backup generator. The generator would have an estimated 53 hours of run time before it requires refueling. AT&T would also have a battery backup system to provide uninterrupted power and avoid a "reboot" condition. The battery backup system alone could provide about six to eight hours of backup power.

During the proceeding, the Town requested the Council consider its Planning and Zoning (P&Z) Commission Regulations in the evaluation of the proposed facility. Specifically, the P&Z Commission requested consideration of minimization of visual impacts, internal antenna mounts, distance to property lines, concealment of equipment shelters, enclosure within a shadow-box fence and installation of landscaping. The Applicants addressed each of the Town P&Z requests for consideration of the regulations.

On April 17, 2019, the Applicants' consultant, All Points Technology, Inc. (APT), positioned a crane at the approximate location of the proposed facility and extended the crane boom with a brightly-colored flag at the top to simulate the height of the proposed facility. Using a combination of a predictive computer model, in-field analysis (including the crane) simulation, and a review of various data sources, APT produced a viewshed map with a two-mile radius centered at the proposed facility location.

According to the viewshed map, of the 8,042-acre study area, the proposed tower would be visible year-round and seasonally (i.e. during leaf-off conditions) from approximately 35 acres and 10 acres, respectively. The Council notes that this would represent small percentages of the study area or approximately 0.44 and 0.12 percent, respectively.

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). The Council notes that about 71 percent of the year-round views would be over JDML, but such views would be tree-top views at or slightly above the tree line, and the tree tower design would be less discernable than a steel monopole design.

With respect to visibility of the proposed facility from the St. Luke's School campus and the Soundview Neighbors Group properties, APT provided a Site Location Map with the projected tower visibility areas identified for the Soundview Neighbors Group properties (Late Filed Exhibit (b)). While APT could not trespass on private properties to assess views of the crane, APT utilized the same predictive computer model that was refined using the available crane results data.

Specifically, 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.

The proposed facility would be seasonally visible from roughly the western half of the Wiley's property, including the Wiley residence. 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 (Soundview Neighbor Group Exhibit 4 – Exhibit 4 Photograph) from the driveway of his residence depicts the top of the crane near the top of the existing tree line. The Council notes that this is consistent with Late Filed Exhibit (b) predicted results because it falls within the predicted year-round visibility area.

The Sosnicks and the Sweeneys were not aware of the crane raise at the time it was in place; thus, photographs conclusively showing or not showing the crane from their properties were not available. Nevertheless, Late Filed Exhibit (b) results take into account adjustments from known crane data. Based on such results, the proposed facility would be seasonally visible from the northern portion of the Sweeney's property. The proposed facility would not be visible from the Sosnick's property.

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 the building containing a 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. The nearest

building at St. Luke's School is located approximately 250 feet north of the proposed tower location.

The Council notes that a shift in tower compound location to the east would result in a lower elevation, and a shift to the west would bring the compound into the cul-de-sac area. A shift to the north would bring the facility closer to the drainage pipe easement area and the St. Luke's School property line. While the Council notes that a shift to the south would bring the facility farther from St. Luke's School, the property owner prefers the proposed location because a shift to the south would bring the tower closer to neighboring residences off Soundview Lane.

The Council is mindful that not shifting the proposed tower to the south results in it being located 38 feet from the St. Luke's School property line (or less than the 90-foot maximum height). However, the tower would be designed with a yield point at 52 feet to ensure that the tower setback radius remains within the boundaries of the subject property.

With respect to the proposed compound, the Council notes that the proposed eight-foot shadowbox fence would completely screen the smaller ground equipment, but not completely screen the walk-in equipment cabinet. The proposed landscape plantings would be eight feet tall, but the Applicants are amenable to install taller plantings to screen the walk-in equipment cabinet that would reach a total height of 11 feet above grade. In the Development and Management Plan (D&M Plan), the Council will require that the Applicants provide a final landscaping plan that includes, but is not limited to, taller plantings to screen the walk-in equipment cabinet.

Approximately 24 trees with a diameter of six inches or greater would be removed to construct the facility. Development of the proposed project would not impact state-listed or federally-listed species. The proposed project would impact approximately 3,105 square feet of Prime Farmland Soils and 1,082 square feet of Statewide Important Farmland Soils. This would be approximately 6.79 percent and 3.31 percent, respectively, of the Prime Farmland Soils and the Statewide Important Farmland Soils on the subject property.

The proposed facility is not located near an Important Bird Area, as designated by the National Audubon Society. In addition, the proposed facility will comply with the U.S. Fish and Wildlife Service guidelines for minimizing the potential for telecommunications towers to impact bird species.

Development of the proposed project would not adversely impact wetlands due to the distance from the nearest wetland and compliance with the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control and the 2004 Connecticut Stormwater Quality Manual. The nearest wetland is located off-site approximately 420 feet east of the proposed facility compound.

The proposed facility would not adversely affect historic resources.

There are no Connecticut blue-blazed hiking trails located within two miles of the proposed site. In addition, there are no state or locally-designated scenic roads located within two miles of the proposed site.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated by Council staff to amount to 23.9% of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, as measured at the base of the tower taking into account a 10-dB off-beam pattern loss. This is conservatively based on all antennas of a given sector pointing down to the ground and emitting

maximum power. This percentage is well below federal standards established for the frequencies used by wireless companies. If federal standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. Regarding potential harm to wildlife from radio emission; this, like the matter of potential hazard to human health, is a matter of federal jurisdiction. The Council's role is to ensure that the tower meets federal permissible exposure limits.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility at the proposed site, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate to Homeland Towers, LLC for the construction, maintenance, and operation of an 85-foot stealth "tree" monopole telecommunications facility at the proposed site located at 183 Soundview Lane, New Canaan, Connecticut.