

DOCKET NO. 501 – New Cingular Wireless PCS, LLC }
application for a Certificate of Environmental Compatibility and
Public Need for the construction, maintenance, and operation of a
telecommunications facility located at 106 Sharon Road, Lakeville }
(Salisbury), Connecticut.

Connecticut

Siting

Council

August 6, 2021

Introduction

1. New Cingular Wireless PCS, LLC (AT&T or Applicant), in accordance with provisions of Connecticut General Statutes (C.G.S.) § 16-50g, et seq, applied to the Connecticut Siting Council (Council) on April 1, 2021 for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 94-foot monopole wireless telecommunications facility at 106 Sharon Road in Lakeville (Salisbury), Connecticut. (AT&T 1, p. 4-5)
2. AT&T is a Delaware limited liability company with an office located at 84 Deerfield Lane, Meriden, Connecticut. AT&T is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service in the State of Connecticut. (AT&T 1, p. 5 and Attachment 1 – Radio Frequency Analysis Report, p. 1)
3. The party in this proceeding is AT&T. (Transcript 1, June 29, 2021, 2:00 p.m. [Tr. 1], p. 4)
4. The purpose of the proposed facility is to provide reliable wireless services, as well as emergency communications services, to residents, visitors, businesses, the Hotchkiss School and key traffic corridors in central and southern portions of the Village of Lakeville. (AT&T 1, p. 4)
5. Pursuant to C.G.S. § 16-50l (b), AT&T provided public notice of the filing of the application that was published in the Republican-American on March 25, 2021 and March 26, 2021. (AT&T 2, Affidavit of Publication)
6. Pursuant to C.G.S. § 16-50l (b), notice of the application was provided to all abutting property owners by certified mail. AT&T received certified mail receipts from all but six abutting property owners. AT&T sent second notice letters to these six property owners on April 19, 2021 by first class mail. (AT&T 1, p. 7 and Attachment 12; AT&T 4, response 4)
7. On March 30, 2021, AT&T provided notice to all federal, state and local officials and agencies listed in C.G.S. § 16-50l (b). (AT&T 1, p. 7 and Attachment 13)

Procedural Matters

8. 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. 54)
9. 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. 54)

10. 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. 54, CGS §1-200, *et seq.* (2019))
11. 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. 54)
12. On March 25, 2020 and as subsequently extended, Governor Lamont issued EO 7M allowing for an extension of all statutory and regulatory deadlines of administrative agencies for a period of no longer than 90 days. (Executive Order No. EO 7M)
13. Upon receipt of the application, the Council sent a letter to the Town of Salisbury (Town) on April 5, 2021, as notification that the application was received and is being processed, in accordance with C.G.S. § 16-50gg. (Record)
14. During a regular Council meeting on April 22, 2021, the application was deemed complete pursuant to Regulations of Connecticut State Agencies (R.C.S.A.) § 16-50/-1a, and the public hearing schedule was approved by the Council. (Record)
15. Pursuant to Governor Lamont’s EO 7B, as extended, and CGS § 16-50m, the Council published legal notice of the date and time of the remote public hearing via Zoom conferencing in the Republican-American on April 28, 2021. (Record)
16. Pursuant to Governor Lamont’s EO 7B, as extended, and C.G.S. § 16-50m, on April 26, 2021, the Council sent a letter to the Town to provide notification of the scheduled remote public hearing via Zoom conferencing and to invite the Town to participate. (Record)
17. 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. (Record; Council's Hearing Notice dated April 26, 2021)
18. On May 18, 2021, in lieu of an in-person field review of the proposed site, the Council requested that AT&T submit photographic documentation of site-specific features into the record intended to serve as a “virtual” field review of the site. On June 15, 2021, AT&T submitted such information in response to the Council’s interrogatories. (Record; AT&T 4, response 44)
19. Field reviews are not an integral part of the public hearing process. The purpose of a site visit is an investigative tool to acquaint members of a reviewing commission with the subject property. (Council Administrative Notice Item Nos. 55 and 56)

20. On May 20, 2021, 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)
21. On May 26, 2021, 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. (Council Pre-Hearing Conference Memorandum, dated May 19, 2021)
22. On June 12, 2021, in compliance with R.C.S.A. §16-50j-21, AT&T installed a four-foot by six-foot sign at the proposed entrance to the subject property on Sharon Road. The sign presented information regarding the project and Council's public hearing. (AT&T 5; Council Pre-Remote Hearing Conference Memorandum, dated May 19, 2021)
23. Pursuant to C.G.S. § 16-50m, the Council gave due notice of a remote public hearing to be held on June 29, 2021, 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 information for video/computer access or audio only telephone access. (Council's Hearing Notice dated April 26, 2021; Tr. 1, p. 1; Transcript 2 – 6:30 p.m. [Tr. 2], p. 70)
24. 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 June 30, 2021, and July 7, 2021, respectively;
 - 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 provided their information for identification purposes during the remote public hearing.

(Hearing Notice dated April 26, 2021; Tr. 1; Tr. 2; Record)

State Agency Comment

25. Pursuant to C.G.S. § 16-50j (g), on April 26, 2021, 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)
26. The Council received comments from DOT¹ on May 25, 2021, and CEQ² on May 26, 2021. These comments are addressed in the following sections of this document: Public Safety, Environmental Considerations, and Visibility. (Record)

¹ [DO501-STATEMEMO-CommentsRecd-DOT.pdf \(ct.gov\)](#)

² [DO501-STATEMEMO-CommentsRecd-CEQ.pdf \(ct.gov\)](#)

27. No other state agencies responded with comment on the application. (Record)
28. 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

29. AT&T commenced the 90-day pre-application municipal consultation process submitting a technical report to the Town on June 18, 2020. (AT&T 1, p. 25)
30. The height of the facility was originally 104 feet above ground level (agl), but it was reduced to 94 feet agl as part of AT&T's consultation with SHPO to avoid impacts to historic resources. (AT&T 1, p. 17; AT&T 1, Attachment 4 – Sheet A-2; Tr. 1, p. 30)
31. Amended site drawings and an updated visibility analysis, reflecting design changes, including a height reduction addressing the comments from SHPO, were submitted to the Town on January 4, 2021. (AT&T 1, p. 25)
32. By letter dated March 23, 2021, Town First Selectman Curtis Rand expressed support for the project on the bases of public safety and improved cell phone coverage in Lakeville. (AT&T 1, Attachment 11 – Town Letter dated March 23, 2021)

Public Need for Service

33. 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)
34. 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 Connecticut. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996; AT&T 1, p. 5 and Attachment 1 – Radio Frequency Analysis Report, p. 1)
35. 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)
36. 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)
37. 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)

38. 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)
39. 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)
40. 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)
41. 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. 12 – Presidential Executive Order 13616, Accelerating Broadband Infrastructure Development; Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order)
42. 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)
43. In June 2020, the FCC issued a declaratory ruling that heights of existing towers located outside of the public right-of-way could increase by up to 20 feet plus the height of a new antenna without constituting a substantial change in the physical dimensions of a tower. (Council Administrative Notice Item No. 27)
44. 55. In November 2020, the FCC issued an order that ground excavation or deployment up to 30 feet in any direction beyond the site boundary of existing towers located outside of the public right-of-way does not constitute a substantial change in the physical dimensions of a tower. (Council Administrative Notice Item No. 28)

45. 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)
46. On April 26, 2021, the Council sent correspondence to other telecommunications carriers requesting that carriers interested in locating on the proposed facility in the foreseeable future to notify the Council by June 22, 2021. (Record).
47. On May 11, 2021, T-Mobile responded to the Council's solicitation stating it has no interest in the proposed site. (Record; AT&T 4, response 25)
48. As of June 29, 2021, the Town had not expressed an interest in co-locating on the proposed tower. (Tr. 1, pp. 15-16)

Existing and Proposed Wireless Services

AT&T

49. AT&T has a coverage deficiency along Route 41 (Sharon Road/Main Street), Route 112 (Interlaken Road), Hotchkiss School, and neighboring residential and business/retail areas in Lakeville. AT&T's proposed facility would provide fill-in coverage to these areas. (AT&T 1, Attachment 1 – Radio Frequency Analysis Report, pp. 2, 7)
50. AT&T is located on four towers within four miles of the site. None of these facilities provide adequate coverage to the proposed service area. (Applicant 1, Attachment 1 – Radio Frequency Analysis Report, p. 12; AT&T 4, response 15)
51. AT&T's proposed facility would not be needed for capacity purposes. There are no nearby wireless facilities nearing capacity limits. (AT&T 4, response 22)
52. AT&T performed coverage modeling and a drive testing which demonstrated deficient service in the Lakeville area. (Applicant 1, Attachment 1 – Radio Frequency Analysis Report, p. 2)
53. AT&T would provide digital voice and data services to the proposed service area using 4th Generation (4G) services over LTE technology in the 700 MHz and 1900 MHz frequency bands. (AT&T 1, Attachment 1 – Radio Frequency Analysis Report, p. 1)
54. AT&T's 4G LTE technology for 700 MHz is designed to thresholds of -83 dBm and -93 dBm for in-building and in-vehicle service, respectively. For AT&T's 4G LTE 1900 MHz, the design thresholds are -86 dBm and -96 dBm for in-building and in-vehicle service, respectively. Thresholds of -93 dBm and -96 dBm are AT&T's minimum acceptable levels of service. (AT&T 1, Attachment 1 – Radio Frequency Analysis Report, p. 2)
55. AT&T's 700 MHz frequency provides the largest area of service and therefore defines the coverage footprint of the AT&T wireless network. Other frequencies that may be deployed at the site (850 MHz, 1900 MHz, 2100 MHz, and 2300 MHz) would provide capacity for AT&T's network, reduce the loading on the 700 MHz spectrum and therefore maximize the geographic reach of the facility. (AT&T 4, response 16)
56. AT&T's existing signal strength for 700 MHz within the area it seeks to cover is below -93 dBm. (AT&T 4, response 20; Tr. 1, p. 16)
57. AT&T's proposed facility would be provisioned to provide 5G service in the low band spectrum: 700 MHz, 850 MHz, 1900 MHz, 2100 MHz, and 2300 MHz. (AT&T 4, response 19)

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

AT&T Site Designation	Site Address	Distance/direction from Proposed Site	Antenna Height (agl)	Structure Type
CT1007	497 Lime Rock Road, Lakeville	3.3 miles SE	42 feet	Monopole
CT1134	38 Lower Road, North Canaan	6.8 miles NE	148 feet	Self-supporting lattice tower
CT1180	477 Route 7, Sharon	4.8 miles SE	100 feet	Monopole
CT1235	7 Surdan Mountain Road, Sharon	6.8 miles SSE	150 feet	Self-supporting lattice tower
CT1251	52 Library Street, Salisbury	1.8 miles NNE	144 feet	Monopole
CT1339	188 Route 7, Lakeville	3.9 miles ESE	137 feet	Stealth Monopole
UN4272	Millerton, NY	3.9 miles W	117 feet	Water tank

(AT&T 1, Attachment 1 – Radio Frequency Analysis Report, p. 12; AT&T 4, responses 14 and 15; Council Administrative Notice Item No. 32)

59. AT&T proposes to locate at the 90-foot level of the tower to provide reliable service to a portion of the Lakeville area. Specifically, 700 MHz service provided by the site includes, but is not limited to, the following:

Area (mi ²):	(≥ -83 dBm)	2.4
	(≥ -93 dBm)	5.2
Roadway (mi):	Main:	5.1
	Secondary:	15.8
	Total:	20.9

The roadways include 1.04 miles of new service on Route 41 and 0.70 miles on Route 112. Refer to Figures 5 and 6.

(AT&T 1, Attachment 1 – Radio Frequency Analysis Report, pp. 1, 6; AT&T 4, response 23)

60. AT&T's proposed antenna installation at a centerline height of 90 feet agl is the minimum height required to achieve its wireless service objectives. (AT&T 4, response 24)
61. If AT&T were to reduce its antenna centerline height to 80 feet agl, the antenna height would become close to the existing tree line. This would put the next carrier at or below the tree line and could adversely impact ability of the tower to support additional co-locations. (Tr. 1, pp. 16-17)

Site Selection

62. AT&T's search ring for the target area was established in March 2014. In 2016, for business reasons, AT&T deferred the proposed site, and in March 2018, the search ring was reactivated. The search ring has an approximately 0.25-mile radius, and it is centered near the intersection of Sharon Road and Route 44. (AT&T 4, responses 3 and 4; Tr. 1, pp. 13-14)

63. After determining there were no suitable structures within the search area, AT&T searched for properties suitable for tower development. AT&T investigated 4 parcels/areas, one of which was selected for site development. The 3 rejected parcels/areas and reasons for their rejection are as follows:
- a) **3232 Main Street, Lakeville** – This parcel was rejected because it would not meet AT&T’s coverage objectives;
 - b) **Bunker Hill Road, Salisbury** – This parcel was rejected because it is located too far away to meet AT&T’s coverage objectives; and
 - c) **Hotchkiss School, 11 Interlaken Road, Lakeville** – This parcel was rejected because it is located too far away and at too low an elevation to meet AT&T’s coverage objectives.

(AT&T 1, Attachment 2 – Site Search Summary and Properties Investigated by AT&T)

64. A facility at Salisbury School would not meet AT&T’s coverage objectives for this project because it is located over 4 miles to the north of the proposed site. (Tr. 1, p. 59)
65. Closing the coverage gaps and providing reliable wireless services in Lakeville requires a tower site that can provide service over a footprint that spans 2.4 square miles. Technologies such as small cells are best suited for specifically defined areas where capacity is necessary such as commercial buildings, shopping malls and tunnels. Using a DAS or microcells would require the use of 30 to 35 foot utility poles and would only provide narrow coverage along the roadways with such poles unless additional poles were also installed on private properties. Thus, repeaters, small cells/microcells, distributed antenna system (DAS), and other types of technologies would not be a practicable or feasible method to address the coverage needs in Lakeville. (AT&T 1, p. 14; Tr. 1, pp. 10, 45-46)

Facility Description

66. The proposed site is located in the south-central portion of an approximately 11.52-acre parcel located off of Sharon Road (Route 44) in Salisbury. The parcel is owned by Wake Robin, LLC. The proposed site location is depicted on Figure 1. (AT&T 1, pp. 4, 16 and Attachment 4 – Sheet C-2)
67. The subject property is located in the Rural Residence 1 (RR-1) Zone, and it is improved with a private inn known as Wake Robin Inn and associated amenities. It contains two buildings and one garage. (AT&T 1, pp. 4, 16 and Attachment 4 – Sheet A-2; AT&T 1b – Town Zoning Regulations, p. 9)
68. Land use surrounding the subject property is a mix of forested areas and residential homes to the south, farmland and rural residences to the east and primarily residential areas to the north and west. (AT&T 1, p. 24)
69. The proposed tower site is located approximately 519 feet west-southwest south of Sharon Road, at an existing elevation of approximately 855 feet* above mean sea level (amsl).

*The proposed or final elevation would be 850 feet amsl.

(AT&T 1, Attachment 4 – Sheets A-1 and A-2; AT&T 1, Attachment 4 – 1-A Certification)

70. The proposed facility would consist of a 94-foot monopole* within a 50-foot by 50-foot leased area. A tower of this size would typically be approximately 4.5 to 5 feet wide at the base tapering to approximately 1.5 to 2.5 feet wide at the top**. The tower would be designed to support two levels of wireless carrier antennas (including AT&T). The tower and foundation could be designed to accommodate an increase in tower height of up to 20 feet.

*A lightning rod on top of the monopole would reach a maximum height of approximately 100 feet agl.

**If approved, the final tower specifications would be included in the Development and Management Plan.

(AT&T 1, p. 5 and Attachment 4 – Sheet A-2; AT&T 4, responses 7 and 8)

71. AT&T would install six panel antennas and nine remote radio heads (RRHs) on a sector frame antenna mount at a centerline height of 90 feet agl. (AT&T 1, Attachment 4 – Sheets A-2 and D-3)
72. A 50-foot by 50-foot fenced equipment compound would be established at the base of the tower. (AT&T 1, Attachment 4 – Sheet A-2)
73. AT&T would install an approximately 6-foot 8-inch long by 6-foot 8-inch wide by 9-foot 5-inch high walk-in equipment cabinet on an 8-foot 8-inch by 11-foot concrete pad within the southwestern portion of the compound. (AT&T 1, Attachment 4 – Sheet D-3)
74. The proposed equipment compound will be surrounded by an eight-foot high chain-link fence and would include an access gate. (AT&T 1, Attachment 4 – Sheet A-2)
75. Access to the proposed site compound would be via an existing paved driveway and an existing gravel access way off of Sharon Road. The existing access would be extended via an approximately 12-foot wide by 231-foot long gravel driveway to reach the compound. (AT&T 1, p. 16)
76. Utilities would extend underground to the site from Sharon Road following the existing and proposed access road. (AT&T 1, p. 16)
77. The nearest property boundary from the base of the proposed tower is approximately 140 feet to the south of the facility abutting the Jack Hawley II, Trustee Property on Sharon Road. (AT&T 1, Attachment 4, Sheets A-1 and C-1)
78. There are approximately 26 residences within 1,000 feet of the proposed tower site. The nearest residence is located at 77 Wells Hill Road, approximately 380 feet east of the proposed tower compound. (AT&T 1, Attachment 3 – Site Impact Statement and Attachment 4 – Sheet C-1)
79. Site preparation and engineering would commence following Council approval of AT&T's Development and Management Plan (D&M Plan) and the issuance of a Building Permit by the Town. Site preparation would be expected to be completed in about eight weeks. Installation of the monopole, antennas and associated equipment would be expected to be completed in about four weeks. Facility integration and system testing for AT&T's equipment would require an additional two week after completion of construction. (AT&T 1, p. 26)

80. The estimated cost of the proposed facility is:

Tower and Foundation	98,000
Site Development	72,500
Utility Installation	140,000
Antennas and Equipment	250,000
Total Estimated Costs	\$560,500

(AT&T 1, p. 26)

81. AT&T's costs would be recovered as part of its business operations for its customers. (AT&T 4, response 2)

Public Safety

82. 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)
83. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (AT&T 1, p. 13)
84. 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)
85. AT&T's facility would support text-to-911 service. No additional equipment would be required. (AT&T 4, response 31)
86. 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. AT&T's facility would comply with the Warning, Alert and Response Network Act of 2006. (Council Administrative Notice No. 5 – FCC WARN Act)
87. AT&T's facility would comply with the Warning, Alert and Response Network Act of 2006. (AT&T 4, response 32)
88. FirstNet is a federal agency with a mandate to create a nationwide, interoperable public safety broadband network for first responders. FirstNet selected AT&T to build, manage and operate the Public Safety Broadband Network using FirstNet's Band 14 spectrum, together with AT&T's own wireless network. AT&T would deploy FirstNet services at this facility. (AT&T 1, p. 11 and Attachment 1 – Radio Frequency Analysis Report, p. 1)

89. Pursuant to CGS §16-50p(a)(3)(G), the tower would be constructed in accordance with the current governing standard in the State of Connecticut for tower design in accordance with the currently adopted International Building Code. (AT&T 4, response 6)
90. The proposed tower would not require notice to the Federal Aviation Administration, and it would not constitute an obstruction to air navigation. No obstruction marking or lighting would be required. (AT&T 1, p. 21 and Attachment 4)
91. AT&T's equipment cabinet would be equipped with silent intrusion alarms. If there is unauthorized entry to and/or tampering with the cabinet, cell site technicians would be alerted, and the police would be contacted. (AT&T 4, response 10)
92. The tower setback radius would remain within the boundaries of the subject property. (AT&T 1, Attachment 4 – Sheet A-1)
93. The nearest existing on-site building structure is a garage located over 100 feet west-northwest of the proposed tower location. Thus, the two buildings and the garage associated with the Wake Robin Inn are all located outside of the tower setback radius. (AT&T 1, Attachment 4 – Sheets A-1 and C-2; Tr. 1, pp. 26, 57)
94. Noise from the operation of the heating, air-conditioning and ventilation system for AT&T's walk-in equipment cabinet and the backup generator* would comply with DEEP Noise Control Regulations. A sound study determined that the proposed facility would emit a noise level of 51 dBA at the nearest property line which is below the DEEP daytime noise threshold of 55 dBA**.

*While exempt from DEEP Noise Control Regulations, the emergency backup generator was included in the sound study to be conservative.

**The worst-case noise scenario involving simultaneous operation of the walk-in equipment supplemental cooler and the backup generator is not expected to occur during nighttime hours.

(AT&T 1, Attachment 5 – Environmental Assessment Statement; AT&T 1, Attachment 4, Sheet A-2; AT&T 1, Attachment 10 – Environmental Sound Assessment, pp. 2-14; R.C.S.A. §22a-69-1.8)

95. Construction noise is exempt from the DEEP 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))
96. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's proposed antennas is 18.2% 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.

(AT&T 1, Attachment 7 – Calculated Radio Frequency Emissions, p. 3; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

Emergency Backup Power

97. 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. 50)
98. Consistent with the findings and recommendations of the Panel, and in accordance with C.G.S. §16-50//, 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. 33 – Council Docket No. 432)
99. 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, Cellco, 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. 33 – Council Docket No. 432)
100. For backup power, AT&T proposes a 20-kilowatt diesel-fueled generator on a 6-foot by 4-foot concrete pad within the southeastern portion of the compound for its own use. The generator would have a useable fuel tank capacity of 92 gallons that would provide approximately 48 hours of run time at full load before it requires refueling. (AT&T 1, Attachment 4 – Sheet D-3; AT&T 4, response 29)
101. AT&T would also have a battery backup system that would provide uninterrupted power to the facility and prevent a “reboot” condition. The battery backup system alone could provide about two to four hours of backup power (depending on load conditions) in the event that the generator fails to start. (AT&T 4, response 30)
102. AT&T is amenable to installing a propane-fueled generator in lieu of the diesel generator due to the proximity of the site to a DEEP-designated Aquifer Protection Area (APA). (Tr. 1, pp. 46-47)
103. A diesel backup generator would have a double-walled fuel tank and would include leak detection alarms that would be monitored on a 24/7 basis. A propane-fueled generator would not require fuel containment measures. (AT&T 4, response 28; Tr. 1, pp. 56-57)
104. The backup generator would be tested periodically for maintenance purposes. AT&T would perform maintenance testing of its generator for approximately 30 minutes once per week, and it would occur during daytime hours. (AT&T 1, Attachment 5 – Environmental Assessment Statement; AT&T 1, Attachment 10 – Environmental Sound Assessment, p. 2)
105. 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)
106. Pursuant to R.C.S.A. §22a-174-3b, the backup generator would be managed to comply with DEEP's “permit by rule” criteria. Therefore, the generators would be exempt from general air permit requirements. (AT&T 1, Attachment 5 – Environmental Assessment Statement; R.C.S.A. §22a-174-3b; Tr. 1, p. 20)

Environmental Considerations

107. 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.*)
108. 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)
109. 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)
110. Wetland A is a large scrub/shrub and forested wetland system located east of the proposed facility. Wetland A extends in a north-south direction along the eastern portion of the subject property. (AT&T 1, pp. 24-25; AT&T 1, Attachment 6 – Wetland Summary Memorandum, p. 2)
111. The facility compound would be located approximately 102 feet northwest of Wetland A. (AT&T 1, pp. 24-25)
112. Wetland B is a small, forested wetland system located west of the existing gravel and paved parking lot. Wetland B is located in the west-central portion of the subject property. (AT&T 1, pp. 24-25; AT&T 1, Attachment 4 – Sheet A-1; AT&T 1, Attachment 6 – Wetland Summary Memorandum, p. 2)
113. The existing access drive is located approximately 81 feet east of Wetland B. The new proposed access would be located approximately 113 feet southeast of Wetland B. (AT&T 1, pp. 24-25; AT&T 1, Attachment 4 – Sheet A-1)
114. The proposed project staging area would be located within the 100-foot buffer of Wetland B. This location was selected because it's an existing, already disturbed gravel parking area for Wake Robin Inn. The staging area would be surrounded by erosion controls to be protective of wetlands and avoid additional clearing. (AT&T 1, Attachment 4 – Sheet A-1; AT&T 1, Attachment 5 – Environmental Assessment Statement; Tr. 1, pp. 20-21)
115. The total area of disturbance is approximately 22,765 square feet or about 0.52 acre. (AT&T 1, p. 16)
116. The proposed project would be constructed consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control* (2002 E&S Guidelines). The project would also be consistent with the *2004 Connecticut Stormwater Quality Manual* to the extent applicable. (AT&T 1, p. 20; AT&T 4, response 35)
117. No adverse impacts to wetland resources are expected given that the erosion and sedimentation controls to be installed per the 2002 E&S Guidelines. (AT&T 1, p. 20 and Attachment 6 – Wetland Summary Memorandum, p. 4)
118. The proposed site is located proximate to a DEEP-designated APA, but is not located within the APA. The project has diversion controls that would be protective of this APA, and AT&T is willing to install a propane-fueled generator in lieu of a diesel generator. (Council Administrative Notice Item No. 73, DEEP Aquifer Protection Area Map for Salisbury; Tr. 1, pp. 46-47, 62)

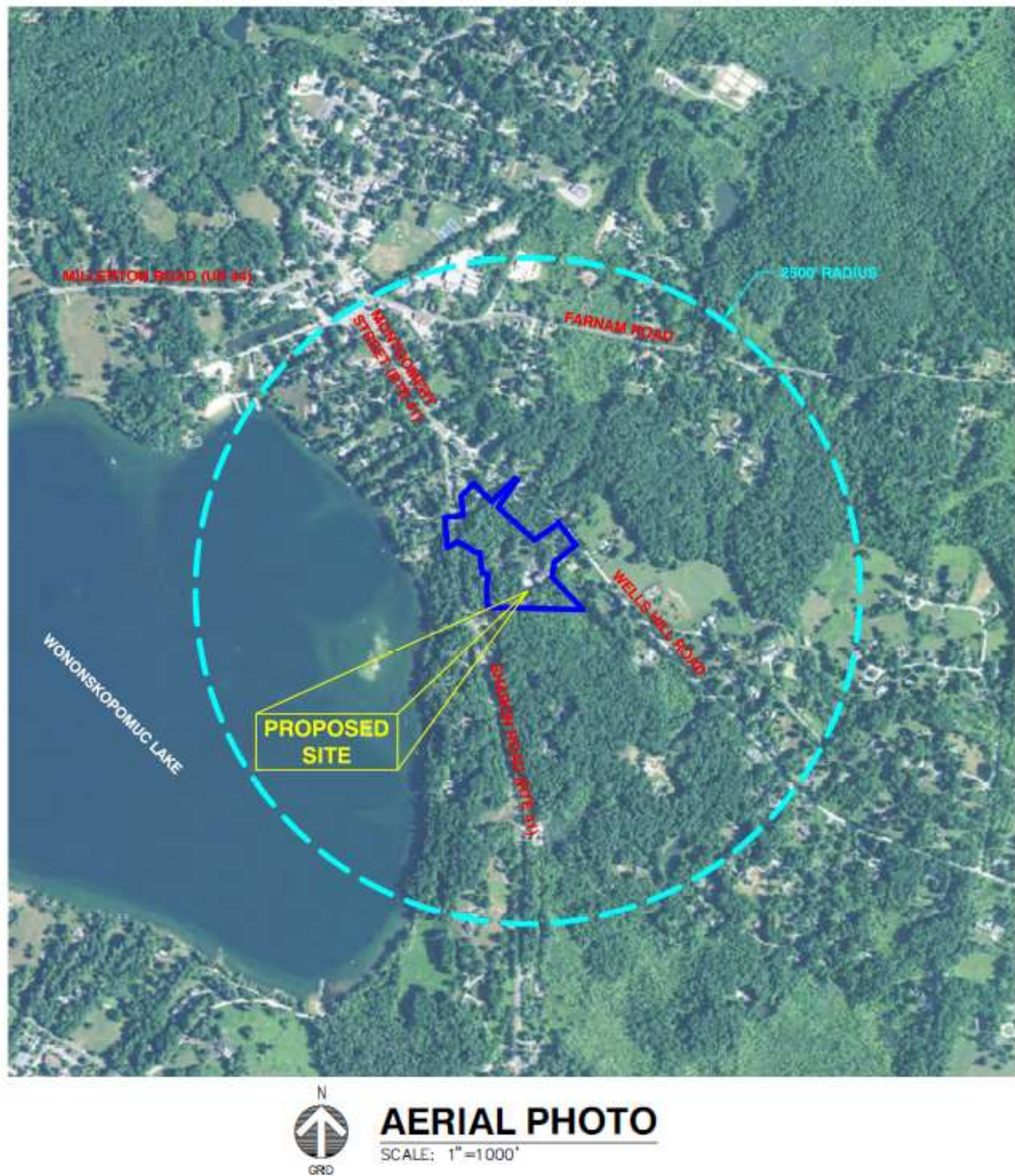
119. The site is located in the Federal Emergency Management Agency unshaded Zone X, an area of minimal flooding outside of the 500-year flood zone. (AT&T 1, Attachment 4 – Sheets A-1 and C-1)
120. The project would require approximately a net cut (or excavation) of 269 cubic yards (cy) of fill. The base layer of the compound would require 67 cy of structural fill. Approximately 28 cy of rock, 33 cy of washed stone and 85 cy of gravel base would be required for the compound and driveway construction. Excavated material would be removed from the site. (AT&T 1, p. 16; Tr. 1, p. 48)
121. The proposed site does not contain Prime Farmland Soils. (AT&T 7)
122. The proposed site does not contain core forest. (AT&T 4, response 13)
123. By letter dated May 20, 2020, DEEP Natural Diversity Database determined that the project would not be expected to negatively impact state-listed species. (AT&T 1, Attachment 9 – DEEP Natural Diversity Database Letter dated May 20, 2020)
124. Connecticut is within the range of the northern long-eared bat (NLEB), a federally-listed threatened species and state-listed endangered species. There are no known NLEB hibernacula or known maternity roost trees within 0.25 mile and 150 feet, respectively, of the proposed site. By letter dated June 20, 2020, AT&T consulted with the United States Fish and Wildlife Service (USFWS) who concluded the proposed facility is not expected to adversely impact the NLEB, and tree clearing may commence at any time of the year. (AT&T 4, response 41; Council Administrative Notice Item No. 40 – Connecticut’s Endangered, Threatened and Special Concern Species 2015)
125. Approximately 29 trees would be removed to develop the project. Of the 29 trees, 10 would be at least 14 inches in diameter at breast height. (AT&T 1, pp. 16-17)
126. The nearest Important Bird Area (IBA) to the proposed site is the Miles Wildlife Sanctuary and Housatonic State Forest Block in Sharon and Lakeville, located approximately 3 miles to the southeast of the proposed site. The proposed facility would not have an adverse impact on this IBA due to the distance. (AT&T 4, response 36)
127. The proposed facility would comply with the USFWS guidelines for minimizing the potential for telecommunications towers to impact bird species. (AT&T 4, response 37)
128. The Wake Robin Inn is eligible for listing on the National Register of Historic Places (NRHP). St. Mary’s Catholic Church is located within 0.25-mile of the proposed facility and is also eligible for the NRHP. (AT&T 1, Attachment 5 – Environmental Assessment Statement)
129. Lakeville Manor and the Lakeville Historic District are listed on the NRHP and are located within the area of potential effect. (AT&T 1, Attachment 5 – Environmental Assessment Statement)
130. By letter dated November 25, 2020, SHPO determined that the proposed project would not have an adverse effect on sites listed on or eligible for listing on the NRHP. (AT&T 1, Attachment 9 – SHPO Letter dated November 25, 2020)
131. The soil is expected to be very rocky with lithic bedrock estimated to be located approximately 10 to 20 inches below grade. Subject to the results of a geotechnical study to be performed, ledge removal may be necessary by either mechanical means or via blasting. Mechanical means would be AT&T’s first choice for bedrock removal and would involve a hammer at the end of an excavator. If blasting is required, AT&T would follow appropriate protocols in accordance with state and municipal regulations. (AT&T 4, response 5; Tr. 1, pp. 17-18)

Visibility

132. AT&T 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. Both in-field and computer modeling approaches were used to verify the results of each other. (AT&T 1, Attachment 8 – Viewshed Analysis Report, pp. 1-10)
133. On September 25, 2019, AT&T conducted an in-field visibility analysis via a balloon float. AT&T utilized an approximately 3-foot diameter red helium-filled balloon. The balloon was raised to a height of 104 feet agl. Weather conditions included wind that was below an acceptable threshold of 10 miles per hour. (AT&T 1, Attachment 8 – Viewshed Analysis Report, pp. 5-6)
134. Based on the viewshed analysis, the proposed tower would be visible year-round from approximately 248.1 acres within a one-mile radius of the site (refer to Figure 7). This would be about 12.3 percent of the study area. The tower would be seasonally visible (leaf-off conditions) from an additional approximately 27.3 acres within a one-mile radius of the site or about 1.36 percent of the study area.
(AT&T 1, Attachment 8 – Visual Analysis Report, pp. 1-10)
135. On May 7, 2021, AT&T conducted an additional balloon flight to further evaluate views of the tower from Wononskupomuc Lake. (AT&T 7, Supplemental Submission)
136. According to the viewshed analysis modeling, approximately 233.9 of the 248.1 acres of year-round visibility and 12.3 of the 27.3 acres of seasonal visibility would be located over Wononskupomuc Lake. However, based on the results of the balloon flight, the actual visibility of the facility over Wononskupomuc Lake is expected to be minimal because the top of the tower would be close to or slightly above the existing tree line. (AT&T 1, Attachment 8 – Visual Analysis Report, pp. 8-9; AT&T 7, Supplemental Submission)
137. Outside of Lake Wononskupomuc, year-round visibility would be concentrated in two main areas: a 3.6 acre area of farmland and residential property along Wells Hill Road to the east-northeast of the site and a 6.1 acre grassy area at the Hotchkiss School property. The majority of the views would be the upper 25 percent of the tower. (AT&T 1, p. 18)
138. The remaining 4.73 acres of scattered year-round visibility to the north, southwest and east are located more than 0.5 mile from the site. Topography, vegetation and the relative height of the tower would be expected to obscure (partially or totally) the views of the tower from most locations in the study area during year-round conditions. (AT&T 1, p. 18)
139. Outside of Lake Wononskupomuc, the majority of the seasonal visibility of the proposed tower would be located in areas to the north, southwest and east of the facility at a distance of more than 0.5 mile. The views are expected to be intermittent, distant and partially obscured by existing vegetation. (AT&T 1, p. 18)
140. Pursuant to CGS §16-50p(a)(3)(F), no public schools or commercial child day care facilities are located within 250 feet of the site. The nearest school is the Hotchkiss School located approximately 0.7 mile south of the site at its closet point and contains a daycare facility that is 0.9 mile to the southwest of the proposed tower site. (AT&T 1, Attachment 8 – Viewshed Analysis Report, p. 7)
141. The proposed facility would be located within the Upper Housatonic Valley National Heritage Area (UHVNHA) and would be partially visible from a very small portion of this 964 square mile area. The proposed facility would not impact the UHVNHA because of the relatively low tower height and the dense surrounding tree cover. (AT&T 4, response 40; Council Administrative Notice Item No. 77 – UHVNHA Map)

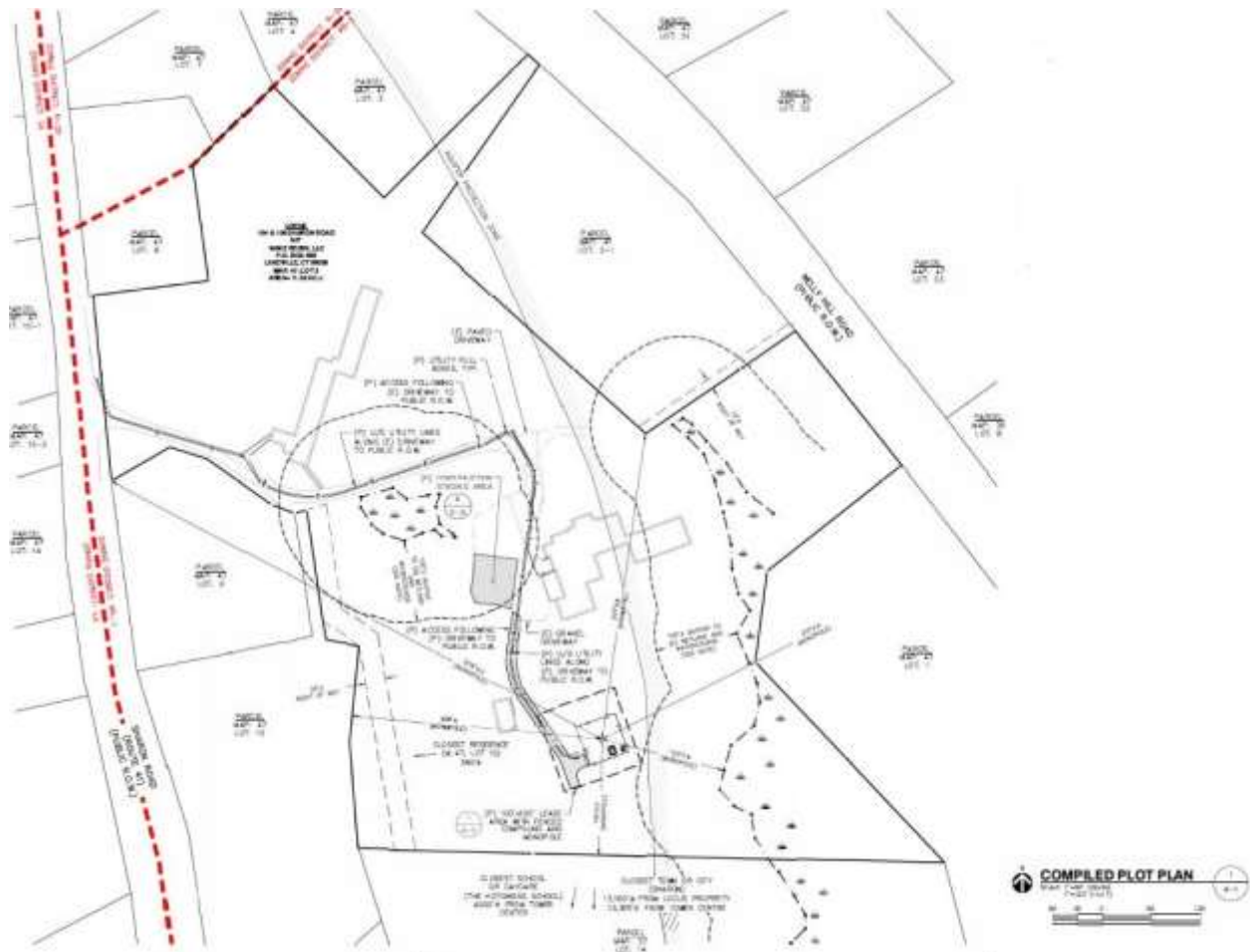
142. Routes 41 and 44 are state-designed scenic roads located within two miles of the proposed facility and would have limited, sporadic year-round views of the facility. (AT&T 4, response 38; Tr. 1, p. 19)
143. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within the two-mile study area. (AT&T 1, Attachment 8 – Visual Analysis Report, p. 2; Council Administrative Notice Item No. 76)
144. The tower would be painted brown. AT&T’s antennas, antenna mounts and other tower-mounted equipment would also be painted brown. (AT&T 1, Attachment 4, Sheet A-2; AT&T 4, response 42)
145. The proposed lightning rod on top of the tower would be thin and thus difficult to see even at a distance of a ¼-mile away. (Tr. 1, p. 20)
146. No landscaping around the compound is proposed. (AT&T 1, Attachment 4 – Sheet A-2)
147. Installing AT&T’s antennas in a flush-mounted configuration would require two levels of antennas spaced ten feet apart. Thus, it would necessitate a 10-foot increase in tower height to meet AT&T’s coverage objectives. (AT&T 4, response 27)

Figure 1 – Site Location on Aerial Image



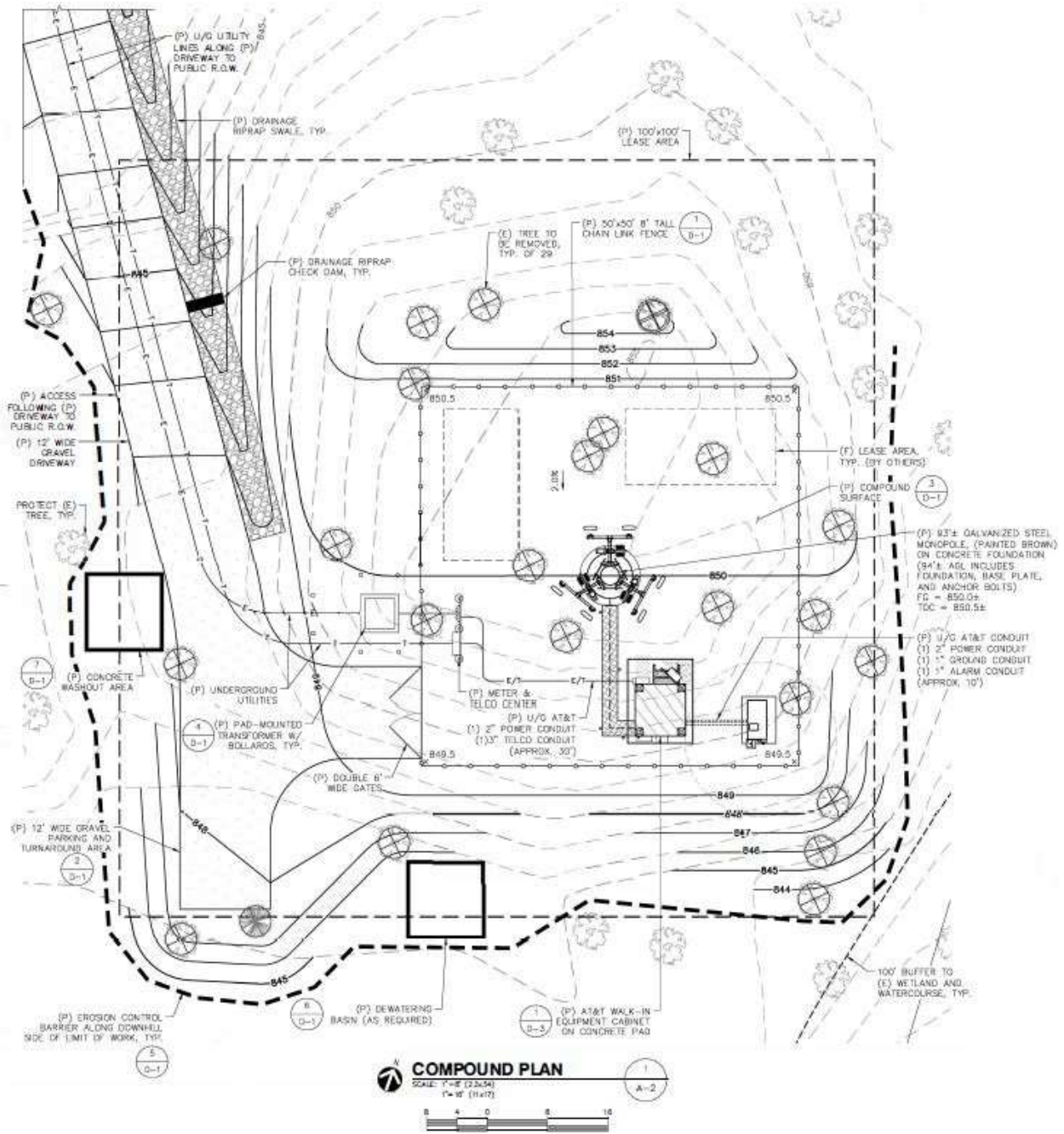
(AT&T 1, Attachment 1 – Aerial Site Location Map)

Figure 2 – Site Plan



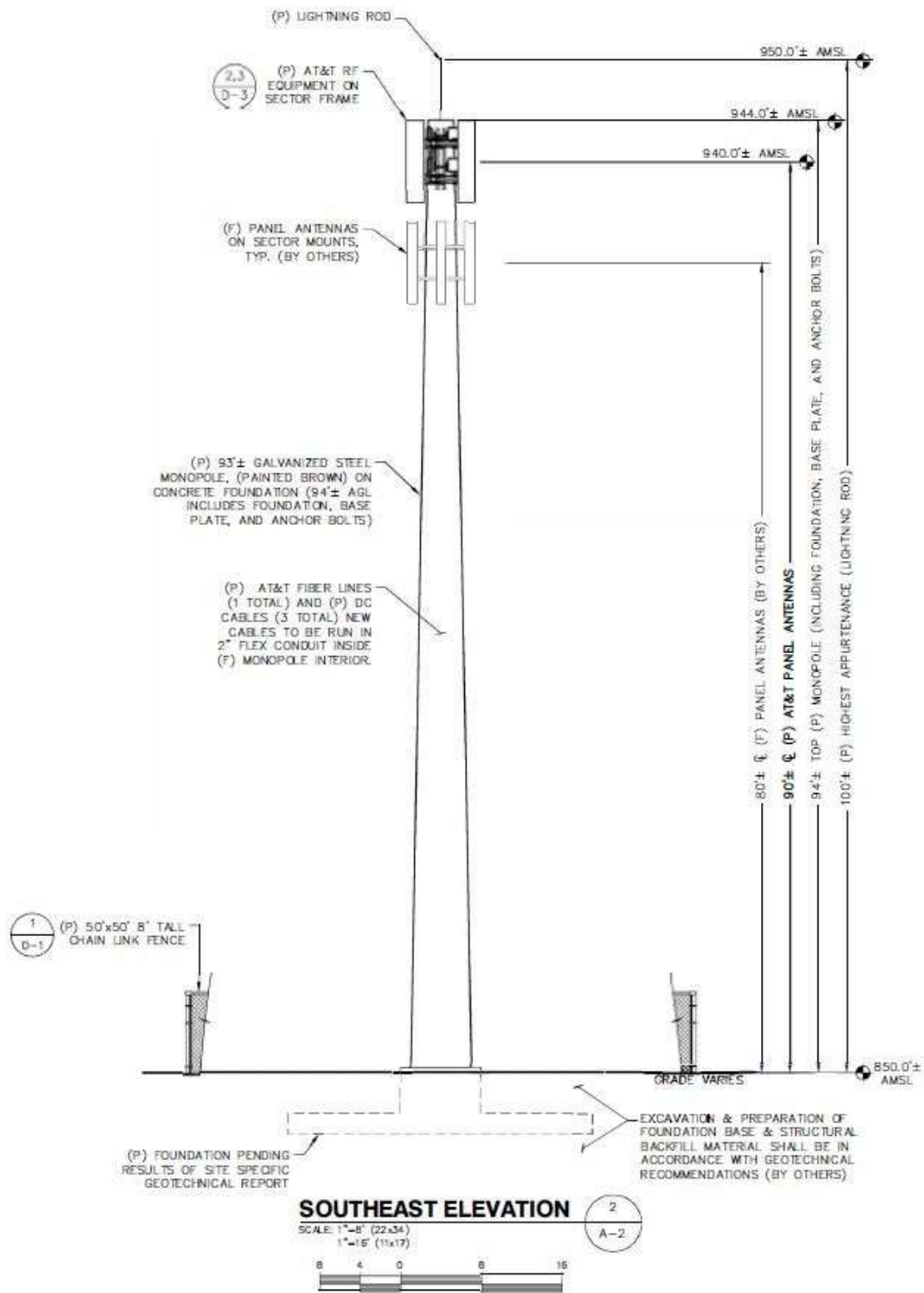
(AT&T 1, Attachment 4, Sheet A-1)

Figure 3 – Compound Plan



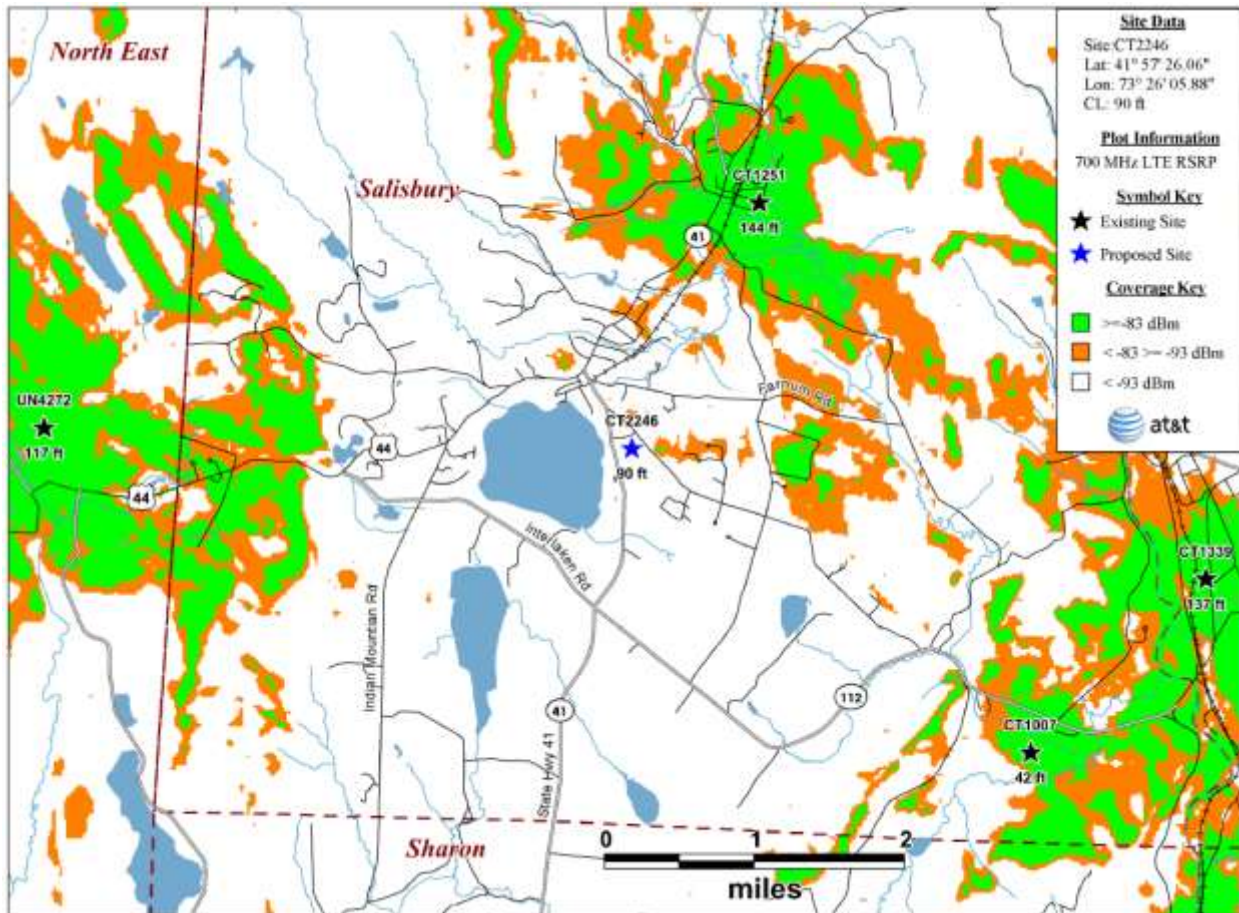
(AT&T 1, Attachment 4, Sheet A-2)

Figure 4 – Tower Profile Drawing



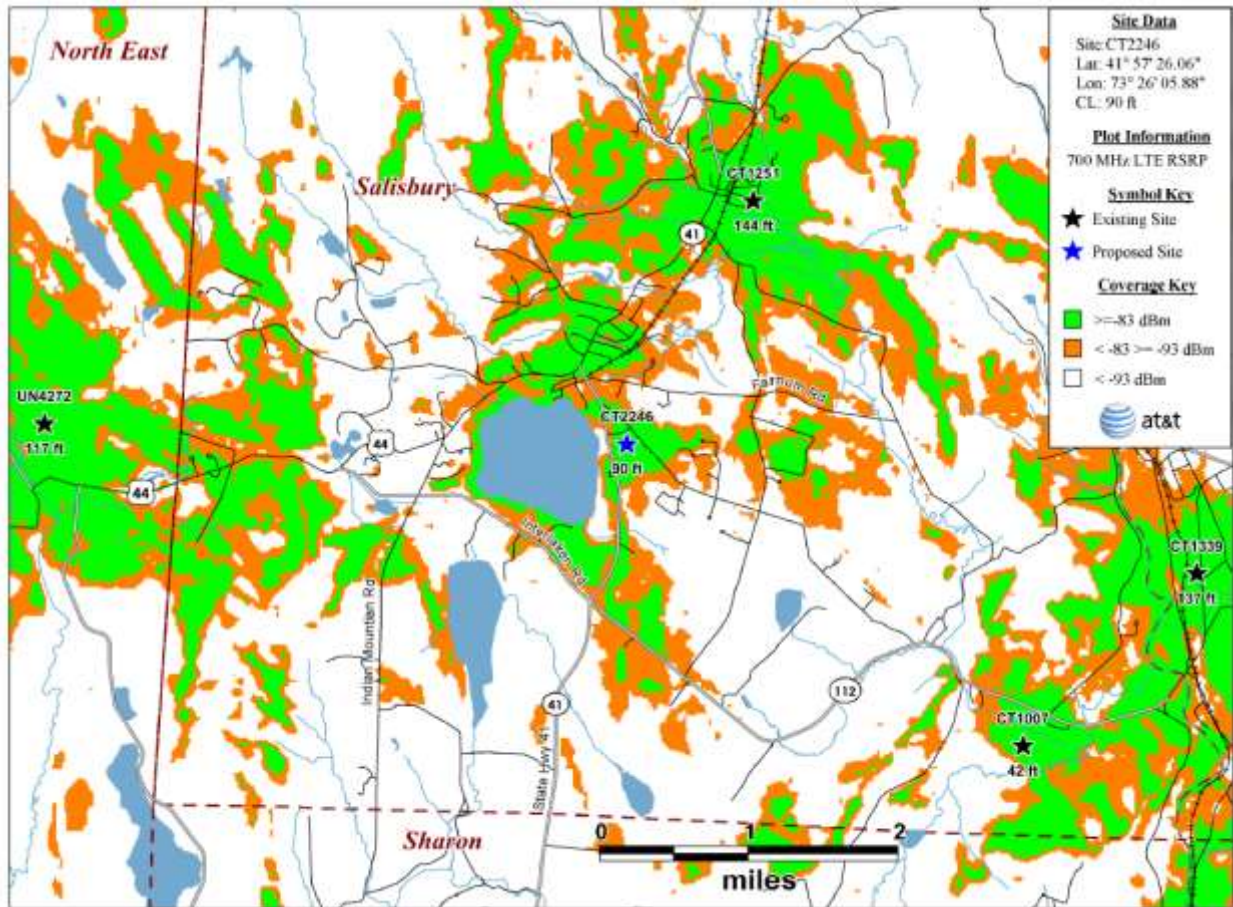
(AT&T 1, Attachment 4, Sheet A-2)

Figure 5 – Existing AT&T 700 MHz LTE Coverage



(AT&T 1, Attachment 1 – Radio Frequency Analysis Report, p. 8)

Figure 6 – Existing Coverage and Proposed AT&T 700 MHz LTE Coverage at 90 feet



(AT&T 1, Attachment 1 – Radio Frequency Analysis Report, p. 9)

Figure 7 – Visibility Map

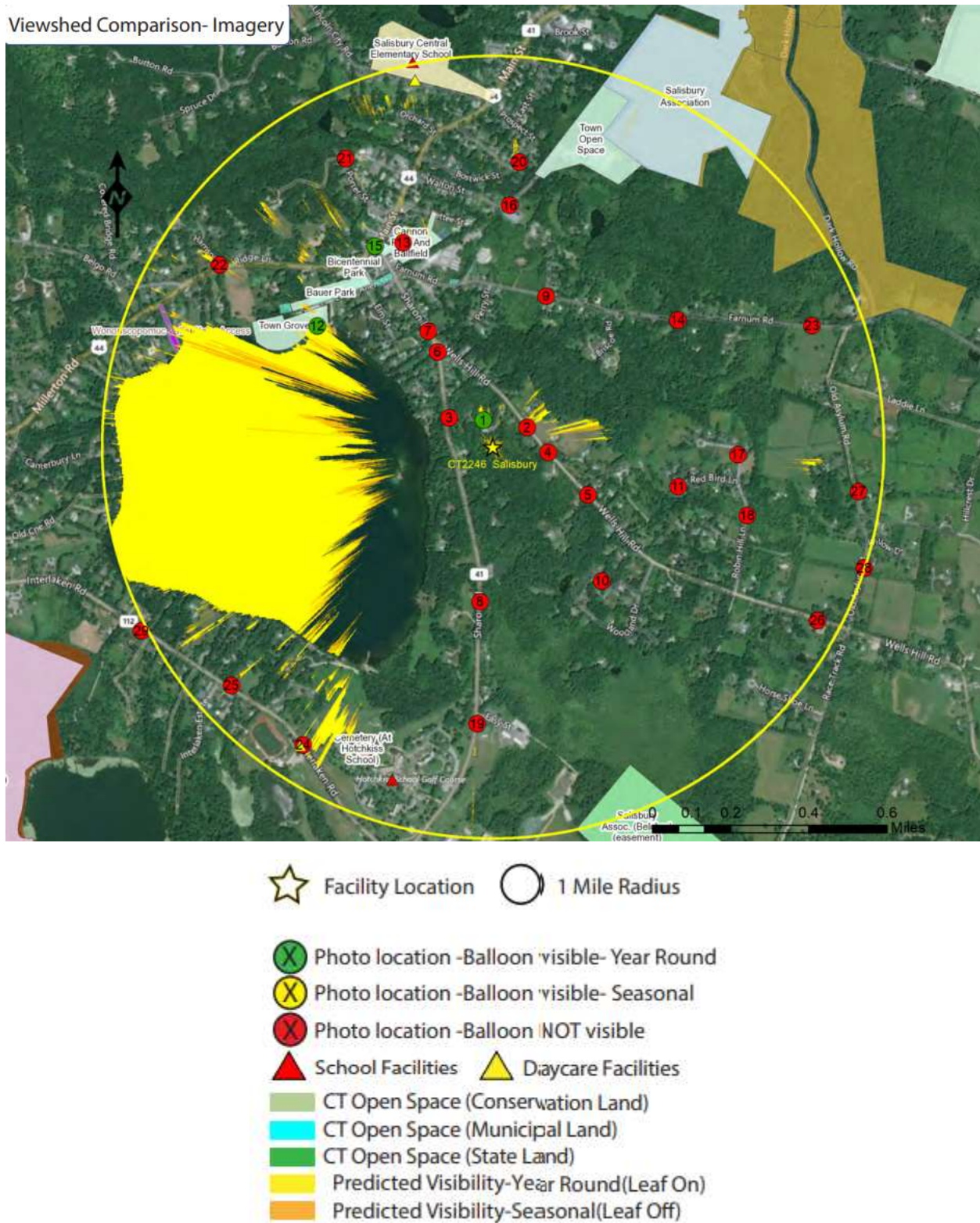


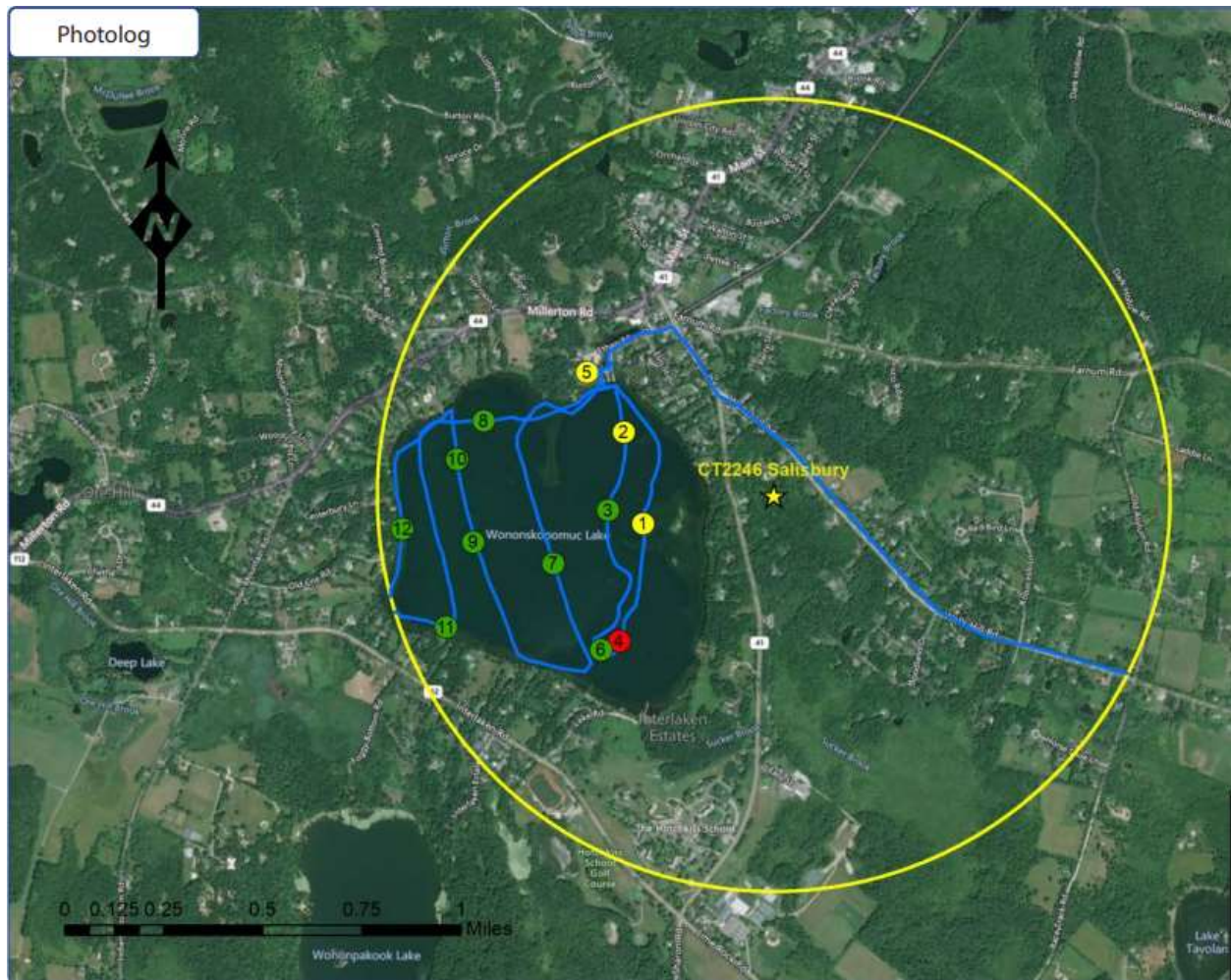
Figure 8 – Visibility Map Photolog

Photo	Location	Approx. Distance & Direction to Tower	Visibility
1	Sharon Road	0.07 mile south	Year-round
2	Wells Hill Road	0.1 mile southwest	Not visible
3	Sharon Road	0.14 mile southeast	Not visible
4	Wells Hill Road	0.14 mile west	Not visible
5	Wells Hill Road	0.27 mile northwest	Not visible
6	Sharon Road	0.28 mile southeast	Not visible
7	Sharon Road	0.34 mile southeast	Not visible
8	Sharon Road	0.4 mile north	Not visible
9	Farnam Road	0.41 mile south	Not visible
10	Ledgewood Road	0.44 mile northwest	Not visible
11	Red Bird Lane	0.48 mile west	Not visible
12	Town Grove	0.55 mile southeast	Year-round
13	Main Street	0.57 mile southeast	Not visible
14	Farnum Road	0.57 mile southwest	Not visible
15	Millerton Road	0.6 mile southeast	Year-round
16	Walton Street	0.62 mile south	Not visible
17	Robin Hill Lane	0.62 mile west	Not visible
18	Robin Hill Lane	0.67 mile west	Not visible
19	Easy Street	0.71 mile north	Not visible
20	Bostwick Street	0.73 mile south	Not visible
21	Porter Street	0.83 mile southeast	Not visible
22	Millerton Road	0.84 mile southeast	Not visible
23	Farnum Road	0.87 mile west	Not visible
24	Interlaken Road	0.9 mile northeast	Not visible
25	Interlaken Road	0.9 mile northeast	Not visible
26	Old Asylum Road	0.94 mile west	Not visible
27	Wells Hill Road	0.94 mile northwest	Not visible
28	Old Asylum Road	1.0 mile west	Not visible

29	Interlaken Road	1.01 miles northeast	Not visible
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(AT&T 1, Attachment 8 – Visual Analysis Report)

Figure 9 – Supplemental Balloon Flight Map



Legend:

- ★ Facility Location
- 1 Mile Radius
- Reconnaissance Track Log
- ⊗ Photo location - Balloon visible
- Year Round Visibility
- ⊗ Photo location - Balloon visible
- Obscured Visibility
- ⊗ Photo location - Balloon NOT visible

(AT&T 7)

Figure 10 – Supplemental Balloon Flight Photolog

Photo	Location	Approx. Distance & Direction to Tower	Visibility
1	Sharon Road	0.34 mile east	Obscured
2	Elm Street	0.41 mile southeast	Obscured
3	Sharon Road	0.42 mile east	Year-round
4	Interlaken Road	0.54 mile northeast	Not visible
5	Ethan Allen Street	0.56 mile southeast	Obscured
6	Lake Road	0.58 mile east	Year-round
7	Interlaken Road	0.58 mile northeast	Year-round
8	Millerton Road	0.75 mile east	Year-round
9	1 Road	0.77 mile east	Year-round
10	Millerton Road	0.8 mile east	Year-round
11	Interlaken Road	0.89 mile east	Year-round
12	Old Cne Road	0.94 mile west	Year-round

(AT&T 7)