

DOCKET NO. 531 – Arx Wireless Infrastructure, LLC and 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 and associated equipment located at 62 and 64 Pershing Drive, Ansonia, Connecticut.	} Connecticut
	} Siting
	} Council

July 18, 2025

Draft Findings of Fact

Introduction

1. Arx Wireless Infrastructure, LLC and New Cingular Wireless PCS, LLC (Applicants), in accordance with provisions of Connecticut General Statutes (CGS) §16-50g, et seq, applied to the Connecticut Siting Council (Council) on January 30, 2025 for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 120-foot monopole wireless telecommunications facility at 62 and 64 Pershing Drive, Ansonia, Connecticut (refer to Figures 1 & 2). (Applicants 1, pp. 1-2, Exhibit G)
2. Arx Wireless Infrastructure, LLC (Arx) is a Delaware limited liability company with an office located at 110 Washington Avenue, North Haven, Connecticut. Arx constructs and owns wireless telecommunications facilities throughout the United States. Arx would construct, maintain and own the proposed facility and would be the Certificate Holder. (Applicants 1, p. 5)
3. New Cingular Wireless PCS, LLC (AT&T) is a Delaware limited liability company with an office 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. (Applicants 1, p. 5)
4. The party in this proceeding is the Applicants. The Intervenor in this proceeding is Cellco Partnership d/b/a Verizon Wireless (Cellco). (Applicants 1, p. 5; Record; Transcript 1, May 8, 2025, 2 p.m. (Tr. 1), pp. 6-7)
5. There are no Connecticut Environmental Protection Act (CEPA) Intervenor in this proceeding. (Record)
6. Under Regulations of Connecticut State Agencies (RCSA) §16-50j-16, the Council may add parties and intervenors at any time during the pendency of a proceeding. Any person granted status is responsible for obtaining and reviewing all materials for the proceeding. (RCSA §16-50j-16 (2025))
7. The purpose of the proposed facility is to provide reliable wireless communications services for AT&T customers central Ansonia. (Applicants 1, Exhibit E)
8. Under CGS §16-50p(b), there is a presumption of public need for personal wireless services and the Council is limited to consideration of a specific need for any proposed facility to be used to provide such services to the public. (CGS §16-50p(b) (2025))
9. Also under CGS §16-50p(b), the Council must examine whether the proposed facility may be shared with any public or private entity that provides service to the public if the shared use is technically, legally, environmentally and economically feasible and meets public safety concerns, and may impose reasonable conditions as it deems necessary to promote the immediate and shared

use of telecommunications facilities and avoid the unnecessary proliferation of such facilities consistent with the state tower sharing policy. (CGS §16-50p(b) (2025); CGS §16-50aa (2025))

10. Pursuant to CGS §16-50l (b), notice of the application was provided to abutting property owners by certified mail on January 24, 2025, except for the Connecticut Department of the Transportation (DOT) which was notified of the proposed facility on January 30, 2025. One certified mail receipt was not returned. The Applicants re-sent notice by hand delivering a letter to the mailbox of this abutting property owner. (Applicants 1, Exhibits B & D; Applicants 4, response 1; Tr. 1, pp. 33-35)
11. On January 30, 2025, Applicants provided notice to all federal, state and local officials and agencies listed in CGS §16-50l (b). (Applicants 1, Exhibit B)
12. Pursuant to CGS §16-50l (b), Applicants provided public notice of the filing of the application, published in the New Haven Register on January 23 and 24, 2025. (Applicants 2)

Procedural Matters

13. CGS §1-225a permits public agencies to hold remote meetings under the Freedom of Information Act (FOIA) and the Uniform Administrative Procedure Act. FOIA defines “meeting” in relevant part as “any hearing or other proceeding of a public agency.” (Council Administrative Notice Item No. 61; CGS §1-200, *et seq.* (2025))
14. CGS §1-225a 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 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
 - d) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.(CGS §1-225a (2025))
15. Upon receipt of the application, on January 31, 2025 the Council sent a letter to the City of Ansonia (City) and the City of Derby, which is located within 2,500 feet of the proposed facility (collectively Municipalities), as notification that the application was received and is being processed, in accordance with CGS §16-50gg. (Record)
16. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over telecommunications facilities throughout the state. It shall consider any location preferences provided by the host municipality under CGS §16-50gg as the Council shall deem appropriate. (CGS §16-50x (2025))
17. During a regular Council meeting on February 20, 2025, the application was deemed complete pursuant to RCSA §16-50l-1a and the public hearing schedule was approved by the Council. (Record)

18. Pursuant to CGS §16-50m, on February 21, 2025, the Council sent a letter to the Municipalities to provide notification of the scheduled public hearing via Zoom remote conferencing and to invite the Municipalities to participate. (Record)
19. Pursuant to CGS §16-50m, the Council published legal notice of the date and time of the public hearing via Zoom remote conferencing in the New Haven Register on February 23, 2025. (Record; Tr. 1, p. 6)
20. The Council's Hearing Notice did not refer to a public field review of the proposed site. Field reviews are neither required by statute nor an integral part of the public hearing process. The purpose of a field review is an investigative tool to acquaint members of a reviewing commission with the subject property. (Record; *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980); *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997))
21. On April 7, 2025, in lieu of an in-person field review of the proposed site, the Council requested that Applicants submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the site. On May 1, 2025, Applicants submitted such information in response to the Council's interrogatories. (Record; Applicants 4, response 50)
22. On April 16, 2025, the Council held a pre-hearing conference 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. Applicants and Celco participated in the Council's pre-hearing conference. Procedures for the public hearing via Zoom remote conferencing were also discussed. (Council Pre-Hearing Conference and Remote Hearing Procedure Memoranda, dated April 9, 2025)
23. On April 25, 2025, in compliance with RCSA §16-50j-21, the Applicants installed a four-foot by six-foot sign along Pershing Drive in the vicinity of the access drive for the proposed site. The sign presented information regarding the proposed telecommunications facility and the Council's public hearing. (Applicants 3)
24. On May 1, 2025, pursuant to CGS §16-50o, Applicants filed a Motion for Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site. (Record)
25. Pursuant to CGS §16-50p(g), the Council shall in no way be limited by Applicants already having acquired land or an interest therein for the purpose of constructing the proposed facility. (CGS §16-50p(g) (2025); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
26. The Council's evaluation criteria under CGS §16-50p does not include the consideration of property ownership or property values nor is the Council otherwise obligated to take into account the status of property ownership or property values. (CGS §16-50p (2025); *Woodbridge Newton Neighborhood Env't Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2024); *Goldfisher v. Conn. Siting Council*, 95 Conn. App. 193 (2006))
27. Pursuant to CGS §16-50m, the Council gave due notice of a public hearing to be held on May 8, 2025, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom remote conferencing. The Council provided information for video/computer access or audio only telephone access. (Council's Hearing Notice dated February 21, 2025; Tr. 1, p. 1; Transcript 2 – May 8, 2025 - 6:30 p.m. [Tr. 2], p. 1)

28. The 6:30 p.m. public comment session afforded interested persons the opportunity to provide oral limited appearance statements. Interested persons were also afforded an opportunity to provide written limited appearance statements at any time up to 30 days after the close of the evidentiary record. Limited appearance statements in this proceeding, whether oral or written, were not provided under oath nor subject to cross examination. (Tr. 1, p. 7; Tr. 2, pp. 6-7; CGS §16-50n(f) (2025))
29. No members of the public signed up to speak at the public comment session. (Tr. 2, p. 7)
30. On May 8, 2025, 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 CGS §1-210(b) and consistent with the Conclusions of Law adopted in Council Docket 366. (Record; Tr. 1, pp. 8-10)
31. In compliance with CGS §1-225a:
 - a) The public had the ability to view and listen to the remote public hearings in real-time, by computer, smartphone, tablet or telephone;
 - b) The remote public hearings were recorded and transcribed, and such recordings and transcripts were posted on the Council's website on May 8, 2025 and May 22, 2025 respectively;
 - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearings were posted on the Council's website;
 - d) Prior to, during and after the remote public hearings, the record of the proceeding has been, and remains, available on the Council's website for public inspection; and
 - e) The Council, parties and intervenors provided their information for identification purposes during the remote public hearings.(Hearing Notice dated February 21, 2025; Tr. 1; Tr. 2; Record)
32. The purpose of discovery is to provide the Council, parties and intervenors access to all relevant information in an efficient and timely manner to ensure that a complete and accurate record is compiled. (RCSA §16-50j-22a (2025))
33. In an administrative proceeding, irrelevant, immaterial or unduly repetitious evidence shall be excluded, and an agency has the right to believe or disbelieve the evidence presented by any witness, even an expert, in whole or in part. (CGS §4-178 (2025); *Dore v. Commissioner of Motor Vehicles*, 62 Conn. App. 604 (2001); RCSA §16-50j-25).
34. Pursuant to CGS §16-50n(f), at the conclusion of the hearing session held on May 8, 2025, the Council closed the evidentiary record for Docket 531 and established June 7, 2025 as the deadline for public comments and the submission of briefs and proposed findings of fact. (Record)
35. On May 27, 2025, the Council requested an extension of time to August 25, 2025 to render a final decision. On May 28, 2025, in response to the Council's request, the Applicants consented to the extension of time for the Council to render a final decision. (Record)
36. On June 4, 2025, Applicants submitted a post-hearing brief. (Record)

37. Constitutional principles permit an administrative agency to organize its hearing schedule so as to balance its interest in reasonable, orderly and non-repetitive proceedings against the risk of erroneous deprivation of a private interest. It is not unconstitutional for the Council, in good faith, to balance its statutory time constraints against the desire of a party, intervenor or CEPA intervenor for more time to present their objections to a proposal. (*Concerned Citizens of Sterling v. Conn. Siting Council*, 215 Conn. 474 (1990); *Pet v. Dept. of Public Health*, 228 Conn. 651 (1994); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014))

State Agency Comment

38. Pursuant to CGS §16-50j (g), on February 21, 2025, 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); DOT; Connecticut Airport Authority (CAA); Department of Emergency Services and Public Protection (DESPP); State Historic Preservation Office (SHPO); and Office of Consumer Counsel (OCC). (Record)
39. No state agencies responded with comment on the application. (Record)
40. 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. (CGS §16-50p(g) (2025); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007)).

Municipal Consultation

41. Pursuant to CGS §16-50l(f), the Applicants commenced the 90-day pre-application municipal consultation process on October 3, 2024, by submitting a Technical Report to the City Mayor and Derby Mayor. The Applicants conducted outreach to both Mayors on October 2, and October 14, 2024. (Applicants 1, p. 30, Bulk File -Technical Report)
42. On October 15, 2024, the Applicants spoke with the Derby Mayor concerning the proposed facility. The Derby Mayor did not have any concerns regarding the proposed facility. (Applicants 1, p. 30, Exhibit M)
43. The City did not comment on the proposed facility. (Tr. 1, pp. 43-45)

Public Need for Service

44. 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)
45. 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. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)

46. 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)
47. 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)
48. 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)
49. 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)
50. 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)
51. 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 (FirstNet) 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)
52. 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. 24 – FCC Wireless Infrastructure Report and Order)

53. 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. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012; Council Administrative Notice Item No. 24 – FCC Wireless Infrastructure Report and Order)
54. 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. 28 - Declaratory Ruling and Notice of Proposed Rulemaking, FCC 20-75, June 10, 2020)
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. 29, Report and Order, FCC 20-153, November 3, 2020)
56. 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. (CGS §16-50aa (2025))
57. The City Plan of Conservation and Development does identify telecommunications facilities as necessary infrastructure as important to the future growth and development of Ansonia. (Applicants 1, p. 29)
58. On February 21, 2025, the Council sent correspondence to other telecommunications carriers not intervening in the proceeding requesting that carriers interested in locating on the proposed facility in the foreseeable future to notify the Council by May 1, 2025. No carriers responded to the Council's solicitation. (Record)
59. The facility would be designed to accommodate four wireless carriers, including AT&T, Cellco, and City and local emergency service providers. The City and local emergency service responders have not expressed an interest in collocating antennas on the proposed facility. (Applicants 1, p. 11; Applicants 4, response 27; Tr. 1, pp. 30-31)

AT&T's Existing and Proposed Wireless Services

60. AT&T has a significant coverage deficiency in its wireless communications network in central Ansonia, specifically along Pershing Drive and Division Street and surrounding areas. The coverage deficiency was confirmed through AT&T's coverage models. (Applicants 1, Exhibit E; Tr. 1, pp. 20-21)
61. The site and surrounding area are urbanized and located in a valley, surrounded by hilly terrain. Major roads in the area without adequate service include, but are not limited to, Pershing Drive, Division Street, State Route 8, East Street, Howard Street, Cedar Street, Coram Road, Grove Street, Maple Avenue, Pleasant Street, River Road and South Street. (Applicants 1, Exhibit E; Applicants 4, response 28)

62. AT&T proposes to operate 700 MHz, 850 MHz, 1900 MHz, 2100 MHz, 2300 MHz, 3500 MHz and 3700 MHz frequencies at the site from a tower height of 120 feet above ground level (agl). Select frequencies within the 850 MHz, 1900 MHz, 2100 MHz, 2300 MHz and 3500 MHz bands would provide 5G services. (Applicants 1, Exhibit E)
63. AT&T designs its network using a -83 dBm in-building and -93 dBm in-vehicle threshold for the 700 MHz frequency and -86 dBm and -96 dBm threshold for the 1900 MHz frequency. The in-building thresholds (-83 dBm and -86 dBm) have stronger throughputs whereas the in-vehicle thresholds (-93 dBm and -96 dBm) are the minimum acceptable levels required to meet customer service expectations. (Applicants 1, Exhibit E)
64. The 700 MHz frequency provides the largest area of service and therefore defines the coverage footprint of the AT&T wireless network. Other higher frequencies (850 MHz, 1900 MHz, 2100 MHz) used in AT&T's network provide smaller coverage footprints and are used to provide additional capacity to the system, reducing the customer load on the 700 MHz system, thereby increasing the data speeds available to users that only have 700 MHz coverage. All of AT&T's licensed frequencies transmit voice and data services (Applicants 1, p. 9, Exhibit E; Applicants 4, response 29)
65. AT&T currently operates nine facilities within 4.4 miles of the proposed site. Due to distance and intervening topography none of these facilities are able to provide adequate coverage to the proposed service area (refer to Figure 3). The nearest facility is 1.0 mile to the south, a rooftop facility that is too short (81 feet agl) to provide adequate coverage. (Applicants 1, Exhibit E; Tr. 1, 28-29)
66. The proposed tower is centered in the area of greatest coverage need in a predominately industrial and commercial area with heightened service demand. The proposed antenna height of 120 feet would reduce the amount of coverage overlap with adjacent sites. (Applicants 1, Exhibit E; Tr. 1, 28-30)
67. AT&T's proposed installation would provide a 700 MHz coverage footprint of new service to 0.8 square miles at -83 dBm and 0.64 square miles at -93 dBm. Within the -93 dBm footprint, reliable service would be provided to 1.6 miles of main roads and 4.8 miles of secondary roads (refer to Figure 4). (Applicants 1, Exhibit E)
68. The proposed facility would provide capacity relief to AT&T's existing CT2091 facility (beta sector) in Ansonia, approximately 1.6 miles to the north. (Applicants 1, Exhibit E; Applicants 4, response 31)

Cellco's Existing and Proposed Wireless Services

69. Cellco has a coverage deficiency in its wireless communications network within central Ansonia, specifically in the Division Street and Pershing Drive areas (refer to Figure 5). (Cellco 2, response 5)
70. Cellco proposes to install antennas at a centerline height of 106 feet agl to operate 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 3700 MHz frequencies at the site. (Cellco 2, response 9)
71. Cellco currently operates six facilities within 2.1 miles of the proposed site. None of these facilities are able to provide adequate coverage to the proposed service area. (Cellco 2, response 10)

72. The 700 MHz frequency handles most of Cellco's wireless traffic and has the largest coverage footprint. The other frequencies maintain a smaller coverage footprint and provide Cellco customers with additional service capacity as well as increased data speeds. The wireless device would utilize all the available frequencies together (carrier aggregation) to enhance data speeds to provide higher quality wireless service. (Cellco 2, response 6)
73. The proposed site would provide reliable wireless service to the Ansonia area (refer to Figure 6). Wireless coverage from the proposed site at a signal level of -95 dB Reference Signal Received Power is provided in the table below:

Street Name	700MHz	850MHz	1900 MHz	2100 MHz	3700 MHz
Division Street	0.89	0.89	0.75	0.74	0.84
Route 727	1.05	0.98	0.85	0.81	0.89
Main Street	0.85	0.85	0.85	0.85	0.85
Road total	2.79	2.72	2.45	2.4	2.58
Overall Coverage Footprint (Square Miles)	4.4	3.97	2.51	1.65	2.99

(Cellco 2, response 9; Tr. 1, p. 60)

74. The 3700 MHz frequencies would provide 5G services. (Cellco 2, response 7)
75. The proposed facility would also provide capacity relief to Cellco's surrounding facilities, particularly to the 700 MHz frequencies at Cellco's Ansonia CT facility located approximately 1.6 miles north of the proposed site. (Cellco 2, response 11, Attachment 3)

Site Selection

76. AT&T began search efforts in the eastern section of Ansonia in 2013, identifying 11 potential sites. AT&T then suspended search efforts in 2015. (Applicants 4, response 4)
77. AT&T reactivated the search ring in 2020, identifying an additional ten potential sites, mostly in the eastern section of Ansonia. In June 2021, AT&T refocused the search ring to the west side of Ansonia in order to provide capacity relief to AT&T's adjacent AT&T facilities. No sites were pursued. (Applicants 4, response 4)
78. In February 2024, Arx, at the request of AT&T, conducted the site search in the relocated search ring. The search ring was centered at the intersection of Division Street and Route 8, with a radius of approximately 0.5 miles. (Applicants 4, responses 4 & 5)
79. There are no existing towers within the site search area that would meet AT&T's coverage objectives. Two steeples in the search area are not viable due to their unique ornate construction using concrete and copper. (Applicants 1, p. 10, Exhibit F; Applicants 4, responses 4 & 6; Tr. 1, pp. 38-39)

80. Applicants investigated 18 sites within the search area as follows:
- a) **64 Pershing Drive, Ansonia** (the proposed site): a 0.39-acre parcel zoned commercial, selected as the proposed site.
 - b) **62 Pershing Drive, Ansonia**: a 0.29-acre parcel zoned commercial, to be used for construction access to the proposed site.
 - c) **66 Pershing Drive, Ansonia**: a 0.39 acre parcel zoned commercial. Not enough space to host a facility.
 - d) **44 Pershing Drive, Ansonia**: a 0.14 acre parcel zoned commercial. Not enough space to host a facility.
 - e) **24 Pershing Drive, Ansonia**; a 2.05-acre parcel zoned commercial. The owner was not interested in a lease.
 - f) **20 Pershing Drive, Ansonia**; a 2.05-acre parcel zoned commercial. The owner was not interested in a lease.
 - g) **5 Pershing Drive, Ansonia**; a 0.9-acre parcel zoned commercial. Not enough space to host a facility.
 - h) **19 Pershing Drive, Ansonia**; a 0.14-acre parcel zoned commercial. Not enough space to host a facility.
 - i) **161 Oneill's Court, Ansonia**; a 0.52-acre parcel zoned commercial. The owner was not interested in a lease.
 - j) **20 Pershing Drive, Ansonia**; a 0.9-acre parcel zoned commercial. The owner was not interested in a lease.
 - k) **47 Pershing Drive, Ansonia**; a 0.14-acre zoned commercial. Not enough space to host a facility.
 - l) **10 Hershey Drive, Ansonia**; a 4.96-acre zoned heavy industry. The owner was not interested in a lease.
 - m) **100 Division Street, Ansonia**: a 6.62-acre parcel zoned commercial. The owner was not interested in a lease.
 - n) **40 Division Street, Derby**; a 1.52-acre parcel zoned business. The owner was not interested in a lease.
 - o) **36 Division Street, Derby**; a 0.6-acre parcel zoned business. The owner was not interested in a lease.
 - p) **56 Division Street, Derby**; a 0.92-acre parcel zoned business. The owner was not interested in a lease.
 - q) **40 Pershing Drive, Derby**; a 4.63-acre parcel zoned business. The owner was not interested in a lease.
 - r) **7 Pershing Drive, Derby**; a 0.98-acre parcel zoned business. The owner was not interested in a lease.
- (Applicants 1, Exhibit F)
81. A City-owned parcel east of the proposed site at 1 North Division Street was determined not to be viable due to radio frequency issues associated with areas to the north and south. (Tr. 1, pp. 36-38)
82. Cellco became aware of the proposed site in September 2024 and determined it would meet coverage objectives. Cellco searched for but could not identify other existing structures of sufficient height within the area that would meet coverage objectives. (Cellco 2, response 1)
83. The Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility nor shall the Council be limited in any way by the applicant having already acquired land or an interest therein for the purpose of constructing a facility. (*Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007); CGS §16-50p(g)(2025))

84. For any site to be considered a feasible and prudent alternative to a proposed facility site, it must be available to host the proposed facility. The Council has no authority to force a property owner to agree to sell or lease land, or any portion thereof, as a primary or alternative location for a proposed facility. (*Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))

Small Cells and Distributed Antenna Systems

85. A series of small cells or a Distributed Antenna System (DAS) to serve the area is not cost effective or feasible given the number of facilities required and encumbrances on existing utility poles such as transformers, risers, and streetlights that would limit a carrier's ability to use the pole. While the number of small cells or DAS nodes that would be required to provide comparable service is unknown, it is expected to be a large number given the size of the service area. (Applicants 4, response 9; Cellco 2, response 13)
86. To provide wireless service to the proposed service area would require a significant number of small cell deployments either on existing utility poles or on new utility poles along roadways or on private parcels throughout the proposed service area and would not be economically viable as a replacement for a single tower site. The estimated cost of each small cell deployment is \$30,000 - \$75,000 depending on site-specific characteristics. (Applicants 4, response 9; Cellco 2, response 13; Tr. 1, pp. 16-17)
87. Small cell limitations include a reduction in the number of frequencies deployed, limited wireless service, existing utility equipment encumbrances and the lack of emergency backup power. (Applicants 4, response 9; Cellco 2, response 13)

Proposed Site

88. Pursuant to RCSA §16-50j-2a(29), "Site" means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located. (RCSA §16-50j-2a(29))
89. The proposed tower site is located on an 0.39-acre commercial parcel at 64 Pershing Drive, Ansonia. The host parcel is developed with an automotive repair shop and car wash. (Applicants 1, p. 1)
90. The site includes leased access for site construction across a 0.29-acre commercial parcel at 62 Pershing Drive, abutting the host parcel to the north. (Applicants 1, p. 1, Exhibit G)
91. The host parcel is zoned Central Commercial District (C). (Applicants 1, p. 1, Exhibit G)
92. The proposed tower site is in the northeastern portion of the host parcel, behind the car wash. (refer to Figure 6). (Applicants 1, Exhibit G)
93. Land use immediately surrounding the site consists primarily of commercial use to the west, north and south, and a railroad and heavy industry to the east. (Applicants 4, Exhibits 6, 45 & 50)
94. The proposed tower site is located at an approximate ground elevation of 22 feet above mean sea level (amsl). (Applicants 1, Exhibit G)

- 95. The tower site would be within an 1,800 square foot lease/compound area. (Applicants 4, Exhibit 49)
- 96. Development of the site, including the underground trenching for utilities, would disturb less than one acre of land (approximately 0.08 acre). (Applicants 4, Exhibit 49)

Proposed Facility

- 97. The proposed facility would consist of a 120-foot monopole within an 1,800 square foot irregular-shaped equipment compound (refer to Figure 8). (Applicants 1, p. 8, Exhibit G)
- 98. The tower and foundation would be designed to support a 20-foot extension. (Tr. 1, p. 22)
- 99. AT&T would install 12 panel antennas and 9 remote radio heads on an antenna platform at a centerline height of 116 feet agl (refer to Figure 8). (Applicants 1, Exhibit G)
- 100. Cellco would install 9 panel antennas and 6 remote radio heads on an antenna platform at a centerline height of 106 feet agl. (Cellco 2, response 4)
- 101. The compound is designed to accommodate four wireless carriers (within 12-foot by 20-foot lease areas) and City equipment. (Applicants 4, Exhibit 49; Tr. 1, pp. 30-31)
- 102. AT&T would install a 8.5-foot long by 4.5-foot wide by 6.1-foot tall equipment shelter and a 20-kilowatt diesel-fueled emergency backup generator within its 12-foot by 20-foot compound lease area. (Applicants 1, p. 8; Applicants 4, Exhibit 49)
- 103. Cellco would install one equipment cabinet, one battery cabinet and a 50-kilowatt diesel-fueled emergency backup generator on a 10-foot by 20-foot concrete pad. (Cellco 2, response 3)
- 104. The proposed equipment compound would be surrounded by an eight-foot high chain link fence that includes a nine-foot wide vehicle access gate. (Applicants 4, Exhibit 49)
- 105. Access to the tower site would be from a 25-foot wide, 140-foot long access easement across the existing driveway on the host parcel. (Applicants 1, p. 8; Applicants 4, Exhibit 49)
- 106. Power and telecommunications utilities would extend underground within the access easement from the compound to an existing utility pole on Pershing Drive. (Applicants 1, Exhibit 49)
- 107. Bollards would be installed to protect electrical meter and transformer equipment located outside of the compound perimeter fence. (Applicants 4, Exhibit 49)
- 108. The site does not require water supply or wastewater utilities. There would be no water connection to the site. (Applicants 1, p. 26)
- 109. There are 46 residential structures within 1,000 feet of the site, mostly west, northwest and southwest of the site. (Applicants 1, Exhibit H; Applicants 4, response 15)
- 110. The nearest property line from the compound fence and tower is approximately 0.5 feet and 19 feet, respectively, to the east, a railroad right-of-way owned by **DOT for the Metro-North Commuter Railroad**. (Applicants 1d; Applicants 4, response 20, Exhibit 49; Tr. 1, p. 33)

111. In its application, Arx did not include DOT in the January 24, 2025 Notice to Abutting Property Owners or List of Abutting Property Owners. Arx included DOT in the January 30, 2025 Certificate of Service on Government Officials and List of Officials Served, pursuant to CGS §16-50l (b). No comments were received. (Arx 1, Exhibit B, Exhibit D; Tr. 1, pp. 32-35)
112. Arx would survey the property lines prior to construction to ensure the facility site does not encroach upon abutting properties. A fence exists on the host parcel adjacent to the abutting property to the east (State of Connecticut). Arx will replace a portion of the fence to incorporate it as part of the compound fence. (Tr. 1, pp. 40-42)
113. The nearest residential structure from the proposed tower is located approximately 259 feet to the west at 159 Oneils Court, Ansonia. (Applicants 4, response 16)
114. Arx performed preliminary soil borings at the site; however, a complete geotechnical survey of the site has not been conducted. The geotechnical survey is typically conducted prior to construction to evaluate existing subsurface conditions necessary to design the tower and foundation as part of the Development and Management (D&M) Plan. (Applicants 4, response 11; Tr. 1, pp. 17-18)
115. A D&M Plan is a condition of a Council final decision that must be met prior to commencement of construction and constitutes the “nuts and bolts” of a facility approved by the Council. (CGS §16-50p (2025); RCSA §16-50j-75, *et seq.*; *Woodbridge Newton Neighborhood Env’t Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2024))
116. Construction would require 200 cubic yards of excavation, with backfill brought to the site for foundation fill and site grading. (Applicants 4, response 12)
117. Site construction would commence following Council approval of a D&M Plan for the facility. (Applicants 1, p. 32)
118. Applicants anticipate the facility would be constructed over a 15-week period. Once the antennas/radio equipment are installed, the carriers would need 2 weeks for radio frequency testing/integration. (Applicants 1, p. 32)
119. AT&T would install equipment on the tower immediately after the site is constructed. (Applicants 4, response 23)
120. Construction hours would be 8:00 a.m. - 5:00 p.m., Monday through Friday. (Applicants 4, response 22)
121. A copy or notice of the filing of a D&M Plan with the Council, is required to be provided to the service list for comment. (RCSA §16-50j-75(e))
122. The Council has statutory authority to order a D&M Plan and the Council’s D&M Plan process has been upheld by the Connecticut Supreme Court. (CGS §16-50p (2025); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014))

123. The estimated cost of the proposed facility is:

Tower and Foundation	\$140,000
Site Development	\$160,000
Utility Installation	\$ 30,000
AT&T equipment/materials	\$180,000
AT&T Construction and integration	\$194,300

Applicants Total Estimated Costs **\$704,300**

(Applicants 1, p. 32; Applicants 4, response 18)

124. Cellco's estimated cost of its installation is \$335,000. (Cellco 2, response 2)
125. Arx would recover construction costs associated with the facility by the revenue generated from leasing space on the facility to wireless service providers. (Applicants 4, response 19)
126. AT&T and Cellco would recover the costs of their equipment as part of its business operations and services provided. (Applicants 4, response 19; Cellco 2, response 2)
127. Neither the project, nor any portion thereof, is proposed to be undertaken by state departments, institutions or agencies or to be funded in whole or in part by the state through any grant or contract. Arx, AT&T and Cellco are private entities. (Applicants 4, response 17; CGS §22a-1, *et seq.* (2025))

Public Health and Safety

128. 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)
129. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Applicants 1, p. 11)
130. 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. 23 – FCC Text-to-911: Quick Facts & FAQs)
131. Both AT&T's and Cellco's proposed equipment installation would be capable of supporting text-to-911 service. (Applicants 4, response 42; Cellco 2, response 19)

132. 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)
133. Both AT&T’s and Cellco’s proposed equipment installation would provide WEA services. (Applicants 4, response 43; Cellco 2, response 21)
134. FirstNet is a subscriber service available to local emergency response entities that would allow preferred wireless service on AT&T’s 700 MHz system during emergencies. AT&T and FirstNet work together to determine which sites in coverage deficient areas are prioritized. AT&T’s proposed equipment would support FirstNet services. (Applicants 1, p. 19; Tr. 1, pp. 49-40)
135. 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. (Applicants 1, Exhibit G; Applicants 4, responses 41)
136. The tower would be designed to the Telecommunications Industry Association 222-H Structural Standards for Steel Antenna Towers and Antenna Supporting Structures. The maximum rated serviceable wind velocity for the antennas on the proposed tower is 119 mph. (Applicants 4, response 21)
137. The proposed tower would not require notice to the Federal Aviation Administration (FAA) or constitute an obstruction or hazard to air navigation and therefore would not require any obstruction marking or lighting. (Applicants 1, p. 31)
138. Security measures at the site would include, but are not limited to, the proposed compound fence, a locked access gate, removable tower pegs, remote monitoring and silent intrusion alarms on the equipment cabinets. (Applicants 4, response 40)
139. The tower setback radius* would extend onto the abutting DOT railroad right-of-way to the east by 101 feet. Arx would design a tower yield point at a height of 19 feet to ensure the tower setback radius remains within the boundaries of the host parcel. *The horizontal distance equal to the tower height that extends radially from the center of the tower. (Applicants 4, response 47, Exhibit 49; Tr. 1, pp. 21-22, 32)
140. The distance from the tower to the active rail line within the DOT railroad right-of-way is approximately 125 feet. (Applicants 4, response 47)
141. Operational noise from the AT&T’s radio equipment would comply with state standards. Noise resulting from the operation of emergency equipment is exempt from state standards. (Applicants 4, response 45; Council Administrative Notice No. 5 - DEEP Noise Control Regulations)
142. 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.” (RCSA §22a-69-1.8(g) (2025))

143. Night lighting of the radio cabinets would be operated manually by a timer switch, when necessary. (Applicants 4, response 46)
144. The proposed site is not located within the Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area of the 100-year floodplain. The site is located in a FEMA designated "Area with Reduced Risk Due to Levee". (Applicants 1, p. 27, Appendix F)
145. The site is not located within a state-designated aquifer protection area or public water supply watershed area. (Applicants 4, response 44)
146. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's antennas is 3.0 percent of the standard for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at a horizontal distance of approximately 782 feet from the tower using the proposed antenna configuration. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of Cellco's antennas is 6.4 percent of the standard for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at a horizontal distance of approximately 50 feet from the tower using the proposed antenna configuration. These calculations are based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) using far-field methodology that assumes all channels would be operating simultaneously, which creates the highest possible power density levels. (Applicants 1, Exhibit J; Tr. 1, 64-65; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

Emergency Backup Power

147. 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. 57)
148. Consistent with the findings and recommendations of the Panel, and in accordance with CGS §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. 36 – Council Docket No. 432)
149. 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. (Council Administrative Notice Item No. 36 – Council Docket No. 432)
150. AT&T would install a 20-kW diesel backup generator with a 54-gallon double-walled fuel tank. The generator would be capable of providing 51 hours of runtime at full electrical load in the event of an outage. AT&T would utilize a battery backup to provide 2 to 4 hours of power in the event the diesel-fueled emergency backup generator failed to start. (Applicants 4, responses 36 & 37, Exhibit 49)

151. Cellco would install a 50-kW diesel-fueled emergency backup generator with a built-in 229-gallon double-walled fuel tank with a leak detection alarm. The generator would be capable of providing approximately 50 hours of runtime at full electrical load in the event of an outage. Cellco would utilize a battery backup to provide up to 8 hours of power in the event the diesel-fueled emergency backup generator failed to start. (Cellco 2, responses 14, 15 & 16)
152. AT&T's and Cellco's generators would be remotely exercised for 20 to 30 minutes once or twice a week. (Applicants 4, response 38; Council Administrative Notice Item No. 37 – Council Docket No. 529)
153. The existing car wash on the host parcel uses natural gas provided by Eversource. It may be possible to extend natural gas service to the compound to enable the emergency backup generators to run on natural gas instead of diesel fuel. Eversource would cover the cost of the gas line extension if more than one carrier intends to use natural gas as an emergency power fuel source. Both AT&T and Cellco would use natural gas as a fuel source if it was available. (Applicants 4, response 35, Exhibit 49; Tr. 1, pp. 25-26, 45-46, 62-63)
154. According to RCSA §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 DEEP Noise Control Regulations. (RCSA §22a-69-1.8 (2025))

Environmental Effects and Mitigation Measures

Air and Water Quality

155. Operation of the proposed facility would not produce air emissions, excluding operation of the emergency backup generator. (Applicants 1, p. 26)
156. Pursuant to RCSA §22a-174-3b, the generators would be managed to comply with DEEP's "permit by rule" criteria and would comply with air emissions. Therefore, the generator would be exempt from general air permit requirements. (Applicants 4, response 39; Cellco 2, response 17; RCSA §22a-174-3b)
157. 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.* (2025))
158. 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 (2025))
159. 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 (2025))
160. No wetlands or watercourses were identified within 100 feet of the site. (Applicants 1, Exhibit L)

161. Arx would install appropriate erosion and sedimentation (E&S) controls such as hay bales and/or silt socks, consistent with the applicable *Connecticut Guidelines for Soil Erosion and Sediment Control* and the *Connecticut Stormwater Quality Manual*. (Applicants 1, Exhibit G)
162. Pursuant to CGS §22a-430b, a DEEP Stormwater Permit is required for any disturbance greater than 1 acre. The construction limit of disturbance for the proposed site is approximately 0.08 acre, therefore construction of the facility would not require a DEEP Stormwater Permit. (Applicants 4, Exhibit 49; DEEP-WPED-GP-015)

Forests and Parks

163. Osbornedale State Park is approximately 0.77 miles west of the site. (Applicants 1, Exhibit H; Council Administrative Notice Item No. 84)
164. Construction of the compound area, underground interconnection line and access driveway would require the removal of two trees. (Applicants 4, response 49)

Fish and Wildlife

165. The site is not adjacent to DEEP-designated cold-water stream habitat. (Council Administrative Notice Item No. 50; Applicants 1, Exhibit G)
166. DEEP Natural Diversity Database (NDDB) maps show approximate locations of state-listed endangered, threatened, and special concern species and are used to find areas of potential conservation concern. (Council Administrative Notice Item No. 78)
167. The proposed facility is not located within a DEEP NDDB buffer area. (Applicants 1, Exhibit K)
168. The site is not within an area known to support federally-listed species. (Applicants 1, Exhibit I)
169. The proposed facility is not located within an Important Bird Area (IBA), as designated by the National Audubon Society. (Applicants 1, Exhibit K; Council Administrative Notice Item No. 83)
170. The proposed facility would comply with the U.S. Fish and Wildlife Service telecommunications tower guidelines for minimizing the potential for impact to bird species. (Applicants 1, Exhibit K)
171. Applicants complied with National Environmental Policy Act (NEPA) requirements for telecommunications facilities. (Applicants 1, pp. 26-27)

Agriculture and Soils

172. Agricultural land is an economic resource. The terms “agriculture” and “farming” are defined under CGS §1-1q. Agriculture and farming activities are exempt from certain statutes and regulations, including, but not limited to, provisions related to wetlands and nuisance. (CGS §1-1q (2025); CGS §19a-341(2025)(commonly known as “the Right to Farm Law”); CGS §22a-19 (2025); CGS §22a-40 (2025); CGS §7-131d (2025); *Red Hill Coalition, Inc. v. Town Plan & Zoning Comm’n*, 212 Conn. 727 (1989); *Indian Spring Land Co. v. Inland Wetlands & Watercourse Agency of Greenwich*, 322 Conn. 1 (2016))
173. The host parcel does not contain prime farmland soils. (Applicants 1, Exhibit I)

- 174. Soils at the site consist of urban land. (Applicants 1, Exhibit I)
- 175. Blasting would not be required to construct the site. (Tr. 1, p. 17)

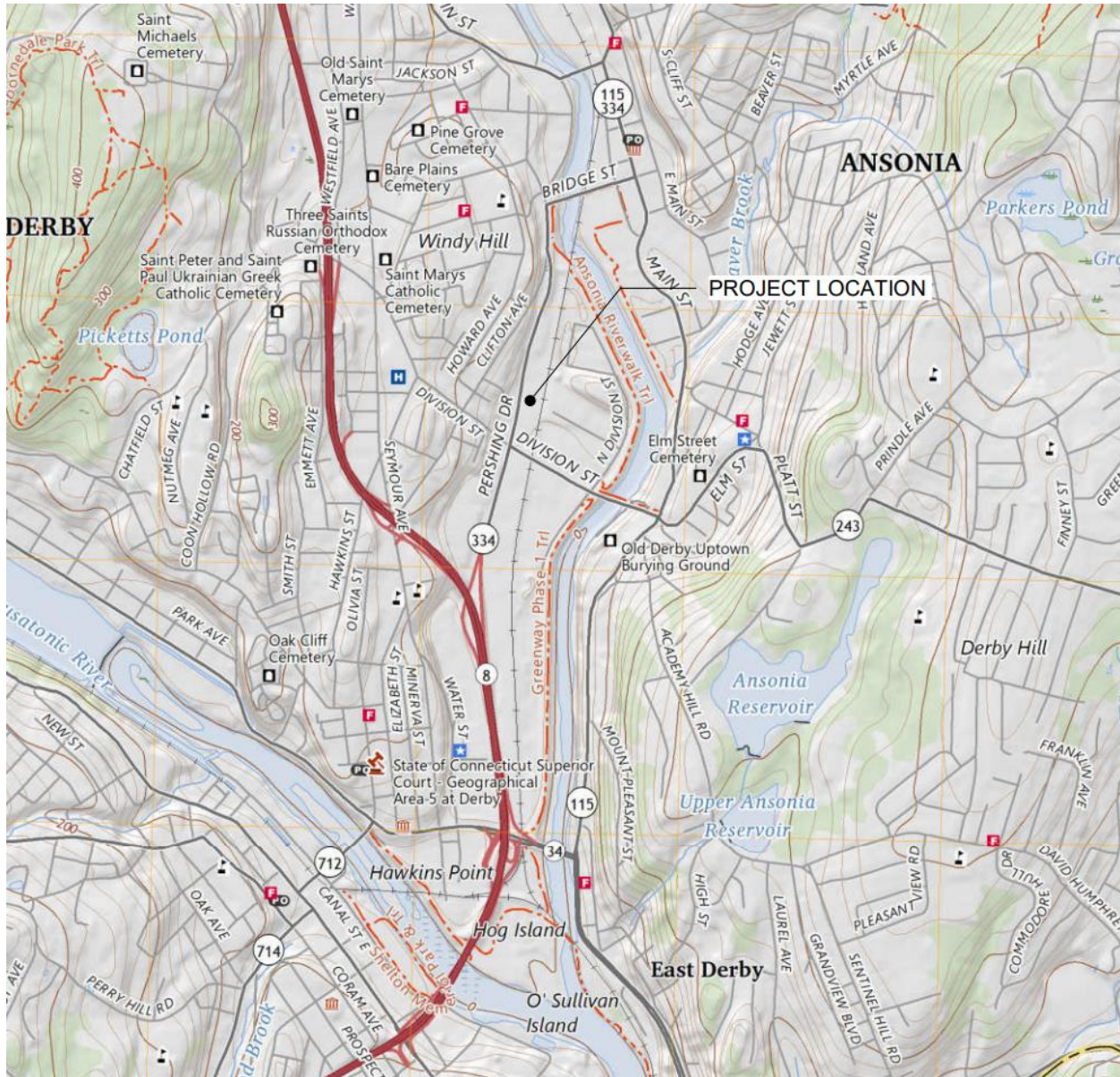
Scenic, Historic and Recreational Values

- 176. By letter dated November 1, 2024, SHPO determined that one property listed on the National Register of Historic Places, approximately 0.46 miles southeast of the site, and one property listed on the State Register of Historic places, approximately 0.35 miles southwest of the site, would not be adversely impacted by the proposed facility due to intervening topography, vegetation, distance, and the presence of existing infrastructure. (Applicants 1, Exhibit I)
- 177. In its letter, SHPO included a condition to paint the facility to match adjacent materials, and installed to be as non-visible as possible. The proposed finish of the tower is galvanized steel which matches the commercial and industrial uses of the surrounding area. (Applicants 1, Exhibit I; Applicants 4, response 24; Tr. 1, pp. 19-20, 24-25)
- 178. Painting of the tower would cost an additional \$12,500 and would require periodic maintenance, including repainting at 10-15 year intervals at an additional estimated cost of \$10,000. AT&T's active antennas and remote radio heads cannot be painted due to interference issues. (Applicants 4, responses 24, 25 & 26)
- 179. Installing AT&T's antennas in a flush-mount configuration to reduce the horizontal visual profile of the facility would require a 20-foot increase in tower height to accommodate all of AT&T's antennas and associated remote radio heads. (Applicants 4, response 32)
- 180. There are no state or local designated scenic roads within one-mile of the site. (Applicants 1, Bulk File, Exhibit H)
- 181. There are no "blue-blazed" hiking trails maintained by the Connecticut Forest and Park Association within one-mile of the site. (Council Administrative Notice Item No. 82; Applicants 1, Exhibit H)
- 182. The proposed facility would not be visible from Osbornedale State Park, approximately 0.77 miles west of the site. (Applicants 1, Exhibit H)
- 183. The proposed tower would be visible year-round from portions of the Ansonia River Walk/Greenway Trail, approximately 0.2 miles to the east at its closest point. (Applicants 1, Exhibits H & S)
- 184. Pursuant to CGS §16-50p(b), the Council shall examine whether the proposed facility would be located in an area of the state which the Council, in consultation with DEEP and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance and the latest facility design options intended to minimize aesthetic and environmental impacts. The Council may deny an application for a certificate if it determines that the proposed facility would substantially affect the scenic quality of its location or surrounding neighborhood and no public safety concerns require that the proposed facility be constructed in such a location. (CGS §16-50p(b) (2025))
- 185. No comments were received from the City, OPM or DEEP regarding any impacts to scenic quality or resources. (Record)

Visibility

186. Property owners have no right to an unobstructed view from structures built on adjacent property except where there is an express statutory provision or there is a contract or restrictive covenant protecting the private right to a view or vista. (*Mayer v. Historic District Comm'n of Town of Groton*, 325 Conn. 765 (2017); CGS §47-25 (2025))
187. Applicants used a combination of predictive computer models, in-field analysis, and a review of various data sources to evaluate the visibility of the proposed facility. (Applicants 1, Exhibit H)
188. On September 13, 2024, Applicants conducted a balloon float and field reconnaissance of the proposed tower to assist in the visibility evaluation. The balloon float consisted of flying a three-foot diameter balloon to a height of approximately 120 feet agl. An in-field reconnaissance was then performed from publicly accessible locations in the surrounding area to determine where the balloon was visible. (Applicants 1, Exhibit H)
189. Information obtained during the field reconnaissance was incorporated into a viewshed map that depicts areas with year-round and seasonal visibility within a one-mile radius (2,010 acres) of the site (Study Area) based on computer modeling and in-field observations from local and State roads and other publicly-accessible locations. (Applicants 1, Exhibit H)
190. Based on the viewshed analysis (refer to Figure 9), the proposed tower would be visible year-round from approximately 100 acres (4.97%) of the Study Area. A majority of these views (57.8 acres, 2.88 %) are of the upper 50 % of the proposed tower. Most year-round views are from commercial/industrial/mixed use area surrounding the site, and along the Naugatuck River east and southeast of the site; however, year-round views would also occur from residential areas west of Pershing Drive. (Applicants 1, Exhibit H)
191. The tower would be seasonally visible (leaf-off conditions) from an additional 15.3 acres (0.76%) of the Study Area. (Applicants 1, Exhibit H)
192. Approximately 71 residential structures would have seasonal and/or year-round views of the tower. Of those structures, approximately 42% (+/-30 structures) would have potential visibility of the uppermost 25% of the proposed tower. (Applicants 1, Exhibit H; Applicants 4, response 48)
193. 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 the 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) (2025))
194. No schools or commercial child day care facilities are located within 250 feet of the site of the site. The nearest building containing a school or commercial day care is the Valley YMCA Child Care Center at 32 Howard Ave, Ansonia, approximately 0.17 miles north of the site. (Applicants 1, Exhibit H)

Figure 1 – Site Location – Topographic Map



(Applicants 1, Exhibit S)

Figure 2 – Site Location – Aerial Photograph



(Applicants 4, Exhibit 14)

Figure 3– AT&T Existing 700 MHz Coverage

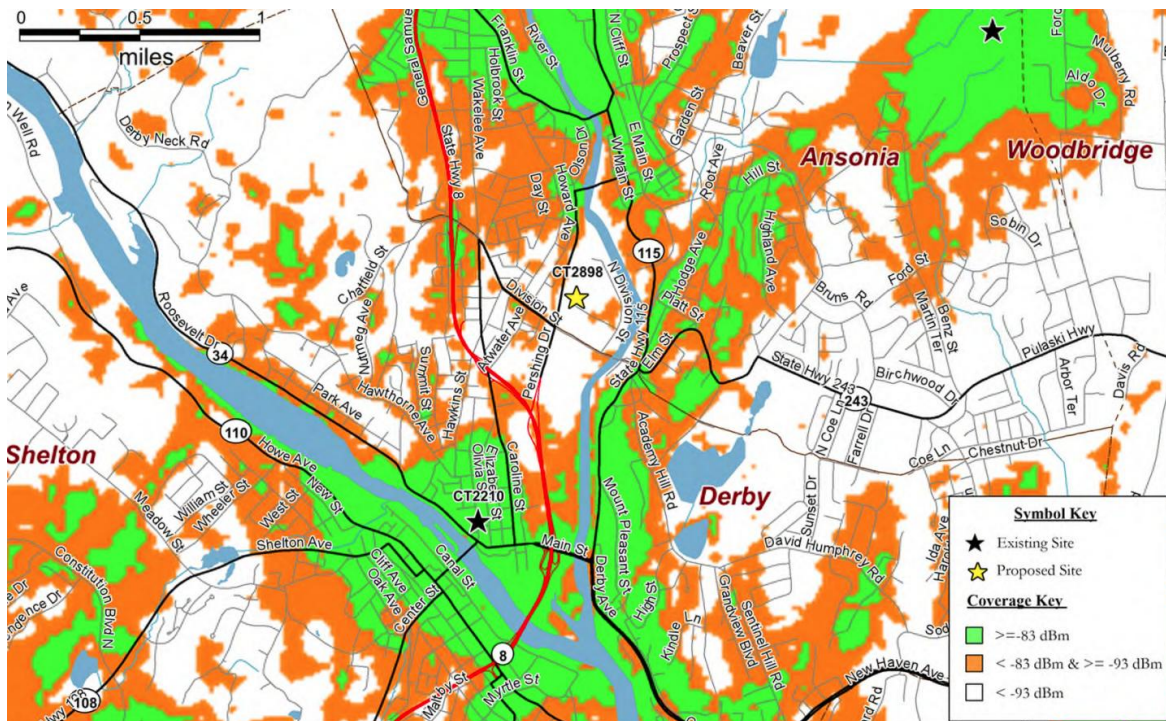


Figure 4 – AT&T Existing and Proposed 700 MHz Coverage

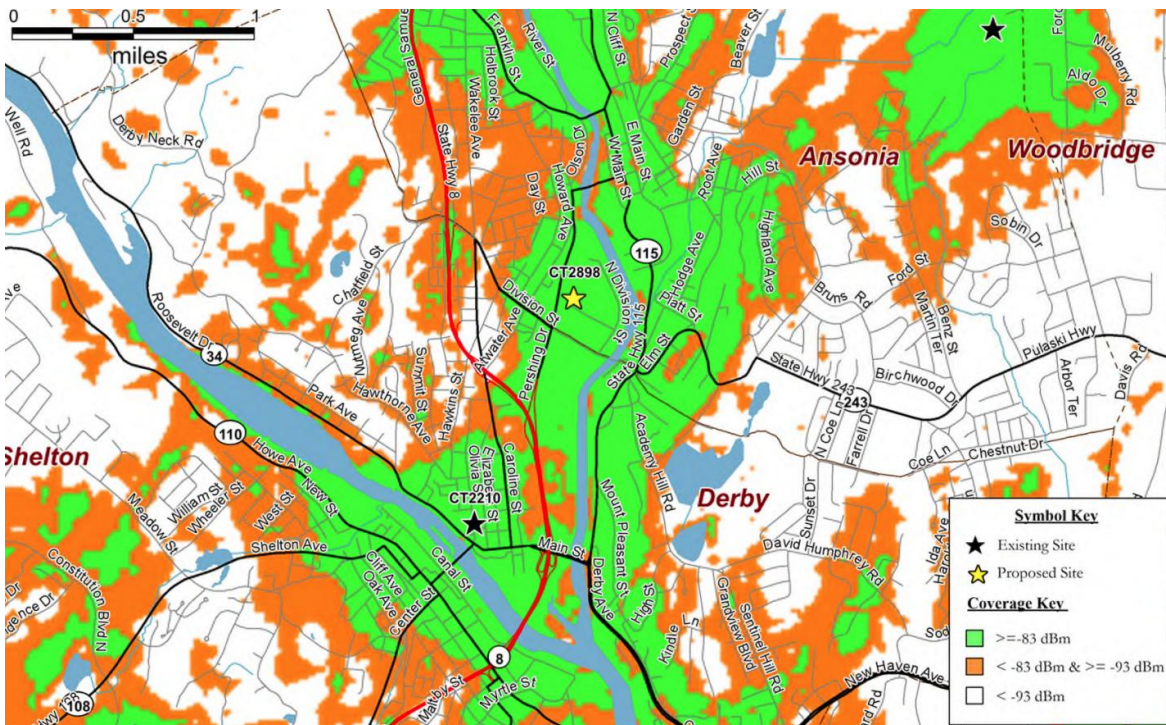


Figure 5— Cellco Existing 700 MHz Coverage

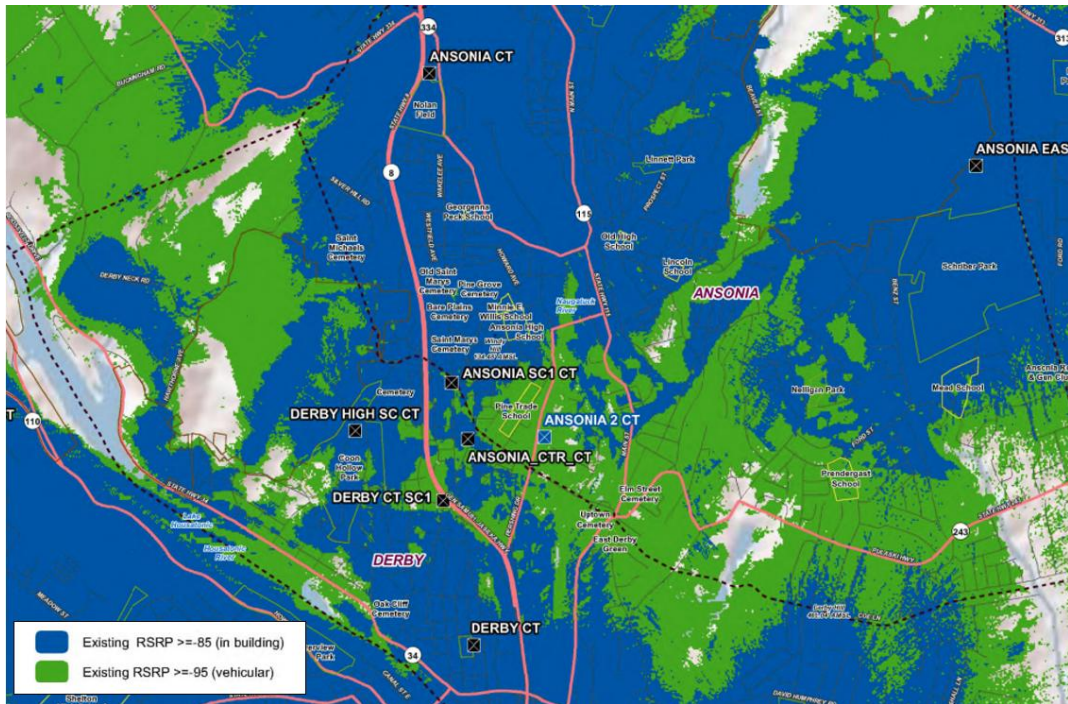
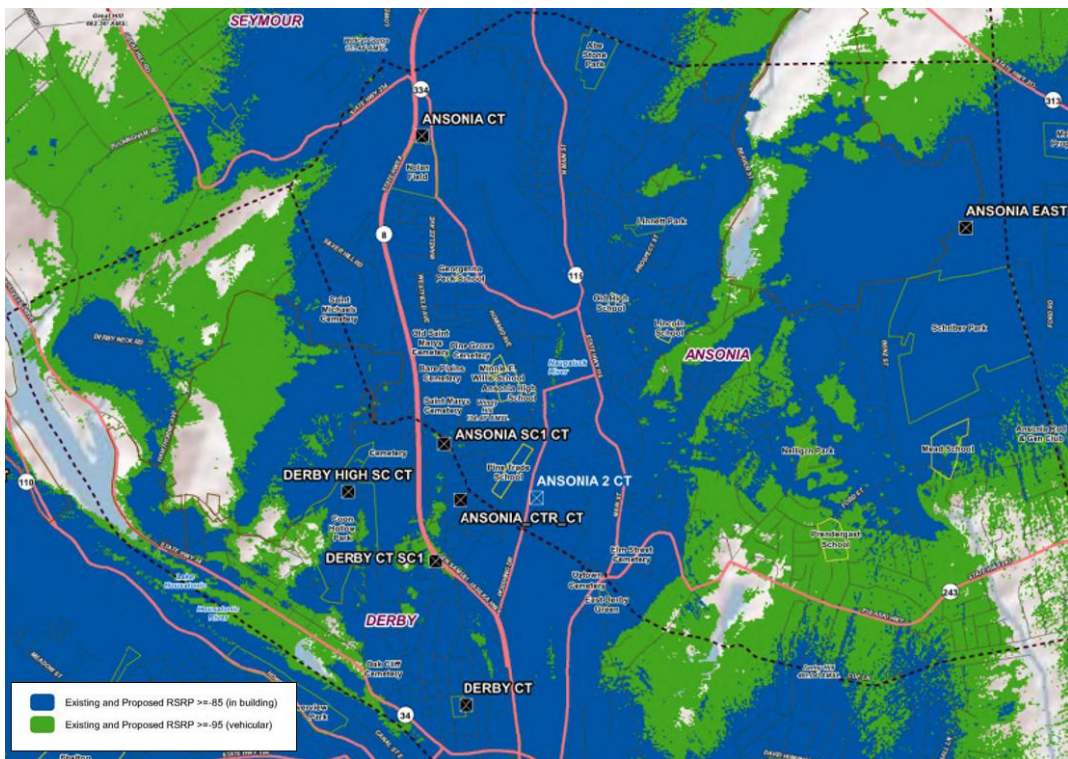
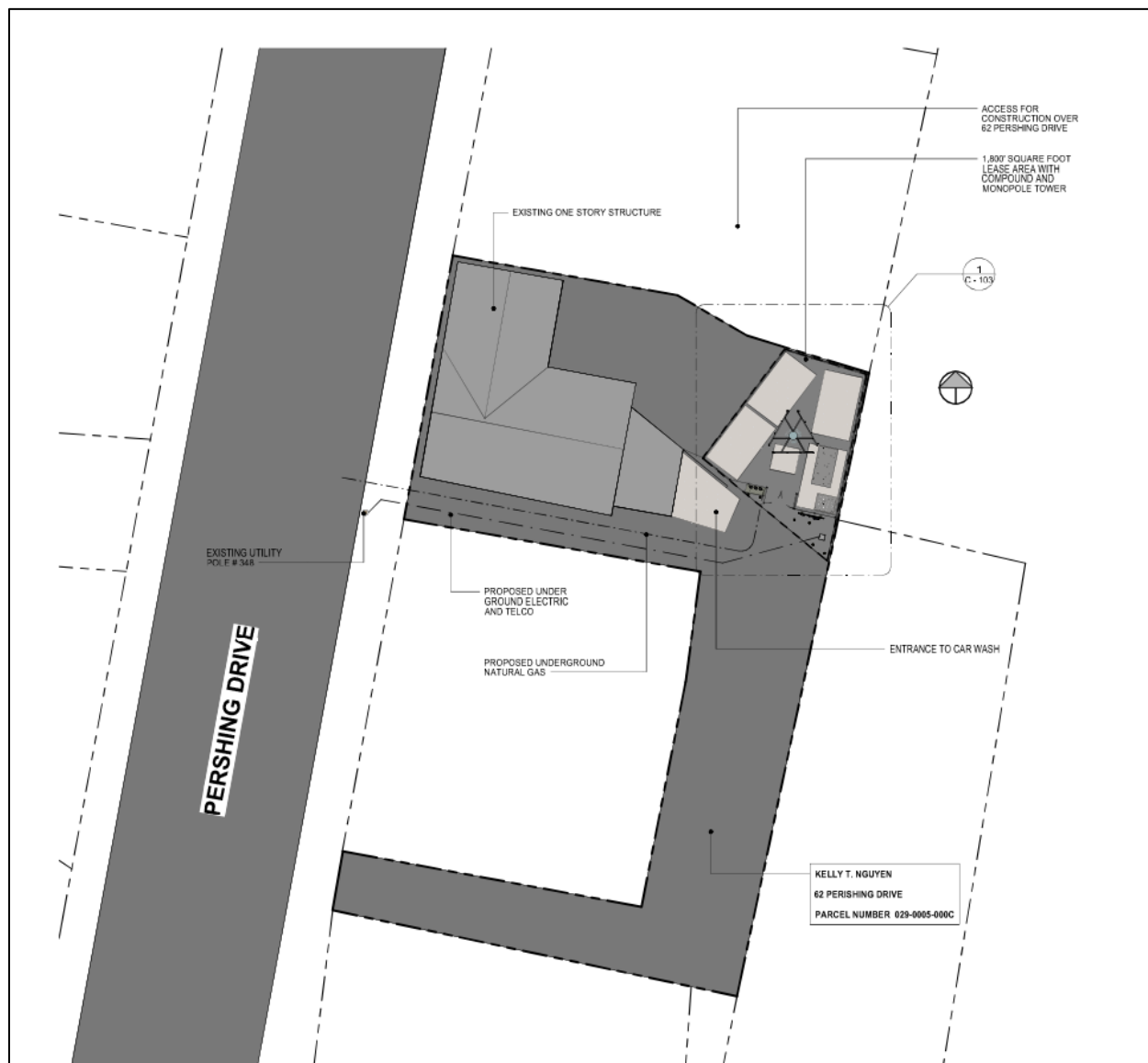


Figure 6— Cellco Existing 700 MHz Coverage



(Cellco 2)

Figure 7 –Site Plan Overview



(Applicants 4, Exhibit 49)

Figure 8 – Site Plan - compound and tower detail

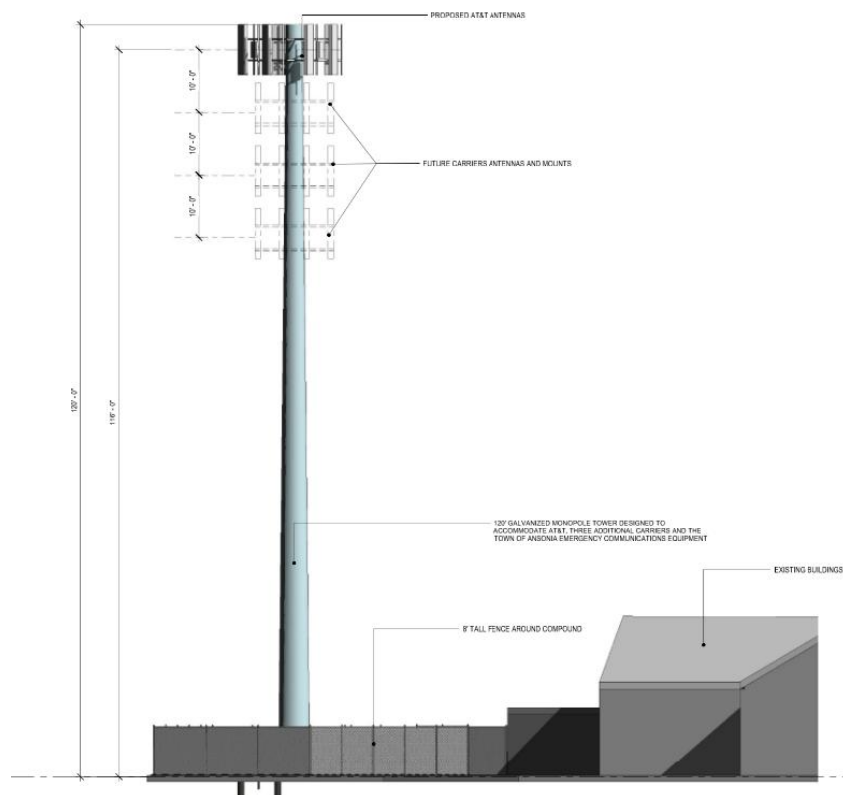
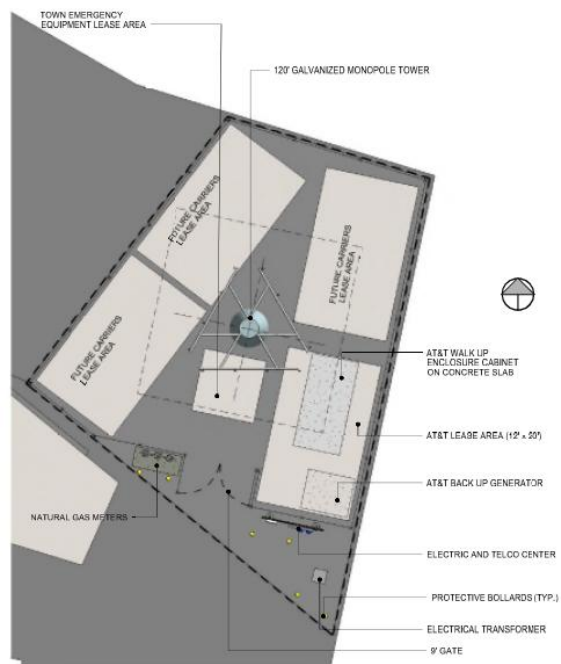


Figure 9 – Proposed Site Visibility Analysis Map and Photolog

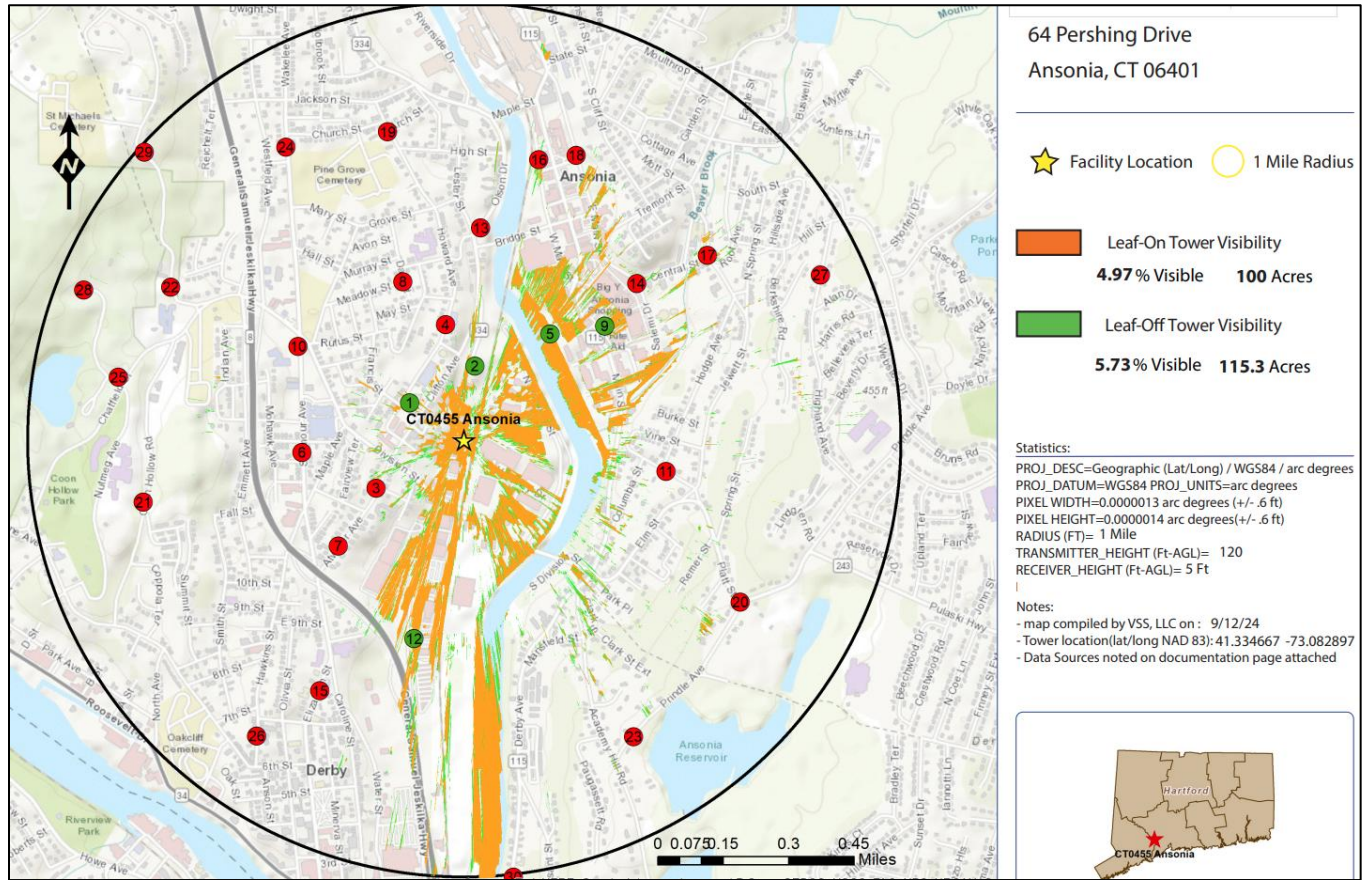


Image No	Approximate Address	Distance from Tower	Visibility	Approximate amount of tower visible(ft)
1	Howard Ave	0.15 Miles	Year Round	5
2	State Rte 727	0.17 Miles	Year Round	30
3	Atwater Ave	0.23 Miles	Not Visible	NA
4	Howard Ave	0.27 Miles	Not Visible	NA
5	Main St	0.31 Miles	Year Round	35
6	Seymour Ave	0.37 Miles	Not Visible	NA
7	Atwater Ave	0.38 Miles	Not Visible	NA
8	Day St	0.39 Miles	Not Visible	NA
9	Main St	0.41 Miles	Year Round	30
10	Seymour Ave	0.44 Miles	Not Visible	NA
11	Platt St	0.47 Miles	Not Visible	NA
12	Orangewood W	0.47 Miles	Year Round	55
13	Olson Dr	0.49 Miles	Not Visible	NA
14	Salemi Dr & Opp Central St	0.53 Miles	Not Visible	NA
15	Elizabeth St	0.66 Miles	Not Visible	NA
16	Main St	0.66 Miles	Not Visible	NA
17	Central St	0.7 Miles	Not Visible	NA
18	E Main St	0.7 Miles	Not Visible	NA
19	Howard Ave	0.73 Miles	Not Visible	NA
20	Prindle Ave	0.73 Miles	Not Visible	NA
21	Cornerstone Dr	0.75 Miles	Not Visible	NA
22	Silver Hill Rd	0.76 Miles	Not Visible	NA
23	Prindle Ave	0.78 Miles	Not Visible	NA
24	Wakelee Ave	0.78 Miles	Not Visible	NA
25	Chatfield St	0.8 Miles	Not Visible	NA
26	Hawkins St	0.83 Miles	Not Visible	NA
27	Highland Ave	0.9 Miles	Not Visible	NA
28	State Park	0.93 Miles	Not Visible	NA
29	Silver Hill Rd	0.98 Miles	Not Visible	NA
30	Derby Ave	1.01 Miles	Not Visible	NA

(Applicants 1, Exhibit H)