

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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August 4, 2011

TO: Parties and Intervenors

FROM: Linda Roberts
Executive Director

RE: **DOCKET NO. 420** - SBA Towers III and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at one of three sites located at 49 Mountain Avenue; 23/25 Northwest Corner Road; or 350B Cossaduck Hill Road, North Stonington, Connecticut.

The Connecticut Siting Council (Council) is in receipt of correspondence from the North Stonington Planning and Zoning Commission, dated July 28, 2011 concerning the above-referenced application.

Pursuant to Connecticut General Statutes §16-50l(b), a copy of the application is to be submitted to the Planning and Zoning Commission for review. In the event that the Town of North Stonington Planning and Zoning Commission does not avail itself of the opportunity to attain party or intervenor status under Connecticut General Statutes §16-50n, this correspondence shall become part of the record in this proceeding in the form of a limited appearance.

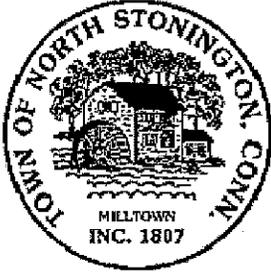
Therefore, a copy of this correspondence is being distributed to all participants in this proceeding and will also be administratively noticed in the record.

LR/MP/laf

Enclosure

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	SBA Towers III (SBA) and New Cingular Wireless PCS, LLC (AT&T)	<p>Daniel M. Laub, Esq. Christopher B Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax dlaub@cuddyfeder.com cfisher@cuddyfeder.com</p> <p>Hollis Redding SBA One Research Drive, Suite 200C Westborough, MA 01581 hredding@sbsite.com</p> <p>Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067-3900 michele.g.briggs@cingular.com</p>



Town of
North Stonington, CT

PLANNING & ZONING COMMISSION

July 28, 2011

Via E-mail and Regular Mail

Robert Stein, Chairman
State of Connecticut
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Dear Mr. Stein:

On behalf of the North Stonington Planning and Zoning Commission, I am submitting the following comments concerning the pending SBA Towers III (SBA) and New Cingular PCS, LLC (AT&T) Application for a Certificate of Environmental Compatibility and Public Need for the construction of a telecommunications facility in North Stonington. The following comments are based on a review of the application materials submitted to determine general consistency with the Town of North Stonington's Zoning Regulations concerning Wireless Communications Facilities. I understand that the local Zoning Regulations merely serve as a guideline with respect to site selection and environmental impact. Review of the current Zoning Regulations reveal the following discrepancies that the Commission believes may be remedied, all or in part by selecting Candidates B or C rather than Candidate A (enclosed please find a highlighted copy of the relevant Zoning Regulations).

While the Commission agrees that certain factors may make the 49 Mountain Avenue Site more attractive such as a shorter access and good signal coverage, there are other factors that contradict the intent of the Regulations as articulated by the following subsections of Section 1464.1:

- G.** encourage the design and siting of new towers in locations where they are least visible to the maximum number of North Stonington residents;
- I.** encourage creative designs to minimize adverse visual effects of towers, antennas and facilities;
- K.** encourage the design and siting of towers to minimize their impact on property values;

Section 1464.2 also reinforces the importance of compatibility with surrounding land uses and aesthetics in the siting process as well as the desire for the best site to be selected even if it means additional towers will be needed to provide the "seamless web" per the 1996 Telecommunications Act. A review of the Application materials presented reveal that the proposed tower, if located at 49 Mountain Avenue (Candidate A), would be visible year-round from 104 acres (and primarily from the Billings Lake properties) as opposed to 30 or 9 acres at the Northwest Corner Road (Candidate B) and Cossaduck Hill Road (Candidate C) locations respectively.

Based on a quick review of the service coverage maps included, it would appear that service coverage provided from the proposed Cossaduck Hill Road location is comparable to that provided by a tower located at the Mountain Avenue site. The Commission recognizes that the service coverage provided by a tower at the Northwest Corner Road would not be quite as good as the Mountain Road or Cossaduck Hill Road locations.

Subsections A and H within Section 1464.6 (Site Selection) specifically require that no wireless communications tower be sited on a ridgeline, summit or crest of a prominent hill or mountain and that wireless communications towers shall be set back from all property lines a distance equal to the height of the tower plus twenty (20) feet. The tower location at Mountain Avenue would be located on a prominent hill and is the least compliant with the setback requirements. The proposed Mountain Avenue tower location does not comply with three out of the four setbacks, directly affecting the six surrounding residential parcels (three of which contain residential dwellings). A setback as little as 25 feet is proposed along the rear setback of the proposed Mountain Avenue parcel. The proposed tower locations at the Cossaduck Hill and Northwest Corner Road candidate sites appear to comply with setback requirements and, due to the proposed and abutting lot sizes and configurations, affect the least number of surrounding residential properties.

In conclusion, the Commission respectfully submits a siting *preference* for Candidates C or B (in that order), as a towers located at these locations would provide good service coverage with minimal visual impact while also complying with the setback requirements. The overall impact on surrounding residential properties would be far less in these two proposed alternate locations than the proposed Mountain Avenue location.

Respectfully submitted,

Juliet Leeming
Senior Planning and Zoning Enforcement Official
Town of North Stonington
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1464 WIRELESS COMMUNICATIONS TOWERS, ANTENNAS AND FACILITIES

The purpose of these regulations is to provide for the location of wireless communications towers, antennas and facilities while protecting neighborhoods and minimizing adverse visual effects to the community through careful design and siting. These regulations are consistent with the Telecommunications Act of 1996. They do not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions.

1464.1 These regulations are specifically intended to:

- A. accommodate the need for wireless communications towers, antennas and facilities while regulating their design, location, and quantity;
- B. ensure that the Commission's decisions are timely, properly documented and based on factual evidence;
- C. encourage the use of buildings and structures other than towers for locating antennas;
- D. encourage the co-location of antennas on new and existing towers and structures;
- E. ensure that the design and siting of new towers will accommodate co-location of antennas;
- F. encourage the co-location of towers and facilities on the same site;
- G. encourage the design and siting of new towers in locations where they are least visible to the maximum number of North Stonington residents;**
- H. ensure that new towers are designed and sited such that the Federal Aviation Administration (FAA) will not require their lighting or illumination;
- I. encourage creative designs to minimize adverse visual effects of towers, antennas and facilities;**
- J. provide screening and landscaping to minimize the visual impact of ground facilities;
- K. encourage the design and siting of towers to minimize their impact on property values;**
- L. prevent potential damage to adjacent properties from tower failure;
- M. encourage security measures and the installation of security systems to ensure public safety; and
- N. minimize the number of towers, antennas, and facilities required to be erected in the Town of North Stonington now and in the future.

1464.2 Siting Preferences. **Since aesthetics and compatibility with surrounding land uses are major concerns in the siting of wireless communications towers, antennas and facilities, it is important for a community to define its locational preferences while at the same time recognizing the requirements of the 1996 Telecommunications Act.** Public land holdings, easements and rights-of-way shall be preferred over private land holdings, easements and rights-of-way for the placement of such antennas, towers and facilities. The 1996 Act provides that reasonable fees may be charged to providers of telecommunications services for the use of public property, rights-of-way and easements.

Recognizing the requirements of the 1996 Telecommunications Act that communities shall not discriminate among providers of telecommunications services and must allow for seamless coverage of the provider's telecommunications system, these Regulations offer a rational method for determining the most appropriate siting of antennas, towers and facilities by the providers and the community. These preferences are based on the goals and objectives of the Plan of Conservation and Development for the Town of North Stonington, Connecticut and the intent of the Zoning Regulations.

During the process to approve a site for a wireless communications tower, antennas and facilities, the **Commission should select the more preferred location even if additional antennas, towers or facilities are required to achieve a seamless web.**

The order of preference for siting wireless communications towers, antennas and facilities within the Town of North Stonington shall range from "1" as the most preferred location to "9" as the least preferred location. These preferences are described below.

1. New antennas on existing approved communications towers.
2. New antennas on existing structures such as buildings, other towers, steeples, silos, water tanks and utility poles.
3. New tower less than one hundred (100) feet high, located within 1,000 feet of a State or Federal highway.
4. New tower less than sixty (60) feet high, where the base is located significantly below its closest ridgeline.
5. New tower in the same location as an existing tower(s) provided the new tower is no higher than the existing tower(s).
6. New tower sixty to one hundred (60-100) feet high, where the base is located significantly below its closest ridgeline.
7. New tower one hundred to one hundred and fifty (100-150) feet high, located within 1,000 feet of a State or Federal highway.
8. New tower in the same location as an existing tower(s) where the new tower is higher than the existing tower(s).
9. New tower one hundred to one hundred and fifty (100-150) feet high, where the base is located significantly below its closest ridgeline.

1464.3 Use by Right. All wireless communications towers, antennas and facilities shall be constructed, installed and operated only by Special Permit; except that antennas alone, because they can be sited so as to pose a minimum adverse visual effect, shall be permitted by right. The installation of antennas, however, shall be subject to these Regulations applicable to permitted uses and shall require Site Plan approval by the Commission.

Towers greater than thirty (30) feet in height that are erected for private use by residents or local businesses, such as for radio or television reception, amateur radio operation, and two-way mobile communications shall be regarded as accessory structures and shall require a Zoning Permit.

Antennas permitted by right shall include wireless telecommunications antennas that are mounted on the top or facade of a building, existing tower, water tank, utility pole, steeple, clock or bell tower, monument, billboard, chimney, bridge, silo or similar structure, provided:

- A. no change is made to the height of the building or structure;
- B. panel antennas do not exceed seventy-two (72) inches in height by eight (8) inches in width, whip antennas do not exceed eight (8) feet in height, and parabolic dish antennas are not included in the design;
- C. equipment cabinets and sheds meet all requirements of these regulations;
- D. facilities are of a material and color that matches the exterior of the building, and blend into the existing architecture to the extent possible;
- E. facade-mounted antennas do not protrude above the building structure and do not project more than three (3) feet beyond the wall or facade;
- F. antennas mounted on existing structures do not exceed the highest point of the structure by more than twenty (20) feet;
- G. roof-mounted antennas are set back from the roof edge more than ten (10) feet or ten (10) percent of the roof width, whichever is greater; and
- H. roof-mounted antennas do not occupy more than twenty-five (25) percent of the roof area.

1464.4 Mandatory Requirements. For the Commission to evaluate the design and siting of a wireless communications tower, antennas and facilities in terms of the requirements for a Special Permit, the Commission shall require that the applicant perform the following studies and submit the results of these studies as part of the Special Permit application.

- A. A siting analysis with results shown on a map that contains the Search Area Ring, as defined for the proposed wireless communications tower, antennas and facilities, and all Search Area Rings for other existing or proposed towers that will comprise the seamless web as it affects the Town of North Stonington.
- B. A Balloon Simulation, as defined, that is conducted during the daytime, in good visibility, and with calm winds. The size and color of the balloon or balloon cluster shall be such that it can be clearly seen by the naked eye at a distance of one mile. Red, orange or other contrasting color is preferred. It is also preferred that this simulation be performed during the months of November through March when deciduous vegetation is devoid of leaves.
- C. To be a valid Balloon Simulation, the Commission shall be notified at least ten (10) days in advance of the date that the balloon is to be flown. If the simulation is delayed or postponed, it shall be re-scheduled with a minimum forty-eight (48) hours advance notice to the Commission.
- D. Photographs or video showing the Balloon Simulation from locations determined important by the applicant and/or selected by the Commission.
- E. A View shed Analysis, as defined, with the results of this analysis delineated on a View shed Map. It is preferred that this analysis be performed during the months of November through March when deciduous vegetation is devoid of leaves.
- F. A Ridge Line Profile, as defined, showing the location and height of the proposed wireless communications tower in relationship to its closest ridgeline. The Commission may use this profile to determine compliance with the Siting Preference criteria.
- G. A Propagation Analysis, as defined, with results shown on a Propagation Map that illustrates the predicted propagation for the location of the proposed wireless

communications tower; and, if required by the Commission, an additional analysis for up to two (2) alternate tower heights at that same location.

1464.5 Optional Requirements. The Commission may require that the applicant perform the following studies and submit the results of these studies as part of the Special Permit application.

- A. A Propagation Analysis with results shown on a Propagation Map that illustrates the predicted propagation of up to two (2) alternate seamless web configurations consisting of towers that are outside the proposed Search Area Ring. The Siting Preferences of these Regulations shall be used as guidance in designing these alternate seamless web configurations.
- B. A Propagation Analysis with results shown on a Propagation Map that illustrates the predicted propagation for the proposed tower and up to two (2) alternate towers within the same Search Area Ring that will produce a propagation area equal to or better than that of the proposed tower.

1464.6 Site Requirements

- A. **No wireless communications tower shall be sited on a ridgeline, summit or crest of a prominent hill or mountain.**
- B. No wireless communications tower shall be located in the Village Preservation Overlay Area.
- C. Wireless communications antennas may be located in the Village Preservation Overlay Area provided they are mounted on existing buildings or structures, and that they meet all requirements of Section 1464.2.
- D. In the C1, C2, VC, HC, OR, and I Districts, the Communications Tower use shall be allowed on the same lot with other uses provided all requirements of Section 1300 are met. In the R40, R60 and R80 Districts, except on property dedicated to a municipal use, the Communications Tower use shall not be allowed on the same lot with other uses.
- E. In all districts, more than one wireless communications tower and facilities may be allowed on a lot provided all setbacks, landscape and other design requirements of these regulations are met.
- F. The minimum lot area, width and yard requirements for the construction of a new tower and facilities shall be that of the district in which it is located, and the lot shall meet the Buildable Land requirements of the lot.
- G. A wireless communications tower and facilities may be located on an Interior Building Lot provided the lot meets all requirements of Section 1430.
- H. **Wireless communications towers and facilities shall comply with the setback requirements of the district. Wireless communications towers shall be set back from all property lines a distance equal to the height of the tower plus twenty (20) feet,** except that the Commission may approve a lesser distance for a tower that is designed to collapse upon itself in the event of failure.
- I. Landscaping shall be required outside all fencing, including front property line and driveway entrance fencing, if any. At a minimum, this landscaping shall consist of a row of evergreen trees planted less than ten (10) feet on center. The evergreen trees shall be more than six (6) feet in height at the time of planting and shall be maintained to ensure screening effectiveness.

- J. For ground facilities that are otherwise visible from adjacent property or a public road, the Commission may require the construction of a Buffer Area as defined in Section 1800.
- K. Each site shall be served by a driveway with parking for at least one vehicle. The driveway shall be designed to prevent soil erosion.
- L. All utilities serving the site shall be installed underground unless approved otherwise by the Commission.
- M. Generators, air conditioners, compressors and other machinery installed to serve the site shall comply with State and local noise regulations.

1464.7 Design Standards. The wireless communications tower, antennas and facilities shall comply with the following design standards.

A. No wireless communications tower shall exceed a Tower Height of one hundred and fifty (150) feet, as defined.

- B. The wireless communications tower shall be a tapered single-unit monopole design unless approved otherwise by the Commission.
- C. Towers not requiring FAA paintings or markings shall be anodized, galvanized or painted a non-contrasting blue, gray, or other neutral color.
- D. The Commission may require that the monopole be designed and treated with architectural materials so that it is camouflaged or made to resemble a large tree, art form, or similar natural or cultural object.
- E. No lights or illumination of any type shall be permitted on any new tower or facilities in North Stonington. The applicant shall provide evidence that such lighting or illumination will not be required by the Federal Aviation Administration (FAA). The installation of strobe lights on a new or existing tower shall be prohibited.
- F. Except for safety and ownership signs located at ground level, no signs or advertising shall be permitted on any tower, antenna or facilities at any time.
- G. The proposed antenna support system shall be designed and include internal wire runs to accommodate a minimum of three (3) providers unless it is determined to be technically unfeasible based upon information submitted by the applicant. These providers shall include other wireless communications companies, police, fire, ambulance and commercial operators. The Commission may consider the extent to which the applicant has used Connecticut General Statute 16-50(aa) to promote tower sharing.
- H. Each ancillary building shall contain no more than seven hundred and fifty (750) square feet of gross floor area or be more than twelve (12) feet in height, and shall not be used for the storage of vehicles. There shall be no outside storage.
- I. If located on the roof of a building, ancillary boxes or cabinets shall be designed to blend with the color and design of the building.
- J. All ground level ancillary buildings, boxes or cabinets shall be surrounded by a chain link or comparable security fence no less than six (6) feet in height. Towers shall be equipped with anti-climbing features.
- K. Tower-mounted panel antennas shall not exceed seventy-two (72) inches in height or eight (8) inches in width, and whip antennas shall not exceed eight (8) feet in height. Mounting of parabolic dish antennas on towers shall be prohibited.

- L. Ground facility roof-mounted or ground-mounted parabolic dish antennas shall not exceed eight (8) feet in diameter.

1464.8 Site Plan Requirements. All applications to construct, install, or operate a wireless communications tower, antennas, or facilities as permitted by right or by Special Permit shall meet the Site Plan requirements in Section 1700. Site Plans and Site Plan modifications for a wireless communications tower, antennas or facilities shall be subject to approval by the Commission.

The requirement for an architectural rendering of the wireless communications tower, antennas and facilities to accompany the Site Plan may be fulfilled by photographs or illustrated brochures of actual items, provided the items are identical to those proposed in the application. The Commission may require a detailed rendering of the antenna support structure showing the number of antennas requested in the application.

In addition to the requirements of Section 1700, the following information shall be submitted with each Site Plan application:

- A. when applicable, a plan view and cross-section drawing of all proposed towers and facilities showing the tower base elevation and tower height. A description of the tower's capacity, including the maximum number and type of antennas it can accommodate;
- B. when applicable, a plan showing where and how the proposed antennas will be affixed to a building or other structure;
- C. design details, including dimensions and appearance, of all proposed antennas;
- D. descriptions of all proposed ancillary buildings, boxes or cabinets, including details of all proposed fencing;
- E. when applicable, a plan view and description of the:
 - 1. driveway and parking area;
 - 2. utility lines and equipment;
 - 3. stormwater drainage system;
 - 4. fencing and other security systems;
 - 5. landscaping;
 - 6. proposed erosion control measures;
 - 7. tower footprint, including guy wire anchor points, if any; and
 - 8. delineation of the tower fall zone;
- F. a report from a qualified professional verifying that the proposed wireless telecommunications facilities will comply with FCC radio frequency emission standards, and that the installation will not interfere with radio, television or other communications systems used nearby; and
- G. plans for the wireless communications tower, antennas, and facilities shall be prepared and signed by a Connecticut Licensed Professional Engineer.

1464.9 Review and Decision. In its review and decision on the application for a wireless communications tower, antennas and/or facilities, the Commission:

- A. may require independent engineering or technical review of any or all submitted materials at the applicant's expense;
- B. shall act on a Site Plan application for Uses by Right in accordance with the schedule set forth in Sections 8-3 and 8-7d of the Connecticut General Statutes; and
- C. shall act on a Special Permit application in accordance with the schedule set forth in Sections 8-3c and 8-7d of the Connecticut General Statutes.

1464.10 Abandonment. A wireless communications tower, antennas or facilities not in use for twelve (12) consecutive months shall be removed by the owner at the owner's expense. This removal shall occur within ninety (90) days of the end of such twelve (12)-month period.

- A. The Commission shall require surety satisfactory to the Town of North Stonington to guarantee such removal. If there is more than one user of a single antenna, tower or facilities, this provision shall not become effective until all users cease operation of the tower.
- B. If the wireless communications tower, antennas and facilities are approved by Special Permit, conditions shall be placed on the Special Permit that require the applicant to appear before the Commission not more than every five (5) years for purposes of reviewing compliance with the conditions of the Special Permit.