



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR WIRELESS, LLC
(AT&T) FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
TOWER FACILITY IN ROXBURY, CONNECTICUT

DOCKET NO. _____
July 2, 2012

APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

New Cingular Wireless PCS, LLC ("AT&T")
500 Enterprise Drive
Rocky Hill, Connecticut 06067

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¹ Copies of the submitted Technical Reports are included in the Bulk Filing

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APPLICATION OF NEW CINGULAR WIRELESS
PCS, LLC (AT&T) FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
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**APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

I. Introduction

A. Purpose and Authority

Pursuant to Chapter 277a, §§ 16-50g et seq. of the Connecticut General Statutes (“CGS”), as amended, and §§ 16-50j-1 et seq. of the Regulations of Connecticut State Agencies (“RCSA”), as amended, New Cingular Wireless PCS, LLC (“AT&T” or the “Applicant”), hereby submits an application and supporting documentation (collectively, the “Application”) for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless communications facility (the “Facility”) in the Town of Roxbury. A Facility at *one* of the two candidate locations (“Candidate Facility” or together “Candidate Facilities”) proposed herein is a necessary component of AT&T’s wireless network and its provision of personal wireless communications services. The Candidate Facilities will allow AT&T to provide service in the Town of Roxbury along Route 67, Route 172 and other local roads and the surrounding area including southern Roxbury and western Woodbury and northern Southbury. Candidate Facility A is located on a parcel of real property adjacent to Route 67 in the Town of Roxbury and owned by C.N. Builders. Candidate Facility B is proposed on a parcel

of real property located at 126 Transylvania Road in the Town of Roxbury and owned by Rita L. Errico.

B. Executive Summary

Candidate A is located on a parcel off of Route 67 in an area south of Highmeadow Lane and north of Bronson Mountain Road and identified by the Town of Roxbury Tax Assessor as Parcel Identification Number 32-008. This site would host a 170' monopole and associated 12' x 20' equipment shelter in a 75' x 75' fenced compound in the south central portion of the parcel. AT&T will mount up to (12) panel antennas and (12) tower mounted amplifiers on a low profile platform at a height of 167' AGL. Vehicular access to the Candidate A facility will be provided from Route 67 and over a 12' wide gravel access drive to the proposed compound. Utilities to serve the proposed facility would extend underground from a new on-site utility pole to the proposed facility.

The Candidate B Facility is located at 126 Transylvania Road and consists of a new 170' monopole and associated unmanned equipment. AT&T will mount up to (12) panel antennas and (12) tower mounted amplifiers on a low profile platform at a height of 167' AGL. A 12' by 20' equipment shelter will be installed adjacent to the tower within a 75' x 75' fenced compound. Vehicular access to the facility would be provided first over a portion of existing asphalt driveway and then over approximately 600' of new gravel 12' wide access drive. Utility connections would be extended underground from an existing utility pole on the proposed site.

Included in this Application and its accompanying attachments are reports, plans and visual materials detailing the proposed Candidate Facilities and the environmental effects associated therewith. A copy of the Council's Community Antennas Television and

Telecommunication Facilities Application Guide with page references from this Application is also included in Attachment 10.

C. The Applicant

The Applicant, New Cingular Wireless PCS, LLC, is a Delaware limited liability company with an office at 500 Enterprise Drive, Rocky Hill, Connecticut 06067. The company's member corporation is licensed by the Federal Communications Commission ("FCC") to construct and operate a personal wireless services system, which has been interpreted as a "cellular system", within the meaning of C.G.S. § 16-50i(a)(6). The company does not conduct any other business in the State of Connecticut other than the provision of personal communications services ("PCS") under FCC rules and regulations.

Correspondence and/or communications regarding this Application shall be addressed to the attorneys for the applicant:

Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
(914) 761-1300
Attention: Daniel M. Laub, Esq.
Christopher B. Fisher, Esq.

A copy of all correspondence shall also be sent to:

AT&T
500 Enterprise Drive
Rocky Hill, Connecticut
Attention: Michele Briggs

D. Application Fee

Pursuant to RCSA § 16-50v-1a(b), a check made payable to the Siting Council in the amount of \$1,250 accompanies this Application.

E. Compliance with C.G.S. § 16-50(c)

AT&T is not engaged in generating electric power in the State of Connecticut. As such, AT&T's proposed Facility is not subject to CGS § 16-50r. Furthermore, AT&T's proposed Facility has not been identified in any annual forecast reports, therefore AT&T's proposed Facility is not subject to CGS § 16-50(c).

II. Service and Notice Required by CGS § 16-50(b)

Pursuant to C.G.S. § 16-50(b), copies of this Application have been sent by certified mail, return receipt requested, to municipal, regional, state, and federal officials. A certificate of service, along with a list of the parties served with a copy of the Application is included in Attachment 8. Pursuant to C.G.S. § 16-50(b), notice of the Applicant's intent to submit this application was published on two occasions in the newspaper Voices, the paper utilized for publication of planning and zoning notices in the Town of Roxbury. A copy of the published legal notice is included in Attachment 9. The publisher's affidavits of service will be forwarded separately. Further, in compliance with C.G.S. § 16-50(b), notices were sent to each person appearing of record as owner of a property that abuts the parcels upon which the Candidate Facilities are proposed. Certification of such notice, a sample notice letter, and the list of property owners to whom the notice was mailed are included in Attachment 9.

III. Statements of Need and Benefits

A. Statement of Need

1. United States Policy & Law

United States policy and laws continue to support the growth of wireless networks. In 1996, the United States Congress recognized the important public need for high quality wireless communications service throughout the United States in part through adoption of the Telecommunications Act (the "Act"). A core purpose of the Act was to "provide for a

competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans.”

H.R. Rep. No. 104-458, at 206 (1996) (Conf. Rep.). With respect to wireless communications services, the Act expressly preserved state and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of such authority, and preempted state or local regulatory oversight in the area of emissions as more fully set forth in 47 U.S.C. § 332(c)(7). In essence, Congress struck a balance between legitimate areas of state and/or local regulatory control over wireless infrastructure and the public’s interest in its timely deployment to meet the public need for wireless services.

Sixteen years later, it remains clear that the current White House administration, The Congress and the FCC continue to take a strong stance and act in favor of the provision of wireless service to all Americans. In December 2009, President Obama issued Proclamation 8460 which included wireless facilities within his definition of the nation’s critical infrastructure and declared in part:

Critical infrastructure protection is an essential element of a resilient and secure nation. Critical infrastructure are the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety. From water systems to computer networks, power grids to cellular phone towers, risks to critical infrastructure can result from a complex combination of threats and hazards, including terrorist attacks, accidents, and natural disasters.²

President Obama further identified the critical role of robust mobile broadband networks in his 2011 State of the Union address.³ In 2009, The Congress directed the FCC to develop a national

² Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).

³ Cong. Rec. H459 (Jan. 25, 2011), also *available at* <http://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address>. Specifically the President stressed that in order “[t]o attract new businesses to our shores, we need the fastest, most reliable ways to move people, goods, and information—from high-speed rail to high-speed Internet.”

broadband plan to ensure that every American would have access to “broadband capability” whether by wire or wireless. What resulted in 2010 is a document entitled “Connecting America: The National Broadband Plan” (the “Plan”).⁴ Although broad in scope, the Plan’s goal is undeniably clear:

[A]dvance consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.⁵ [internal quotes omitted]

The Plan notes that wireless broadband access is growing rapidly with “the emergence of broad new classes of connected devices and the rollout of fourth-generation (4G) wireless technologies such as Long Term Evolution (LTE) and WiMAX.”⁶ A specific goal of the Plan is that “[t]he United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.”⁷ About a year ago, the FCC issued a Notice of Inquiry concerning the best practices available to achieve wide-reaching broadband capabilities across the nation including better wireless access for the public.⁸ The public need for timely deployment of wireless infrastructure is further supported by the FCC’s Declaratory Ruling interpreting § 332(c)(7)(B) of the Telecommunications Act and establishing specific time limits for decisions on land use and zoning permit applications.⁹ More recently, the critical importance of timely deployment of wireless infrastructure to American safety and economy was confirmed

⁴ Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.

⁵ *Id.* at XI.

⁶ *Id.* at 76.

⁷ *Id.* at 25.

⁸ FCC 11-51: Notice of Inquiry, In the Matter of Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0407/FCC-11-51A1.pdf.

⁹ WT Docket No. 08-165- Declaratory Ruling on Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance (“Declaratory Ruling”).

in the Middle Class Tax Relief and Job Creation Act of 2012, which included a provision, Section 6409, that preempts a discretionary review process for eligible modifications of existing wireless towers or base stations.¹⁰

2. United States Wireless Usage Statistics

Over the past thirty years, wireless communications have revolutionized the way Americans live, work and play.¹¹ The ability to connect with one another in a mobile environment has proven essential to the public's health, safety and welfare. As of June 2011, there were an estimated 322.9 million wireless subscribers in the United States.¹² At the same time, wireless network data traffic was reported at 341.2 billion megabytes, which represents a 111% increase from the prior year.¹³ Other statistics provide an important sociological understanding of how critical access to wireless services has become. In 2005, 8.4% of households in the United States had cut the cord and were wireless only.¹⁴ By 2010, that number grew exponentially to an astonishing 26.6% of all households.¹⁵ Connecticut in contrast lags behind in this statistic with 13.6% wireless only households.¹⁶ These trends continue with many individuals simply foregoing landline service, a pattern potentially accelerated by the country's

¹⁰ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 (2012), available at <http://gpo.gov/fdsys/pkg/BILLS-112hr3630enr/pdf/BILLS-112hr3630enr.pdf>; see also H.R. Rep. No. 112-399 at 132-33 (2012)(Conf. Rep.), available at <http://www.gpo.gov/fdsys/pkg/CRPT-112hrpt399/pdf/CRPT-112hrpt399.pdf>.

¹¹ See, generally, History of Wireless Communications, *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10388 (2011)

¹² CTIA's Wireless Industry Indices: Semi-Annual Data Survey Results, A Comprehensive Report from CTIA Analyzing the U.S. Wireless Industry, Mid-Year 2011 Results (Semi-Annual Data Survey Results). See also, "CTIA-The Wireless Association Semi-Annual Survey Reveals Historical Wireless Trend" *available at* <http://www.ctia.org/media/press/body.cfm/prid/2133>.

¹³ Id.

¹⁴ CTIA Fact Sheet (2010), *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10323 *citing* Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January - June 2010, National Center for Health Statistics, December 2010Fact Sheet

¹⁵ CTIA Fact Sheet

¹⁶ CTIA Fact Sheet

recent economic downturn.¹⁷ Indeed, national data suggests that many households can no longer afford both landline and wireless services and have elected in times of economic hardship to select wireless as their only mode of voice communications.¹⁸

Wireless access has also provided individuals a newfound form of safety. Today, approximately 70% of *all* 9-1-1 calls made each year come from a wireless device.¹⁹ Parents and teens have also benefited from access to wireless service. In a 2010 study conducted by Pew Internet Research, 78% of teens responded that they felt safer when they had access to their cell phone.²⁰ In the same study, 98% of parents of children who owned cell phones stated that the main reason they have allowed their children with access to a wireless device is for the safety and protection that these devices offer.²¹

Wireless access to the internet has also grown exponentially since the advent of the truly “smartphone” device. Cisco reported in 2011 that global mobile data traffic grew in 2010 at a rate faster than anticipated and nearly tripling again for the third year in a row.²² It was noted in 2010, mobile data traffic alone was three times greater than all global Internet traffic in 2000. Indeed, with the recent introduction of tablets and netbooks to the marketplace, this type of

¹⁷ Gina Kim, *Wireless v. Landline: A Cultural Question*, THE CHICAGO TRIBUNE, Jul. 30, 2009, *available at* http://articles.chicagotribune.com/2009-07-30/news/0907290726_1_landline-cell-phone-wireless-only

¹⁸ Stephen J. Blumberg, Ph.D., and Julian V. Luke, Division of Health Interview Statistics, National Center for Health Statistics; Nadarajasundaram Ganesh, Ph.D., and Michael E. Davern, Ph.D., NORC at the University of Chicago; and Michel H. Boudreaux, M.S., and Karen Soderberg, M.S., State Health Access Data Assistance Center, University of Minnesota, “Wireless Substitution: State-level Estimates From the National Health Interview Survey, January 2007–June 2010”, National Health Statistics Report, Number 39, April 20, 2011.

¹⁹ Wireless 911 Services, FCC, *available at* <http://www.fcc.gov/guides/wireless-911-services>

²⁰ Amanda Lenhart, *Attitudes Towards Cell Phones*, Pew Research, *available at* <http://www.pewinternet.org/Reports/2010/Teens-and-Mobile-Phones/Chapter-3/Overall-assessment-of-the-role-of-cell-phones.aspx>

²¹ *Id.*

²² Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2010–2015, February 1, 2011.

growth is expected to persist with Cisco projecting that mobile data traffic will grow at a compound annual growth rate (CAGR) of 92% from 2010 to 2015.²³

3. Site Specific Public Need

The facility needed in this Application represents an integral component of AT&T's network in its FCC licensed areas throughout the state. Currently, a gap in coverage exists in the Town of Roxbury along State Route 67 and the surrounding area and local roads in southern Roxbury as well as well as small portions of western Woodbury and northern Southbury. One of the proposed Facilities, in conjunction with other existing and proposed facilities in Roxbury and the aforementioned adjacent Towns, is needed by AT&T to provide its wireless services to people living in and traveling through this area of the state. Attachment 1 of this Application includes a Radio Frequency ("RF") Report with propagation plots which identify and demonstrate the specific need for a Facility in this area of Roxbury. The gap in coverage is significant in that it includes State Route 67, local roads and residential areas.

B. Statement of Benefits

Carriers have seen the public's demand for traditional cellular telephone services in a mobile setting develop into a requirement for anytime-anywhere wireless connectivity with critical reliance placed on the ability to send and receive, voice, text, image and video. Provided that network service is available, modern devices allow for interpersonal and internet connectivity, irrespective of whether a user is mobile or stationary, which has led to an increasing percentage of the population to rely on their wireless devices as their primary form of communication for personal, business and emergency needs. The Facility proposed by AT&T would allow it and other carriers to provide these benefits to the public that are not offered by any other form of communication system.

²³ Id.

Moreover, AT&T will provide “Enhanced 911” services from the Facility, as required by the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (codified in relevant part at 47 U.S.C. § 222) (“911 Act”). The purpose of this federal legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. By enacting the 911 Act, Congress recognized that networks that provide for the rapid, efficient deployment of emergency services would enable faster delivery of emergency care with reduced fatalities and severity of injuries. With each year since passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill, or injured individuals, such as motorists and hikers. Carriers are able to help 911 public safety dispatchers identify wireless callers’ geographical locations within several hundred feet, a significant benefit to the community associated with any new wireless site.

In 2009, Connecticut became the first state in the nation to establish a statewide emergency notification system. The CT Alert ENS system utilizes the state Enhanced 911 services database to allow the Connecticut Department of Homeland Security and Connecticut State Police to provide targeted alerts to the public and local emergency response personnel alike during life-threatening emergencies, including potential terrorist attacks, Amber Alerts and natural disasters. Pursuant to the Warning, Alert and Response Network Act, Pub. L. No. 109-437, 120 Stat. 1936 (2006) (codified at 47 U.S.C. § 332(d)(1) (WARN), the FCC has established the Personal Localized Alerting Network (PLAN). PLAN will require wireless service providers to issue text message alerts from the President of the United States, the U.S. Department of Homeland Security, the Federal Emergency Management Agency and the National Weather Service using their networks that include facilities such as the one proposed in this Application.

Telecommunications facilities like the one proposed in this Application enable the public to receive e-mails and text messages from the CT Alert ENS system on their mobile devices. The ability of the public to receive targeted alerts based on their geographic location at any given time represents the next evolution in public safety, which will adapt to unanticipated conditions to save lives.

C. Technological Alternatives

The FCC licenses granted to AT&T authorize it to provide wireless services in this area of the State through deployment of a network of wireless transmitting sites. Either of the proposed Candidate Facilities would serve as a necessary component of AT&T's wireless network. Closing the coverage gap in this area of the State requires technology that can reach a coverage footprint that spans thousands of acres. Repeaters, microcell transmitters, distributed antenna systems (DAS) and other types of transmitting technologies are not a practicable or feasible means to providing service within the targeted area for this site. These technologies are better suited for specifically defined areas where new coverage is necessary, such as commercial buildings, shopping malls, and tunnels or highway and urban capacity. The Applicant submits that there are no effective technological alternatives to construction of a new cell site facility for providing reliable personal wireless services in this area of Connecticut.

IV. Site Selection & Town Consultation; Tower Sharing

A. Site Selection & Town Consultation

AT&T's investigation of the area has been guided by benchmark data on gaps in its wireless coverage in Roxbury that AT&T used to establish a "site search area" for the placement of a new facility. This site search area is the general geographical location where the installation of a wireless facility would address an identified service problem while still allowing for orderly

integration of a site into AT&T's network, based on the engineering criteria of hand-off, frequency reuse and interference and physical terrain in the area.

In any site search area, AT&T seeks to avoid the unnecessary proliferation of towers and to reduce the potential adverse environmental effects of a needed facility, while at the same time ensuring the quality of service provided to users of its network. There are fifteen (15) existing communications facilities in Roxbury, Southbury and Woodbury. AT&T already uses a number of these sites. Other existing sites are outside of the site search area and would not provide reliable coverage to the area identified in this Application.

Representatives for AT&T originally identified fourteen (14) parcels for a potential facility, and ultimately identified the Candidate B location as one that could host a facility and provide reliable service to the targeted coverage area. A Technical Report providing the details of the Candidate B Facility was provided to the Town of Roxbury by letter dated August 26, 2009 in order to commence formal consultation as required by C.G.S. § 16-50l(e).

Public meetings regarding the Candidate B Facility were held in the Town of Roxbury on September 24, 2012 and December 15, 2012. Discussions with First Selectman Henry, the Inland Wetland Commission, Conservation Commission and local residents revealed concerns related to the Candidate B location. These concerns included storm water drainage, visibility of the proposed tower and the Candidate Facility's proximity to nearby homes. AT&T was strongly encouraged by the Town, as well as the State Attorney General by letter dated December 8, 2009 included in Attachment 7, to review some alternative locations including C.N. Builders; the owners of what would become the Candidate A property who initially did not respond to inquiries regarding a potential wireless facility lease.

Ensuing discussions with representatives of C.N. Builders revealed that the parcel in question was undeveloped but had no direct access to Route 67 and accordingly leasing negotiations were discontinued. Subsequently the owners of the Candidate A parcel independently obtained State of Connecticut Department of Transportation approval for a driveway and access road to provide ingress and egress from their property from State Route 67 and also obtained approval from the Town of Roxbury Inland Wetlands Commission to construct a crossing over a stream and an access drive into the parcel. With those approvals in hand C.N. Builders approached AT&T and negotiations were recommenced with the understanding that C.N. Builder's ability to independently develop access to and into the parcel would also allow for AT&T to propose a facility at the parcel.

A Technical Report providing the details of the Candidate A Facility was provided to the Town of Roxbury by letter dated September 30, 2012 formally commencing municipal consultation for this additional candidate as required by C.G.S. § 16-50I.²⁴ A public meeting presenting this alternative candidate was held at the Roxbury Town Hall on November 17, 2011.

B. Tower Sharing

To maximize co-location opportunities and minimize potential for towers needed by other carriers, both of the proposed Candidate Facilities are designed to accommodate the antennas and ground equipment of three additional carriers.

V. Candidate Facility Designs

A. Candidate A Facility

The proposed Candidate A Facility consists of a 100' by 100' lease area located in the south-central portion of an approximately 96.5 acre parcel owned by C.N. Builders in Roxbury

²⁴ Please note that as part of the technical consultation it was clarified by the Town of Roxbury that the site was not at 333 Southbury Road but in fact has no street address assigned

located off of Route 67. A new self-supporting monopole tower 170' in height would be constructed. AT&T will install up to 12 panel antennas at the 167' centerline height on the tower together with an associated 12' by 20' radio equipment shelter at the tower base on a concrete pad within the tower compound. The tower compound would consist of a 75' by 75' area to accommodate AT&T's equipment and provide for future shared use of the Facility by other carriers. An 8' high chain link fence would enclose the tower compound. Vehicle access to the Facility would be provided by a 12' wide gravel access drive extending southward from Route 67. Electric and telephone utilities would be extended underground from a new on-site utility pole to the proposed Facility. Provisions are also included for an emergency generator.

Both the monopole and the equipment compound are designed to accommodate the facilities of three other wireless carriers and equipment. Attachment 3(A) contains the specifications for the proposed Facility including a site access map, a compound plan, tower elevation, and other relevant details of the proposed Facility. Also included are Environmental Assessment information (Attachment 3(B)) and a Visual Analysis Report (Attachment 3(C)). Some of the relevant information included in Attachment 3 and its sub-tabs reveals that:

- The property is classified locally in the C zoning district;
- An onsite wetland is approximately 295' from the proposed compound;
- The proposed Facility will have no impact on water flow, water quality, or air quality;
- Topography and vegetation screen visibility of the tower from a large portion of the viewshed analysis study area; and
- Year-round visibility of the proposed tower is limited to less than 1% of the 8,042 acre study area; and

- The State Historic Preservation Officer (SHPO) issued a “no effect” determination for the Candidate A Facility.

B. Candidate B Facility

The proposed Candidate B Facility consists of a 100’ x 100’ leased portion of a 21.02 acre parcel owned by Rita L. Errico located at 126 Transylvania Road. The proposed Facility would consist of a 170’ high self-supporting monopole within a 75’ x 75’ fenced equipment compound located in the south central portion of the parcel, due east of an existing home on the property. AT&T would install up to twelve (12) panel antennas on a platform at a centerline height of 167’ AGL and unmanned equipment within the compound. The compound would be enclosed by an 8’ chain link fence. Vehicle access to the facility would be provided by new twelve (12) foot wide gravel access drive extending approximately 600’ from the end of an existing driveway. Electric and telephone utilities would be extended underground from an existing utility pole onsite to the proposed Facility. Provisions are also included for an emergency generator.

Both the monopole and the equipment compound are designed to accommodate the facilities of three other wireless carriers and equipment. Attachment 4(A) contains the specifications for the proposed Candidate B Facility including a site access map, a compound plan, tower elevation, and other relevant details of the proposed Facility. Also included are Environmental Assessment information (Attachment 4(B)) and a Visual Analysis Report (Attachment 4(C)). Some of the relevant information included in Attachment 4 and its sub tabs reveals that:

- The property is classified locally in the C zoning district;
- The proposed Facility will have no impact on water flow, water quality, or air quality;

- Topography and vegetation screen visibility of the tower from a large portion of the viewshed analysis study area; and
- Year-round visibility of the proposed tower is limited to less than 1% of the 8,042 acre study area; and
- The State Historic Preservation Officer (SHPO) issued a “no effect” determination for the Candidate A Facility.

VI. Environmental Compatibility

Pursuant to C.G.S. §16-50p, the Council is required to find and to determine as part of the Application process any probable impact of the facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity, and fish and wildlife. As demonstrated in this Application and the accompanying Attachments and documentation, the proposed Candidate Facilities will not have a significant adverse environmental impact.

A. Visual Assessment: Candidate A Facility

It is anticipated that a 170’ AGL monopole at the Candidate A Facility will be visible year-round from approximately 18 acres or approximately 0.22% of the 8,042 acre study area. As depicted on the view shed map included in Attachment 4(C) a majority of the anticipated year round visibility associated with the proposed Candidate A Facility would generally occur distant to the site in the general vicinity of the Route 67/Route 172 intersection approximately 0.90-mile to the southeast and over open water on the east side of Transylvania Pond located approximately 1.10 miles to the southeast. The proposed monopole will be seen from portions of (10) residential properties, which will have partial year-round views of the proposed Facility, and (13) additional residential properties, which will have potential seasonal views of the proposed

Facility. It is further anticipated that existing vegetation will screen the Facility from surrounding properties.

Weather permitting, AT&T will raise a balloon with a diameter of at least three (3) feet at the proposed Candidate A Facility Site on the day of the Council's first hearing session on this Application, or at a time otherwise specified by the Council.

B. Visual Assessment: Candidate B Facility

It is anticipated that a 170' AGL monopole at the Candidate B Facility will be visible year-round from approximately 68 acres or 0.8% of the 8,042 acre study area. The proposed monopole will be seen from portions of (10) residential properties, which will have partial year-round views of the proposed Facility, and (7) additional residential properties, which will have potential seasonal views of the proposed Facility. It is further anticipated that existing vegetation will screen the Facility from surrounding properties..

Included is a Visual Analysis Report (Attachment 4(C)), which contains a view shed map and photo simulations of off-site views. As noted in the report and depicted in the photo simulations, areas of visibility are expected primarily distant to the site. The Visual Analysis Report concludes that the majority of anticipated year-round and seasonal visibility of the proposed Facility occurs over select portions of Squire Road, Route 67, Transylvania Road, Bacon Road, Grassy Hill Road, and Hickory Lane. Weather permitting, AT&T will raise a balloon with a diameter of at least three (3) feet at the proposed Candidate B Facility Site on the day of the Council's first hearing session on this Application, or at a time otherwise specified by the Council.

C. Solicitation of State and Federal Agency Comments

Various consultations with municipal, state and federal governmental entities and AT&T consultant reviews for potential environmental impacts are summarized and included in Attachments 5-7. For both Candidate Facilities, A and B, AT&T submitted requests for review from federal, state and tribal entities including the United States Fish & Wildlife Service (“USFW”), and the Connecticut State Historic Preservation Officer (“SHPO”). SHPO has indicated that neither proposed Candidate Facility will have an effect on historical, architectural or archeological resources. Review of the CT DEEP Natural Diversity Database included in Attachments 3(C) and 4(C) indicated an area known for the existence of a species of special concern near both Candidate Facilities A and B. Follow up with DEEP indicated that the species of concern in both instances is the Eastern Box Turtle. A protection plan for the Candidate A Facility in compliance with DEEP’s recommendations has been developed and is included in Attachment 3(D). A similar plan can be developed in response to all of DEEP’s recommendations for the Candidate B Facility as well and incorporated into a Development and Management Plan as needed. As required, this Application is being served on State and local agencies which may choose to comment on the Application prior to the close of the Siting Council’s public hearing.

D. Power Densities

In August 1996, the FCC adopted a standard for exposure to Radio Frequency (“RF”) emissions from telecommunications facilities like those proposed in this Application. To ensure compliance with the applicable standards, a maximum power density report was produced by consultants for AT&T and is included herein as part of Attachments 3(B) and 4(B). As

demonstrated in this report, the calculated worst-case emissions from a 170' facility, as proposed at both sites are well within Federal regulations.

E. Other Environmental Factors

Either of the Candidate Facilities would be unmanned, requiring monthly maintenance visits approximately one hour long. AT&T's equipment would be monitored 24 hours a day, seven days a week from a remote location. Neither of the candidate facilities requires a water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed. Further, neither of the proposed candidate facilities will create or emit any smoke, gas, dust or other air contaminants, noise, odors or vibrations other than installed heating and ventilation equipment. Temporary power outages could require the limited use of an on-site diesel fuel generator. Overall, the construction and operation of AT&T's proposed Facility will not have a significant impact on the air, water, or noise quality of the area.

AT&T utilized the FCC's TOWAIR program to determine if either of the Candidate Facilities would require registration with the Federal Aviation Administration ("FAA"). The TOWAIR program results for the Candidate Facilities, copies of which are included in Attachments 3(B) and 4(B), indicate that neither registration with the FAA, nor FAA review, is required for either proposed Facility on the basis of potential air navigation obstruction or hazard. Accordingly, FAA lighting or marking will not be required for either of the Candidate Facilities proposed in this Application.

AT&T has evaluated the both sites in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 ("NEPA"). Neither site was identified as a wilderness area, wildlife preserve, National Park, National Forest, National Parkway, Scenic River, State Forest, State Designated Scenic River or State Gameland. Further,

according to the site survey and field investigations, no federally regulated wetlands or watercourses or threatened or endangered species will be impacted by either of the proposed Facilities.

VII. Consistency with the Town of Roxbury's Land Use Regulations

Pursuant to the Council's Application Guide, included in this section is a narrative summary of the consistency of Candidates A and B with the local municipality's zoning and wetland regulations and plan of conservation and development. A description of the zoning classification of each site and the planned and existing uses of each proposed site location are also detailed in this Section.

A. Roxbury's Plan of Conservation and Development

The Town of Roxbury Plan of Conservation & Development ("Plan"), as amended February 11, 2010, is included in Section 2 of the Bulk Filing. This document does not address the provision of wireless telecommunications services as a land use. The Plan does, however, require Siting Council approval of a new telecommunications tower, establish a preference for the co-location of facilities to the extent technically feasible, and request that the Siting Council take evidence that demonstrates the need for a new tower within the Town, such evidence being provided in this Application. The Plan also identifies the overall land use patterns in the area of Candidate A and Candidate B as open space/very low density.

B. Local Zoning Standards and Dimensional Requirements

Section 5.11 of the Town of Roxbury Zoning Regulations sets forth standards for "Telecommunication Antenna, Facilities and Antennae Towers including Personal Wireless Service facilities and Towers." The consistency of the proposed Facilities with these standards is illustrated in the table below.

Zoning Regulation	Standard	Candidate Facilities A & B
5.11.10(a)	Towers shall be set back at least one (1) time the height of the tower plus 50' from all boundaries of the site on which the tower is located.	The height of the tower for both Candidate Facilities is 170'. The closest property boundary to Candidate A is approximately 132' from the tower. The closest property boundary is to Candidate B is approximately 245' from the tower.
5.11.10(b)	A vegetated buffer strip of undisturbed trees shall be retained for at least 50' in width around the entire perimeter except where access drive is located. Landscaping shall be provided around the fence, which shall consist of a row of evergreen trees planted 10' on center maximum. The evergreen screen shall be a minimum height of 6' at planting and shall be projected to grow a minimum of 15' at maturity.	The majority of the area surrounding the compound for both sites is covered in dense vegetation.
5.11.10(c)	An 8' tall fence shall enclose the facility. No trespassing signage shall be posted on the fence. Use of razor wire not permitted.	An 8' high chain link fence is proposed at both Candidate Facilities.
5.11.10(d)	Equipment shelter and accessory buildings shall be no more than 12' in height.	All accessory buildings or equipment will be twelve 12' or less in height for either Candidate Facility.
5.11.10(g)	Tower should accommodate three service providers.	The tower for each Candidate Facility is designed to accommodate four service providers.
5.11.10(j)	Commercial advertising is prohibited on any tower, accessory building or equipment shelter.	Commercial advertising will not appear on either the tower or any ancillary building or equipment.
5.11.10(k)	No lights on towers unless required by the FAA,	Tower lighting is not required for either Candidate Facility.

	except for manually operated emergency lighting.	
5.11.10(m)	No clear cutting of timber except as approved in connection with construction of the facility.	No clear cutting other than that necessary for the construction of the compound and access road is planned for either Candidate Facility site.
5.11.10(n)	No facility shall be located within 1,500' of a school, or within 750' of a dwelling, medical facility, or place of worship.	Neither Candidate Facility would be located within 1,500' of a school. The Candidate B Facility would be located approximately 200' from the single family residence of the lessee.
5.11.10(p)(3)	Shall not be located within 200' of the outer riparian zone measured from any river or watercourse.	Neither Candidate Facility site is located within 200' of a riparian zone.
5.11.10(p)(4)	Shall not be located within 500' of any historic district or property, archeological site or designated scenic road.	Neither Candidate Facility site is located within 500' of any historic district, property, archeological site or scenic road.

C. Planned and Existing Land Uses

The proposed location of the Candidate A Facility is an approximately 91 acre undeveloped parcel. The parcel is larger than most other parcels in the area. Properties in the area immediately surrounding the subject site include very low-density single family residential homes and open space. Two lots to the south of the Candidate Facility are residentially zoned but to date undeveloped.

The proposed Candidate B Facility will be located on an approximately 21.02 acre parcel. The parcel is larger than most other parcels in the area. Properties in the area immediately surrounding the subject site include very low-density single family residential homes and open space. Consultation with municipal officials did not indicate any planned changes to the existing or surrounding land uses. Copies of the Town's Zoning Map and Future Land Use Map are included in the Bulk Filing.

D. Roxbury's Inland Wetlands and Watercourses Regulations

The Town of Roxbury's Inland Wetlands Regulations ("Local Wetlands Regulations") regulate certain activities conducted in "wetlands" and "watercourses" as defined therein. In this case, a review of available information regarding the site through federal, state and local databases indicates the parcel hosting the Candidate A facility is not located within a wetlands mapped on the National Wetland's Inventory and not within a 100-year or 500-year flood zone.

A locally approved culvert and road planned for the Candidate A Facility constitutes a wetlands crossing. Construction of the proposed facility and its own access drive will not occupy or affect any portion of this wetland/watercourse area.

Wetlands soils were identified on the Candidate B parcel approximately 295' east of the boundary of the proposed equipment shelter. The closest surface water bodies are off-premises and include Transylvania Brook, which is located approximately 2000' east of the site, and a small pond, which is located approximately 2000' northwest of the site. Construction of the proposed facility and the associated access drive will not occupy or affect any portion of this flagged wetland/watercourse area.

In accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Council of Soil and Water Conservation, soil erosion control measures and other best management practices will be established and maintained throughout the construction of either Candidate Facility. Given the distance of both Candidate Facilities from the identified wetlands and watercourses, together with the precautionary measures that would be taken during the construction of either Candidate Facility, no adverse impact to these wetland and water resources is anticipated.

VIII. Estimated Cost and Schedule

A. Overall Estimated Cost

The total estimated cost of construction for the proposed Candidate Facilities is as follows:

	Proposed Facility A	Proposed Facility B
Tower & Foundation	\$100,000	\$100,000
Site Development	\$100,000	\$200,000
Utility Installation	\$90,000	\$90,000
Facility Installation	\$95,000	\$95,000
Antennas and Equipment	\$250,000	\$250,000
Total Cost	\$635,000	\$735,000

B. Overall Scheduling

Site preparation work should commence immediately following Council approval of a Development and Management (“D&M”) Plan and the issuance of a Building Permit by the Town of Roxbury. The site preparation phase for either Candidate Facility is expected to be completed within 4 to 6 weeks. Installation of the monopole, antennas and associated equipment is expected to take an additional (2) weeks. The duration of the total construction schedule is approximately (8) weeks. Facility integration and system testing is expected to require an additional two (2) weeks after the construction is completed.

VIII. Conclusion

This Application and the accompanying materials and documentation clearly demonstrate that a public need exists in the southeastern portion of Town of Roxbury and surrounding areas for the provision of AT&T’s wireless services to the public. The foregoing information and attachments also demonstrate that neither of the Candidate Facilities proposed will have any substantial adverse environmental effects. The Applicant respectfully submits that the public need for the proposed Facility outweighs any potential environmental effects resulting from the

construction of the proposed Facility at either site. Accordingly, the Applicant respectfully requests that the Council grant a Certificate of Environmental Compatibility and Public Need to AT&T for one of the proposed Candidate Facilities in the Town of Roxbury.

Respectfully Submitted,

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