



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR WIRELESS
PCS, LLC (AT&T) FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS TOWER FACILITY
AT A STATE OF CONNECTICUT ARMORY
SITE LOCATED AT 284 NEW CANAAN
AVENUE (STATE ROUTE 123) NEAR THE
MERRITT PARKWAY IN THE CITY OF
NORWALK ALONG THE BORDER WITH THE
TOWN OF NEW CANAAN

DOCKET NO. _____

September 20, 2013

APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

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

TABLE OF CONTENTS

Page

- List of Attachments** ii
- I. Introduction** 1
 - A. Purpose and Authority 1
 - B. Executive Summary 2
 - C. The Applicant..... 4
 - D. Application Fee..... 5
 - E. Compliance with C.G.S. § 16-50l(c) 5
- II. Service and Notice Required by C.G.S. § 16-50l(b)** 5
- III. Statements of Need and Benefits** 5
 - A. Statement of Need..... 5
 - B. Statement of Benefits..... 9
 - C. Technological Alternatives 11
- IV. Site Selection and Tower Sharing**..... 12
 - A. Site Selection 12
 - B. Tower Sharing..... 13
- V. Facility Design** 13
- VI. Environmental Compatibility** 15
 - A. Visual Assessment & Impacts on Historic Resources 15
 - B. Wetlands..... 16
 - C. Solicitation of State and Federal Agency Comments 17
 - D. Power Density..... 17
 - E. Other Environmental Factors..... 18
- VII. Consistency with the City of Norwalk’s Land Use Regulations** 19
 - A. Norwalk’s Plan of Conservation and Development..... 19
 - B. Local Zoning Standards and Dimensional Requirements..... 19
 - C. Planned and Existing Land Uses..... 20
 - D. Norwalk’s Inland Wetlands and Watercourses Regulations..... 20
- VIII. Consultations with Municipal Officials** 21
- IX. Estimated Cost and Schedule**..... 22
 - A. Overall Estimated Cost 22
 - B. Overall Scheduling..... 22
- X. Conclusion** 23

List of Attachments

1. Radio Frequency Engineering Report with Coverage Plots
2. Site Search Summary with Map of Sites Searched and List of Existing Tower/Cell Sites
3. Description and Design of Proposed Facility, with Topographical Map, Aerial Map; Drawings;
4. Environmental Assessment Statement with Tree Removal Information, FCC TOWAIR Report, Power Density Report, Wetlands Delineation Report and NEPA Screening Information
5. Visual Resource Evaluation
6. Correspondence from the State Historic Preservation Officer (SHPO)
7. Relevant Correspondence with the City of Norwalk and Town of New Canaan
8. Legal Notice published in The Hour and New Canaan Advertiser; Notice to Abutting Landowners; Certification of Service; List of Abutting Landowners
9. Certification of Service on Governmental Officials including List of Officials Served
10. Connecticut Siting Council, Community Antennas Television and Telecommunication Facilities Application Guide

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I. Introduction

A. Purpose and Authority

Pursuant to Chapter 277a, § 16-50g et seq. of the Connecticut General Statutes (“C.G.S.”), as amended, and § 16-50j-1 et seq. of the Regulations of Connecticut State Agencies (“R.C.S.A.”), as amended, New Cingular Wireless PCS, LLC (“AT&T”), 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”) on State of Connecticut property located in the city of Norwalk near the town of New Canaan municipal boundary line.

The proposed Facility is a necessary component of AT&T’s wireless network, in that it will enable AT&T to provide reliable personal wireless communication service in the northwestern portion of Norwalk and southeastern New Canaan, including portions of the Merritt Parkway, Route 123, residences and other institutions in the surrounding area. The proposed site for the Facility is on property owned by the State of Connecticut and operated as a Connecticut

National Guard Armory. The Facility will be owned and operated by AT&T and located in an area of the property licensed to AT&T by the State.

B. Executive Summary

AT&T is licensed by the Federal Communications Commission (“FCC”) to provide wireless telecommunications services in the state of Connecticut, including the city of Norwalk and the town of New Canaan. In fulfilling its federal obligations, AT&T uses data regarding its network to identify areas where wireless services are unreliable. AT&T has been aware for quite some time that wireless services in the area of State Route 123 and the Merritt Parkway in northwest Norwalk and southeastern New Canaan are not reliable. In fact, this area of the state has been an active search ring of AT&T’s and other carriers at various points in time for over a decade.

The search area consists principally of single and multi-family residential uses, a religious institution, a DOT commuter parking lot, the Armory and the Merritt Parkway which is listed on the National Register of Historic Places. AT&T has evaluated this area of the state at separate and distinct times dating back to at least 1999. There are no co-location opportunities, existing tower sites, or tall structures legally available for siting. None of AT&T’s competitors have wireless sites in this area of Connecticut.

AT&T’s efforts have focused on the State owned Armory site for over a decade as a location where a tower facility could be constructed with the least impact on neighborhoods, a design implemented that would preserve the historic character of the Merritt Parkway and provide reliable service for AT&T and other carriers as needed. The project has been in and out of AT&T’s capital build plan since 2000. AT&T and the State have entered into an agreement with the State to license an approximately 4,000 square foot parcel to the rear of the Armory which is located on the approximately 11.5 acre State owned Armory property at 284 New

Canaan Avenue. This agreement is the product of significant collaboration by state officials and AT&T.

The proposed Facility consists of two new 140' stealth monopoles and associated unmanned equipment shelters for AT&T and other wireless carriers to use in providing wireless services in this area of the State. The two stealth monopole tower design with internal antennas and a brown color were required by the State of Connecticut Historic Preservation Officer ("SHPO") as part of AT&T's federal historic consultation and as a condition of finding no adverse impact on the Merritt Parkway. A typical monopole with antenna platforms or a monopine at heights of 180' AGL and 150' AGL were previously proposed and rejected by SHPO. Additionally, in municipal consultations related to the project, non-traditional tower designs were requested should a tower were to be constructed at the Armory site.

AT&T will install panel antennas at centerline heights of 117' to 137' above ground level ("AGL") on one of the poles with two additional antenna locations for co-location at 107' and 97' on the same pole. The second pole incorporated into the Facility design is a similar tower which would be constructed as and if needed for collocation by other wireless carriers. The tower compound will consist of a 50' x 80' fenced area with no tree clearing required to accommodate AT&T's 11'-5" x 20' radio equipment shelter and a 4' x 11' concrete pad for AT&T's emergency generator and additional space for co-location by other wireless carriers. Vehicular access to the facility will be provided from New Canaan Avenue over an existing access driveway and parking lot that serves the Armory with new utilities underground. As part of AT&T's license agreement with the State, the final location of the Facility may be shifted by the Council in an area roughly bounded by the existing parking lot to the rear of the Armory, on-

site wetlands to the east and a natural gas transmission pipeline to the north, which area is identified on the site plan drawings.

Included in this Application and its accompanying Attachments are reports, plans and visual materials detailing the proposed Facility and the associated environmental effects. A copy of the Council's Community Antennas Television and Telecommunication Facilities Application Guide with page references from this Application is also included as Attachment 10.

C. The Applicant

New Cingular Wireless PCS, LLC ("AT&T"), 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). AT&T will construct and maintain the proposed Facility and be the Certificate Holder. AT&T does not conduct any other business in the state of Connecticut other than the provision of personal wireless services 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:
Christopher B. Fisher, Esq.
Daniel M. Laub, 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 R.C.S.A. § 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. § 16-50l(c)

AT&T does not generate electric power in the state of Connecticut. Accordingly, the proposed Facility is not subject to C.G.S. § 16-50r. Furthermore, the proposed Facility is not subject to C.G.S. § 16-50l(c) because it has not been identified in any annual forecast reports.

II. Service and Notice Required by C.G.S. § 16-50l(b)

Pursuant to C.G.S. § 16-50l(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. § 16-50l(b), notice of the Applicant's intent to submit this Application was published on two occasions in The Hour and the New Canaan Advertiser, the newspapers utilized for publication of planning and zoning notices in the city of Norwalk and town of New Canaan. A copy of the published legal notices are included as Attachment 9. The publishers' affidavits of service will be forwarded upon receipt. Furthermore, in compliance with C.G.S. §16-50l(b), notices were sent to each person appearing of record as owner of a property that abuts the parcels upon which Facility is proposed. Certification of such notice, a sample letter and accompanying notice, 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 permitting jurisdiction over wireless infrastructure and the public’s interest in its timely deployment to meet the public need for wireless services.

Seventeen 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.¹

¹ Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).

President Obama further identified the critical role of robust mobile broadband networks in his 2011 State of the Union address.² In 2009, The Congress directed the FCC to develop a national 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”).³ 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.⁴ [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.”⁵ 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.”⁶ 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.⁷ More recently, the critical importance of timely deployment of wireless infrastructure to American safety and economy was confirmed in the Middle Class Tax

² 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.”

³ Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.

⁴ *Id.* at XI.

⁵ *Id.* at 76.

⁶ *Id.* at 25.

⁷ 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”).

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.⁸

2. United States Wireless Usage Statistics

Over the past thirty years, wireless communications have revolutionized the way Americans live, work and play. 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 2012, there were an estimated 321.7 million wireless subscribers in the United States. Wireless network data traffic was reported at 341.2 billion megabytes, which represents a 111% increase from the prior year. 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. By 2011, that number grew exponentially to an astonishing 35.8% of all households. Connecticut in contrast lags behind in this statistic with 18.7% wireless only households.

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. 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. In the same study, 98% of parents of children who owned cell phones stated that the main reason they have allowed their children access to a wireless device is for the safety and protection that these devices offer.

⁸ 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-112hrt399.pdf>.

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. 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 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.

3. Site Specific Public Need

The facility proposed in this Application is an integral component of AT&T’s network in its FCC licensed areas throughout the state. There are significant deficiencies in reliable service along portions of State Route 123, the Merritt Parkway and the residential communities in this area of northwestern Norwalk and southeastern New Canaan. A deficiency in reliable service is evidenced by the inability to adequately and reliably transmit/receive quality calls and/or utilize high speed data services offered by AT&T’s wireless network. The proposed Facility, in conjunction with other existing and planned facilities in and around Norwalk and New Canaan are needed by AT&T to reliably 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”) Engineering Report with propagation plots and other information which identify and demonstrate the specific need for a new wireless facility in this area of the State to serve the public and meet its need and demand for wireless services.

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 proposed Facility would allow AT&T and other carriers to provide these benefits to the public that are not offered by any other form of communication system.

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. In 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. 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 service 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 to address capacity. Closing the coverage gaps and providing reliable wireless services in northwestern Norwalk and southeastern New Canaan requires a tower site that can provide reliable service over a footprint that spans several thousand acres. In fact, despite Council approval of a DAS for the Merritt Parkway some years ago in Petition No. 809, that proposal was never constructed or proposed for use by AT&T. The Applicant submits that there are no equally effective technological

alternatives to the construction of the proposed Facility for providing reliable personal wireless services in this area of Connecticut.

IV. Site Selection and Tower Sharing

A. Site Selection

When AT&T makes a determination that new wireless infrastructure is needed to improve its services in a given area, AT&T establishes a “site search area.” The site search area is the general geographic location where the installation of a new wireless facility would address identified service deficiencies. Central to AT&T’s goal of locating a viable site or sites within the site search area is the need for the orderly integration of a new site into AT&T’s network.

Once a site search area is established, AT&T real estate and radiofrequency engineering personnel utilize it as a guide in their search for site locations. 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 seeking to ensure the quality of service provided to the users of its network. In this area of Norwalk and New Canaan, reviews conducted by AT&T’s RF engineers and investigative visits made by AT&T’s consultants did not identify any existing tower facilities. One tall structure, a water tank on Flower Lane was investigated, and it was determined that City of Norwalk zoning regulations prohibit wireless facilities in the zoning district where it is located and the parcel size is very small (.10 acre). AT&T’s search for tower sites in the area of State Route 123 and the Merritt Parkway repeatedly identified the National Guard Armory site as the only realistic and viable location for a tower facility.

As indicated in the Site Search Summary, submitted as Attachment 2, all but the Armory site were rejected for use as a wireless facility site. In fact, given the passage of time associated

with this search area dating back over a decade and evolution of network demand, one of the rejected sites in this search ring is now actually proposed as another site for another search ring that has been funded by AT&T for it to provide reliable services in its network. Specifically, the Town of New Canaan Transfer Station is now another proposed site in AT&T's network.

B. Tower Sharing

To maximize co-location opportunities and minimize visual impacts of a tower, the Applicant proposes two 140' stealth monopole towers and a compound that can accommodate AT&T and other carrier's equipment. The specific tower design was mandated by Connecticut SHPO as part of historic consultation pursuant to the National Historic Preservation Act and National Environmental Policy Act. AT&T's consultations with SHPO had in fact resulted in rejection of prior proposals for a single 180' or 150' AGL monopole facility design.

V. Facility Design

The proposed Facility is principally a 4,000 square foot portion of an approximately 11.5 acre parcel owned by the State of Connecticut. The proposed Facility would contain up to two 140' tall self-supporting stealth monopoles within a 50' x 80' fenced equipment compound located in the north central portion of the parcel. AT&T would install panel antennas in three arrays at centerline heights of 117', 127', and 137' AGL, as well as unmanned equipment in an 11'-5" x 20' equipment shelter and a fixed diesel generator within the fenced compound. The compound would be enclosed by an eight (8) foot tall chain link fence. Two monopoles are proposed as part of the Facility to address the reasonable likelihood of collocation by other carriers and the physical limitations and technical requirements associated with the SHPO's requirement that "unipole" construction be implemented to avoid adverse impacts on the historic Merritt Parkway.

Vehicular access to the Facility would be provided from New Canaan Avenue over the Armory's existing improved driveway and parking lot to the equipment compound to the rear of the parking lot. Electric and telephone utilities would be extended to the proposed Facility from the nearest existing utility distribution pole on the site underground. Attachment 3 contains the specifications for the proposed Facility including site access drive plans, a compound plan, tower elevation, and other relevant details of the proposed Facility. Also included is a Visual Resource Evaluation (Attachment 5) and information related to the environmental impact of the proposed Facility (Attachment 4). Some of the relevant information included in Attachments 3, 4 and 5 reveals that:

- The property is classified locally in the "AAA Residence" zoning district;
- Minimal grading of the compound area will be required for the construction of the proposed Facility;
- The proposed Facility will have no significant impact on water flow, water quality, or air quality;
- Topography and vegetation screen visibility of the tower(s) from a large portion of the viewshed study area;
- Year-round visibility of the proposed tower is limited to approximately .094% of the 8,042- acre study area;
- There is a delineated wetland within 52 feet of the proposed Facility; and
- The State Historic Preservation Officer (SHPO) issued a "no adverse effect" determination for the proposed Facility based on a specific design incorporating brown unipoles.

VI. Environmental Compatibility

Pursuant to C.G.S. §16-50p(a)(3)(B), the Council is required to find and to determine as part of the Application process any probable impact of the proposed 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, the proposed Facility will be constructed in compliance with applicable regulations and guidelines, and best practices will be followed so as to ensure that the construction of the proposed Facility will not have a significant adverse environmental impact. Furthermore, the regular operation and monthly maintenance of the Facility is not anticipated to have any environmental impact.

A. Visual Assessment & Impacts on Historic Resources

A Visual Resource Evaluation is included as Attachment 5, which contains a viewshed map and photographs and photo simulations of the proposed Facility from the surrounding area. It is anticipated that approximately .094% of the 8,042-acre study area will have at least partial year-round visibility of the proposed Facility above the tree canopy. It is further anticipated that visibility of the structure will be principally limited to areas located within a one-third-of-one-mile radius of the proposed Facility.

The Visual Resource Report (Attachment 5) concludes that fewer than five residential structures will have partial year-round visibility above the tree canopy, and that fewer than twenty-five residential structures will have will have partial seasonal views of the proposed Facility. The majority of anticipated year-round and seasonal visibility of the proposed Facility is confined to a small portion of the Merritt Parkway and private lands inaccessible to the public.

As reflected in the Visual Resource Report and depicted in the photographs and photo simulations included in Attachment 5, brief intermittent visibility is anticipated from the Merritt

Parkway, which is listed on the National Register of Historic Places. The proposed Facility is not visible from any other structure on the National Register of Historic Places, or from any other structure or property eligible for inclusion but not listed therein. Notably, the proposed Facility will not be visible from any locally-designated historic district, property or road.

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

B. Wetlands

Wetlands are located on the Armory National Guard property. As indicated in the Wetlands Delineation Report included in Attachment 4, the property contains a forested swamp wetland system that encompasses the northern and western portions of the subject property. The northernmost section of the delineated wetland drains into Silvermine Brook, which is approximately 250 feet north of the proposed Facility. The western section of the delineated wetland drains eastwardly through an existing box culvert beneath the exiting driveway. At its closest point, the fenced boundary of the proposed Facility is approximately fifty-four feet from delineated wetlands.

Prior construction related activities associated with current development including construction of a natural gas pipeline indicate a high level of disturbance to on-site wetlands and include the development of storm water conveyancing systems. Utility trenching will be confined to the exiting paved areas of the site with no impact to any nearby wetlands. The closest wetland edge to the proposed tower compound location is 54' to the east. All appropriate sediment and erosion control measures will be designed and employed in accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Council of Soil and Water Conservation. No impacts to on-site wetlands are anticipated from construction of the Facility.

C. Solicitation of State and Federal Agency Comments

Consultations with municipal, state and federal governmental entities and AT&T's consultant reviews for potential environmental impacts are summarized and included in Attachments 4, through 7. AT&T's consultants submitted requests for review from federal, state and tribal entities including the Connecticut State Historic Preservation Officer (SHPO).

On April 7, 2011, SHPO issued a determination that despite the proposed Facility's proximity to the Merritt Parkway, the proposed Facility will have no effect on historical, architectural or archeological resources. AT&T's consultation with SHPO included several site visits, balloon tests, review of prior monopole proposals and information required by SHPO as part of discharging its obligations under the National Historic Preservation Act. Of note, the specific design of the tower components cannot be altered without SHPO concurrence or override by the Federal Communications Commission. Other options such as monopoles, lattice towers, monopines or other stealth structures are not available to AT&T as the Applicant.

No endangered or threatened species habitat was identified based on a review of the Connecticut Department of Environmental Protection Natural Diversity Database (NDDDB), and a NDDDB Map is included in Attachment 4. Additionally, Connecticut DEEP confirmed that there are no known populations of state or federal species of concern as set forth in correspondence included in Attachment 4. As required, this Application is being served on state and local agencies that may choose to comment on the Application prior to the close of the Siting Council's public hearing.

D. Power Density

In August of 1996, the FCC adopted a standard for Maximum Permissible Exposure (MPE) for RF emissions from telecommunications facilities like the one proposed in this Application. To ensure compliance with the applicable standards, a maximum power density

report is included herein as part of Attachment 4. The report concludes that the calculated worst-case emissions from AT&T's equipment at the proposed Facility are 11.4% of the MPE standard.

E. Other Environmental Factors

The proposed Facility would be unmanned, requiring monthly maintenance visits, each approximately one hour long. AT&T's equipment at the Facility would be monitored 24 hours a day, seven days a week from a remote location. The proposed Facility does not require a water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed. Furthermore, the proposed Facility will neither create nor emit any smoke, gas, dust, nor other air contaminants, noise, odors, nor vibrations other than those created by installed heating and ventilation equipment. Temporary power outages could require the limited use of an on-site diesel-fueled 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 whether the proposed Facility would require registration with the Federal Aviation Administration (FAA). The TOWAIR program results for the proposed Facility, a copy of which is included in Attachment 4, indicate that the proposed Facility will not need to be registered with the FAA, and that the FAA will not need to review the proposed Facility as a potential hazard to air navigation. Accordingly, no FAA lighting or marking would be required for the Facility proposed in this Application.

AT&T has evaluated the site in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 (NEPA). The proposed site was not 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 the proposed Facility. Federal Emergency

Management Agency (FEMA) Flood Insurance Rate Maps of the proposed site indicate that the site is not located within a 100-year floodplain.

VII. Consistency with the City of Norwalk's Land Use Regulations

Pursuant to the Council's Application Guide, included in this section is a narrative summary of the consistency of the proposed Facility with the local municipality's zoning and wetland regulations and plan of conservation and development.

A. Norwalk's Plan of Conservation and Development

The city of Norwalk Plan of Conservation & Development ("Plan"), effective July 8, 2008, is included in the Bulk Filing. This document does not address the provision of wireless telecommunications services as a land use. The Plan identifies the overall land use patterns in the area of the proposed Facility as medium-density residential with an area of low-scale R&D / commercial use to the south. .

B. Local Zoning Standards and Dimensional Requirements

The City of Norwalk Building Zone Regulations ("Zoning Regulations") identified "commercial communication towers," as defined therein, as a permitted use until the relevant article was repealed effective October 27, 1995. At present, the Zoning Regulations, as amended to July 29, 2011, do not address telecommunications tower facilities. The Zoning Regulations further prohibit all wireless facilities in the AAA Residence zoning district, which the State Armory property is classified as.

The City's Zoning Regulations do provide basic dimensional requirements for the AAA Residence zone. Specifically, the Zoning Regulations require a minimum front yard setback of forty feet, and a minimum side and rear yard setback of thirty feet. The proposed Facility will be

set back a minimum of 138 feet from all property lines, with the nearest parcel being other State owned property that is part of the Merritt Parkway.

C. Planned and Existing Land Uses

The proposed Facility will be located in an area to the rear of the approximately 11.5 acre State Armory site that is improved with two buildings, a driveway, and a parking lot. The underlying property is larger than most other parcels in the area and unique relative to other land uses in the area. Properties immediately surrounding the subject site include medium-density single-family residential homes, State Route 123 and the Merritt Parkway. Consultation with municipal officials did not indicate any planned changes to the existing or surrounding land uses.

D. Norwalk's Inland Wetlands and Watercourses Regulations

The City of Norwalk's Inland Wetlands and Watercourses Regulations ("Wetlands Regulations") regulate certain activities within the city conducted in "wetlands" and "watercourses" as defined therein. Several properties in this area of the City are identified on the City's inland wetlands and watercourses map, including the State Armory property. The City's Wetlands Regulations further incorporate the following definition for a regulated activity:

REGULATED ACTIVITY -- Any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetland or watercourse, but shall not include the activities specified in § 22a-40 of the Connecticut General Statutes, as amended. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, construction, depositing or removal of material, or discharging of storm water on the land within the following upland review areas is a regulated activity:

- a) within fifty (50) feet from the boundary of any wetland,
- b) within one hundred (100) feet of the boundary of any watercourse, or
- c) within all slopes or portions thereof with a grade in excess of 20% within 50 feet of a wetland or within 100 feet of a watercourse. This regulated area includes all land measuring from the toe of the slope to the point on the slope where the grade drops

to 10% or less for a distance of at least fifty (50) feet. Slope measured each ten (10) feet of horizontal distance on straight line transects that are perpendicular to contour lines.

The City's Wetlands Regulations also provide definitions for minor regulated activities in upland review areas. While local wetland regulations are guidance only and no City permits would be required for construction of the Facility, based on the above definition and a review of the City of Norwalk's wetlands regulations, construction of the Facility would be either a non-regulated activity or a minor regulated activity for upland site disturbance associated with construction of the Facility.

VIII. Consultations with Municipal Officials

C.G.S. § 16-50*l* requires the Applicant to consult with the municipality in which the proposed Facility may be located, and with any adjoining municipality having a boundary within 2,500 feet of the proposed Facility. The Applicant submitted a Technical Report to Mayor Richard A. Moccia of Norwalk on July 15, 2011. Since the proposed Facility would be located less than 2,500 feet from the town of New Canaan, the Applicant also submitted a Technical Report to First Selectman Jeb Walker of New Canaan on July 15, 2011.

1. Norwalk 16-50*l* Consultation

At Mayor Moccia's request, on August 11, 2011, AT&T's representatives met with Michael Greene, Director of the Planning for the City of Norwalk, and Dorothy Wilson to discuss the contents of the Technical Report. At that meeting, prior history associated with the Armory site and AT&T's proposal were discussed including changes to the projects since 2000. Reference was made by the City Planner to a prior memorandum provided to AT&T in 2003, a copy of which is included in Exhibit 7. The City of Norwalk generally confirmed that the project as revised addressed comments from 2003 and noted no other specific site preferences or further recommendations for purposes of Section 16-50*l* of the Connecticut General Statutes.

2. New Canaan 16-50l Consultation

AT&T's representatives met with the New Canaan Town Administrator, Tom Stadler, on August 9, 2011 to discuss the project. At the request of the then First Selectman Walker and Mr. Stadler, AT&T presented the project at a televised meeting of the Town Council of the Town of New Canaan on September 21, 2011, which included a power point presentation, a copy of which is included in Exhibit 7. The Council's meeting minutes are also enclosed in Exhibit 7. No alternative sites, preferences or design recommendations were provided to AT&T as a result of its Section 16-50l consultation with the Town of New Canaan. Post consultation with the Town in furtherance of Section 16-50l, AT&T has communicated with the Town's Utilities Commission which has, among other things, surveyed residents regarding the need for wireless infrastructure in New Canaan, the current results for which are enclosed in Exhibit 7. Notably, a majority of respondents to the Town's survey desire additional infrastructure to support reliable wireless services in the community.

IX. Estimated Cost and Schedule

A. Overall Estimated Cost

The estimated cost of construction for the proposed Facility is represented in the table below.

Requisite Component:	Cost (USD)
Tower & Foundation	90,000 (second tower would be an additional 90,000)
Site Development	55,000
Utility Installation	80,000
Facility Installation	70,000
Antennas and Equipment	250,000
Total Cost	635,000 (with the second tower 725,000)

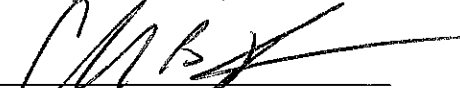
B. Overall Scheduling

Site preparation work would commence immediately following Council approval of a Development and Management (“D&M”) Plan and the issuance of a Building Permit by the city of Norwalk. The site preparation phase for the proposed Facility is expected to be completed within three (3) to four (4) weeks. Installation of the monopole, antennas and associated equipment is expected to take an additional two (2) weeks. The duration of the total construction schedule is approximately six (6) weeks. Facility integration and system testing is expected to require an additional two (2) weeks after the construction is completed.

X. Conclusion

This Application and the accompanying materials and documentation demonstrate clearly that a public need exists in the northwest portion of the city of Norwalk and southeastern part of New Canaan for a new tower for the provision of wireless services to the public. The foregoing information and attachments also demonstrate that the proposed Facility at the State Armory will not have any substantial adverse environmental effects and there are no practical alternatives. 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 the site. Accordingly, the Applicant respectfully request that the Council grant its Application for a Certificate of Environmental Compatibility and Public Need for the proposed wireless telecommunications Facility at 284 New Canaan Avenue in the city of Norwalk.

Respectfully Submitted,

By: 

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