

**DOCKET NO. 444** – New Cingular Wireless PCS, LLC } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance, and operation of a } Siting  
telecommunications facility located at the FirstLight Hydro }  
Generating Company property, New Milford Tax Assessor Map 83, } Council  
Lot 4, Kent Road, New Milford, Connecticut.

May 29, 2014

### Opinion

On November 1, 2013, New Cingular Wireless PCS, LLC (AT&T) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a wireless telecommunications facility to be located in the Town of New Milford, Connecticut. The application was initially deemed incomplete by the Council due to lack of notice to the Town of Sherman under Connecticut General Statutes (C.G.S.) §16-50~~l~~. However, AT&T subsequently corrected this deficiency by providing such notice on November 11, 2013. Thus, the effective date of receipt of the complete application is February 11, 2014 or the completion date of the 90-day municipal consultation with the adjacent Town of Sherman.

AT&T is seeking to develop a facility on property owned by the FirstLight Hydro Generating Station and currently used to impound water to operate a hydroelectric generating facility located on the opposite side of Kent Road (Route 7). AT&T's objective in siting a facility at this location is to provide reliable service in the northwestern portion of New Milford, the Gaylordsville area, including portions of Route 7, and also residences and other establishments in the surrounding area.

AT&T would construct a 150-foot monopole within a 75-foot by 75-foot compound. The facility would be located in a wooded area located to the northwest of Cedar Hill Pond. AT&T would mount its 12 panel antennas on a platform mount at the 146-foot level of the tower. The tops of the 8-foot antennas would be at the same height as the top of the tower.

The tower would be designed to accommodate up to four carriers, including AT&T. No other wireless carriers have expressed an interest in co-locating on the tower at this time. The tower, as proposed, would not be expandable in height. However, this does not preclude AT&T from designing the tower (and associated foundation) to accommodate future expansion. Any future increase in height would be subject to Council review and approval.

AT&T would install a 12-foot by 20-foot equipment shelter within the fenced compound. Two heating/cooling (HVAC units) would be installed on the outside of the equipment shelter.

Access would be provided along an existing paved access drive from Kent Road for about 56 feet. The access would continue over a proposed gravel access drive for about 383 additional feet to reach the compound. Utility service would extend underground from an existing pole on the same side of Kent Road as the tower. It is not yet known which of two existing poles would be selected. AT&T would coordinate that with the utility company and shall provide that information in the Development and Management Plan (D&M Plan).

In the event that an outage of commercial power occurs, a battery backup system would provide seamless, uninterrupted power to prevent a "re-boot" condition while the backup generator starts. The backup generator is 50 kilowatts in output, fueled by propane, and would be located within the fenced compound along with the 500-gallon propane tank. The propane tank would provide approximately 38 hours of run time without refueling. In the event that the generator fails to start,

the battery backup system alone could provide four to six hours of backup power. The propane generator would have secondary containment in the event of a coolant or oil leakage.

The generator would be for AT&T's use only because it would be the only carrier to locate on the tower at this time. However, the Council will require that AT&T design the compound for future flexibility of deploying a shared generator to serve more than one carrier.

With the nearest property boundary (i.e. Route 7 to the southwest) approximately 390 feet away, the tower setback radius of 150 feet will remain well within the boundaries of the FirstLight Hydro Generating Company property. Thus, no yield point is necessary in the tower design.

No landscaping is planned at this time because of the existing trees at the site. Approximately 11 trees six inches in diameter or greater would be removed to construct the project.

The tower would be visible year-round from approximately 5 homes and would be seasonally visible from approximately 14 homes. The tower would be at least partially visible year-round along Route 7 in the immediate area of the site and extending generally northwest for about 0.75 miles.

The facility itself is not located within the Upper Housatonic Valley National Heritage Area (UHVNHA). Although the visibility map indicates a potential for some year-round views of the proposed tower within the UHVNHA along select portions of the Appalachian Trail (AT), these are likely over-predictions based on the model. Theoretically, the very top of the tower might be visible above the tree line at certain AT locations looking down the river valley, but the intervening distance here is approximately a mile. Overall, the Council believes the facility is sited very unobtrusively in relation to the AT.

AT&T did consider stealth tower designs such as a tree tower, lookout tower, and water tower to improve aesthetics. However, AT&T notes that a stealth tower design may draw the observer's eye even more particularly on Route 7 headed southbound where the tower would be a profile against the sky. The Council concurs and will order the monopole design.

There are two known wetlands in the vicinity of the proposed facility. Wetland 1 is a large open water wetland associated with Cedar Hill Pond. This impounded water is used to generate hydroelectric power. Wetland 2 is a small isolated depressional wetland area.

Wetland 1 is approximately 96 feet from the southern side of the proposed compound and approximately 18 feet from the proposed access drive. Wetland 2 is approximately 285 feet from the proposed compound and approximately 98 feet from the access drive.

While the Council is concerned about the close proximity of the access drive to Wetland 1, no temporary wetland impacts associated with construction are expected provided that proper erosion and sedimentation controls designed, installed, and maintained in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* (2002 E&S Guidelines). Accordingly, the Council will require compliance with the 2002 E&S Guidelines. Long-term secondary impacts to the wetlands are expected to be minimized because the facility is unmanned, has minimal maintenance traffic, and has minimal creation of impervious surfaces given the gravel compound and access drive.

The stormwater generated by the proposed facility must be properly handled and treated in accordance with the *2004 Connecticut Stormwater Quality Manual* (2004 Stormwater Manual). Thus, the Council will also require that the stormwater design plan in the D&M Plan comply with the 2004 Stormwater Manual. With the erosion and sedimentation controls and stormwater design, the proposed facility would not result in any likely adverse impacts to wetland resources.

The facility is not located within the shaded area of the Connecticut Department of Energy and Environmental Protection's (DEEP) Natural Diversity Database. Furthermore, no negative impacts to Federal or State Endangered, Threatened, or Special Concern species is expected to result from the proposed project.

A portion of the subject property associated with the Housatonic River (and outside of the footprint of the proposed facility) may have bald eagles present. While it is possible that the bald eagle could overfly the proposed facility, the facility is not expected to adversely impact the bald eagle.

The proposed tower is not located within an Important Bird Area, and it would comply with the U.S. Fish and Wildlife Services guidelines for minimizing the potential impact to birds. The tower design minimizes the height and also avoids lighting and guy wires. This is expected to minimize the possibility of bird strikes.

The proposed facility will not impact historic properties. The site is also not located within a 100-year or 500-year flood zone. The HVAC units on the equipment shelter will meet applicable noise standards. The backup generator is exempt from State noise standards.

The Council acknowledges AT&T's extensive site search including existing structures, raw land structures, etc. The Council also appreciates the Town of Sherman's suggestion for a site and AT&T's evaluation of that site. However, ultimately, no other suitable alternatives to the proposed tower were found.

Specifically, AT&T has coverage gaps along Route 7 for 700 MHz, 850 MHz, and 1900 MHz of 0.68 miles, 5.85 miles, and 10.69 miles, respectively. The proposed facility would provide 700 MHz, 850 MHz, and 1900 MHz coverage to Route 7 of 5.85 miles, 1.94 miles, and 0.27 miles, respectively. AT&T also has secondary road coverage gaps for 700 MHz, 850 MHz, and 1900 MHz of 4.15 miles, 5.23 miles, and 5.23 miles, respectively. The proposed facility would provide 700 MHz, 850 MHz, and 1900 MHz coverage to secondary roads of 5.12 miles, 3.07 miles, and 0.69 miles, respectively.

The Council finds that the proposed facility would significantly improve service in this area, especially for 700 MHz and 850 MHz frequencies. Based on an examination of AT&T's coverage objectives, the extent of its existing gaps, its previous site search encompassing numerous locations in the vicinity of New Milford, its predicted coverage from the proposed location, and its minimum height requirement to ensure proper hand-off of calls, the Council finds a need for the 150-foot tower at this site.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined worst-case radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated by Council staff to amount to 9.97% of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. Regarding potential harm to wildlife from radio emissions; this, like the matter of potential hazard to human health, is a matter of federal jurisdiction. The Council's role is to ensure that the tower meets federal permissible exposure limits.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance, and operation of the telecommunications facility at the proposed site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 150-foot monopole telecommunications facility at New Milford Tax Assessor Map 83, Lot 4, Kent Road, New Milford, Connecticut.