

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE:

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

DOCKET NO. 452

MARCH 2, 2015

MOTION TO REOPEN THE EVIDENTIARY HEARING BY APPLICANTS  
HOMELAND TOWERS AND NEW CINGULAR WIRELESS PCS, LLC ("AT&T")

Homeland Towers, LLC ("Homeland Towers") and New Cingular Wireless PCS, LLC ("AT&T") (together the "Applicants"), by their attorneys Cuddy & Feder LLP, hereby moves the Siting Council to reopen the evidentiary hearing on captioned Docket 452 for the limited purpose of consideration of a monopole designed facility. During the proceedings, the Applicants demonstrated a public need for a new facility in this area of the State and established that a facility at the proposed location has no significant adverse environmental impact. Since the close of the hearing, the Connecticut State Historic Preservation Officer ("SHPO") issued a determination of no adverse impact on historic resources for purposes for Section 106 with the condition that the tower be a monopole and not a monopine as proposed by the Applicants. It should be noted that the SHPO did not provide any reasons for its determination.

The Applicants respectfully propose that the Siting Council consider a 150' tall monopole designed facility. During the December 4, 2014 hearing in this Docket, Homeland Tower's visual consultant testified that for any future expansion of the proposed facility, a monopole designed tower will have less of a visual impact than a taller monopine. (Libertine, Tr. 12/4/14 3pm. pp. 33-37). It is respectfully submitted that

a monopole design for the proposed Facility will not change the limited visual impact of the proposed Facility and certainly does not outweigh the established public need for reliable wireless services in this area of Salisbury. Moreover, the Salisbury School indicated that a monopole designed facility is acceptable.

Should the Council approve a monopine design for the proposed facility and the SHPO does not reconsider its position against a monopine for same, FCC licensed carriers will not be able to utilize the tower barring a successful appeal of the SHPO determination to the FCC. While the Applicants disagree with the SHPO's determination, they wish to avoid the prospect of such an appeal for this particular proposal given the limited visibility of any tower (monopine or monopole) at this location. In light of the specific facts regarding visibility of the Facility proposed in this proceeding as well as the documented public need for the proposed Facility, the Applicants request an opportunity to supplement the record in this Docket in a limited manner with facts and information regarding the visual appearance of a monopole facility at this location. The Applicants respectfully submit that a monopole facility at this location will have no significant adverse impacts.

As the Council is aware, the SHPO did not respond to any of the Siting Council's correspondence for comment in this Docket and did not raise any questions regarding the proposed monopine to the Applicants. The SHPO's letter dated February 10, 2015, 81 days after Homeland Tower's visual consultant's submission for a Section 106 consultation, represents a change in the regulatory conditions governing this proposal which were not able to be made part of the record before the Council in this Docket. Thus, we believe it appropriate and equitable to allow the Applicants an opportunity to

develop a full and complete factual record for the limited purpose of consideration of a monopole design now and prior to any final decision by the Siting Council.

Reopening the evidentiary component of the Docket now would ensure a timely discussion and otherwise economically efficient process for the Applicants, the Town of Salisbury and the Siting Council in order to address questions regarding a monopole design that may not have been addressed in the Docket to date. The Applicants demonstrated and the Town and the Salisbury community confirmed that a tower is needed for reliable wireless service at this location. (Tr. 12/4/14 7pm. pp. 97-103). The Applicants also established that the construction of a tower facility does not involve significant adverse environmental effects in either monopole or monopine form. Indeed, other than visibility, a monopole facility does not change or alter any of the other environmental facts in the record, which facts demonstrate that the proposed tower facility will not result in any significant adverse environmental impacts.

Given all of the above, the Applicants respectfully move to reopen the evidentiary portion of Docket 452 so that: (1) The Applicants may submit supplemental information regarding a monopole facility in support of its Application and (2) the Council, the Town and the public may have an opportunity to review this information prior to a final decision. To effectuate the purposes of this motion, the Applicants also consent to a three (3) month extension of time for a decision in this Docket.

Thank you for your consideration of this motion.



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Christopher B. Fisher, Esq.  
Cuddy & Feder, LLP  
Attorneys for AT&T  
445 Hamilton Avenue  
White Plains, New York 10601  
(914) 761-1300

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, an original and fifteen copies of the foregoing was sent electronically and by overnight delivery to the Connecticut Siting Council with copy to:

Curtis Rand, First Selectman  
Jim Dresser, Selectman  
Katherine Kiefer, Selectman  
Town of Salisbury  
27 Main Street, Town Hall  
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Dated: March 2, 2015

  
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Lucia Chiochio

cc: Ray Vergati, Homeland Towers  
Michele Briggs, AT&T  
Christopher B. Fisher, Esq.



## MEMORANDUM

Date: March 2, 2015

To: Mr. Ray Vergati  
Homeland Towers  
22 Shelter Rock Lane, Building C  
Danbury, CT 06810

From: Michael Libertine

Re: CT Siting Council Docket 452  
Proposed Wireless Telecommunications Facility  
Salisbury, Connecticut

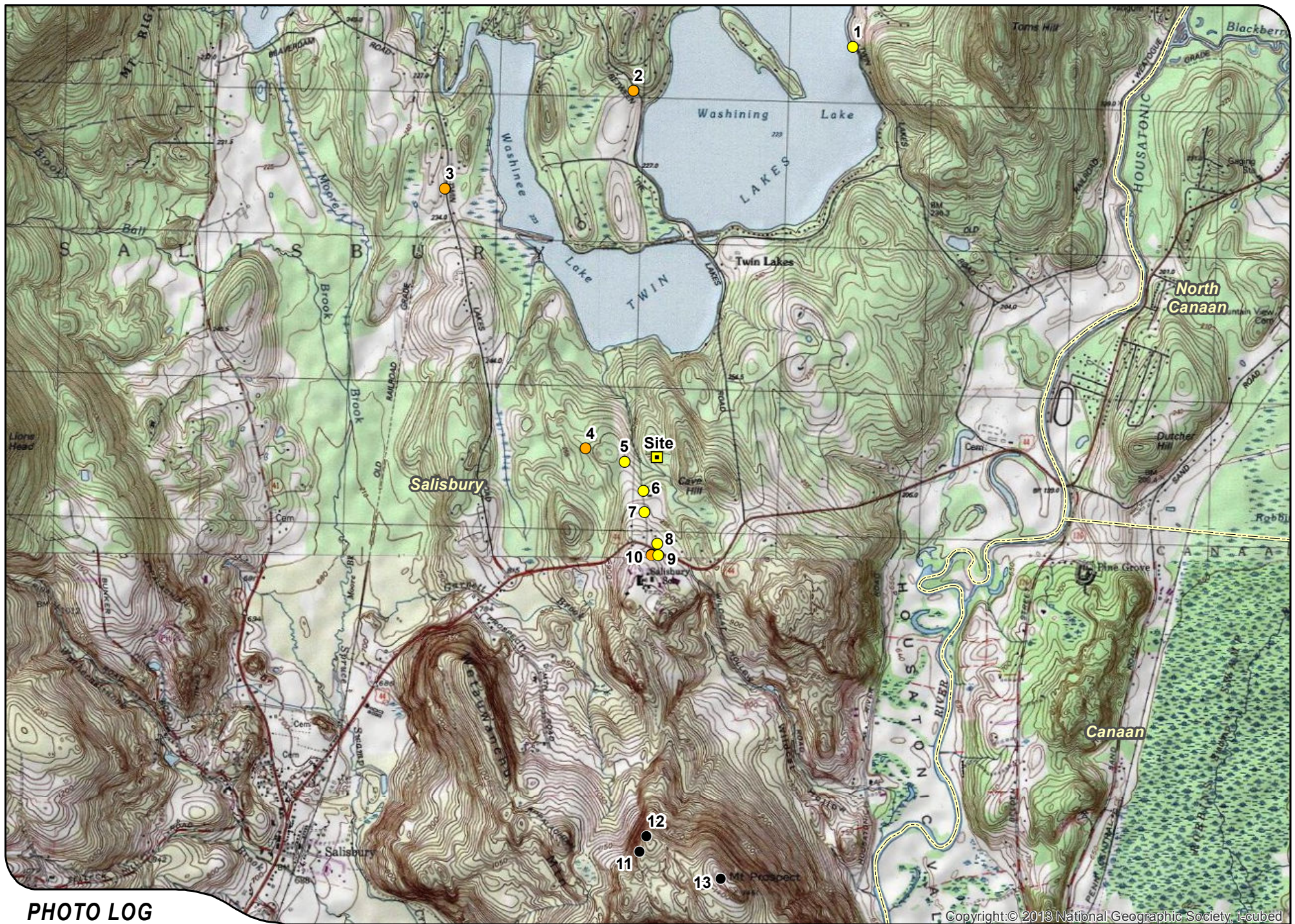
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In its letter dated February 10, 2015, the Connecticut State Historic Preservation Office provided Homeland Towers with a determination regarding this project of “no adverse effect” on historic resources, which included the condition of using a monopole instead of a monopine. As a result, Homeland Towers requested All-Points Technology Corporation, P.C. to prepare the attached photo-simulations for submittal to the Siting Council.

Using a traditional steel monopole in lieu of a tree tower would not change the viewshed as presented in our May 2014 Visibility Analysis Report. Although the character of some near-range views on the Salisbury School property would be altered, the tower extends substantially above the tree canopy when viewed from those select locations. In this case, either a monopole or monopine would be recognizable as a telecommunication facility.

Because the viewshed is so limited and does not extend much beyond the property, camouflaging the tower as a tree was not, in my opinion, a necessary step for this facility location. The change from the originally proposed monopine to a standard monopole would not significantly affect views in the area. The total height would be reduced by seven (7) feet and should the facility require a future extension to accommodate additional service providers, that effort would be simplified.

Attachments



Legend

- Site
- Not Visible
- Seasonal Visibility
- Year-Round Visibility
- Municipal Boundary



1,000 500 0 1,000  
Feet



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
1	TWIN LAKES ROAD	SOUTHWEST	+/- 0.198 MILES	YEAR ROUND



***SIMULATION***

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
1	TWIN LAKES ROAD	SOUTHWEST	+/- 0.1.98 MILES	YEAR ROUND





## DOCUMENTATION

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
2	BETWEEN THE LAKES ROAD	SOUTH	+/- 1.58 MILES	SEASONAL



## ***SIMULATION***

PHOTO

2

LOCATION

**BETWEEN THE LAKES ROAD**

ORIENTATION

**SOUTH**

DISTANCE TO SITE

**+/- 1.58 MILES**

VISIBILITY

**SEASONAL**



## DOCUMENTATION

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
3	TACONIC ROAD	SOUTHEAST	+/- 1.49 MILES	SEASONAL



***SIMULATION***

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
3	TACONIC ROAD	SOUTHEAST	+/- 1.49 MILES	SEASONAL



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
4	EDITH SCOVILLE MEMORIAL SANCTUARY	EAST	+/- 0.31 MILE	SEASONAL



**SIMULATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
4	EDITH SCOVILLE MEMORIAL SANCTUARY	EAST	+/- 0.31 MILE	SEASONAL



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
5	EDITH SCOVILLE MEMORIAL SANCTUARY AT EDGE OF PLAYING FIELDS	EAST	+/- 0.18 MILE	YEAR ROUND



***SIMULATION***

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
5	EDITH SCOVILLE MEMORIAL SANCTUARY AT EDGE OF PLAYING FIELDS	EAST	+/- 0.18 MILE	YEAR ROUND





**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
6	HOST PROPERTY	NORTHEAST	+/- 0.16 MILE	YEAR ROUND



## **SIMULATION**

PHOTO

**6**

LOCATION

**HOST PROPERTY**

ORIENTATION

**NORTHEAST**

DISTANCE TO SITE

**+/- 0.16 MILE**

VISIBILITY

**YEAR ROUND**



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
7	HOST PROPERTY	NORTHEAST	+/- 0.24 MILE	YEAR ROUND



***SIMULATION***

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
7	HOST PROPERTY	NORTHEAST	+/- 0.24 MILE	YEAR ROUND



## DOCUMENTATION

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
8	HOST PROPERTY	NORTH	+/- 0.37 MILE	YEAR ROUND



**SIMULATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
8	HOST PROPERTY	NORTH	+/- 0.37 MILE	YEAR ROUND



## DOCUMENTATION

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
9	HOST PROPERTY	NORTH	+/- 0.42 MILE	YEAR ROUND



**SIMULATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
9	HOST PROPERTY	NORTH	+/- 0.42 MILE	YEAR ROUND





**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
10	HOST PROPERTY	NORTH	+/- 0.42 MILE	SEASONAL



***SIMULATION***

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
10	HOST PROPERTY	NORTH	+/- 0.42 MILE	SEASONAL



## DOCUMENTATION

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
11	APPALACHIAN TRAIL	NORTH	+/- 1.86 MILES	NOT VISIBLE



## DOCUMENTATION

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
12	APPALACHIAN TRAIL	NORTH	+/- 1.62 MILES	NOT VISIBLE



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
13	PROSPECT MOUNTAIN SUMMIT	NORTHWEST	+/- 1.83 MILES	NOT VISIBLE