



**NEW CINGULAR WIRELESS PCS, LLC (AT&T)**

**Application to the  
State of Connecticut Siting Council**

**For a Certificate of  
Environmental Compatibility and Public Need**

**—Monroe Facility—**

**Docket No. \_\_\_\_**

## Contents

Table of Figures .....	iii
List of Attachments .....	iii
<b>1. Introduction .....</b>	<b>1</b>
A. <u>Purpose and Authority</u> .....	1
B. <u>Executive Summary</u> .....	1
C. <u>The Applicant</u> .....	3
D. <u>Application Fee</u> .....	4
E. <u>Compliance with C.G.S. § 16-50(c)</u> .....	4
<b>2. Service and Notice Required by C.G.S. § 16-50(b) .....</b>	<b>4</b>
<b>3. Statements of Need and Benefits .....</b>	<b>5</b>
A. <u>Statement of Need</u> .....	5
B. <u>Statement of Benefits</u> .....	9
C. <u>Technological Alternatives</u> .....	11
<b>4. Site Selection and Tower Sharing .....</b>	<b>11</b>
A. <u>Site Selection</u> .....	11
B. <u>Tower Sharing</u> .....	12
C. <u>Facility Design</u> .....	12
<b>5. Environmental Compatibility .....</b>	<b>14</b>
A. <u>Visual Assessment</u> .....	14
B. <u>Wetlands</u> .....	15
C. <u>Solicitation of State and Federal Agency Comments</u> .....	16
D. <u>Power Density</u> .....	16
E. <u>Other Environmental Factors</u> .....	16
<b>6. Consistency with the Town of Monroe's Land Use Regulations .....</b>	<b>17</b>
A. <u>Monroe's Plan of Conservation and Development</u> .....	17
B. <u>Local Zoning Standards and Dimensional Requirements</u> .....	18

C. <u>Planned and Existing Land Uses</u> .....	20
D. <u>Monroe's Inland Wetlands and Watercourses Regulations</u> .....	20
<b>7. Consultation with Municipal Officials</b> .....	22
<b>8. Estimated Cost and Schedule</b> .....	23
A. <u>Overall Estimated Cost</u> .....	23
B. <u>Overall Scheduling</u> .....	23
<b>9. Conclusion</b> .....	233

#### Table of Figures

Figure 1: Aerial Map .....	3
Figure 2 Estimated Costs .....	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. General Facility Description; Site Evaluation Report; Facilities and Equipment Specifications
4. Topographical Map, Aerial Map, Drawings, Site Survey and Tree Inventory; FAA 1-A Survey Certification and TOWAIR Determination Results
5. Environmental Assessment Statement
6. Wetland and Vernal Pool Analysis
7. Power Density Report
8. Visibility Analysis
9. Correspondence with the Department of Energy and Environmental Protection (DEEP)
10. Correspondence from the State Historic Preservation Officer (SHPO)
11. Correspondence with the Town of Monroe; Public Information Meeting Presentation
12. Notice to Abutting Landowners with Legal Notice published in the Monroe Courier; Certification of Service; List of Abutting Landowners

13. Certification of Service on Governmental Officials including List of Officials Served
14. Connecticut Siting Council, Community Antennas Television and Telecommunication Facilities Application Guide

## 1. 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 a 36.4 acre parcel of private property located at 30 Cobblers Hill Court, Monroe, Connecticut, and owned by Quarry Ridge Associates, LLC.

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 services in the northern portions of the Town of Monroe, including portions of Fan Hill Road, Hammertown Road, Wheeler Road and other local roads, residences and other establishments in the surrounding area.

### 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 Town of Monroe. In fulfilling its federal obligations, AT&T uses data regarding its network to identify areas where wireless services are unreliable. Based on this data, AT&T determined that wireless services in the northwestern part of Monroe, particularly the areas in the vicinity of Fan Hill Road, Hammertown Road and Wheeler Road, are not reliable. The proposed Facility will allow AT&T to provide coverage and improve the reliability of its network in this area of Monroe, where very limited coverage currently is provided by a temporary facility at the Chalk Hill School complex, which was deployed so that the school complex would have access to critical personal wireless communication services as part of its use by the students of the Sandy Hook Elementary School.

The search area consists principally of single family low density residential uses, and among other uses, unimproved land, at which the proposed Facility will be located.

AT&T evaluated this area of the state and determined that there are no co-location opportunities, existing tower sites, or tall structures available for siting. After evaluating several parcels for the siting of the needed facility, AT&T secured a lease as follows for a portion of the subject quarry parcel.

The proposed Facility at 30 Cobblers Hill Court will be located in the southeastern portion of a 36.4 acre parcel owned by Quarry Ridge Associates, LLC. Quarry Ridge Associates, LLC also owns the approximately 100 acre adjacent parcel to the east and operates a quarry at this adjacent parcel. The proposed Facility consists principally of a new 155' self-supporting monopine tower, with an additional 7' branch extension to provide a tapered top, and an associated unmanned equipment shelter. The monopine design is proposed at the request of the property owner. AT&T will install up to twelve panel antennas and related equipment on a platform at a centerline height of 151' above ground level ("AGL"). The tower compound within the 100' x 100' lease area will consist of a 75' x 75' fenced area to accommodate a 11' 5" x 16' equipment shelter, an emergency backup generator, and additional space for future co-location at the Facility by other carriers. Vehicular access to the Facility will be provided from the northeastern area of the cul-de-sac at the end of Cobblers Hill Court over a new 12' wide gravel access drive approximately 1,634' in length. Utilities will be routed underground from an existing transformer and pedestal on Cobblers Hill Court along the proposed 20' wide access/utility easement.



Figure 1: Aerial Map

Included in this Application and its accompanying Attachments are reports, plans and visual materials detailing the proposed Facility and its 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 14.

### 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 FCC to operate 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, 14<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 761-1300  
Attention:  
Lucia Chiocchio, Esq.  
Christopher B. Fisher, Esq.

A copy of all correspondence shall also be sent to:

AT&T  
500 Enterprise Drive  
Rocky Hill, Connecticut 06607  
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. § 16-50(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. § 16-50(c) because it has not been identified in any annual forecast reports.

**2. Service and Notice Required by C.G.S. § 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 13. 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 Monroe Courier, the newspaper utilized for publication of planning and zoning notices in the Town of Monroe. A copy of the published legal notice is included as Attachment 12. The publishers' affidavits of service will be forwarded upon receipt. Furthermore, 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 parcel upon which the 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 12.

### **3. 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, 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.

Seventeen years later, it remains clear that the current White House administration, 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.<sup>1</sup>

President Obama further identified the critical role of robust mobile broadband networks in his 2011 State of the Union address.<sup>2</sup> In 2009, 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”).<sup>3</sup> 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.<sup>4</sup> [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.”<sup>5</sup> 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.”<sup>6</sup>

---

<sup>1</sup> Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).

<sup>2</sup> Cong. Rec. H459 (Jan. 25, 2011), *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.”

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

<sup>4</sup> *Id.* at XI.

<sup>5</sup> *Id.* at 76.

<sup>6</sup> *Id.* at 25.

In April 2011, 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.<sup>7</sup> 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.<sup>8</sup> More recently, the critical importance of timely deployment of wireless infrastructure to American safety and economy was confirmed 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.<sup>9</sup>

## 2. United States Wireless Usage Statistics

Over the past thirty years, wireless communications have revolutionized the way Americans live, work and play.<sup>10</sup> 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.<sup>11</sup> Wireless network data traffic was reported at 341.2 billion megabytes, which represents a 111% increase from the prior year.<sup>12</sup> 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.<sup>13</sup> By 2012, that number grew exponentially to an astonishing

---

<sup>7</sup> 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](http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0407/FCC-11-51A1.pdf).

<sup>8</sup> 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").

<sup>9</sup> 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>.

<sup>10</sup> See, generally, History of Wireless Communications, *available at* [http://www.ctia.org/media/industry\\_info/index.cfm/AID/10388](http://www.ctia.org/media/industry_info/index.cfm/AID/10388) (2011)

<sup>11</sup> CTIA's Wireless Industry Indices: Semi-Annual Data Survey Results, A Comprehensive Report from CTIA Analyzing the U.S. Wireless Industry, Mid-Year 2012 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>.

<sup>12</sup> *Id.*

<sup>13</sup> CTIA Wireless Quick Facts, *available at* <http://www.ctia.org/your-wireless-life/how-wireless-works/wireless-quick-facts> *citing Early Release of Estimates from the National Health Interview Survey, December 2012, National Center for Health Statistics, June 2013.*

38.2% of all households.<sup>14</sup> Connecticut in contrast lags behind in this statistic with 20.6% wireless only households.<sup>15</sup>

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.<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup>

Wireless access to the internet has also grown exponentially since the advent of the truly “smartphone” device. Cisco recently reported that global mobile data traffic grew 81% in 2013.<sup>19</sup> In 2013, global mobile data traffic alone was eighteen times greater than all global Internet traffic in 2000.<sup>20</sup> Indeed, with the recent introduction of tablets, netbooks and wearable devices to the marketplace and increased M2M (“Machine to Machine”) connectivity, 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 61% from 2013 to 2018.<sup>21</sup>

### 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 is a significant coverage deficiency in the existing AT&T wireless communications network in northern Monroe along segments of Fan Hill Road, Hammertown Road, Wheeler Road as well as other local roads and homes in the surrounding area. A deficiency in coverage is evidenced by

---

<sup>14</sup> Id.

<sup>15</sup> *Early Release of Estimates from the National Health Interview Survey, December 2012, National Center for Health Statistics*, June 2013. See also “Wireless Substitution: State-level Estimates From the National Health Interview Survey, 2012”, National Health Statistics Report, No. 70 (Dec. 18, 2013).

<sup>16</sup> Wireless 911 Services, FCC, available at <http://www.fcc.gov/guides/wireless-911-services>

<sup>17</sup> 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>

<sup>18</sup> Id.

<sup>19</sup> Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2013–2018 (Feb. 5, 2014).

<sup>20</sup> Id.

<sup>21</sup> Id.; see also Connecticut Siting Council, 2013 Connecticut State-Wide Telecommunications Coverage Plan (Feb. 6, 2014).

the inability to adequately and reliably transmit/receive quality calls and/or utilize data services offered by the network. The proposed Facility, in conjunction with other existing and approved facilities in and around Monroe is needed by AT&T to provide its wireless services to people living in and traveling through this area of the state. The proposed Facility will also improve service at the Chalk Hill School complex, where wireless service is currently provided by a temporary facility. Attachment 1 of this Application includes a Radio Frequency (“RF”) Engineering Report with propagation plots and other information which identifies and demonstrates the specific need for a 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.

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. 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.

On May 15, 2014, AT&T along with other wireless carriers began offering text-to-911 services nationwide in localities where municipal Public Safety Answering Points (PASPs) support text-to-911 technology.<sup>22</sup> This advancement is part of an evolution that will change what it means to "call 911" and extend access to emergency services to those who are deaf, hard of hearing, have a speech disability, or are in situations where a voice call to 911 might otherwise be dangerous or impossible. In coming years, individuals will be able to communicate with 911 operators and emergency services via voice, text and other media, including live video, which has the potential to revolutionize how emergency services personnel react and to respond to people in need.<sup>23</sup>

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.

---

<sup>22</sup> *FCC Chairman Julius Genachowski Announces Commitment by Major U.S. Wireless Carriers & Public Safety Leaders to Accelerate Nationwide Text-to-911 Services; Calls for Continued Engagement with FCC on Next Generation 9-1-1 Initiatives* (Dec. 6, 2012), available at <http://www.fcc.gov/document/chairman-genachowski-announces-commitments-accelerate-text-911>; see Next Generation 9-1-1 Advancement Act of 2012, Pub. L. No. 112-96, 123 Stat. 156, § 6501 et seq. (2012).

<sup>23</sup> See Next Generation 9-1-1 Advancement Act of 2012, Pub. L. No. 112-96, 123 Stat. 156, § 6503(e)(5) (2012).

### 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 northern Monroe requires a tower site that can provide reliable service over a footprint that spans several thousand acres. The Applicant submits that there are no equally effective technological alternatives to the proposed Facility for providing reliable personal wireless services in this area of Connecticut.

## 4. **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 Monroe, reviews conducted by AT&T's RF engineers and investigative visits made by AT&T's consultants did not identify any existing tower facilities or other tall structures that could be used by AT&T to serve this area of the state. After

determining that no existing facilities or structures could be used to provide service to the area where service is needed, AT&T's consultants investigated properties to assess whether construction of a new tower might be feasible. The residential nature of this area as well as the topography limited the selection of potential properties. AT&T's search for tower sites initially identified only one potential site for the proposed Facility at 30 Cobblers Hill Court in Monroe.

As part of the municipal consultation with the Town of Monroe, AT&T's consultants reviewed several other suggested properties and none are viable alternative sites. The Site Search Summary, submitted as Attachment 2, includes all of the sites investigated by AT&T. Several of the sites investigated were rejected by AT&T's radiofrequency engineers.

### B. Tower Sharing

To maximize co-location opportunities, as proposed the proposed Facility will be able to host up to three (3) additional carriers.

### C. Facility Design

AT&T has leased a 100' x 100' area in the southeasterly portion of a 36.4 acre parcel of property owned by Quarry Ridge Associates, LLC, which also owns the adjacent approximately 100 acre parcel to the east and operates a quarry on that parcel. The proposed Facility would consist of a 155' tall self-supporting monopine tower, with a 7' branch extension to provide a tapered top, within a 75' x 75' equipment compound. The monopine design is proposed at the request of the property owner. AT&T would install panel antennas in three sectors at a centerline height of approximately 151' AGL on the monopine tower, unmanned equipment in a 11' 5" x 16' equipment shelter, as well as an emergency backup generator on a concrete pad within the fenced compound. The compound would be enclosed by an eight (8) foot tall chain link fence. Both the monopine tower and equipment compound are designed to accommodate the facilities of other wireless carriers.

Vehicular access to the Facility will be provided from the northeastern area of the cul-de-sac at the end of Cobblers Hill Court over a new 12' wide gravel access drive a distance of approximately 1,634' to the equipment compound. The access drive will be gated near its entrance point on Cobblers Hill Court, and access will be restricted



to AT&T personnel. Electric and telephone utilities will be routed underground from an existing transformer and pedestal on Cobblers Hill Court along the proposed 20' wide access/utility easement. Attachments 3 and 4 contain the specifications for the proposed Facility, including site access drive plans, a compound plan and tower elevation, and other relevant details of the proposed Facility. Also included is a Visibility Analysis (Attachment 8) and information related to the environmental impact of the proposed Facility (Attachments 5 and 6). Some of the relevant information included in Attachments 3, 4, 5, 6 and 8 reveals that:

- The property is classified locally in the “RF-2 Residential & Farming District” zoning district;
- Grading of the access drive and compound area will be required, and a total of 164 trees of varying maturity require removal;
- The proposed Facility will have no significant impact on water flow, water quality, or air quality;
- Total year-round visibility of the Facility above the tree canopy would occur over approximately 54 acres. A substantial amount of the total year-round visibility would occur over the restricted areas of the host property and over a large parcel to the east of the host property that is also owned by Quarry Ridge Associates, LLC, and operated as a quarry;
- Year-round visibility of the proposed tower is limited to approximately 0.6% of the 8,042- acre study area;
- There are two delineated wetland features located on the subject parcel, which consist of hillside seep forested wetland systems associated with intermittent watercourses that generally flow to the south. No direct impact to these wetlands will result from the installation of AT&T’s proposed Facility. AT&T will follow best practices to ensure that neither wetland feature is impacted by the construction or operation of AT&T’s proposed Facility;
- Neither the installation nor operation of AT&T’s proposed Facility will impact an area of the first delineated wetland feature that could support a small, man-made vernal pool habitat or a larger off-site vernal pool habitat to the west. To

protect amphibians that may migrate across the site from either of these vernal pool areas, installation activities will not take place during peak amphibian movement periods (March 1 to May 15 and July 15 to September 15). Additionally, AT&T will implement accepted protection measures to avoid impacts to any Eastern Box Turtles that may occur at the Site;

- The State Historic Preservation Officer has determined that no historic properties will be affected by AT&T's proposed Facility.

## **5. 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**

A Visibility Analysis is included as Attachment 8, which contains a viewshed map and photographs and photo simulations of the proposed Facility from the surrounding area.

It is anticipated that approximately 54 acres or 0.6% of the 8,042-acre study area will have at least partial year-round visibility of the proposed Facility in the immediate area of the site and extending generally easterly over the subject parcel and over an adjoining approximately 100 acre parcel also owned by Quarry Ridge Associates, LLC. The Visibility Analysis also concludes that seasonal visibility is anticipated over an additional 179 acres of the 8,042 acre study area through the woods and areas immediately surrounding the Site. These seasonal views will be heavily obscured by the intervening vegetation. The Visibility Analysis also concludes that no views of the proposed Facility are expected from the Paugussett Trail or the Housatonic Rail Trail.

No schools or commercial day care facilities are located within 250' of the proposed Facility.

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

## B. Wetlands

As set forth in the attached Wetlands and Vernal Pool Analysis for the proposed Facility, there are two delineated wetland features on the subject parcel which consist of hillside seep forested wetland systems associated with intermittent watercourses that generally flow to the south. No direct impact to wetlands will result from AT&T's installation or operation of the proposed Facility.

The first delineated wetland feature borders AT&T's lease area to the east, south and west. The nearest portion of this wetland is located approximately 43 feet from northeast portion of the proposed Facility's fenced compound area. The second delineated wetland flows into the northern area of the first delineated wetland through a man-made ditch and 8" PVC pipe. As discussed in the attached Wetland and Vernal Pool Analysis, the first delineated wetland could support a small, man-made vernal pool habitat. A larger vernal pool habitat has been identified off-site, to the west of the site.

To protect these potential vernal pool habitats and any amphibians that may migrate to or from them across the site, AT&T will restrict installation activities from taking place during peak amphibian movement periods (March 1 to May 15 and July 15 to September 15). Furthermore, AT&T will implement accepted protection measures to avoid potential impacts to any amphibians and Eastern Box Turtles that may occur at the Site.

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.

### 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 included in Attachments 9, 10 and 11. AT&T's consultants submitted requests for review from federal, state and tribal entities including the DEEP and the Connecticut State Historic Preservation Officer (SHPO).

Consultation with the DEEP and field investigations indicated that the proposed Facility site is located in an area known for the Eastern Box Turtle, a species of special concern. AT&T will incorporate the comprehensive protection plan developed by AT&T's consultants in compliance with the DEEP's recommendations to ensure that AT&T's proposed Facility will not have an adverse effect on this state-listed species. A copy of the DEEP's correspondence as well as the detailed protection measures are included in Attachment 9.

SHPO issued a no effect determination for AT&T's proposed Facility on October 1, 2013. A copy of SHPO's correspondence is included in Attachment 10.

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 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 7. The report concludes that the calculated worst-case emissions from AT&T's equipment at the proposed Facility would be 2.89% of the MPE standard.

### E. Other Environmental Factors

The proposed Facility would be unmanned requiring monthly maintenance visits. AT&T's equipment 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 emergency 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 proposed Facility.

AT&T has evaluated the site in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 (NEPA). The 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. Furthermore, 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 indicate that the site is not located within a 100-year floodplain.

## **6. Consistency with the Town of Monroe'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. Monroe's Plan of Conservation and Development**

The Town of Monroe's Plan of Conservation and Development ("Plan"), adopted December 14, 2010, is included in the Bulk Filing. The Plan does not address

telecommunication facilities directly, but the Plan does recognize that there are gaps in reliable wireless services in the Town. Plan, Section 5.9, at 103. It is respectfully submitted that AT&T's proposed Facility will compliment the Town's goals in this regard by providing reliable wireless services in the northern portion of Monroe, including portions of Fan Hill Road, Hammertown Road, Wheeler Road and other local roads in the surrounding area.

### B. Local Zoning Standards and Dimensional Requirements

The Town of Monroe Regulations set forth general requirements for telecommunications facilities. The proposed Facility is located within the "RF-2 Residential & Farming District" zoning district, where wireless telecommunications facilities, as defined therein are subject to a Special Exemption Permit. The table below provides a review of general requirements of tower facilities under the Town of Monroe Zoning Regulations accompanied by compliance of the proposed Facility with those requirements.

Zoning Regulation	Proposed Facility
<i>Section 6.8 Wireless Communications Facilities</i>	
<i>6.8.4(A)</i> No lights shall be mounted on towers unless required by the FAA. Strobe lighting shall be avoided where possible.	The proposed monopine tower will not be illuminated. See FAA 1-A Survey Certification and TOWAIR Determination Results included in Attachment 4.
<i>6.8.4(B)</i> Towers not requiring special FAA painting or marking may be galvanized, painted a noncontrasting blue, gray, or other neutral color, or other such color as needed to blend into its location.	The proposed monopine tower will be of such color and character to blend into its location.
<i>6.8.4(C)</i> Towers may not be used to exhibit any signage or advertising.	The proposed monopine tower will not be used to exhibit any signage or advertising.
<i>6.8.4(D)</i> Towers shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for two additional users if the proposed antenna is over one hundred	The proposed facility is designed to accommodate the antennas and equipment of three additional carriers.

<p>(100) feet in height; if over fifty (50) feet in height, it shall be designed to accommodate one additional comparable antenna.</p>	
<p><i>6.8.4(E)</i> Towers shall be set back from all property lines a distance equal to their height. The Commission may waive this requirement when there is adequate documentation that the tower structure has been designed to collapse in a manner which will not impact adjacent properties.</p>	<p>The proposed monopine tower will be set back from the neighboring property to the west by approximately 735', from the neighboring property to the north by approximately 804', and from the neighboring property to the east by 144'. The tower can be designed with a yield point.</p>
<p><i>6.8.4(H)</i> Accessory buildings, to be used for housing telecommunications equipment only are permitted. Such buildings shall not exceed seven hundred fifty (750) square feet in area and shall be architecturally designed to blend into the neighborhood. Such buildings shall not exceed a height of twelve (12) feet.</p>	<p>The proposed equipment shelter will be approximately 230' in area and 12' in height.</p>
<p>(1) A fence of appropriate design and height shall enclose the ground equipment and any support tower. This requirement may be waived when the design of the facility does not warrant a fence, e.g., a flag pole design or a similar stealth design. Landscape buffers shall be provided around the perimeter of the facility as provided for in §6.2 of these Regulations, except when determined by the Commission that existing suitable vegetative cover will remain.</p>	<p>The proposed Facility equipment compound will be enclosed with an 8' tall chain link fence. As set forth in the Visibility Analysis included in Attachment 8, dense woodlands will obscure views of the Facility compound from surrounding properties.</p>
<p>(3) The design and operation of the wireless communication facility shall comply with the FCC standards regulating non-ionizing electromagnetic emissions.</p>	<p>The proposed Facility will comply with all FCC standards relating to RF emissions. A Power Density Report analyzing the proposed Facility's compliance with the FCC's standards is included in Attachment 7.</p>
<p>(4) All utilities to serve the facility shall be</p>	<p>Utilities will be extended to the Facility's</p>

installed underground unless otherwise approved by the Commission.	equipment compound underground from existing utilities on Cobblers Hill Court.
--	--

### C. Planned and Existing Land Uses

It is AT&T's understanding that the property owner plans to develop portions of the property. The parcel to the east is owned by Quarry Ridge Associates, LLC and is operated as a quarry.

### D. Monroe's Inland Wetlands and Watercourses Regulations

The Town of Monroe's Inland Wetlands and Watercourses Regulations ("Wetlands Regulations") regulate certain activities within the City conducted in "wetlands" and "watercourses" as defined therein.

The Town's Wetlands Regulations 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, modification or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 4 of these regulations. Regulated activity includes, but is not limited to any clearing, grubbing, filling, grading, re-grading, paving, excavating, constructing, depositing, or removing of material and/or discharging of storm water on the land within the established upland review areas as defined in these regulations. The Commission may determine that any other activity located within such upland review area or in any other area is likely to impact or affect wetlands or watercourses and is a regulated activity.

"Upland Review Area" - all areas adjacent to wetlands or watercourses including those that are not upgradient. These areas include but are not limited to:

- a. Within 100 feet measured horizontally from the boundary of any wetland or watercourse;



b. Within 150 feet measured horizontally from the ordinary high water mark of the following watercourses:

1. Beardsley Brook
2. Boys halfway River
3. Copper Mill River
4. Great Pine Swamp
5. Halfway River
6. Housatonic River
7. Lake Zoar
8. Pequonnock River
9. Means Brook
10. Mill River
11. West Branch of the Pequonnock River

c. Within 200 feet measured horizontally from the mean high water mark of any public water supply reservoir;

d. Within 500 feet measured horizontally of any vernal pool or any area displaying some of the characteristics or indicators of a vernal pool;

e. Any area defined by the Commission or the Commission's staff (after an initial review of materials submitted by an applicant) that is greater than the above mentioned distances due to special circumstances that may include, but shall not be limited to: steep slopes, impervious surfaces, topographical features, undersurface water, underground aquifers or any other reason the agency's staff or agency may deem necessary to include for the purpose of conducting its review operations.

There are two delineated wetland features located on the subject parcel. The nearest wetland is approximately 43 feet from the northeastern portion of the proposed Facility's compound. As set forth in the attached Wetlands and Vernal Pool Analysis for the proposed Facility, no direct impact to wetlands will result from AT&T's

installation or operation of the proposed Facility. AT&T will restrict installation activities from taking place during peak amphibian movement periods (March 1 to May 15 and July 15 to September 15) to protect any amphibians that may migrate to or from them across the site. Furthermore, AT&T will implement accepted protection measures to avoid potential impacts to any amphibians and Eastern Box Turtles that may occur at the Site. 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.

## **7. Consultation with Municipal Officials**

C.G.S. § 16-50/ 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 First Selectman Steve Vavrek on July 31, 2013.<sup>24</sup> Even though the Town of Newtown is not located within 2,500 feet of the proposed Facility, the subject property site boundary is located within 2,500' of the Town of Newtown. Thus, the Applicant submitted a Technical Report to First Selectwoman E. Patricia Llorda of Newtown on August 15, 2013.

At the Town's request, a noticed public information meeting was held at Monroe Town Hall on September 10, 2013. At this meeting, AT&T presented the project and answered questions from those in attendance. At the information meeting, the owner of another site advised AT&T's representatives that his property was available for a tower facility. Subsequent to the information meeting, AT&T reviewed this site, as well as seventeen other locations that were suggested by the community.

After AT&T's review, all but one of the potential alternative sites that were identified during the course of AT&T's Section 16-50/ consultation with the Town were rejected because the suggested locations were either too far from the area where service is needed or too close to an existing AT&T site. In the case of the site where the owner approached AT&T at the information meeting, it was determined that this property is unsuitable for the siting of AT&T's facility. The results of AT&T's review of the suggested locations were provided to the Town of Monroe on November 14, 2013.

---

<sup>24</sup> A copy of AT&T's Technical Report is included in the Bulk Filing.

In correspondence dated November 27, 2013, responses to additional questions from the Town were provided. Copies of all correspondence with the Town are included in Attachment 11.

## 8. 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
Site Development	\$90,000
Utility Installation	\$55,000
Facility Installation	\$65,000
Antennas & Equipment	\$250,000
Total Cost	\$550,000

Figure 2 Estimated Costs

### B. Overall Scheduling

Site preparation work would commence immediately following Council approval of a Development and Management (“D&M”) Plan, the issuance of a Building Permit by the Town of Monroe and final utility arrangements with CL&P. The site preparation phase for the proposed Facility is expected to be completed within three (3) to four (4) weeks. Installation of the monopine, 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.


## 9. Conclusion

This Application and the accompanying materials and documentation demonstrate clearly that a public need exists in the northern portion of the Town of Monroe for a new tower for the provision of reliable wireless services to the public. The foregoing information and attachments also demonstrate that the proposed Facility will not have

any substantial adverse environmental effects and that there are no other 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. Accordingly, the Applicant respectfully requests that the Council grant its Application for a Certificate of Environmental Compatibility and Public Need for the proposed wireless telecommunications Facility at 30 Cobblers Hill Court in the Town of Monroe.

Respectfully Submitted,

By:



Lucia Chiochio, Esq.

Christopher B. Fisher, Esq.

Cuddy & Feder LLP

445 Hamilton Avenue, 14<sup>th</sup> Floor

White Plains, New York 10601

(914) 761-1300

Attorneys for the Applicant