



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Christopher B. Fisher
cfisher@cuddyfeder.com

June 20, 2019

BY FIRST CLASS MAIL

Melanie Bachman, Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket 485
MCM Holdings, LLC
Proposed Wireless Telecommunications Tower Facility -Westbrook
1542 Boston Post Road ("Site A") or Kirtland Street ("Site B")

Dear Ms. Bachman:

On behalf of the Applicant MCM Holdings, LLC ("MCM"), please accept this letter brief in support of the application in Docket 485 for a Certificate of Environmental Compatibility and Public Need ("Application").¹

Siting Council Application & Tower Sites

This Application was filed earlier this year for a 130' tall self-supporting monopole (138' tall when including the proposed Old Saybrook Police Department whip antennas) along with at grade equipment. The proposed facility is needed as a permanent replacement of the former Connecticut Water Company water tank that was decommissioned and to replace the existing 163' tall (171' overall facility height to top of a whip antenna) temporary telecommunications tower at Site A.²

The Applicants' Proposed Facility would be constructed at one of two candidate locations. Site A has an address of 1542 Boston Post Road, Westbrook CT ("Site A"), is owned by the Connecticut Water Company and is the former location of the water tank/communications facility and the current location of the existing 163' tall temporary facility. Site B bears no specific site address but is located at the end of a private road, Kirtland Street, in the Town of Westbrook, CT and is comprised of two parcels identified as Map 182, Lot 003 and Map 177, Lot 122 in town tax records ("Site B").

¹ This brief is submitted pursuant to Section 16-50j-32 of the Regulations of Connecticut State Agencies and the 30-day post-hearing time frame established by the State of Connecticut Siting Council ("Council") for the receipt of written comments, in the form of a letter given the lack of any other parties or intervenors in Docket 485, and addresses the need and environmental effects of the proposed facility at either of the candidate sites.

² See Council Petition Number 1330 approval dated December 7, 2017.



Municipal Consultation & Procedural History

The Applicants submitted a technical report to the Town of Westbrook in October of 2018.³ The Board of Selectmen held an informational public meeting on the proposal on December 11, 2018. The Town recommended and prefers Site A as a permanent tower facility location.

On April 1, 2019, the Council received the Application. The Applicants provided responses to the Council's various interrogatories on May 13, 2019 and submitted a pre-hearing submission and a supplemental submission on May 22, 2019. The Council held a site visit and public hearing on the Application in the Town of Westbrook on May 30, 2019.

Evidence of Public Need for the Permanent Facility

At the Council's public hearing, the history of Site A as a water tank and prior support structure for AT&T, T-Mobile, Verizon and the Old Saybrook Police Department to provide their services in the Westbrook and Old Saybrook communities was highlighted. Verizon provided testimony regarding its ongoing need for a facility at either Site A or Site B and how the loss of services would impact the community. AT&T and T-Mobile both wrote letters to the Council with plots similarly explaining the importance of a permanent tower replacement facility at Site A or Site B for their network services. Old Saybrook Police Chief Spera provided public comments at the evening hearing explaining the critical importance of a replacement tower in serving western portions of Old Saybrook and mutual aid calls in Westbrook with first responder communications, with a preference for Site A. No member of the public questioned the need for a permanent tower facility replicating the height of the former water tank or that there are no nearby towers or other facilities that could be shared in lieu of the proposed replacement tower.⁴

Environmental Effects of a Tower at Site A or Site B

Connecticut General Statutes § 16-50p(a)(3)(B) requires the Council to consider "the nature of the probable environmental impact...including, but not limited to, (i) electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, (ii) ecological balance, (iii) public health and safety, (iv) scenic, historic and recreational values, (v) agriculture, (vi) forests and parks, (vii) air and water purity, and (viii) fish, aquaculture and wildlife...." The Applicants do not anticipate any significant environmental impacts at either Site A or Site B which are compared below for purposes of the Council's fact finding.

- The proposed Facility replacement will generally have the same emissions cumulatively and continue to comply with the Federal Communications Commission ("FCC") maximum permissible exposure standards with the Council ensuring compliance oversight as part of

³ C.G.S. § 16-50l

⁴ See C.G.S. §§ 16-50p(a)(3)(A) and 16-50p(b)(1)



Development & Management, exempt modification and tower sharing processes.

- Neither Site A or Site B is located within either 100- or 500-year flood zones or other areas of flood hazard or on public water supply lands.
- Site B is located outside of any recognized farmland soil area and Site A is already disturbed farmland soils on land that is not under any agricultural restriction.
- The proposed Facility at either candidate site does not propose a water supply or wastewater utilities, outdoor storage or solid waste receptacle or involve emissions of smoke, dust, air contaminants, noise, odors or vibrations other than the installed heating and ventilation equipment and limited use of a back-up generator during power outages.
- The proposed Facility at both candidate sites received a determination of no hazard to air navigation from the Federal Aviation Administration (“FAA”).
- Neither Site A or Site B is identified as located in or near a wilderness area, wildlife preserve, National Park, National Forest, National Parkway, Scenic River, State Forest, State Designated Scenic River, State Gameland or other undisturbed part of the state.
- The proposed Facility at either site would be generally consistent with the Town of Westbrook Plan of Conservation and Development which specifically indicates that “improving wireless coverage, in areas where it may be lacking, should be a priority” and the prior zoning approvals issued when Site A was a water tank under the Town’s jurisdiction.
- No wetlands are present on or near Site B. Site A, which is already disturbed and will require minimal site preparation for the proposed Facility, has two delineated adjacent wetlands areas. No adverse impacts to wetlands and erosion and sediment control measures will be installed and maintained during construction in accordance with the wetland protection plan provided in the Application and the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control.
- The comparative visual assessment with photo simulations included in the April 1, 2019 submission, May 13, 2019 responses to the Council’s pre-hearing interrogatories and balloon-float during the May 30, 2019 publicly noticed site visit all indicate that the proposed Facility, at either Site A or Site B, will not have an adverse visual impact and be less visible than the former water tank (circumference mass) and existing temporary facility (height).
- It is the professional opinion of the Applicant’s visual consultant that a monopole with platforms at Site A or B will be less noticeable than other facility design options (e.g. monopine) and testified that the Connecticut State Historic Preservation Office prefers Site A.



- Site A is the most construction cost-effective option for the Applicant since the site is already improved for a wireless facility compound and currently supports the existing carriers and Old Saybrook equipment and utilities whereas Site B would need to be further improved with tree and other clearing.
- No parties, intervenors, or members of the public have raised significant adverse environmental concerns regarding the proposed Facility at Site A or B with members of the public expressing various policy and personal preferences including setbacks from single family residential properties and Route 1 and the Water's Edge.

Either Tower Site Would Meet The State Statutory Criteria for Approval of a Certificate

In considering Sections 16-50p(a)(3)(C, F, G) and 16-50(b) of the Connecticut General Statutes, the Applicant submits that a public need for a permanent tower facility has been acknowledged by all interested parties and the evidence overwhelmingly supports the need for a new 130' tower. Further, that in balancing the environmental effects, a 130' tower and related antennas and equipment at either Site A or Site B, both meet the state statutory criteria for approval of a Certificate. Indeed, approval of a new tower will maintain and enhance the critical public safety and cellular communications services currently provided to the community. The Applicants therefore request that the Council, in evaluating the facts presented in Docket 485, issue a Certificate for the site it believes best balances the state statutory criteria as set forth in Section 16-50p of the Connecticut General Statutes.

Thank you for your consideration.

Very truly yours,



Christopher B. Fisher

Cc: Service list

CERTIFICATION OF SERVICES

I hereby certify that on this day, an original and fifteen (15) copies of the foregoing was sent electronically and delivered to the Connecticut Siting Council.

Dated: June 20, 2019

A handwritten signature in black ink, appearing to read 'CB Fisher', written over a horizontal line.

Christopher B. Fisher

cc: Service List