



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
Division of Statewide Emergency Telecommunications

Proposed Activity: Tower Replacement

Connecticut Siting Council

Petition for Declaratory Ruling

Petition No. T.B.D.

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2. Certified Drawings featuring DESPP, DOT and Town antennas
3. Class D Site Survey – Leetes Island Road, Branford
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8. A) FAA Aeronautical Study 2020-ANE-3430-OE & B) FAA F-1 Certification
9. Town of Branford Support Letter – June 17, 2020
10. List of Abutting Property Owners with Certified Notification Letter and Affidavit of Mailing

CONNECTICUT SITING COUNCIL

**PETITION OF CONNECTICUT DEPARTMENT)
OF EMERGENCY SERVICES AND PUBLIC) PETITION NO. T.B.D.
PROTECTION TO THE CONNECTICUT SITING)
COUNCIL FOR A DECLARATORY RULING)
THAT NO CERTIFICATE OF ENVIRONMENTAL)
COMPATABILITY AND PUBLIC NEED IS)
REQUIRED TO REPLACE AN EXISTING)
MONOPOLE TOWER WITH A SELF-SUPPORTING)
LATTICE TOWER AT LEETES ISLAND ROAD IN)
BRANFORD, CONNECTICUT, AS RECORDED IN)
BOOK 161 AT PAGE 294 OF THE BRANFORD LAND)
RECORDS)**

**PETITION FOR DECLARATORY RULING
FOR THE REPLACEMENT OF AN EXISTING MONOPOLE
TOWER WITH A SELF-SUPPORTING LATTICE TOWER AT
CERTAIN REAL PROPERTY LOCATED AT LEETES ISLAND
ROAD IN BRANFORD, CONNECTICUT, AS RECORDED
IN BOOK 161 AT PAGE 294 OF THE BRANFORD LAND RECORDS**

I. INTRODUCTION

The Connecticut Department of Emergency Services and Public Protection Division of Statewide Emergency Telecommunications, (hereafter “DESPP”), petitions the Connecticut Siting Council (the “Council”) pursuant to §§16-50j-38 and 16-50j-39 of the Regulations of Connecticut State Agencies for a declaratory ruling that a Certificate of Environmental Compatibility and Public Need (“Certificate”) is not required under the provisions of Connecticut General Statute §16-50k to replace an existing monopole with a lattice tower structure at the existing telecommunications facility located at Leetes Island Road on a parcel located in Branford, CT and recorded in Book 161 at Page 294 of the Branford land records (the “Facility” and/or “Site”)¹. The replacement of the existing monopole with a self-supporting lattice tower, of a nearly equal height, is for the purpose of accommodating DESPP, the Connecticut Department of Transportation (the

¹ The Branford Assessor’s Office has not assigned an official address to the property owned by the DOT. The property card lists the address as “Leetes Island Road” only. The property is referred to as “69 Leetes Island Road” in the Phase I Environmental Report because the engineers creating the report noted this as the address in DEEP Spill Case Reports.

“DOT”) and both the Town of Branford and the Town of Guilford, (the “Towns”) and their respective public safety telecommunications systems. The instant petition is exclusively for DESPP’s, DOT’s, and the Towns’ benefits.

The Site is owned by the State of Connecticut and managed by the Department of Transportation (DOT), however the Facility’s infrastructure will be owned and maintained via a Memorandum of Agreement dated September 25, 2020 between DOT and DESPP attached hereto and marked as **Exhibit 1**.

DESPP is working with the Towns of Branford and Guilford on upgrading their public safety telecommunications systems (see **Exhibit 2**). Installation of antennas for the Town of Branford will greatly improve public safety communications in the eastern area of Branford for Police, Fire, EMS, and Public Works. The Town of Guilford will similarly improve public safety communications in the western area of that town. Both of the Towns provide each other with mutual aid support and will be operating on 400 MHz radio systems.

In order to expand coverage, capability and enhance system performance of the DESPP 800/700- MHz Public Safety radio system in the Middlesex County and New Haven County areas of Connecticut, DESPP plans to modify the equipment configurations at the Site. DESPP also will add a Mutual Aid antenna for shared use by the Valley Shore Emergency Communication, Inc. and the Town of Guilford that operates on a 400 MHz radio system. This modified telecommunications site will also benefit the Town’s radio capabilities with their installation on the new tower.

DESPP intends to replace the DOT’s 49’ monopole tower with a 100’ lattice tower structurally capable of meeting current State Building Code and the Telecommunications Industry Association (TIA-222, revision G, Risk Category II) standards. The replacement tower will be used to support the DOT’s existing AM antenna as well as the added antennas for DESPP and the Towns at the Site.

DESPP requests the Council to waive its application fee pursuant to RCSA Section 16-50j-3 for DESPP’s, DOT’s, and the Towns’ public safety communications systems requirements. DESPP respectfully submits that the proposed replacement of the Facility’s tower structure will not present any significant adverse environmental impacts which would otherwise warrant review by the Council in a full docket and Certificate proceeding. As such, DESPP respectfully requests

a declaratory ruling from the Council that the redevelopment of the Facility for DESPP's, DOT's, and the Towns' public safety systems, and exclusive public benefit, does not require a Certificate.

II. EXISTING FACILITY

The Facility is located on a 5.0 acre parcel at Leetes Island Road, Branford, Connecticut shown on the Class D site survey dated 5/27/2020 by Centek Engineering, Inc. (see **Exhibit 3**). Presently, the facility's existing monopole structure supports telecommunications equipment for the DOT but will not structurally accommodate all of the proposed public safety telecommunications systems owned by DESPP and both of the Towns. The existing monopole structure stands 49' and the structure reaches to approximately 70' above ground level ("AGL") with DOT's telecommunications equipment. For the purpose of demonstrating the monopole's inability to accommodate the Towns', DESPP's and DOT's proposed equipment, DESPP has provided pictures in **Exhibit 4**. The tower is clearly antiquated and will be removed as part of this project which is a safety and environmental benefit.

III. PROPOSED REDEVELOPMENT ACTIVITY

DESPP seeks to redevelop the Facility by replacing the 49' monopole with a 100' self-supporting, lattice tower. The tower will be enclosed within a 50' x 50' compound surrounded by 8' tall chain linked fence with barbed wire and adding a new 12' x 34' shelter of 408 square feet to house DESPP's, DOT's, and the Towns' telecommunications equipment (see **Exhibit 2**). DESPP has determined that the proposed lattice structure will, in addition to satisfying radio frequency requirements, be capable of supporting DESPP's, DOT's, and the Towns' public safety equipment (see **Exhibit 2**).

Vehicular access to the property will remain unchanged. However, a 12' wide, gravel path will be added from the property entrance to provide access to the tower compound. Existing access to the current tower is made across the lawn. Access to the proposed facility will continue to be made south-westerly from Leetes Island Road (entrance is located at approximately across from the entrance for 81 Leetes Island Road).

Power and telco conduits will be routed underground from an existing utility pole near Leetes Island Road to the proposed tower facility, following the path of the proposed driveway. Likewise, the utility easement serving the Facility will also remain unchanged and continue to

follow the route from Leetes Island Road (see **Exhibit 2**). DESPP proposes to install a 120/240 volt, 400 amp single-phase underground electrical service.

A. Commercial Carriers and Tenants

This redevelopment project is driven by DESPP's, DOT's, and the Towns' need to support critical public safety telecommunications equipment. New commercial carriers are not within the scope of this redevelopment activity or petition at this time but this facility will be open to the additions of commercial carriers wishing to utilize the sharing of telecommunications facilities as a means to improve their individual communications networks throughout the State of Connecticut and thus prevent the proliferation of telecommunications towers throughout the State.

IV. THE PROPOSED MODIFICATIONS WILL HAVE NO SUBSTANTIAL ADVERSE ENVIRONMENTAL EFFECT

A. Minimal Physical Impact: State Historic Presentation Office

A comparison of existing and proposed conditions reveals no substantial adverse environmental impacts associated with the proposed project in the Phase I Environmental Report conducted by CBRE (see **Exhibit 5**). The proposed lattice tower will be located immediately next to the existing monopole, and not result in any additional uses or towers. The existing monopole will be dissembled, by the DOT, immediately after the new lattice tower becomes fully functional. The project will require minimal earth modification and grading, and to that extent, all construction will implement necessary storm water and erosion control measures established by the Connecticut Council of Soil and Water Conservation. A Project Review Request Form was sent to the State Historic Preservation Office on August 12, 2020 to determine if any historic properties would be affected. SHPO has not responded to the request at the time this petition was filed, but DESPP will provide the response to the Siting Council upon receipt. A copy of the request is attached as **Exhibit 6**.

B. Compliance with MPE Limits and Safety Recommendations

The total radio frequency power density at this site for occupational and general public groups will be in compliance with the Federal Communications Commission's ("FCC") Rules and Regulations, and those standards adopted by the Connecticut Department of Energy and Environmental Protection as set forth in §22a-162 of the Connecticut General Statutes (see **Exhibit 7**). The conservative analysis in this case shows that the maximum calculated radio frequency ("RF") level from the combination of proposed and existing antenna operations at the site is 0.3668 percent of the FCC general population maximum permissible exposure ("MPE") limit. In other words, the worst-case calculated RF level is more than 270 times below the FCC MPE limit. Furthermore, DESPP will ensure compliance with industry practices, FCC requirements, and Occupational Safety and Health Administration ("OSHA") regulations, by installing RF alert signage and barriers, including locked gates.

C. Visibility

The proposed tower's height will only increase approximately 20 – 30 feet than the existing tower and will not have a significant impact on existing viewsheds (see **Exhibit 4**).

D. FAA Certification

The Federal Aviation Administration ("FAA") conducted an aeronautical study of the proposed tower replacement, under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77. Based on Aeronautical Study No. 2020-ANE-3430-OE, dated July 9, 2020 (see **Exhibit 8A**), the FAA determined that the proposed tower replacement at the CT DOT facility, 115' (AGL), is not a hazard to air navigation. In addition, the FAA determined that no markings or lighting is required for aviation safety. The FAA has determined the proposed tower is not a hazard for air navigation up to 220' AMSL.

According to an FAA F-1 Certification from Centek Engineering, Inc., the facility's ground elevation is 104.94' above mean sea level (see **Exhibit 8B**).

E. Public Safety Need

DESPP has retained the experts at Motorola to design an equipment configuration that will adequately support each of their public safety services. Motorola has developed equipment

configurations based on each of DESPP's, DOT's, and the Towns' current and future communications needs. Motorola's proposed configurations requires DESPP's installations at 100', DOT's installation at 24.5', a mutual aid omni installation at 100', the Town of Guilford's installation at 60', and the Town of Branford's installations at 70' & 100' (see **Exhibit 2**).

F. Phase I Environmental Site Assessment

A Phase I environmental site assessment was conducted by CBRE, dated May 26, 2020 (see **Exhibit 5**). This report outlines the findings of CBRE's site reconnaissance, historical land use research, review of governmental records, and interviews. This assessment has revealed no evidence of recognized environmental conditions ("RECs") in connection with the Parent Parcel.

V. PUBLIC SAFETY CONSULATION

This redevelopment activity supports the need to upgrade public safety telecommunications systems for DESPP, DOT, the Town of Guilford, and the Town of Branford. Branford has several "dead" areas with no or intermittent radio coverage in the eastern side of town. Upgrading this tower and equipment will improve essential radio coverage for use by the Town's Police, Fire, EMS, and Public Works partners. The Town of Guilford intends to use the tower to improve telecommunications for their Police, Fire, and EMS. DESPP submits with this petition a letter dated June 17, 2020 from Branford's First Selectmen James Cosgrove demonstrating his support for this project, attached hereto as **Exhibit 9**. Abutting property owners have been notified of DESPP's intentions to replace the existing monopole with a self-supporting lattice tower (see **Exhibit 10**).

VI. CONCLUSION

For the forgoing reasons, DESPP respectfully request that the Council determine that the 49' monopole, with no available capacity for DESPP's and the Towns' public safety equipment, be replaced with a 100' lattice structure that can support DESPP's, DOT's, and the Towns' public safety telecommunications equipment and that such redevelopment does not require a Certificate of Environmental Compatibility and Public Need. DESPP also respectfully requests that the Council issue an order approving the same.

Respectfully submitted,

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EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

EXHIBIT 5

EXHIBIT 6

EXHIBIT 7

EXHIBIT 8

EXHIBIT 9