



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

February 1, 2021

Mark Gorka
Grants and Contracts Specialist
The Connecticut Department of Emergency Services and Public Protection
1111 Country Club Road
Middletown, CT 06457
mark.gorka@ct.gov

RE: **PETITION NO. 1435** - The Connecticut Department of Emergency Services and Public Protection (DESPP) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed replacement and extension of an existing telecommunications facility located at property owned by the Connecticut Department of Transportation off Leetes Island Road, Branford, Connecticut.

Dear Mr. Gorka:

At a public meeting held on January 28, 2021, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need with the following conditions:

1. Waiver of the filing fee pursuant to Regulations of Connecticut State Agencies §16-50j-3;
2. Approval of any project changes be delegated to Council staff;
3. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
4. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of Branford.
5. Prior to construction, DESPP shall file the final construction drawings and structural analysis for the tower and foundation (stamped by a Professional Engineer duly licensed in the State of Connecticut) with the Council;

6. Unless otherwise approved by the Council, the existing monopole shall be removed within 180 days of the installation of the new self-support tower;
7. The Council shall be notified in writing within 45 days of when the existing monopole is removed and the new self-support tower is operational unless a written request for an extension is submitted to the Council within that timeframe;
8. Any nonfunctioning antenna and associated antenna mounting equipment on this facility shall be removed within 60 days of the date the antenna ceased to function;
9. If the facility ceases to be operational for a period of one year the Petitioner shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council within 90 days from the one year period of cessation of operations. The Petitioner may submit a written request to the Council for an extension of the 90 day period not later than 60 days prior to the expiration of the 90 day period;
10. This Declaratory Ruling may be transferred, provided the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling; and
11. If the facility is sold/transferred to another entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated October 5, 2020, and additional information received on December 2, 2020, December 3, 2020, December 8, 2020, December 14, 2020 and January 19, 2021.

Enclosed for your information is a copy of the staff report on this project.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman

Executive Director

MAB/IN/lm

Enclosure: Staff Report dated January 28, 2021

c: The Honorable James Cosgrove, First Selectman, Town of Branford (jcosgrove@branford-ct.gov)
Harry Smith, Town Planner, Town of Branford (p-z@branford-ct.gov)



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

Petition No. 1435
Connecticut Department of Emergency Services and Public Protection
Replacement Telecommunications Facility
Leetes Island Road
Branford, Connecticut

Staff Report
January 28, 2021

Introduction

On October 5, 2020, the Connecticut Siting Council (Council) received a petition (Petition) from The Connecticut Department of Emergency Services and Public Protection (DESPP) for a declaratory ruling, pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, for the proposed replacement of an existing monopole tower with a self-supporting lattice tower on property owned by the Connecticut Department of Transportation (DOT) off Leetes Island Road, Branford, Connecticut.

In the Petition, DESPP also respectfully requests the Council to waive the Petition filing fee pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-3.

The purpose of this project is to upgrade the public safety telecommunications systems for DESPP, DOT and the Towns of Branford and Guilford (Towns).

On October 2, 2020, DESPP provided notice of the proposed project in accordance with RCSA §16-50j-40. By letter dated June 17, 2020, the Town of Branford First Selectman expressed support for the project and stated the proposed facility would expand and improve public safety communications, including police, fire, EMS and public works, particularly in the east side of Branford where public safety communications experience dead areas.

On October 5, 2020, the Council sent correspondence to the Town of Branford stating that the Council has received the petition and invited the municipality to contact the Council with any questions or comments by November 4, 2020. No comments were received.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take action on a petition within 60 days of receipt, and therefore, December 4, 2020 was the deadline for action on this Petition. In response to the Coronavirus pandemic, on September 8, 2020, Governor Lamont issued Executive Order No. 9A that provides for a 90-day extension of statutory and regulatory deadlines for administrative agencies. Thus, the deadline under CGS §4-176(e) is extended to March 4, 2021.

The Council issued interrogatories to DESPP on December 2, 2020. DESPP provided responses to the Council's interrogatories on December 2, December 3, December 8, December 14, and December 19, 2020. The Council approved DESPP's request for an extension of time to provide a response to the Council's interrogatory No. 9 related to a visual assessment of the proposed replacement tower. DESPP provided the supplemental information on January 19, 2021.

Jurisdiction

Pursuant to CGS §16-50i(a)(6), the Council has exclusive jurisdiction over telecommunications towers, including associated equipment, *owned or operated by the state*, a public service company or a certified telecommunications provider or used in a cellular system (Emphasis added).

Under RCSA §16-50j-2a (30), “Tower” means a structure, whether free standing or attached to a building or another structure, that has a height greater than its diameter and that is high relative to its surroundings, or that is used to support antennas for sending or receiving radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, which is or is to be:

- (A) used principally to support one or more antennas for receiving or sending radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, and
- (B) *owned or operated by the state*, a public service company as defined in Section 16-1 of the Connecticut General Statutes, or a certified telecommunications provider, or used in a cellular system, as defined in Section 16-50i(a) of the Connecticut General Statutes. (Emphasis added).

The existing monopole telecommunications facility is owned and operated by DOT. The proposed lattice tower would be constructed immediately adjacent to the existing monopole. The existing monopole would be removed upon the operation of the proposed facility. The proposed facility would be constructed, owned and managed in accordance with a Memorandum of Agreement dated September 25, 2020 between DOT and DESPP. Thus, the Council has jurisdiction over the proposed telecommunications facility.

Existing Telecommunications Facility

The subject property is a 5.0 acre parcel owned by the DOT located in the General Industrial (IG-2) zone of the Town of Branford. Two service buildings and associated parking areas and driveways are currently located on the host parcel. The surrounding land use is mostly commercial. The nearest residence is over 400 feet southwest of the proposed facility.

The existing 49-foot monopole tower was constructed in the early 1960s and is structurally inadequate to support the proposed public safety telecommunications equipment owned by DESPP and the Towns. The proposed 100-foot replacement self-supporting lattice tower would support equipment owned by DESPP, DOT and the Towns.

Proposed Telecommunications Facility

Installation of the proposed facility would allow DESPP to expand its coverage and enhance the performance of its 800/700 MHz public safety radio system within the Middlesex County and New Haven County areas. The proposed facility would also include shared use by the Valley Shore Emergency Communication, Inc. and the Towns. The proposed facility would improve municipal public safety communications in the eastern area of Branford and the western area of Guilford.

The proposed facility would be located about 172-feet from the property entrance in the northwestern portion of the parcel and access would be via a proposed 12-foot wide gravel access drive to be installed in a northeastern direction from near the site entrance off of Leetes Island Road to the proposed tower compound.

The proposed facility would consist of a 100-foot self-supporting lattice tower with three DESPP antennas at the 100-foot level of the tower, two DESPP mutual aid whip antennas at the 100-foot level, one Town of Branford whip antenna at the 100-foot level, one Town of Branford whip antenna at the 70-foot level, one Town of Guilford whip antenna at the 60-foot level and one CT DOT whip antenna at the 24.5-foot level. The tower would reach a maximum height of approximately 114.2-feet including the whip antennas.

The proposed facility would also include a 34-foot long by 12-foot wide by 11-foot tall, prefabricated equipment shelter, an 80-kilowatt emergency backup propane generator and a 1000-gallon underground propane tank all enclosed within a 50-foot by 50-foot equipment compound. The proposed compound would be surrounded by an eight-foot tall chain link fence with barbed wire and include a 12-foot wide double swing gate. The backup generator would be installed within the equipment shelter and would have an estimated run time of 3 days based on its fuel tank capacity.

Electrical and telephone service would be run underground and routed along the proposed driveway to the nearest existing utility service pole. The utility meter for the proposed facility would be mounted on the proposed equipment shelter and connected to a proposed utility transformer to be located to the west of the facility.

Although commercial wireless carrier installations on the replacement telecommunications facility are not proposed at this time, if the project is approved, DESPP would share space on the facility consistent with the state tower sharing policy under CGS §16-50aa.

Public Safety

A Professional Engineer duly licensed in the State of Connecticut has certified that the proposed replacement tower and antenna mounts would be structurally adequate to support the proposed equipment loading. The tower is not designed to accommodate any increase in height.

The Federal Aviation Administration determined the proposed tower would not be a hazard to air navigation and would not require marking or lighting.

The calculated power density would be 3.71 percent of the applicable limit using a -10 dB off-beam adjustment.

Environmental

The facility site is not located within the Federal Emergency Management Agency-designated 100-year or 500-year flood zone. The nearest wetland is a freshwater forested/shrub wetland located about 0.13 miles (686-ft) south of the proposed facility.

The proposed project is not located within a buffered area of the Department of Energy and Environmental Protection's Natural Diversity Database.

The State Historic Preservation Office determined that no historic properties will be affected by the proposed activities.

The facility would comply with United States Fish and Wildlife Service guidelines for minimizing potential impacts to bird species.

The project will require minimal grading and DESPP will implement erosion and sedimentation controls in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*.

No schools or commercial day care centers are located within 250 feet of the Site. The nearest school and child day care are located approximately 1.2 and 1.9 miles southwest of the site, respectively. No visibility of the proposed replacement facility is predicted from either location.

The proposed replacement telecommunications facility is not expected to have a significant visual impact to the surrounding area. The Petitioner evaluated the potential visibility of the proposed facility by using a predictive computer model for areas within 2 miles of the site (study area) and an in-field analysis to develop photo-simulations of the proposed tower. The visual assessment determined that both year-round and seasonal visibility of the tower would generally occur from locations within 0.5 miles or less. These areas are generally oriented along major roadways in the area and are predominately commercial, although a church, undeveloped land and some residential areas are present.

The visual assessment indicates year-round visibility of the proposed tower would occur from approximately 48 acres (or about 0.60 percent) within the study area. Year-round visibility would occur from portions of Leetes Island Road, I-95, and from industrial and commercial areas north of I-95. Seasonal visibility of the tower would occur from an additional 62 acres (or about 0.77 percent) within the study area and are mostly located around the periphery of areas with year-round views.

Facility Construction

The construction of the proposed telecommunications facility is anticipated to begin as soon as possible and would require approximately 60 days.

Conclusion

If approved, staff recommends the following conditions:

1. Waiver of the filing fee pursuant to RCSA §16-50j-3; and
2. Approval of any project changes be delegated to Council staff.

Figure 1. Proposed Site Location



Figure 2. Existing facility



Figure 3. Simulation of the Proposed Tower alongside the existing monopole



Attachment 1: Comments from the Council on Environmental Quality (CEQ)



Keith Ainsworth

Alicia Chazman

David Kalish

Lee E. Darbar

Alison Hilding

Kip Kolesnikas

Matthew Reiser

Charles Vidich

Peter Hearn
Executive Director

STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

October 28, 2020

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

RE: PETITION NO. 1435 - The Connecticut Department of Emergency Services and Public Protection (DESPP) petition for the proposed replacement and extension of an existing telecommunications facility located at property owned by the Connecticut Department of Transportation off Leetes Island Road, Branford, Connecticut.

Dear Ms. Bachman:

The Council on Environmental Quality (Council) has reviewed the Petition materials submitted in Petition 1435 and offers the following comments for consideration by the Petitioner and the Siting Council.

1. Visual Impact

The Petitioner states that the proposed increase in height from the proposed replacement tower "will not have a significant impact on existing viewsheds". However, there is no visual impact analysis in the Petition materials to document that determination. Exhibit 4 includes images of the existing tower, but no photo simulations of the proposed tower and antennas. The Council recommends that the Petitioner 1) identify possible sensitive receptors, including possible historic structures and viewpoints within a two-mile radius of the proposed tower, and 2) assess whether the proposed increase in height and the addition of antennas would be visible under both leaf-off and leaf-on conditions.

The Council notes that there is limited information in the Petition materials regarding any analysis of potential impacts on wildlife. The Council recommends that the Petitioner assess if there are any Natural Diversity Database (NDDDB) buffer areas proximate to the existing site and/or any Federally-listed species or migratory birds that could be impacted by the proposed tower extension.

Thank you for your consideration of these comments. Please do not hesitate to contact the Council if you have any questions.

Sincerely,

Peter Hearn,
Executive Director