



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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**VIA ELECTRONIC MAIL**

June 18, 2021

Daniel Patrick, Esq.  
Lucia Chiocchio, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

RE: **PETITION NO. 1452** - New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a small cell wireless telecommunications facility on a new approximately 38-foot 6-inch Eversource-owned utility pole that is not used principally for electric distribution service to be located in the public right-of-way adjacent to 36 Drinkwater Place, Greenwich, Connecticut.

Dear Attorney Patrick and Attorney Chiocchio:

At a public meeting held on June 17, 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. Approval of any project changes be delegated to Council staff;
2. 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;
3. 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 Greenwich;
4. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
5. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by the Petitioner shall be removed within 60 days of the date the antenna ceased to function;

June 18, 2021

6. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
7. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
8. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other 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 April 20, 2021, and additional information received May 28, 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/CMW/emr

Enclosure: Staff Report dated June 17, 2021

c: The Honorable Fred Camillo, First Selectman, Town of Greenwich ([fred.camillo@greenwichct.org](mailto:fred.camillo@greenwichct.org))

**This final decision has been electronically issued pursuant to Governor Lamont's March 12, 2020 Executive Order No. 7, "Protection of Public Health and Safety During COVID-19 Pandemic and Response" as subsequently extended.**



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**Petition No. 1452**  
**New Cingular Wireless PCS, LLC (AT&T)**  
**Small Cell Facility**

**36 Drinkwater Place**  
**Greenwich, Connecticut**  
**Staff Report**  
**June 17, 2021**

**Introduction**

On April 20, 2021, the Connecticut Siting Council (Council) received a petition (Petition) from New Cingular Wireless PCS, LLC (AT&T) for a declaratory ruling, pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, for the proposed installation of a small cell wireless telecommunications facility on a new Eversource-owned utility pole to be located in the public right of way (ROW) adjacent to 36 Drinkwater Place, Greenwich, Connecticut.

The small cell would be installed on a new Eversource-owned utility pole that will not be used principally for electric distribution service. It would provide additional coverage and capacity relief to the AT&T network in the surrounding area.

On April 19, 2021, AT&T notified the Town of Greenwich (Town), state officials and agencies, and abutting property owners, of the proposed project.

On April 21, 2021, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the Town to contact the Council with any questions or comments by May 20, 2021. No comments from the Town have been received.

On April 29, 2021, the Council on Environmental Quality submitted comments on the proposed project stating its concern about the potential for the facility to obstruct an existing school zone speed limit sign.

The Council issued interrogatories to AT&T on May 18, 2021. AT&T provided responses to the Council's interrogatories on May 28, 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.

Under Regulations of Connecticut State Agencies §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.

The proposed utility pole will be used principally to support the proposed small cell facility. It would be owned by Eversource, a public utility company, and operated by AT&T, a certified telecommunications provider. Thus, the Council has jurisdiction over the proposed small cell facility.

### **Proposed Small Cell Facility**

AT&T’s proposed facility would provide network coverage and/or capacity relief in this area of Greenwich, including Riverside Elementary School and the Metro-North Railway in the 700/1900/2100 MHz frequency range.

The proposed site is located within the public ROW adjacent to 36 Drinkwater Place and the Metro-North Railroad ROW. Land uses surrounding the site are a mix of residential and commercial. Riverside Elementary School is located across the street.

The proposed utility pole would have a height of approximately 38 feet 6 inches<sup>1</sup> above ground level (agl) and be located in the public ROW on the east side of Drinkwater Place. The pole would be located approximately 2 feet from the edge of the road. AT&T would install two small cell antennas at the top of the pole with a centerline height of approximately 40 feet 6 inches agl and extending to a height of 41 feet 6 inches agl. An equipment cabinet would be mounted on the side of the pole. The bottom of the equipment cabinet would be approximately 12 feet 9 inches agl.

Two remote radio heads would be installed within the equipment cabinet. A service disconnect box would be attached to the pole at 9 feet 8 inches agl, and a meter socket with lever bypass would be installed at 5 feet agl. Electrical and telephone service would run underground along the roadway from an adjacent pole to the south.

No backup power is proposed for this small cell facility. Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the Federal Communications Commission (FCC). At present, no standards for backup power for CMRS providers have been promulgated by the FCC. Every year since 2006, AT&T, T-Mobile, and Verizon have certified their compliance with the CTIA Business Continuity/Disaster Recovery Program and the Communications Security, Reliability and Interoperability Council standards and best practices to ensure network reliability during power outages.

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<sup>1</sup> The proposed wood pole would be approximately 45 feet in length. Approximately 6 feet 6 inches would be buried.

### **Public Safety**

A Professional Engineer duly licensed in the State of Connecticut has certified that the proposed wood pole would be structurally adequate to support the proposed loading.

The calculated power density would be 2.2 percent of the applicable limit using a -10 dB off-beam adjustment.

A radio frequency (RF) safety sign with an emergency contact number visible from the ground would be placed on opposite sides of the equipment cabinet. Additionally, RF caution signs would also be placed on the bottom of each antenna.

### **Environmental**

The project is located in the public ROW among and aligned with other existing utility poles. Development of the facility would not require tree removal and would result in minimal ground disturbance.

The proposed pole would not have a significant visual impact on the surrounding area. Existing vegetation would screen the facility from some views.

AT&T would ensure the proposed facility would not obscure the visibility of the existing school zone speed limit sign. The proposed pole location would be east of the existing pole supporting the school zone speed limit sign and in alignment with existing utility poles within the public ROW.

### **Facility Construction**

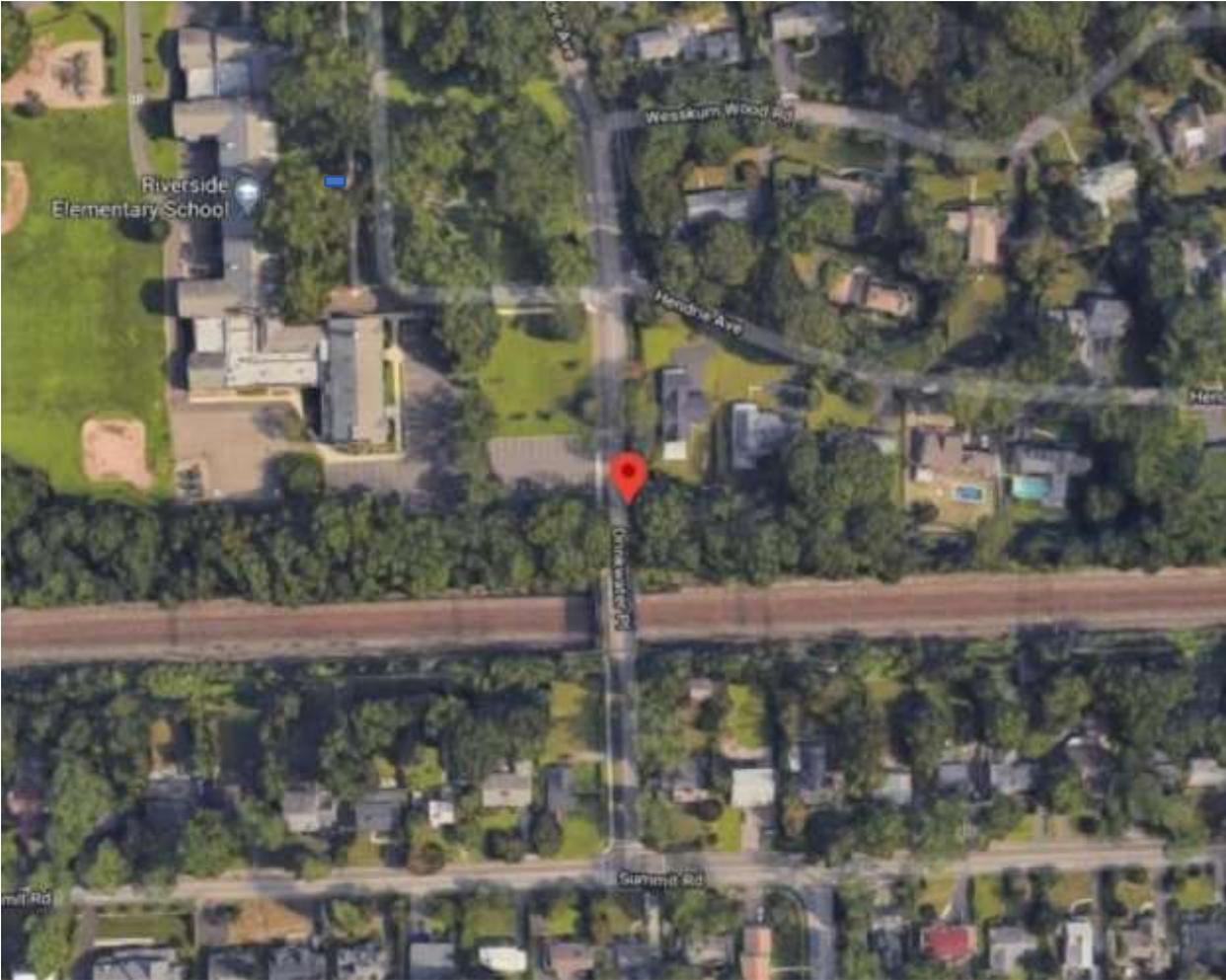
The construction of the proposed small cell facility is anticipated to take a week working normal business hours.

### **Conclusion**

AT&T contends that this proposed project would not have a substantial adverse environmental impact.

If approved, staff recommends the following condition:

1. Approval of any project changes be delegated to Council staff.



**Figure 1.** Proposed site location.

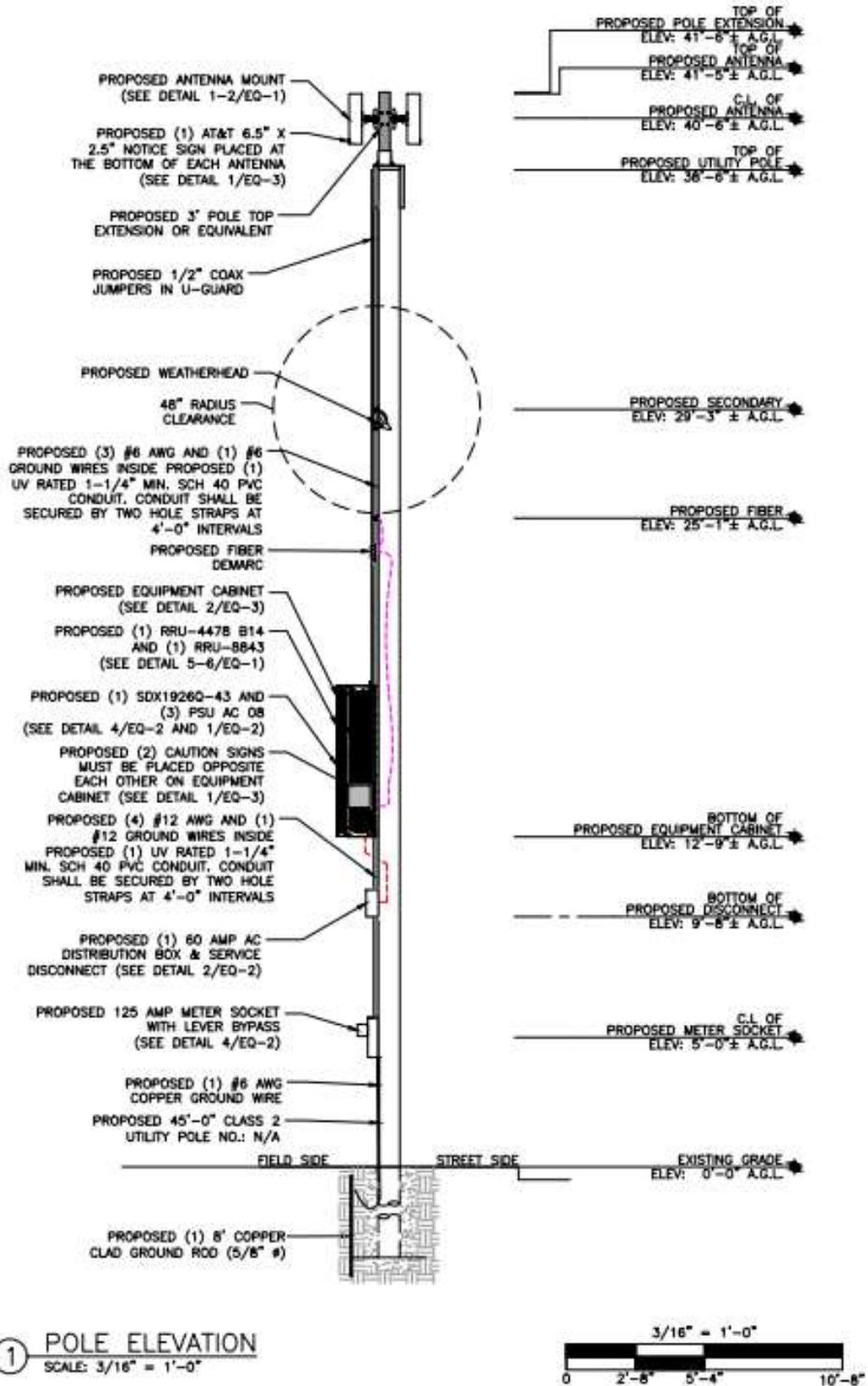


Figure 2. Pole schematic.



Figure 3. Existing conditions.



Figure 3. Simulation of proposed facility.