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PLANNING AND ZONING - LAND USE DEPARTMENT

CERTIFIED MAIL

November 22, 2010

Connecticut Siting Council
 Ms. Linda Roberts, Director
 Ten Franklin Square
 New Britain, CT 06051

Mr. Kenneth C. Baldwin, Esq.
 Robinson & Cole, LLP
 280 Trumbull Street
 Hartford, CT 06103



Re: Cellco Partnership dba Verizon Wireless, lessee, and 36 Ritch Avenue LLC; application PLPZ 2010 00324 for a final telecommunications site plan and recommendation to the Connecticut Siting Council, to construct a new 77 foot telecommunications tower disguised as a pine tree and a 800 sq. ft. equipment shelter on a .26 acre property located at 36 Ritch Avenue in the R-7 zone.

Dear Ms. Roberts and Mr. Baldwin:

The Planning and Zoning Commission at a Public Hearing held on November 9, 2010 considered the above referenced application and took the following action:

Upon a motion made by Frank Farricker and seconded by Fred Brooks the Commission unanimously approved sending the following recommendations to the Connecticut Siting Council (Voting on this item: Messrs Heller, Farricker, Maitland and Brooks *(for Marchese)*, and Mrs. Alban).

Whereas the Commission held public hearings and took testimony on October 26, 2010 and November 9, 2010, and pursuant to Connecticut General Statutes §16-50(I)(e) considered the construction and operation of a wireless communications facility comprising a 77 feet high tower disguised as a Pine tree with branches extending to a height of 84 feet. In addition Cellco will construct an 800 square foot enclosed shelter to house the three carriers (Verizon, T-Mobile, and AT&T) ground equipment, which "will be designed to blend in with adjacent residential structures" in the R-7 zone, on a lot of .267 acres (11,630 sq. ft.) with the leased ground area of 2,870 sq. ft. compound; and

Whereas the Commission notes that the location of the proposed facility is in the R-7 zone, which is a single family residential zone; and

Whereas the applicant served notice to the Town of Greenwich on September 24, 2010 through the First Selectman's office, which referred said application to the Planning and Zoning Commission for public meeting and comment, and all hearings and comments have followed the 60 day submission and comment period as required by Connecticut General Statutes § 16-50(l)(e) Pre-application process; and said 60 days expires on November 23, 2010; and

Whereas the Commission notes comments of strong opposition to this location were submitted by adjoining property owners, Hartwell and Bowman, as noted in the transcript of November 9, 2010 public hearing attached, whose positions and statements note that the cell tower would result in a severe visual impact particularly to the properties built on elevations both below and the same elevation as the tower abutting the property, and they fear this structure and the building will negatively impact their property values, and Mr. Bowman at 56 Ritch Avenue had offered his property for a flagpole tower in lieu of adding the pine tree at 36 Ritch Avenue; however the applicant Celco did not agree to that offer; and

Whereas the Commission further notes additional comments made by the Greenwich Police Department, which has requested an opportunity to co-locate on this tower since service is limited in this area and the tree/tower would provide a logical means to pick up signals from the Greenwich Hospital Cell tower where the police have a location. As noted in the e-mail by the Police Department as follows:

"Traditionally the 800MHz radio system that handles all municipal radio traffic including public safety has suffered in the Byram area. Spotty reception/transmission levels have occurred regularly which poses a potential problem to the public, as well as the first responders that serve the Town of Greenwich.

What we are asking, is for space to be reserved on the tower for future public safety use. The preliminary request is space for the following:

Two (2) 10' Antennas, a tower top pre-amp, two (2) runs of 1-1/4" coax and one run of 3/8" coax cable. Also required would be room for a four to six foot microwave dish and an EW-90 waveguide for the 11GHz link. In the shelter building itself, we would request a space of 10x12 or slightly larger if possible for the site equipment. After speaking with my radio system Engineer, he related to me that the 4 - 6 ft. microwave dish for the 800 MHz system would have to be mounted on the highest possible point on the tower pointed at the Greenwich Hospital radio tower on Lake Avenue, so that the two microwave dishes can "See" each other.

It is felt very strongly that this project should it move forward, would be of great benefit to the town, and the public safety employees who serve it. Please bear in mind, that this e-mail is preliminary in content, and that it does not represent the entire scope of work necessary to make this a reality. We would ask that it be used as an indication of our interest to gain space on this tower for public safety consideration."

Whereas the Commission notes that there is an existing tower with only AT&T as the carrier with equipment on the ground within a 10x30 area. The existing pole is not capable of supporting other carriers' antennas AT&T does not own this property and leases the property from the Kelly's

owners of this parcel, and the Kelly's have represented that they are in support of this application and would develop a new lease; and

Whereas the Commission notes that there is an issue of the tower being an 84' fall zone, which could impact Ms. Mellinards house, which is immediately abutting this site; and this issue has not totally been addressed by the applicant; and

Whereas the Commission noted that there were some outstanding items to be addressed such as whether Verizon researched the wind potential in the area and whether the Pine tree tower will be designed to withstand pressures equivalent to a 105 MPH wind; further whether the foundation design has been based on actual soil conditions at the site and if not then soil testing be done prior to an application to the Siting Council to determine if this site is viable, since there is so much ledge rock and blasting might be needed, and pre-blast surveys should be conducted for the abutting neighbors if blasting is necessary; and

Whereas the applicant Cellco stated that they would install 15 antennas at a centerline height of 57 feet AT&T would relocate its antennas onto the tower at the 67 foot height and T-Mobile would install its antennas at 77 feet. In its letter, Cellco notes that they experience gaps in reliable service along portions of I-95 and Route 1 in southwest Greenwich, and cannot provide service to these areas from its existing facilities at the Hospital, or 411 West Putnam Avenue. However, no coverage gap analysis has been provided to show the area that is presently not covered by cell service by Verizon or T-Mobile. A gap analysis and coverage map should be submitted showing locations of cell antennas and towers (including sites and coverage areas across the border into New York) for Verizon, T-Mobile, and AT&T; and

Whereas Cellco stated that another property was investigated (without identifying where), but that site would require a tower of over 120 feet, and the Commission finds that further investigation for alternate sites should be addressed since this tower is so close to abutting residences and there may be several potentially viable locations within close proximity; and

Whereas the Commission finds that lighting is under the jurisdiction of the Planning and Zoning Commission and it is recommended that lighting be kept to a minimum on this site and meet town standards at the property lines so avoid intrusion onto the abutting properties, and documentation is requested for any new lighting to show it meets town standards; and

Whereas the Commission finds that if the Connecticut Siting Council approved this site that any lighting of the tower other than safety lighting for the equipment building should be referred to the Commission or prohibited and further that any lighting for the equipment building should only be turned on during times of emergency night access; further this area might be in flight pattern for the White Plains Westchester County airport and lighting at the top of the tree might be necessary as part of the FAA requirement, which should be addressed by the applicant; and

Whereas the Commission has no objection to the Pine Tree design, but hopes that the Council insist on a strict painting and maintenance schedule; and

Whereas the Commission notes that the visual analysis submitted by Cellco showed the proposed pine tree surrounded by full leafed trees; however pictures from each of the surrounding properties without leaves on the trees should be provided to the Connecticut Siting Council because there are

two condominium developments easterly of this site along Ritch Avenue sitting at elevations of 60, which is 20 feet higher than the existing grade of the AT&T site. The tree/pole will be visible to those residents as well as the immediate abutting neighbors. It is recommended that the applicant superimpose the visual site of this tree/tower from these two multi-family developments without leaf cover; and

Whereas the Commission wishes to inform the Connecticut Siting Council that the existing AT&T tower on this rear lot (part of an approved subdivision on a steep slope abutting I-95) was the result of a site plan decision by the Commission to settle an appeal brought by AT&T on the denial by the Commission of their proposal for a cell tower on Hamilton Avenue across from Armstrong Court Apartments. Part of the Commission's approval of this site plan was that the tower was limited to one carrier, namely AT&T, and was to be a flagpole. This approval by the Commission was possible at the time because the Connecticut Siting Council did not have the final authority over cell towers and the Greenwich's Zoning Regulations on Telecommunication Towers existed at the time; and

Whereas the Commission further finds that the applicant should ensure soundproofing in the building for the enclosed equipment in the building in an attempt to comply with the Towns Noise Ordinance; and

Whereas the Commission noted that DPW Engineering Division in its November 4, 2010 comments requested additional analysis and revised plans to address drainage issues, driveway designs, storm-water maintenance plans, etc. prior to any building permit, and further that the setbacks of the building for the ground equipment meet the zoning setbacks as noted by the ZEO in his memo of October 14, 2010; and

Whereas representatives of the property owner (Kelly's) and T-Mobile (Sandy Carter) were present at the public hearing on November 9, 2010 and expressed support for this application, the Greenwich Police Department has provided written comments of support subject to their request to be included on the tree tower, but AT&T has not provided written concurrence or assurance that they will relocate to the proposed tree, and only acknowledged that they had received notice of this application filing with Planning and Zoning; and

Whereas the Commission recognizes that the Connecticut Siting Council has final jurisdiction over the approval of these potential facilities although the Commissions' comments would be a factor in their evaluation and consideration in hearing the application and regulating it under the rules and terms of the Telecommunications Act of 1996.

Therefore Be It Resolved that the application of Kenneth C. Baldwin, Esq., authorized agent, for Cellco Partnership dba Verizon Wireless, lessee, and 36 Ritch Avenue LLC, record owners, for a final telecommunications site plan, PLPZ 2010 00324, and recommendation to the Connecticut Siting Council, to construct a new 77 foot telecommunications tower disguised as a pine tree and a 800 sq. ft. equipment shelter per Section 140.1 of the Town of Greenwich Building Zone Regulations and Section 16-50(d)(e) of the Connecticut General Statutes on a .26 acre property located at 36 Ritch Avenue in the R-7 zone as shown on a site plan prepared by Centek Engineering last revised 07/27/10 is hereby found that recommendations from the Commission will be forwarded to the Siting Council.

It is recommended that the Siting Council have an opportunity to read the correspondence submitted for the record and therefore we are attaching the entire record generated throughout this 60-day consultation period so that the Siting Council is aware of the public's concerns.

Lastly, it is requested that any public hearings held by the Siting Council on this matter, be held in Greenwich to facilitate the attendance of the public and the Officials of the Town of Greenwich.

It is recommended that if any tower is approved that the following conditions be placed on such tower(s):

1. There shall be no lighting on or around the proposed telecommunication facility, particularly up lighting with the exception of lighting for the equipment room for emergency use only or in compliance with FAA requirements if necessary.
2. There be an inspection of the tower(s) every 10 years and if the inspection of any tower reveals any structural defects that in the opinion of an independent consultant render the tower unsafe, the following action shall be taken. Within 10 business days of notification of unsafe structure, the owner(s) of the tower shall submit a plan to the Connecticut Siting Council and the Town of Greenwich Building Official to remediate the structural defect(s). This plan shall be initiated within 10 days of the submission of the remediation plan, and completed as soon as reasonably possible.
3. Contact persons for each of the cell companies or corporate departments shall be designated in writing by the applicant as the person to contact regarding any matters concerning the proposed facility if and when constructed. The designation shall include at least the name, address and telephone number of the designated contact person and shall be included with the application and shall also be displayed on a sign mounted at the entrance to the facility. The purpose of this is to designate the person to who should be reported any electro-magnetic interference with receptor devices on adjoining or nearby properties, with emergency services communications, any violations of these regulations, or any public safety and/or emergency conditions existing at the site. The contact person shall reply in writing within 2 business days to the person making the contact with a copy to the Zoning Enforcement Officer and Town Planner of the Town and shall take prompt action appropriate to the nature of the reported condition.
4. In the event of discontinuance of use the owner of the tower shall submit immediate notification to Connecticut Siting Council and Planning and Zoning of the Town of Greenwich and that the following apply to the removal of abandoned towers and related appurtenances:
 - a. A pole, tower, or transmitting facility not in use for more than one year shall be removed by the service facility owner or its agents. This removal shall be completed within 90 days after the one-year period. Upon removal, the site shall be restored to its previous appearance. All cabling, antennas and mounting must also be removed.
 - b. The posting of a bond or other security to the satisfaction of the Chief Building Official of the Town of Greenwich to secure compliance with the approved installation of all antenna towers and antenna(s) and to ensure the timely and proper removal of said tower and/or antenna and its supporting base to a depth of not less than two feet below the grade. Upon removal, the site shall be restored to its previous appearance.

5. If an application is made to the Siting Council it is recommended that to protect the public health, welfare, and safety of the citizens of Greenwich, pre-engineering studies by recognized experts in the radio industry (that do not serve the interest of the carriers) be retained to provide full inter-modulation studies and interference analyses of all the anticipated carriers' frequencies as well as accurate and detailed testing completed both before and after the cell tower is installed, and absolutely before the system is allowed to operate.
6. The Connecticut Siting Council require Cellco to work with the Greenwich Police Department to allow an additional location for two (2) 10' Antennas, a tower top pre-amp, two (2) runs of 1-1/4" coax and one run of 3/8" coax cable. Also required would be room for a four to six foot microwave dish and an EW-90 waveguide for the 11GHz link. In the shelter building itself, we would request a space of 10x12 or slightly larger if possible for the site equipment. After speaking with my radio system Engineer, he related to me that the 4 - 6 feet microwave dish for the 800 MHz system would have to be mounted on the highest possible point on the tower pointed at the Greenwich Hospital radio tower on Lake Avenue, so that the two microwave dishes can "See" each other.
7. Applicant address and Connecticut Siting Council consider the neighborhood concerns asking for a 2nd 70 foot flagpole tower on 56 Ritch Avenue, leaving only the existing one flagpole at 36 Ritch Avenue per the approval of January 2002 letter of Planning and Zoning (see attached letter).
8. The planting plan be part of the approval to provide adequate screening for the abutting neighbors as much as possible and that a detailed explanation be submitted with a maintenance agreement to guarantee watering these plantings.
9. Design of the building should be reviewed by ARC and ZEO for setbacks, height, plantings, etc. Given the ledge rock on this site and lack of adequate water, the depth and species of plantings should be addressed and shown on plan for ARC review.
10. A gap analysis and coverage map should be submitted showing locations of cell antennas and towers (including sites and coverage areas across the border into New York) for Verizon, T-Mobile, and AT&T.
11. Frequency of access by vehicles for all three carriers – number and size of vehicles, length of time vehicles will be on premises and how often, monthly, weekly, etc. be provided to Planning and Zoning and neighbors in writing to give notice of visits to the site. A chain link barrier will be installed to preclude any other vehicles or persons using the driveway or accessing the site.
12. Police Department has requested to have a place on this pine tree for picking up telecommunications in this Byram area, on I-95 and relayed from the Greenwich Hospital tower. This is a matter of public safety and welfare for the community. Applicant should contact the Police Department and provide a written response.
13. A maintenance schedule should be established and provided to guarantee the planting/screening, building and maintenance of the tree/tower or pole.
14. Verizon Cellco should provide research on the effect of the wind potential in this area. What has been the experience of these pine tree models withstanding high winds?
15. It is recommended that soil testing be done prior to an application to the Siting Council to determine if this site is viable, given the significant ledge rock and steep slopes.
16. If there is to be a generator and a/c units common to other telecommunication facilities then it is recommended the noise specifications for the air conditioners and the generator be submitted to ensure compliance with the Town Noise Ordinance.

17. The grading associated with this enclosure should be provided. There will be some significant disturbance during excavation and construction when vehicles access this site and construction of the tower/tree and building begins. A phasing plan should be submitted to address these issues so as to not impact adjoining neighbors and to detail how the construction process will be handled. A soil and erosion control plan should be provided.
18. Setbacks for the building should meet town standards. The building may need to be moved or placed so as to meet setbacks and also provide room for screening.
19. The lease agreement should spell out the terms of maintenance schedules, access, removal of equipment upon termination, and duration of lease with the owners.
20. Other locations that were considered should be provided.
21. Applicant should provide answers to the following questions in writing to the Town and Siting Council:
 - a) What is the horizontal distance RF emission will travel? This is relevant given the properties on the ridge to the east particularly for the two condominium projects and single family residences along Ritch Avenue?
 - b) What is the height of this tree over the existing tree line? The pictures do not give the height differences.
 - c) What is the "fall zone" radius of the tree? Is the tree designed to fall onto itself?
 - d) What cut/fill and grading will be necessary and what, if any, impact it will have on site drainage, and onto adjoining site?
 - e) What impact on the proposed service area would there be if the tree were lowered by 10-15' so as to minimize the visual impact?
 - f) Provide a detailed description on why technology such as repeaters and other technical alternatives are not feasible in lieu of this new tower/tree.
 - g) Since the tree itself and access driveway is not in a secured area how will it be protected against unauthorized access or climbing? This site has been noted by Police as an illegal gathering place for teens and others.
22. It is recommended that a statement from the Federal Aviation Administration (FAA) on whether any lighting is required on the top of this tree is necessary given that this site may be in a flight pattern or at least close to one of either Westchester/White Plains or New York City airports.
23. Information on the number of dropped calls in this area and/or documentation showing that there is no coverage in this area shall be submitted to further support the statement of public need from all three carriers. The Town understands the proprietary nature of this information and therefore will accept percentages.
24. A structural analysis signed by a Professional Engineer licensed in the State of Connecticut indicating that the tree/tower, structure and foundation meets all applicable building codes for all proposed antennas with ½" radial ice should be provided. Any changes to an existing structure such as equipment of additional carriers requires a new structural analysis indicating that the original design requirements have not been compromised.
25. The applicant superimposes the visual site of this tree/tower from the two multi-family condo developments easterly of this site without leaves on trees.
26. AT&T has not confirmed consent in writing regarding willingness to relocate on this pine tree and end their lease with the Kelly's. They have submitted a letter stating as follows:
"This letter will serve as notice to the Greenwich Planning and Zoning Commission that New Cingular Wireless PCS, LLC ("AT&T") is aware of and familiar with the Verizon

Wireless proposal to modify the existing AT&T telecommunications facility at 36 Ritch Avenue in Greenwich."

27. T-Mobile has submitted a letter on October 14th stating that: *"they would like to express interest in the telecommunications site proposed by Verizon at 36 Ritch Avenue. If approved, T-mobile would locate at their 80 feet elevation on the facility. Co-locating on the Verizon Ritch Avenue site would eliminate T-Mobil's need for a site at the 44 Talbot Lane location originally filed with Planning and Zoning."*

Please do not hesitate to call with any questions.

Sincerely,



Diane W. Fox
Director Planning and Zoning/Zoning
Enforcement Coordinator/Town Planner

CC: Peter Tesei, First Selectman
Mark Kordick, Police Lieutenant