



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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April 6, 2015

Thomas J. Regan, Esq.
Brown Rudnick LLP
185 Asylum Street
Hartford, CT 06103

RE: **DOCKET NO. 417** – Bay Communications II LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at Moose Hill Road, Guilford, Connecticut.

Dear Attorney Regan:

At a public meeting of the Connecticut Siting Council (Council) held on April 2, 2015, the Council considered and approved the Development and Management (D&M) Plan submitted for this project on January 20, 2015, with the condition that Bay Communications II LLC submit results of environmental monitoring for the Turtle Protection Plan with the Final Report for the facility pursuant to Regulations of Connecticut State Agencies § 16-50j-77(c).

This approval applies only to the D&M Plan submitted on January 20, 2015, and supplemental data dated March 25, 2015. Requests for any changes to the D&M Plan shall be approved by Council staff in accordance with Regulations of Connecticut State Agencies Section (RCSA) §16-50j-77(b). Furthermore, the Certificate Holder is responsible for reporting requirements pursuant to RCSA 16-50j-77.

Please be advised that changes and deviations from this plan are enforceable under the provisions of the Connecticut General Statutes § 16-50u. Enclosed is a copy of the staff report on this D&M Plan, dated April 2, 2015.

Thank you for your attention and cooperation.

Sincerely,

Robert Stein
Chairman

RS/RM/cm

Enclosure: Staff Report, dated April 2, 2015

c: Parties and Intervenor
The Honorable Joseph S. Mazza, First Selectman, Town of Guilford
Regina Reid, Zoning Enforcement Officer, Town of Guilford



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Docket No. 417

Bay Communications II LLC

417 Moose Hill Road, Guilford

Development and Management Plan

Staff Report

April 2, 2015

On October 6, 2011, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to T-Mobile Northeast, LLC (T-Mobile) for the construction, maintenance, and operation of a wireless telecommunications facility located at 417 Moose Hill Road in Guilford, Connecticut. On October 17, 2013, the Council approved the transfer of the Certificate from T-Mobile to Bay Communications (Bay). On January 20, 2015, the Council granted a six-month extension of time until October 8, 2015 to complete construction of the facility.

As required in the Council's Decision and Order (D&O), Bay submitted a Development and Management Plan (D&M Plan) for this project to the Council and the Town of Guilford on January 20, 2015. Additional information requested by the Council was submitted on March 25, 2015. Bay granted a 30-day extension of time to the Council to allow for additional time to review the requested information.

The site property consists of a 163-acre undeveloped parcel on the east side of Moose Hill Road. The tower site is located in a field area 580 feet east of Moose Hill Road and 400 feet north of the Amtrak corridor.

Bay will construct a 110-foot monopole capable of supporting three levels of flush-mounted antennas at the site. Consistent with the Council's Decision and Order, the tower and foundation will be capable of supporting a 20-foot extension to enhance tower share opportunities. The tower and associated T-Mobile antennas will be a grey-brown color to mitigate views from the surrounding area.

T-Mobile will install three antennas and two tower mounted amplifiers in a flush-mount configuration at the site. An additional three antennas may be installed at a later date to meet service needs. The Town may locate a dish antenna and whip antennas on the tower in the future to meet emergency communication needs.

Access to the site will follow an existing dirt drive that will be re-graded and widened to 12 feet. The gravel access drive extend 960 feet from Moose Hill Road to the compound area crossing an intermittent watercourse on a new five-foot wide culvert with the culvert bottom filled with natural streambed material. Construction and installation of the culvert will require approximately 160 square feet of permanent wetland impacts and 250 square feet of temporary wetland impacts. Disturbed areas will be restored through the planting of native wetland vegetation. In accordance



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with the US Army Corp of Engineers Permit, unconfined in-stream activities must be performed between June 1 and September 30.

The site plans depict the tower within a 50-foot by 50-foot gravel compound. The compound will contain equipment and emergency battery cabinets mounted on concrete pads. The compound will be enclosed by an eight-foot high chain link fence. Utility service to the compound will extend underground from Moose Hill Road along the access drive.

The site is within habitat of the eastern box turtle and wood turtle. Bay will implement a Turtle Protection Program that incorporates Department of Energy and Environmental Protection (DEEP) recommended best construction management practices to reduce impacts to turtle populations. A representative from All-Points Technology Corporation will serve as environmental site monitor to periodically inspect the construction area to ensure compliance with the Turtle Protection Program.

DEEP also recommended protective measures for the Saltmarsh Sharp-tailed Sparrow, a state species of special concern, if a nest is within 600 feet of the construction area. A representative from All-Points Technology Corporation will inspect areas adjacent to the construction area for the sparrow and if a nest is found within 600 feet of the construction area, work will be suspended until conclusion of the nesting season (May 15 to August 15).

Two trees with a diameter greater than six inches at breast height will be removed to develop the site.

Erosion and sedimentation controls will be installed in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control. Erosion control blankets used at the site will be composed of all natural biodegradable materials. No landscaping is proposed because the compound location is in a wooded area.

The cumulative worst-case radio frequency power density level at the base of the tower will be 9.5 percent of the FCC's General Public/Uncontrolled Maximum Permissible Exposure limit.

No comments regarding the D&M Plan were received from the Town of Guilford.

All of the Development and Management Plan requirements set forth in the Council's Decision & Order for Docket 417 are in compliance; therefore, Council staff recommends approval. Council staff recommends that approval of requested significant changes to the approved D&M Plan be delegated to Council staff in accordance with Regulations of Connecticut State Agencies §16-50j-77(b). In accordance with that section, if advance written notice is impractical, the Certificate Holder shall provide verbal notice of the changes and shall submit written specifications to the Council within 48 hours after the verbal notice. All changes pursued without advance notification and approval shall be subject to a penalty, enforceable by the Attorney General pursuant to C.G.S. §16-50u.