



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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February 26, 2015

Gregory Mercier  
Supervising Attorney, US Tower Division  
American Tower Corporation  
10 Presidential Way  
Woburn, MA 01801

RE: **PETITION NO. 973** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut

Dear Mr. Mercier:

The Connecticut Siting Council acknowledges your transfer of site ownership from North Atlantic Towers to American Towers LLC with the condition that American Towers LLC complies with all the terms, limitations, and conditions contained in Decision and Order issued on April 28, 2011 and on the timely payment of apportioned assessment charges for the facility under Connecticut General Statutes § 16-50v(b)(2).

Thank you for your attention and cooperation. Your letter will be placed in the above-referenced file.

Very truly yours,

Melanie A. Bachman  
Acting Executive Director

MAB/CMW/laf

Enclosure: Decision and Order, dated April 28, 2011

c: Lucia Chiochio, Esq., Cuddy & Feder LLP (without enclosure)  
Christopher B. Fisher, Esq., Cuddy & Feder LLP (without enclosure)

**PETITION NO. 973** – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Connecticut

Siting

Council

April 28, 2011

### Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the installation of a telecommunications facility at 880 Andrew Mountain Road in Naugatuck, Connecticut will not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k(a), and hereby declares that the project will not require a Certificate of Environmental Compatibility and Public Need.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of New Cingular Wireless PCS, LLC (AT&T) and other entities, both public and private, but such tower shall not exceed a height of 120 feet above ground level. The height at the top of the AT&T's antennas shall not exceed 120 feet above ground level.
2. The compound associated with the facility shall be constructed within a 50-foot by 50-foot area located as far south as possible within the leased area.
3. The access drive shall be constructed in the originally proposed location approximately 50 feet from the northern property boundary.
4. The Petitioner shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Naugatuck for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping;
  - b) potential tower painting or tower material options that would mitigate visual impact to the surrounding area; and
  - c) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

5. Prior to the commencement of operation, the Petitioner shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Petitioner shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
6. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
7. The Petitioner shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
8. The Petitioner shall provide reasonable space on the tower for no compensation for any Town of Naugatuck public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
9. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Petitioner shall dismantle the tower 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 Final 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 Petitioner shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
10. Any request for extension of the time period referred to in Condition 9 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Naugatuck. Any proposed modifications to this Decision and Order shall likewise be so served.
11. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Petitioner shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
12. 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.
13. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Petitioner shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Petitioner shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.

14. The Petitioner 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.
15. This declaratory ruling may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Petitioner/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Petitioner/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
16. The Petitioner shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
17. If the Petitioner 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 Petitioner within 30 days of the sale and/or transfer.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Republican-American and the Citizen's News.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

**Petitioner**

North Atlantic Towers, LLC and  
New Cingular Wireless PCS LLC

**Its Representative**

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