



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

May 11, 2022

Chuck Bruttomesso
Site Acquisition and Business Development
Airosmith Development
318 West Avenue
Saratoga Springs, NY 12866
cbruttomesso@airosmithdevelopment.com

RE: **EM-ATC-006-220418** – American Tower Corporation (ATC) notice of intent to modify an existing telecommunications facility located at 401 Lopus Road, Beacon Falls, Connecticut.

Dear Mr. Bruttomesso:

The Connecticut Siting Council (Council) hereby denies your request to modify the above-referenced existing telecommunications facility, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies (RCSA).

According to RCSA Section 16-50j-71, "...any modification, as defined in Section 16-50j-2a of the [RCSA], to an existing tower site, except as specified in Sections 16-50j-72 and 16-50j-88 of the [RCSA], may have a substantial adverse environmental effect."

Staff has reviewed this request for completeness and has identified a deficiency in compliance with the criteria set forth in RCSA Section 16-50j-72. The exempt modification request dated April 8, 2021, states on page 2: "The proposed modifications **will not require the extension of the site boundary**" (emphasis added); however, Sheet C-101 of the Construction Drawings indicates an expanded lease area and fencing on the west corner of the site.

It is evident that ATC is requesting to extend the lease area and fence of the site. This request to extend the lease area of an existing site is not consistent with the criteria set forth in RCSA Section 16-50j-72. Such a request is properly submitted to the Council in the form of a petition for a declaratory ruling.

Therefore, this request does not qualify as an exempt modification request, and it is hereby rejected on that basis. The Council recommends that ATC submit a petition for declaratory ruling.

Sincerely,

Melanie Bachman
Executive Director

MAB/FOC/emr

c: The Honorable Gerard Smith, First Selectman, Town of Beacon Falls (gsmith@beaconfallsct.org)