



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

September 25, 2019

Kyle Richers
Transcend Wireless
10 Industrial Avenue, Suite 3
Mahwah, NJ 07430

RE: **EM-T-MOBILE-006-190814** – T-Mobile notice of intent to modify an existing telecommunications facility located at 401 Lopus Road, Beacon Falls, Connecticut.

Dear Mr. Richers:

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.

This exempt modification request was submitted to the Council on August 14, 2019. Council staff reviewed this request for completeness and had identified a deficiency that was more fully described in a notice of incompleteness letter to Transcend Wireless dated August 16, 2019 and recommended that Transcend Wireless provide documentation showing the original facility approval with conditions, if any.

On August 21, 2019, the Council received an email with a document attached that states the site plans for the tower were approved by the Town and indicates there were minutes attached to that document, but did not include them. On August 23, 2019, the Council issued a second notice of incompleteness and recommended that Transcend Wireless provide the minutes referenced in the submitted document or correspondence with the Town of Beacon Falls indicating that records of the original facility approval are no longer available, on or before September 23, 2019. To date, the Council has not received the requested information.

Thus, the proposed modification is not in compliance with the exemption criteria in Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies.

Sincerely,

Melanie Bachman
Executive Director

MAB/IN/emr

c: The Honorable Christopher J. Bielik, First Selectman, Town of Beacon Falls
Kevin McDuffie, Planning & Zoning Chairman, Town of Beacon Falls
Mike Mormile, Zoning Enforcement Officer, Town of Beacon Falls
American Tower Corporation



CONNECTICUT SITING COUNCIL

Affirmative Action / Equal Opportunity Employer



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VIA ELECTRONIC MAIL

August 23, 2019

Kyle Richers
Transcend Wireless
10 Industrial Avenue, Suite 3
Mahwah, NJ 07430

RE: **EM-T-MOBILE-006-190814** – T-Mobile notice of intent to modify an existing telecommunications facility located at 401 Lopus Road, Beacon Falls, Connecticut.

Dear Mr. Richers:

The Connecticut Siting Council (Council) received a notice of intent to modify the above-referenced facility on August 14, 2019. On August 16, 2019 the Council issued a letter (enclosed) stating that the request for exempt modification was incomplete because the submittal lacked documentation showing the original facility approval or correspondence stating that there are no records of the original facility approval. The Council recommended that Transcend Wireless provide documentation showing the original facility approval with conditions if any, on or before September 16, 2019.

On August 21, 2019, the Council received an email with a document attached which states that site plans for the tower project were approved by the Town and indicates there were minutes attached to that document but did not include them. Therefore, the Council received no documentation of any town condition of approval. The email states that "the associated minutes and approval documents are no longer on file with the Town". However, the response does not show correspondence with the Town of Beacon Falls stating the lack of approval records.

Therefore, the exempt modification request remains incomplete at this time. The Council recommends that Transcend Wireless provide the minutes referenced in the submitted document or correspondence with the Town of Beacon Falls indicating that records of the original facility approval are no longer available, on or before September 23, 2019. If additional time is needed to gather the requested information, please submit a written request for an extension of time prior to September 23, 2019. **Please provide an electronic version and one hard copy of the response for the incomplete request to be rendered complete and processed.**

This notice of incompleteness shall have the effect of tolling the Federal Communications Commission (FCC) 60-day timeframe in accordance with Paragraph 217 of the FCC Wireless Infrastructure Report and Order issued on October 21, 2014 (FCC 14-153).

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Sincerely,

Melanie Bachman
Executive Director

MLB/IN/emr

Enclosures: Letter of incomplete notice dated August 16, 2019

c: The Honorable Christopher J. Bielik, First Selectman, Town of Beacon Falls
Kevin McDuffie, Planning & Zoning Chairman, Town of Beacon Falls
Mike Mormile, Zoning Enforcement Officer, Town of Beacon Falls

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Phone: (860) 827-2935 Fax: (860) 827-2950
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VIA ELECTRONIC MAIL

August 16, 2019

Kyle Richers
Transcend Wireless
10 Industrial Avenue, Suite 3
Mahwah, NJ 07430

RE: EM-T-MOBILE-006-190814 - T-Mobile notice of intent to modify an existing telecommunications facility located at 401 Lopus Road, Beacon Falls, Connecticut.

Dear Mr. Richers:

The Connecticut Siting Council (Council) received a notice of intent to modify the above-referenced facility on August 14, 2019.

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

Staff has reviewed this exempt modification request for completeness and has identified the following deficiencies in the submittal:

- 1. The request lacks documentation showing the original facility approval or correspondence stating that there are no records of the original facility approval.

Therefore, the exempt modification request is incomplete at this time. The Council recommends that Transcend Wireless provide documentation showing the original facility approval with conditions if any, on or before September 16, 2019. If additional time is needed to gather the requested information, please submit a written request for an extension of time prior to September 16, 2019. Please provide an electronic version and one hard copy of the response for the incomplete request to be rendered complete and processed.

This notice of incompleteness shall have the effect of tolling the Federal Communications Commission (FCC) 60-day timeframe in accordance with Paragraph 217 of the FCC Wireless Infrastructure Report and Order issued on October 21, 2014 (FCC 14-153).

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Sincerely,

Melanie Bachman signature

Melanie Bachman
Executive Director

MAB/IN/emr

- c: The Honorable Christopher J. Bielik, First Selectman, Town of Beacon Falls
Kevin McDuffie, Planning & Zoning Chairman, Town of Beacon Falls
Mike Mormile, Zoning Enforcement Officer, Town of Beacon Falls



Nwankwo, Ifeanyi

From: Kyle Richers <krichers@transcendwireless.com>
Sent: Wednesday, August 21, 2019 3:54 PM
To: Robidoux, Evan
Cc: CSC-DL Siting Council
Subject: RE: Council Incomplete Letter for EM-T-MOBILE-006-190814 (401 Lopus Road, Beacon Falls) CT11487B
Attachments: 082119 scan.pdf

Good Afternoon,

Please find the attached document from the Town of Beacon Falls. This indicates the tower facility was originally reviewed and approved by the town Planning & Zoning Commission in March of 2004. Unfortunately, the associated minutes and approval document are no longer on file with the town.

Please let me know if anything else is needed here.

Thanks,

Kyle Richers
Transcend Wireless
10 Industrial Ave., Suite 3
Mahwah, New Jersey 07430
908-447-4716
krichers@transcendwireless.com

From: Robidoux, Evan <Evan.Robidoux@ct.gov>
Sent: Tuesday, August 20, 2019 12:41 PM
To: 'Kyle Richers' <krichers@transcendwireless.com>
Cc: CSC-DL Siting Council <Siting.Council@ct.gov>
Subject: Council Incomplete Letter for EM-T-MOBILE-006-190814 (401 Lopus Road, Beacon Falls)

Please see the attached correspondence.

Evan Robidoux
Clerk Typist
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

555

New Cingular Wireless PCS, LLC
500 Enterprise Drive
Rocky Hill, Connecticut 06067-3900
Phone: (860) 513-7636
Fax: (860) 513-7190

October 7, 2005

Ms. Pamela Katz, Chairman, and
Members of the Council
Connecticut Siting Council
10 Franklin Square
New Britain, Connecticut 06051

RECEIVED
OCT 07 2005
CONNECTICUT
SITING COUNCIL

Re: Request by New Cingular Wireless PCS, LLC for an Order Approving Shared Use of an Approved Municipal Tower off Lopus Road, Beacon Falls

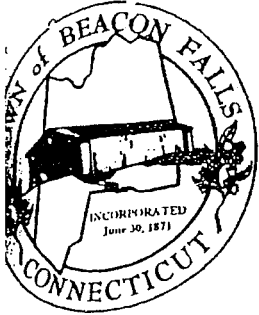
Dear Chairman Katz and Members of the Council:

Pursuant to Connecticut General Statutes (C.G.S.) Section 16-50aa, New Cingular Wireless PCS, LLC ("Cingular") hereby requests an order from the Connecticut Siting Council ("Council") for the proposed shared use by Cingular of an approved municipal tower to be located at the Beacon Falls Public Works Department garage, Lopus Road, Beacon Falls. A copy of this letter is being sent to the 1st Selectman of the Town of Beacon Falls.

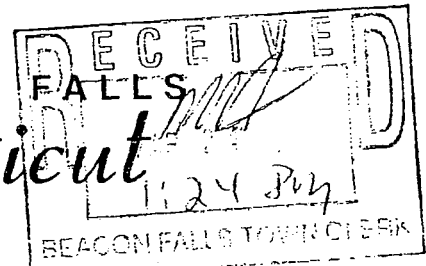
Approved Municipal Tower

Under a lease agreement dated 10/23/03, AT&T Wireless agreed to construct a communications tower for the Town of Beacon Falls on the Town-owned Lopus Road site. Upon completion of construction, title to the tower would automatically transfer to the Town, and the Town would assume all responsibilities and liabilities of ownership. Thereafter, AT&T as tenant would pay rent to the Town as landlord. As a result of the merger between AT&T Wireless and Cingular, however, Cingular has assumed the role of tenant under this agreement.

In March of 2004, site plans for the tower project were comprehensively reviewed and approved by the Town of Beacon Falls Planning & Zoning Commission ("P&Z"). A copy of the P&Z's March 18, 2004 minutes are attached along with its letter to the Board of Selectmen recommending acceptance of the plans. Subsequent to the Cingular-AT&T merger, P&Z discussed the minor changes to the plans incident to converting it from an AT&T design to a Cingular design, i.e., a shelter in lieu of an equipment pad, and determined that its earlier approval would embrace either design.



Town of BEACON FALLS
Connecticut



**Planning and Zoning Commission
Regular Meeting Minutes
March 18, 2004
Draft Minutes Subject to Modification**

I Call to Order

Chairman Burkitt called the regular meeting of the Beacon Falls Planning and Zoning Commission to order at 7:30 P.M.

Present: Chairman Burkitt, Commissioners Carl Vitale, Peter Betkoski, Richard Franco, David Chadderton and Bill Abromaitis.

Absent: Kevin McDuffie

II Approval of Minutes

A motion to approve the minutes of the Feb 2004 regular meeting as submitted was made by Comm. Abromaitis and 2nd by Comm. Franco. All in favor. A motion to approve the minutes of Public Hearing on 6 month moratorium was made by Comm. Vitale and 2nd by Comm. Abromaitis. All in favor. A motion to approve the minutes of the Public Hearing on Pond Spring was made by Comm. Abromaitis and 2nd by Comm. Franco. All in favor.

III Comments from the Public

John Smith, E.J. Smith Company came forward and requested an extension for filing of the mylar for application P-2003-115 Smith Farms-Section IV. Chairman Burkitt stated that this would be handled under Old Business.

IV Zoning Enforcement Officers Report

A written report was submitted. Discussion followed. A motion to accept report as submitted was made by Comm. Abromaitis and 2nd by Comm. McDuffie. All in favor. Charlie Edwards requested permission to have site trailer on project for 18 months. Comm. Chadderton made a motion to grant request for construction trailer for up to 18 months or more specifically September 18, 2005. Seconded by Comm. Abromaitis. All in favor.

V Town Engineers Report

An written report was submitted. Discussion followed. A motion to accept report as submitted was made by Comm. Abromaitis and was 2nd by Comm. Franco. All in favor.

VI Comprehensive Plan of Conservation and Development

No report.

MAR 24 2004

VII. Old Business

A joint discussion between the Board of Selectman, Atty. Civitello, Planning & Zoning and Atty. Buemi. After hearing from both attorneys, it was decided that this discussion does not belong before the Planning and Zoning Commission.

- 1) Application P-2003-114SP- Chatfield/Woodhaven – A motion to set a Public Hearing date for May 4, 2004 at 7:30 PM was made by Comm. Vitale and 2nd by Comm. Abromaitis. All in favor.
- 3) Fawn Hill Estates – A motion to send a letter to Board of Selectman to recommend reducing the maintenance bond was made by Comm. Vitale and 2nd by Comm. Abromaitis. All in favor.
- 2) Pond Spring Village – Site Plan – Accept for review.
- 4) E J Smith – A motion to grant request of extension to file mylar was made by Comm. Chadderton and 2nd by Comm. Abromaitis. All in favor.

VIII. New Business

- 1) Application P-2004-120- 6 month moratorium – A motion to table to April 15, 2004 was made by Comm. Vitale and 2nd by Comm. Betkoski. All in favor.
- 2) Joyce Van Lines – Application accepted under review.
- 3) Earth Works – Application accepted under review.

IX. New Applications

- 1) ATT Cell Tower – A motion to recommend to Board of Selectman to accept was made by Comm. Chadderton and 2nd by Comm. Abromaitis. All in favor.
- 2) Cotton Hollow Rd – Multi unit – A brief discussion resulted in a motion to Table until issues are resolved was made by Comm. Chadderton and 2nd by Comm. Franco. All in favor.
- 3) Oakwood Estates – A motion to set Public Hearing for May 4, 2004 at 7:00 PM was made by Comm. Abromaitis and 2nd by Comm. Franco. All in favor.
- 4) Westwind Estates – Resubdivision Lot 22 & 23 – Public Hearing date set for March 18, 2004 at 7:15 P.M.
- 5) Charlie Edwards – Lot Line Revisions – A motion to approve was made by Comm. Chadderton and 2nd by Comm. Vitale. All in favor.

X. Correspondence and Payment of Bills

The following bills were submitted for payment:

Nafis & Young \$ 552.50 / M.E. Fernandes \$ 192.00 / Wtby Republican \$102.90
Nutmeg Printers \$394.00 / Fasano, Ippolito & Lee \$730.00 / Karen Wilson
\$115.00. A motion to accept Payment of Bills as submitted was made by
Comm. Abromaitis and 2nd by Comm. Franco. All in favor.
A motion to accept all correspondence and place on file was made by Comm.
Chadderton and 2nd by Comm. Franco. All in favor.

XI. Executive Session

A motion to go into executive session was made by Comm. Chadderton and 2nd by Comm. Vitale. All in favor. A motion to come out of executive session was made by Comm. Vitale and 2nd by Comm. Abromaitis. All in favor.

MAR 24 2004

XII Petitions from Commissioners

No activity

XII Adjournment

A motion to adjourn was made by Comm. Chadderton and 2nd by Comm. Abromaitis. All in favor.

Respectfully Submitted,

Mary Ellen Fernandes

Mary Ellen Fernandes

Clerk, March 20, 2004