



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

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

December 23, 2020

Hiram Peck
Planning Consultant to the Town of Bethany
Planthree@earthlink.net

Re: EM-AT&T-008-201216 – AT&T notice of intent to modify an existing telecommunications facility located at 761 Amity Road, Bethany, Connecticut.

Dear Mr. Peck:

The Connecticut Siting Council (Council) is in receipt of your correspondence of December 22, 2020 submitted in response to a request for an exempt modification filed with the Council by AT&T on December 16, 2020. In the correspondence, you mention the Town of Bethany has no objections to the antenna modifications as shown on the above-referenced request for an exempt modification and if the Council approves the request, that a condition be included to make space available on the tower for municipal services. Thank you for taking the time to submit comments.

According to the Council's Statewide Comprehensive Telecommunications Database, AT&T is located at the 148-foot level on the existing 150-foot monopole facility; Verizon is located at the 140-foot level and Sprint is located at the 130-foot level. The Council issued a Certificate of Environmental Compatibility and Public Need (Certificate) to Springwich Cellular Limited Partnership for construction, maintenance and operation of the telecommunications facility on July 6, 1995.

Condition No. 5 of the Council's July 6, 1995 Certificate for the facility states, "The Certificate Holder 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."

Please be advised that the requested condition is an existing condition of the Certificate for the subject telecommunications facility. However, AT&T is not the current owner or Certificate Holder of the existing telecommunications facility. Telecommunications carriers with existing installations on the facility and telecommunications carriers requesting to collocate on the existing facility cannot be required or subject to a condition to make space available on the tower for municipal services. They do not own the structure. They lease space on the structure.

The current owner and Certificate Holder of the existing telecommunications facility is Crown Castle. Crown Castle is subject to the terms, conditions and limitations in the Certificate issued by the Council in 1995, including, but not limited to, Condition No. 5 that is cited above. A copy of your correspondence and this correspondence will be distributed to the current owner of the facility, Crown Castle.

Thank you for your interest and concern in this very important matter.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

Enclosures

cc with enclosures: Anne Marie Zsamba, Crown Castle
 Christopher B. Fisher, Esq., Cuddy & Feder

DOCKET NO. 168 - An application of Springwich Cellular Limited Partnership for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility located on the former site of the Bethany Airport, 719 Amity Road (Route 63) in Bethany, Connecticut.	}	Connecticut
	}	Siting
	}	Council
	}	July 6, 1995

DECISION AND ORDER

Pursuant to the foregoing Findings of Fact, and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a cellular telecommunications tower and equipment building at the proposed site in Bethany, Connecticut, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Springwich Cellular Limited Partnership (Springwich), for the construction, operation, and maintenance of a cellular telecommunications tower, associated equipment, and building at the proposed site located at the Bethany Airport, 719 Amity Road, Bethany, Connecticut.

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 self-supporting monopole tower shall be no taller than necessary to provide the proposed communications service and the tower shall not exceed a total height of 150 feet above ground level (AGL).
2. The Certificate Holder 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 submitted to and approved by the Council prior to the commencement of facility construction and shall include detailed plans for the tower location and tower foundation; the placement of all antennas to be attached to this tower; equipment building, access road, utility line, and security fence; site clearing and tree trimming; and water drainage and erosion and sedimentation controls consistent with the Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended.
3. 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.
4. The Certificate Holder shall provide the Council a recalculated report of electromagnetic radio frequency power density if and when circumstances in operation cause a change in power density above the levels originally calculated and provided in the application.

5. The Certificate Holder 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.
6. If the facility does not initially provide, or permanently ceases to provide cellular services following completion of construction, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapplication for any continued or new use shall be made to the Council before any such use is made.
7. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within three years of the effective date of this Decision and Order or within three years after all appeals to this Decision and Order have been resolved.
8. The Certificate Holder shall notify the Council upon completion of construction and provide the final cost to construct the facility.

Pursuant to General Statutes § 16-50p, we hereby direct 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 New Haven Register and Beth-Wood 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:

APPLICANT

Springwich Cellular Limited Partnership

ITS REPRESENTATIVES

Peter J. Tyrrell, Esq.
Springwich Cellular Limited Partnership
227 Church Street
New Haven, CT 06510

INTERVENOR

Metro Mobile CTS of Hartford, Inc.

ITS REPRESENTATIVES

Metro Mobile CTS of Hartford, Inc.
20 Alexander Drive
Wallingford, CT 06492
Attn: David S. Malko, P.E., Manager
Engineering & Regulatory Services

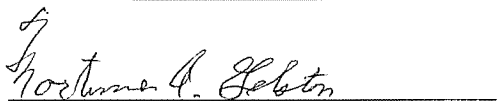
Robinson & Cole
One Commercial Plaza
Hartford, CT 06103-3597
Attn: Brian C.S. Freeman, Esq.

CERTIFICATION

The Undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in Docket No. 168 - An application of Springwich Cellular Limited Partnership for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility located on the former site of the Bethany Airport, 719 Amity Road (Route 63) in Bethany, Connecticut, and voted as follows:

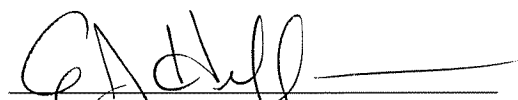
Council Members

Vote Cast



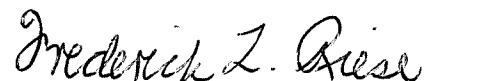
Mortimer A. Gelston
Chairman

YES



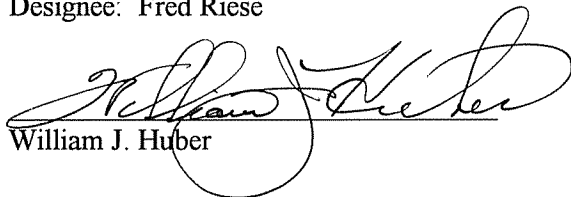
Commissioner Reginald J. Smith
Designee: Gerald J. Heffernan

YES



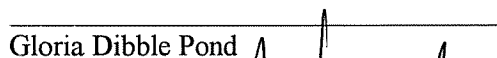
Commissioner Sidney J. Holbrook
Designee: Fred Riese

YES



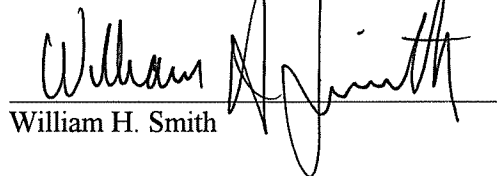
William J. Huber

YES



Gloria Dibble Pond

ABSENT



William H. Smith

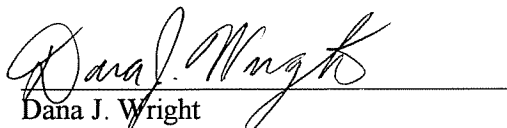
YES

Colin C. Tait

ABSTAIN

Edward S. Wilensky

ABSENT



Dana J. Wright

YES

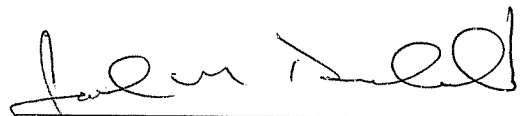
Dated at New Britain, Connecticut, July 6, 1995.

STATE OF CONNECTICUT }

ss. New Britain, Connecticut }
COUNTY OF HARTFORD
STATE OF CONNECTICUT } July 7, 1995

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

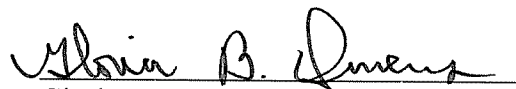
ATTEST:



Joel M. Rinebold
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 168 have been forwarded by Certified First Class Return Receipt Requested mail on July 7, 1995, to all parties and intervenors of record as listed on the attached service list, dated April 10, 1995.

ATTEST:



Gloria B. Owens
Administrative Assistant
Connecticut Siting Council

From: Hiram Peck <planthree@earthlink.net>
Sent: Tuesday, December 22, 2020 3:34 PM
To: Fontaine, Lisa <Lisa.Fontaine@ct.gov>
Cc: pcofrancesco@bethany-ct.com
Subject: RE: Bethany Request for Modification Part 4 of 4

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Lisa; Thank you.

I have discussed this application with the applicant and Bethany First Selectman, Paula Cofrancesco.

The Town has no objections to the antennae modifications as shown on the application.

The Town is discussing internally whether any municipal departments, DPW, Police, Emergency services need to request any space on the tower. We believe the Fire Dept already has a location on the tower.

If any approval that the Siting Council gives could simply include the fact that space should be made available on the tower if it is determined that it is needed for municipal services , that would be much appreciated.

Thank you and Melanie for getting the application materials to me to review.

Best,

Hiram Peck, AICP, CFM

Planning Consultant to the Town of Bethany.