



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

August 13, 2018

Renata Bertotti, AICP
Assistant Planning Director
City of Meriden
City Hall
142 East Main Street
Meriden, CT 06450

RE: **EM-SPRINT-080-180806** – Sprint notice of intent to modify an existing telecommunications facility located at 119 Empire Avenue, Meriden, Connecticut.

Dear Ms. Bertotti:

The Connecticut Siting Council (Council) is in receipt of the Town of Meriden's correspondence dated August 10, 2018 concerning the above-referenced request from Sprint for an exempt modification to swap 6 existing panel antennas and 3 existing remote radio units, and add 3 remote radio units, at the existing site at 119 Empire Avenue in Meriden. Thank you for taking the time to provide the Council with your comments.

Before making a final decision on a request for an exempt modification, the Council carefully considers the proposal in accordance with the required criteria under 16-50j-72 of the Regulations of Connecticut State Agencies. Entities requesting an exempt modification for an existing telecommunications facility must demonstrate that the proposal is consistent with the exempt modification criteria, including, but not limited to, changes on an existing site that do not increase the tower height; extend the boundaries of the site by any dimension; increase noise levels at the site boundary by 6 decibels or more, or to levels that exceed state criteria; increase radio frequency power density at the site boundary to or above standards adopted by the Federal Communications Commission; cause a significant adverse change or alteration in the physical or environmental characteristics of the site; or impair the structural integrity of the facility.

As more fully described in correspondence to the City of Meriden dated January 18, 2017, a copy of which is attached for your convenience, the Council did not certificate this water tank facility and therefore, no Council conditions to maintain the water tank exist. The first request submitted to the Council requesting collocation on this facility was a petition for a declaratory ruling filed by Verizon in 2005. Approval of the petition did not include a condition to maintain the structure because Verizon does not own the structure. Verizon is a tenant on the structure.

Please be advised that telecommunications carriers with existing equipment installations on the water tank and telecommunications carriers requesting to collocate on the existing facility cannot be required or subject to a condition to maintain the structure. They do not own the structure. They lease space on the structure.

According to the City of Meriden Land Records, the owner of the facility is 119 Empire Avenue, LLC. A copy of your August 10, 2018 correspondence and this correspondence is being sent to the Ceneviva Law Firm, LLC, which is 119 Empire Avenue, LLC's agent for service according to the Secretary of State records.



Despite the lack of a certificate and any conditions to maintain the structure, a copy of your correspondence and this correspondence are also being distributed among the attorneys for the carriers with installations on the facility, as well as the current owner of the facility, 119 Empire Avenue, LLC.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/IN/lm

Enclosures

cc with enclosures:

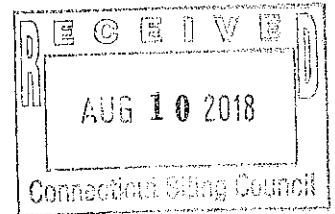
The Honorable Kevin M. Scarpati, Mayor, City of Meriden
Ken Morgan, Interim City Manager, City of Meriden
Robert Seale, Director of Development and Enforcement, City of Meriden
Ryan G. Bailey, Charles Cherondolo Consulting
Kenneth C. Baldwin, Esq., Robinson + Cole
Christopher B. Fisher, Esq., Cuddy & Feder
Thomas Regan, Esq., Brown Rudnick
Richard Mark, T-Mobile
Ceneviva Law Firm, LLC, Agent for Service, 119 Empire Avenue, LLC
Howard A. Lohmann, Jr., 119 Empire Avenue, LLC
Erik K. Lohmann, 119 Empire Avenue, LLC

From: Renata Bertotti [<mailto:rbertotti@meridenct.gov>]
Sent: Friday, August 10, 2018 2:04 PM
To: Bachman, Melanie <Melanie.Bachman@ct.gov>
Cc: Robert Seale <rseale@meridenct.gov>; Paul Dickson <pdickson@meridenct.gov>
Subject: 119 Empire Ave, Meriden

Ms. Bachman,

The City of Meriden received a notification of Sprint's application to:

1. Install 3 new dual band antennas
2. Replace 3 existing antennas with 3 proposed antennas
3. Install 3 new RRH'S behind antennas
4. Install 48 jumper cables
5. Install 4 hybrid fiber riser cable



As on previous occasions, the City requests that any exemption the Council grants be conditioned upon performance of the basic maintenance. This facility is located at the end of a residential street and, due to its height, is very visible. Attached are the photos of current conditions we would like to see improved.

Previous local and state approvals required the structure supporting the equipment to be painted white. We ask that you require that all the proposed telecom equipment upgrades, as well as the portion of the supporting structure the equipment is mounted on be painted to match.

Thank you,

Renata Bertotti, AICP
Assistant Planning Director
City of Meriden
Ph: (203) 630-4083
rbertotti@meridenct.gov

Note: The information contained in this email message is confidential and may contain privileged information and material. Any review or use of the information contained in this email message by persons other than the intended recipient(s) is prohibited. Please notify the sender of this message or the City of Meriden at 203-630-4000.



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January 18, 2017

Thomas Skoglund
Assistant Planning Director
City of Meriden
142 East Main Street
Meriden, CT 06450

**Re: Water Tank Telecommunications Facility at 119 Empire Avenue, Meriden,
Connecticut**

Dear Mr. Skoglund:

The Connecticut Siting Council (Council) is in receipt of your correspondence received January 17, 2017 submitted in response to a request for an exempt modification filed by AT&T on December 27, 2016 regarding a complaint about the condition of the above-referenced water tank telecommunications facility. Specifically, there appear to be concerns regarding the painting and general maintenance of the structure. Thank you for taking the time to submit your concerns.

According to the Council's Statewide Comprehensive Telecommunications Database, AT&T is located at the 85 and 95 foot levels of this 125-foot water tank facility; Verizon is located at the 125 foot level; Sprint is located at the 75 foot and 98 foot levels; Clearwire is located at the 105 foot level and T-Mobile is located at the 115 foot level. The Council did not certificate this water tank facility and therefore, no conditions to maintain the water tank exist. The first request submitted to the Council requesting collocation on this facility was a petition for a declaratory ruling filed by Verizon in 2005. Approval of the petition did not include a condition to maintain the structure. A copy of the Council's decision letter and staff report for Petition No. 727 is enclosed for your convenience.

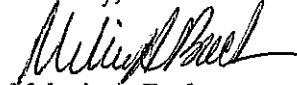
Please be advised that telecommunications carriers with existing installations on the water tank and telecommunications carriers requesting to collocate on the existing facility cannot be required or subject to a condition to maintain the structure. They do not own the structure. They lease space on the structure.

Despite the lack of a certificate and any conditions to maintain the structure, a copy of your correspondence and this correspondence are being distributed among the attorneys for the carriers with installations on the facility, as well as the current owner of the facility, 119 Empire Avenue, LLC.



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

Sincerely,



Melanie A. Bachman
Executive Director

Enclosures

cc with enclosures: Kenneth C. Baldwin, Esq., Robinson + Cole
Christopher B. Fisher, Esq., Cuddy & Feder
Thomas Regan, Esq., Brown Rudnick
Mark Richard, T-Mobile
Howard A. Lohmann, Jr., 119 Empire Avenue LLC
Erik K. Lohmann, 119 Empire Avenue LLC

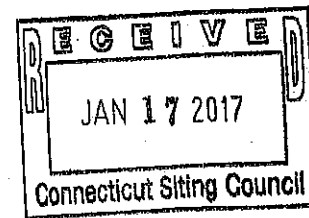
**PLANNING
COMMISSION-DIVISION
CITY OF MERIDEN**



Telephone (203) 630-4081 • Fax (203) 630-5883

January 11, 2017

Melanie Bachman, Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



RE: Notice of Exempt Modification – RRH Installation
119 Empire Avenue

ORIGINAL

Dear Ms. Bachman, Siting Council and Staff Members,

The City of Meriden recently received a letter, dated December 22, 2016, regarding telecom equipment upgrades at the above noted address. This letter is to inform you of an ownership change at the property and that the structure bearing the equipment requires some basic maintenance (painting needed). The City requests that any exemption be conditioned upon performance of the basic maintenance.

The Notice mentions Atlas Container, LLC as the owner. According to City tax records, in April, 2016, the property was sold to 119 Empire Avenue LLC (Owner address: 1150 Old Colony Road, Meriden, CT 06451).

The facility is located at the end of a residential street and, due to the height is very visible. Previous local and state approvals required the structure supporting the equipment to be painted (light sky color). Attached is a recent photo showing failing paint. The proposed equipment is located in the location of the failing paint.

The state has in large part superseded the City in responsibility for this facility. Before granting any future exemptions or approvals, please determine with accuracy the party that is responsible for maintenance of the facility structure, and please make clear requirements for maintenance and for basic consistency of color in new equipment to be installed.

If there are any questions or follow-up necessary, please contact me at (203) 630-4081.

Sincerely,

Thomas Skoglund, Assistant Planning Director
City of Meriden

Cc: Robert Seale, Director

142 East Main Street, City Hall, Meriden, Connecticut 06450

119 Empire Ave 12/10/16



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CERTIFIED MAIL

RETURN RECEIPT REQUESTED

August 25, 2005

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

RE: **PETITION NO. 727 - Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modification to expand an existing telecommunications facility located at 119 Empire Avenue, Meriden, Connecticut.**

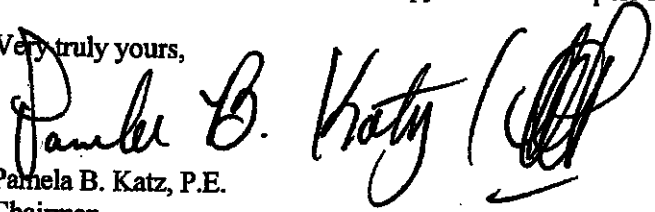
Dear Attorney Baldwin:

At a public meeting held on August 24, 2005, the Connecticut Siting Council (Council) considered and ruled that this proposal would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need. This ruling was made with the condition that Cellco does not install an RF transparent shroud around the portion of its tower that will extend above the existing water tank.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition, dated August 10, 2005.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,


Pamela B. Katz, P.E.
Chairman

PBK/laf

Enclosure: Staff Report dated August 24, 2005

c: The Honorable Mark Benigni, Mayor, City of Meriden
Lawrence Kendzior, City Manager, City of Meriden
Dominick Caruso, City Planner, City of Meriden

**Petition No. 727
Cellco/Verizon
Meriden, Connecticut
Staff Report
August 24, 2005**

Verizon seeks to add antennas to an existing water tank to which four carriers have previously attached antennas and one carrier, T-Mobile, has been granted permission to add its antennas as well. Council member Phil Ashton and staff person David Martin met with Verizon representative, Ken Baldwin, to conduct a field review of this petition.

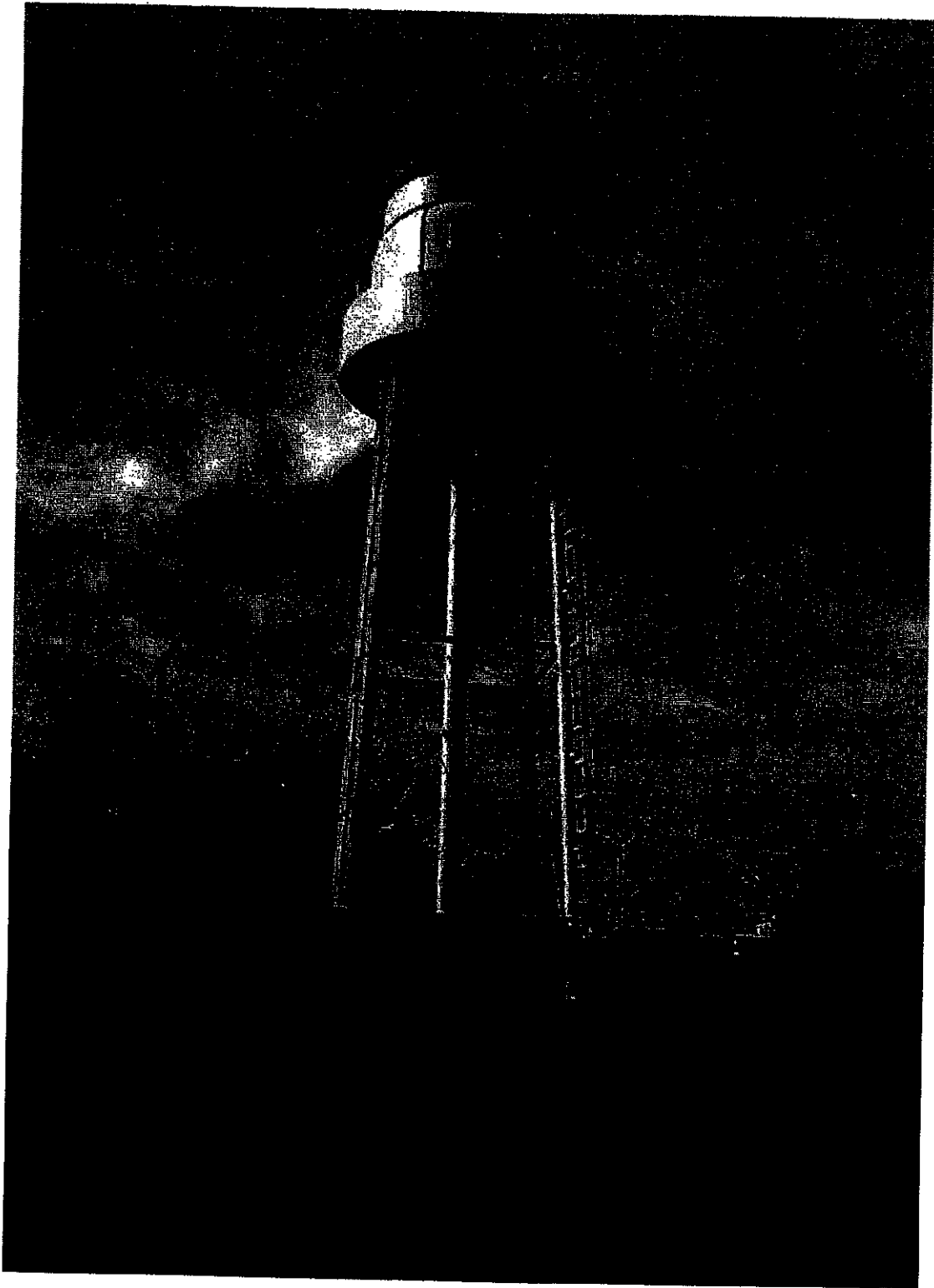
At this site, Nextel has attached its antennas to the legs of the water tank at the 75 foot level. Cingular's antennas are attached to the body of the tank at 95 feet. AT&T's antennas are at 85 feet behind a RF transparent shroud. Sprint's antennas are at 105 feet, on top of the water tank also behind a RF transparent shroud. T-Mobile has received permission from the City of Meriden to install antennas at 115 feet.

Verizon identified this site as suitable for filling coverage gaps on the nearby Berlin Turnpike and determined that its antennas would need to be located at 125 feet. To maintain consistency with the other carriers whose antennas are behind RF transparent shrouds, Verizon proposed to erect a shroud to shield the view of its antennas. The additional wind load of this shroud, however, would overstress the structural capacity of the water tank. Verizon's solution would be to build a new monopole tower through the center of the water tank that would extend above it to allow Verizon and T-Mobile to install antennas at their respective heights. The monopole would not compromise the structural capacity of the water tank for the four carriers whose antennas were already installed.

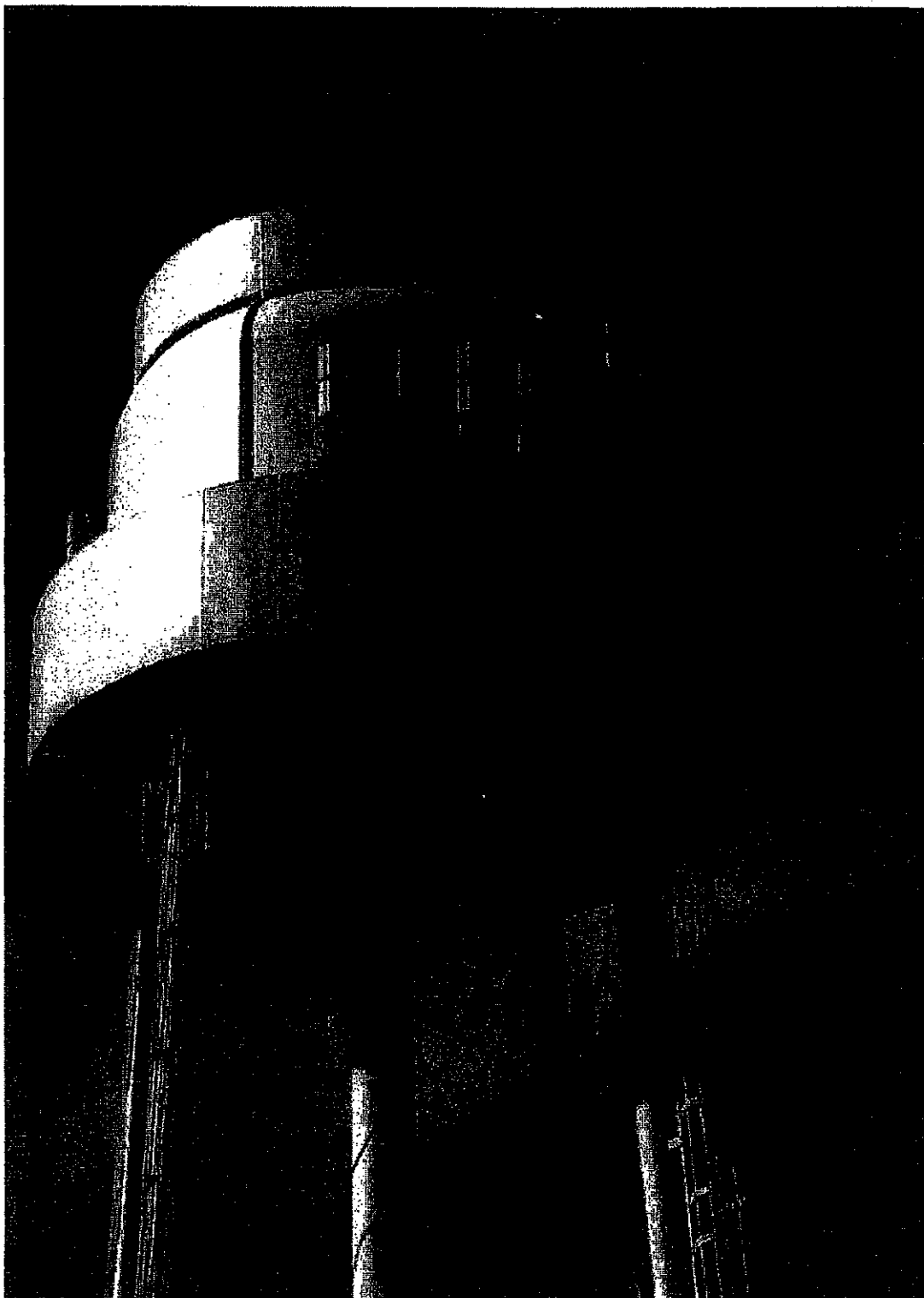
The water tank is a significant visual presence within the small residential and industrial neighborhood in which it is located. Adding 20 to 25 feet of RF transparent shroud to the top of it will increase its visibility.

During the field review Council member Ashton suggested replacing the water tank with a monopole in lieu of erecting a monopole through the existing tank. The tank is no longer used for water storage and a monopole will have less of a visual presence in the landscape. Mr. Ashton discussed this idea with the Meriden city planner who was amenable to the suggestion. Attorney Baldwin had discussions with the water tank's owner who described several practical impediments to replacing the water tank.

View of Existing Water Tank from Parking Lot of Atlas Container



Close Up View of Water Tank



View of Water Tank from Empire Avenue, Looking West

