



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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VIA ELECTRONIC MAIL

January 22, 2020

Candace L. Palmer
Zoning and Wetlands Official
Town of Stonington
152 Elm Street
Stonington, CT 06378

RE: **EM-VER-137-200121** – Cellco Partnership d/b/a Verizon Wireless notice of intent to modify an existing telecommunications facility located at 173 South Broad Street, Stonington, Connecticut.

Dear Ms. Palmer:

Attorney Ken Baldwin forwarded your January 22, 2020 e-mail regarding the above-referenced request for an exempt modification at the existing telecommunications facility located at 173 South Broad Street in Stonington that was properly submitted to the Connecticut Siting Council (Council) on January 17, 2020. In your e-mail, a copy of which is attached, you state, "There have been multiple zoning permits issued over the years for various changes to the tower. Any new changes will also require an approved zoning permit. For your convenience, I have attached a zoning permit application. Please note that there is a \$110.00 application fee associated with this permit." **A municipal zoning permit application is not legally required.**

Pursuant to its authority under the Public Utility Environmental Standards Act, the Council has exclusive jurisdiction over the construction, maintenance, operation and modification of telecommunications facilities throughout the state of Connecticut. Under Connecticut General Statutes (CGS) §16-50i (a)(6), the Council has jurisdiction over "*telecommunications towers, including associated telecommunications equipment*, owned or operated by the state, a public service company or a *certified telecommunications provider or used in a cellular system...*" (Emphasis added). The above-referenced telecommunications facility in the Town of Stonington is a telecommunications facility over which the Council has exclusive jurisdiction and for which the Council is required by statute to approve any facility modifications.

Additionally, CGS §16-50x(a) states in pertinent part: "Notwithstanding any other provision of the general statutes to the contrary, ... *the council shall have exclusive jurisdiction over the location and type of facilities* and over the location and type of modifications of facilities subject to the provisions of subsection (d) of this section... *Whenever the council certifies a facility pursuant to this chapter, such certification shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies...*" (Emphasis added).

Requests for exempt facility modifications are governed by Regulations of Connecticut State Agencies (RCSA) §16-50j-72: "... any modification to a facility that the Council... has determined satisfies the criteria of this section shall be deemed not to have a substantial adverse environmental effect and shall not require a certificate... *modifications to facilities, including, but not limited to, change-outs and installations of antennas on existing telecommunications towers...*, upon Council acknowledgment... may qualify for such exemption." (Emphasis added).



Furthermore, pursuant to RCSA §16-50j-72(b), requests for exempt facility modifications must meet the following criteria:

“Changes on an existing site that do not:

- (A) Increase the tower height;
- (B) Extend the boundaries of the site by any dimension;
- (C) Increase noise levels at the site boundary by 6 decibels or more, or to levels that exceed state and local criteria;
- (D) Add radio frequency sending or receiving capability which increases total radio frequency electromagnetic radiation power density measured at the site boundary to or above the standards adopted by the Federal Communications Commission...;
- (E) Cause a significant adverse change or alteration in the physical or environmental characteristics of the site; and
- (F) Impair the structural integrity of the facility, as determined in a certification provided by a professional engineer licensed in Connecticut.”

The above-referenced request for exempt modification was properly submitted to the Council on January 17, 2020 indicating that written notice of the request for an exempt modification was provided to the chief elected official of the Town of Stonington. This is compliant with the notice requirements for a request for an exempt modification under RCSA §16-50j-72.

According to the statutory and regulatory authority cited above, the Council has exclusive jurisdiction over the existing telecommunications facility and the Council’s review and approval of an exempt modification to a jurisdictional facility, such as the subject telecommunications facility, “shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies.”

If you have any further concerns or questions, please feel free to contact me at 860-827-2951.

Thank you.

Sincerely,



Melanie A. Bachman
Executive Director

c: The Honorable Danielle Chesebrough, First Selectman, Town of Stonington
Keith Brynes, Acting Director of Planning, Town of Stonington
Kenneth C. Baldwin, Esq., Robinson & Cole LLP

From: Candy Palmer <cpalmer@stonington-ct.gov>
Sent: Wednesday, January 22, 2020 12:38 PM
To: Baldwin, Kenneth <KBALDWIN@RC.com>
Cc: Keith Brynes <kbrynes@stonington-ct.gov>; Darren Stewart <DStewart@stonington-ct.gov>; Todd Olson <TOlson@stonington-ct.gov>; Stacey Haskell <shaskell@stonington-ct.gov>; Danielle Chesebrough <dchesebrough@stonington-ct.gov>
Subject: 173 South Broad St. Cell Tower

Mr. Baldwin,

I am in receipt of your letter dated January 17, 2020, addressed to Attorney Melanie A. Bachman. In it you state, "You have made several attempts to contact Town's Planning and Zoning Staff regarding existing permits and received no response." Please be advised, that we have had no such communications of which I am aware. Please check your contact numbers and make sure you were calling the Town of Stonington and not North Stonington. Unfortunately, it's a fairly common mistake.

That being said, the cell tower located at 173 South Broad at the Stonington Police Station was approved by the Citing Council on November 6, 2000. It was subsequently approved per Zoning Permit #00-329 and acquired a Certificate of Occupancy on February 6, 2001 [attached].

There have been multiple additional zoning permits issued over the years for various changes to the tower [attached]. Any new changes will also require an approved zoning permit. For your convenience, I have attached a zoning permit application. Please note that there is a \$110.00 application fee associated with this permit. The completed application and monies may be mailed to my attention at: Stonington Town Hall, 152 Elm St., Stonington CT 06378.

There is no need to send another copy of the packet dated 01/16/2020, I will hold on to the copy that was sent to the Stonington Police Station and process it once the we receive the application.

If you have any further questions or concerns, please feel free to contact me directly at the Town Hall.

Regards,

Candace L. Palmer, CZEO-WEO
Zoning and Wetlands Official

Town of Stonington
152 Elm St.
Stonington, CT 06378
P: 860.535.5095
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