



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

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 31, 2020

Lucia Chiochio, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

RE: **PETITION NO. 1386** – New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a wireless telecommunications facility at an existing Eversource-owned electric transmission line structure (#917) within an existing Eversource electric transmission line right-of-way located at 5 Tall Pines Drive, Weston, Connecticut.

Dear Attorney Motel:

At a public meeting held on January 30, 2020, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need with the following conditions:

1. Approval of any minor project changes be delegated to Council staff;
2. Prior to AT&T's antenna installation, foundation reinforcements shall be installed as specified in Section 1-4 of the Structural Analysis Report prepared by CENTEK Engineering, dated March 1, 2019, and stamped and signed by Timothy J. Lynn;
3. Within 45 days following the completion of equipment installation, AT&T shall provide documentation certified by a Professional Engineer that its installation complies with the Structural Analysis Report;
4. The Petitioner shall utilize the alternate proposed propane-fueled emergency back-up generator;
5. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed within three years from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
6. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of Weston;

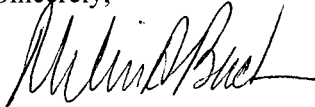
7. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
8. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by the Petitioner shall be removed within 60 days of the date the antenna ceased to function;
9. The facility owner/operator shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v;
10. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
11. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.

Additionally, the Council recommends that AT&T, in coordination with Eversource Energy, determine the feasibility of vegetative screening; or alternatively, AT&T work with the property owners of 40 White Birch Road for vegetative screening on the abutting property; and AT&T notify the abutting neighbors of the emergency back-up generator testing schedule.

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 October 15, 2019 and additional information received on November 12, 2019, November 21, 2019 and January 21, 2020.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/MP/emr

Enclosure: Staff Report dated January 30, 2020

- c: The Honorable Chris Spaulding, First Selectman, Town of Weston
Jonathan Luiz, Town Administrator, Town of Weston
James Pjura, Zoning Enforcement Officer, Town of Weston



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Petition No. 1386

New Cingular Wireless PCS, LLC

5 Tall Pines Drive, Weston

Staff Report

January 30, 2020

Introduction

On October 15, 2019, New Cingular Wireless PCS, LLC (AT&T) submitted a petition (Petition) to the Connecticut Siting Council (Council) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the installation of a telecommunications facility on an existing electric transmission structure located at 5 Tall Pines Drive in Weston, Connecticut.

Notice was provided to the Town of Weston (Town), the property owner and abutting property owners on October 11, 2019. On October 16, 2019, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the municipality to contact the Council with any questions or comments by November 14, 2019. The Town responded on November 13, 2019. The Town's comment letter is attached to this staff report.

The Council submitted interrogatories to AT&T on October 29, 2019. AT&T submitted responses to the interrogatories on November 12, 2019. AT&T submitted additional correspondence responding to the Town's comments on November 21, 2019.

The Town's comments include, but are not limited to, the following:

- a) The Town would prefer that the proposed facility be located at the Weston Volunteer Fire Department at 234 Lyons Plain Road;
- b) The property owner at 40 White Birch Road is concerned about the proximity of the facility from their house;
- c) The Site Plan has not been signed or stamped by a licensed surveyor;
- d) The wetlands inspection is a preliminary wetlands assessment;
- e) A soil disturbance permit would be required from the Town; and
- f) A driveway permit would be required from the Town.

AT&T's response to the Town's comments includes, but is not limited to, the following:

- a) There is no statutory or regulatory requirement that AT&T conduct an analysis of alternative site locations when submitting a petition to locate on an existing utility structure;
- b) AT&T's RF engineers determined that the Fire Department is located too far north at a significantly lower (~100 feet) elevation than the proposed site with steep slopes and an adjacent stream, and therefore, a monopole at the Fire Department would be inadequate to fulfill AT&T's coverage gap to provide reliable wireless services to this area of Weston; and
- c) Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over energy and telecommunications matters in the state, and therefore, AT&T's proposed facility will not require any approvals or permits from the Town.

In addition to exclusive jurisdiction over telecommunications facilities, the Council also has exclusive jurisdiction over electric transmission line facilities with a design capacity of 69-kilovolts (kV) or higher.

The existing transmission structure currently supports two electric transmission lines that each have a line voltage of 115-kV.

On December 5, 2019, pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act that requires an administrative agency to take action on a petition within 60 days of receipt, the Council voted to set the date by which to render a decision on the petition as April 12, 2020. This date is the statutorily-mandated 180-day decision deadline for this petition under CGS §4-176(i).

The Council submitted a second set of interrogatories to AT&T on December 10, 2019 with responses due on December 23, 2019. On December 19, 2019, AT&T submitted a request for an extension until January 6, 2020 to respond to the second set of interrogatories. On December 20, 2019, the Council granted an extension of time until January 6, 2020. On January 3, 2020, AT&T submitted a second request for an extension until January 21, 2020. On January 3, 2020, the Council granted an extension of time until January 21, 2020. AT&T submitted responses to the second set of interrogatories on January 21, 2020.

Existing Facility

The existing 81-foot double-circuit lattice electric transmission structure is located on a 2.01-acre property within the Eversource transmission line right-of-way (ROW). The existing transmission structure, known as Structure No. 917, supports the #1714 and #1720 115-kV transmission lines. There are no wireless telecommunications carriers currently co-located on this structure.

Proposed Telecommunications Facility Co-location

The facility is needed to provide coverage in the vicinity of White Birch Road and Route 136 in Weston. AT&T's 700 MHz and 850 MHz frequency bands are used for coverage, and the 1900 MHz and 2100 MHz frequency bands are used for capacity. The proposed facility would provide service for all four frequency bands.

Specifically, AT&T proposes to install a new 98-foot tall antenna mast within the center of the existing 81-foot tall lattice tower. AT&T would install 12 panel antennas and 24 remote radio units on a low-profile platform at a centerline height of approximately 95 feet above ground level (agl). The tops of the antennas would reach a maximum height of about 99 feet agl.

AT&T considered utilizing a short antenna mast attached directly to the top of the Eversource structure rather than the proposed mast that extends to the ground. A shorter mast would not be feasible because it would not be capable of supporting the number of antennas and other equipment that AT&T is proposing to provide reliable service in the Town of Weston. Any such changes to the design would result in a decrease in the number of antennas, reduction in height of the antennas, and changes to the antenna's configuration. Such changes would compromise the coverage and capacity that would be provided by the facility, which would lead to the need for additional sites. The proposed facility is a FirstNet site, and the use of a shorter mast would limit AT&T's ability to expand its FirstNet program, which provides first responders with priority access to AT&T's network.

Additionally, Eversource safety standards require a minimum of a 6-foot clearance between the top of the 81-foot structure and the bottom of the AT&T antennas and equipment. For this location, Eversource prefers a 10-foot clearance for additional safety, future modifications and construction tolerance. In light of these clearance requirements, AT&T cannot install the facility without a mast and cannot directly attach the antennas to the structure. AT&T's proposed 98-foot mast configuration with the antennas centered at

95 feet would leave the bottom of the antennas at about 91 feet and allow the more conservative 10-foot clearance requested by Eversource.

AT&T would install a fenced gravel compound to the northwest of the existing transmission structure within the existing transmission ROW. The dimensions of the fenced compound is proposed as 18-foot by 24-foot and included a 20-kilowatt (kW) alternating current (AC) diesel-fueled generator unit to be installed on an approximately 3-foot by 4-foot concrete pad within the compound. The diesel generator unit has a level 2 acoustic enclosure and a double-walled fuel tank. It could run for 48 hours before refueling is required, based on full load. The proposed generator would operate for maintenance purposes once per week for approximately 20 minutes.

At the Council's request, AT&T considered the use of a propane-fueled emergency backup generator at the site rather than a diesel generator. Installation of a 15-kW direct current (DC) propane backup generator would require a revision to the compound design and an increase in the compound dimensions to 20-feet 6-inches by 29-feet 6-inches¹. The propane generator requires additional space because of its separate 250-gallon propane fuel tank² which would be installed in the northeastern portion of the compound. The 15-kW propane-fueled generator could be installed on an approximately 4.5-foot by 2.8-foot concrete pad within the compound. It could run for up to 70 hours before refueling is required, based on full generator load. The proposed propane-fueled generator would operate for maintenance occasionally for approximately 30 minutes.

Irrespective of the generator type selected, the compound would be surrounded by a 9-foot tall wood stockade fence. AT&T would install an 8-foot by 8-foot walk-in equipment cabinet shelter within the compound. AT&T would also improve the existing access from White Birch Road with new gravel surfacing in order to access the site.

The proposed electrical and telephone utilities would run underground from existing utility pole No. 5985, parallel along White Birch Road, and then along the proposed utility easement to the proposed step-down transformer and utility backboard located adjacent to the proposed fenced equipment compound area.

AT&T would not be able to eliminate a backup generator because, as noted in Council Docket No. 432, in response to two significant storm events in 2011, the Two Storm Panel found that, "wireless telecommunications service providers were not prepared to serve residential and business customers during a power outage" because certain companies had limited backup generator capacity. The Two Storm Panel also noted that, "[t]he failure of a large portion of Connecticut's telecommunications system during the two storms is a life safety issue." The Two Storm Panel also recommended that state regulatory bodies review "telecommunications services currently in place to verify that the vendors have sufficient generator and backhaul capacity to meet the emergency needs of customers and businesses."

AT&T also considered battery backup alone, but deemed such alternative not feasible due to the limited time that battery backups can provide power compared to a backup generator.

Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the Federal Communications Commission (FCC). At present, no standards for backup power for CMRS providers have been promulgated by the FCC. Every year since 2006, AT&T, Sprint, T-Mobile,

¹ The larger compound for the propane generator would require a modular block retaining wall to be installed along portions of the northern and eastern sides of the compound fence due to the changes in grade.

² The originally proposed diesel generator had its fuel tank built in to the generator unit.

and Verizon have certified their compliance with the CTIA Business Continuity/Disaster Recovery Program and the Communications Security, Reliability and Interoperability Council standards and best practices to ensure network reliability during power outages.

Environmental

The proposed site is not located within 0.25-mile of a Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) buffered area. DEEP's Instructions for Completing a Request for NDDDB State Listed Species Review notes that, "If your project does not intersect an NDDDB area and you are not otherwise a[wa]re of the presence of any state or federal listed species on the site, you do NOT need to submit the Request for Connecticut Natural Diversity Data Base State Listed Species Review."³

No existing trees six inches diameter or greater would be removed to construct the project. The nearest wetland is located on the opposite side of White Birch Road, approximately 105 feet northwest of AT&T's proposed access to the site. The proposed project is not expected to impact this wetland. Erosion and sedimentation controls would be installed and maintained in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*.

The visibility of the proposed facility would be limited to locations where the existing ROW crosses White Birch Road and locations immediately facing the existing transmission structure along White Birch Road. Views of the proposed facility from White Birch Road (where the existing ROW crosses the road) would be year-round with the antenna array and the majority of the antenna mast visible. The existing structure is not readily visible from locations along Tall Pines Drive and surrounding roads. The additional height of the proposed facility would not create any substantive new views. A combination of existing dense vegetation and undulating terrain would limit views of the proposed facility beyond these immediate locations. Construction of the new access road and equipment compound would not increase the visibility of the proposed facility.

Council staff notes that with regard to the evaluation of visual impacts of a proposed project, photosimulations cannot be taken from private properties without securing permission from the property owner.

There are approximately 30 residences within a 1,000 foot radius of the existing transmission structure where the nearest residence is approximately 104 feet to the southeast at 40 White Birch Road. There are no schools or child day care facilities within 250 feet of the existing structure. The nearest school and child day care center are located over one mile from the site.

Public Safety

The proposed telecommunications facility would not require notice to the Federal Aviation Administration.

The Project would be constructed in accordance with the C2-2012 National Electrical Safety Code, the American National Standards Institute "Structural Standards for Steel Antenna Towers and Antenna Support Structures" Revision G, American Society of Civil Engineers (ASCE) Manual No. 10-97, and Eversource Design Criteria.

³ Instructions for Completing a Request for NDDDB State Listed Species Review, DEEP-INST-007, Revised 11/8/17, available at https://www.ct.gov/deep/lib/deep/endangered_species/general_information/nddb_inst.pdf

The proposed backup generator is exempt from DEEP Noise Control Regulations §22a-69-1.8(f). Notwithstanding, given the residential nature of the surrounding area, AT&T performed an Environmental Sound Assessment⁴ and proposes to install sound attenuation blankets in order to mitigate the combined worst-case noise of the cooling (i.e. HVAC) system for the equipment shelter and the backup generator and achieve a level that would comply with DEEP Noise Control Regulations if the generator were not exempt.

The cooling system consists of a primary and secondary system. The primary system consists of ventilation fans. The secondary system includes a door-mounted cooler to provide additional support when needed. The secondary cooling system is only expected to operate during the daytime under high summertime ambient temperatures. Generator testing would be infrequent and occur during the daytime. The noise modeling considers the worst-case scenario of the generator being tested and the primary and secondary cooling systems all operating simultaneously. The need for secondary cooling plus the testing the backup generator is a scenario that could only happen during the few hottest days of the summer.

The sound attenuation blankets would be installed on the southern, western and eastern faces of the proposed compound fence. The sound attenuation blankets would be attached to the inside faces of the fence. The proposed facility would be a Class B emitter under DEEP Noise Control Standards, and abutting residences would be Class A receptors. This results in a daytime noise limit of 55 dBA and a nighttime noise limit of 45 dBA. The existing ambient noise measurements and predicted worst-case noise levels for a propane generator are depicted below.

Table 4: Predicted Worst-Case Sound Levels Expected at Receptors

Receptor Location	Distance (Ft) (from Cabinet)	Ambient Level Day/Night (L _{eq})	Sound Level Standard (dBA)	Cooler+ Generator Level
P/L, Southwest	60	47/45	55	45 dBA
P/L, Northeast	185	47/45	55	47 dBA
P/L, Northwest	128	47/45	55	41 dBA
Residence, Southwest	170	47/45	55	38 dBA
Residence, Northeast	350	47/45	55	41 dBA
Residence, Northwest	450	47/45	55	30 dBA

Note: It is customary to conduct all calculations using precise values, but to round the result to whole dBA. All results are rounded to units (dBA).

A Professional Engineer duly licensed in the State of Connecticut has certified that the proposed antenna mast and the existing transmission structure are structurally adequate to support the proposed loading with certain foundation reinforcements.

The calculated power density would be 14.9 percent of the applicable limit using a -10 dB off-beam adjustment.

Construction Schedule

If approved by the Council, AT&T would commence construction as soon as practicable. Civil site work would take place Monday through Friday between the hours of 7:00 a.m. and 3:30 p.m. and would be completed within approximately 12 weeks. The dates of the required transmission outage have not yet been

⁴ This detailed noise assessment was performed for the propane generator configuration. However, the diesel generator configuration would also include the use of sound attenuation blankets to comply with DEEP Noise Control Standards if the generator were not exempt.

determined. The transmission outage could extend into weekends and would run from approximately 7:00 a.m. to dusk, for approximately 14 days. After the transmission outage, RF ground work would take place Monday through Friday between the hours of 7:00 a.m. to 3:30 p.m. for approximately two weeks.

Conclusion

If approved, staff recommends the following conditions:

- 1) Approval of any minor project changes be delegated to Council staff;
- 2) Prior to AT&T's antenna installation, foundation reinforcements shall be installed as specified in Section 1-4 of the Structural Analysis Report prepared by CENTEK Engineering, dated March 1, 2019, and stamped and signed by Timothy J. Lynn; and
- 3) Within 45 days following the completion of equipment installation, AT&T shall provide documentation certified by a Professional Engineer that its installation complies with the Structural Analysis Report.

View of existing structure (top photo) from White Birch Road



DOCUMENTATION

PHOTO	LOCATION	FOCAL LENGTH	ORIENTATION	DISTANCE TO SITE	VISIBILITY
2	WHITE BIRCH ROAD	50mm	NORTHEAST	+/- 130 FEET	YEAR ROUND

View of AT&T's Proposed Co-Location from White Birch Road



SIMULATION

PHOTO	LOCATION	FOCAL LENGTH	ORIENTATION	DISTANCE TO SITE	VISIBILITY
3	WHITE BIRCH ROAD	50mm	EAST	+/- 130 FEET	YEAR ROUND

Worst-Case Predicted Noise Levels*

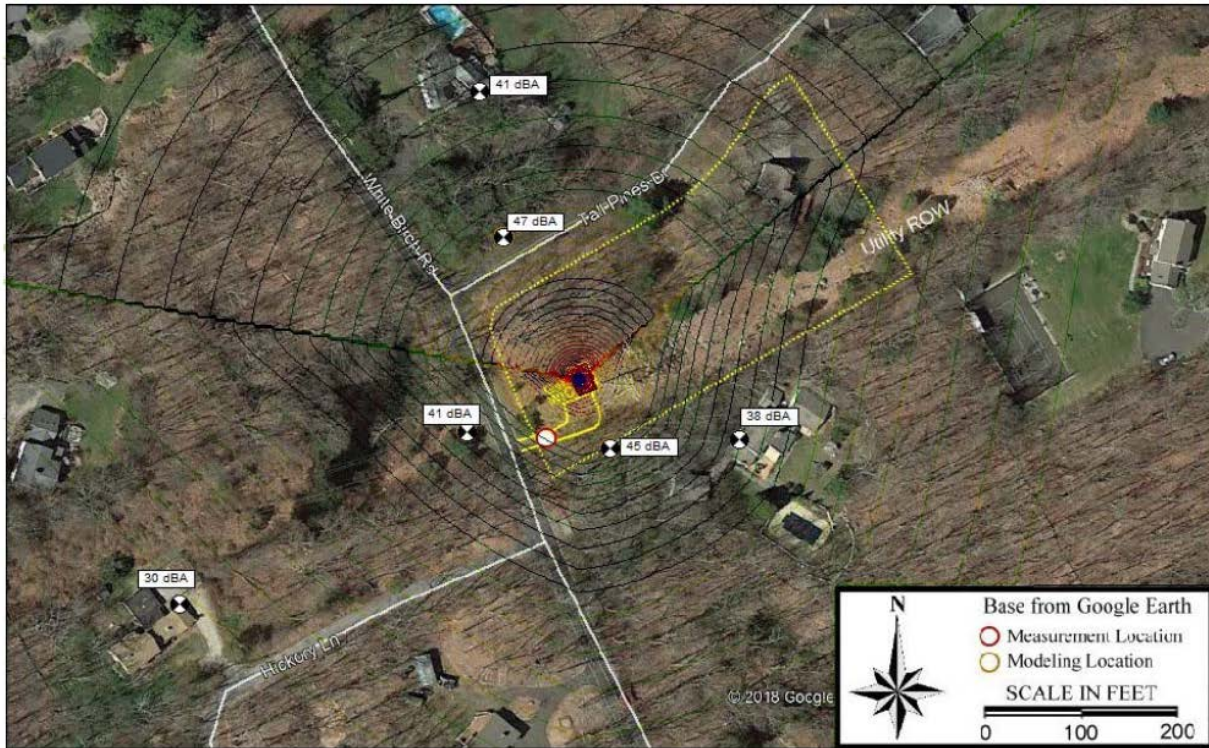
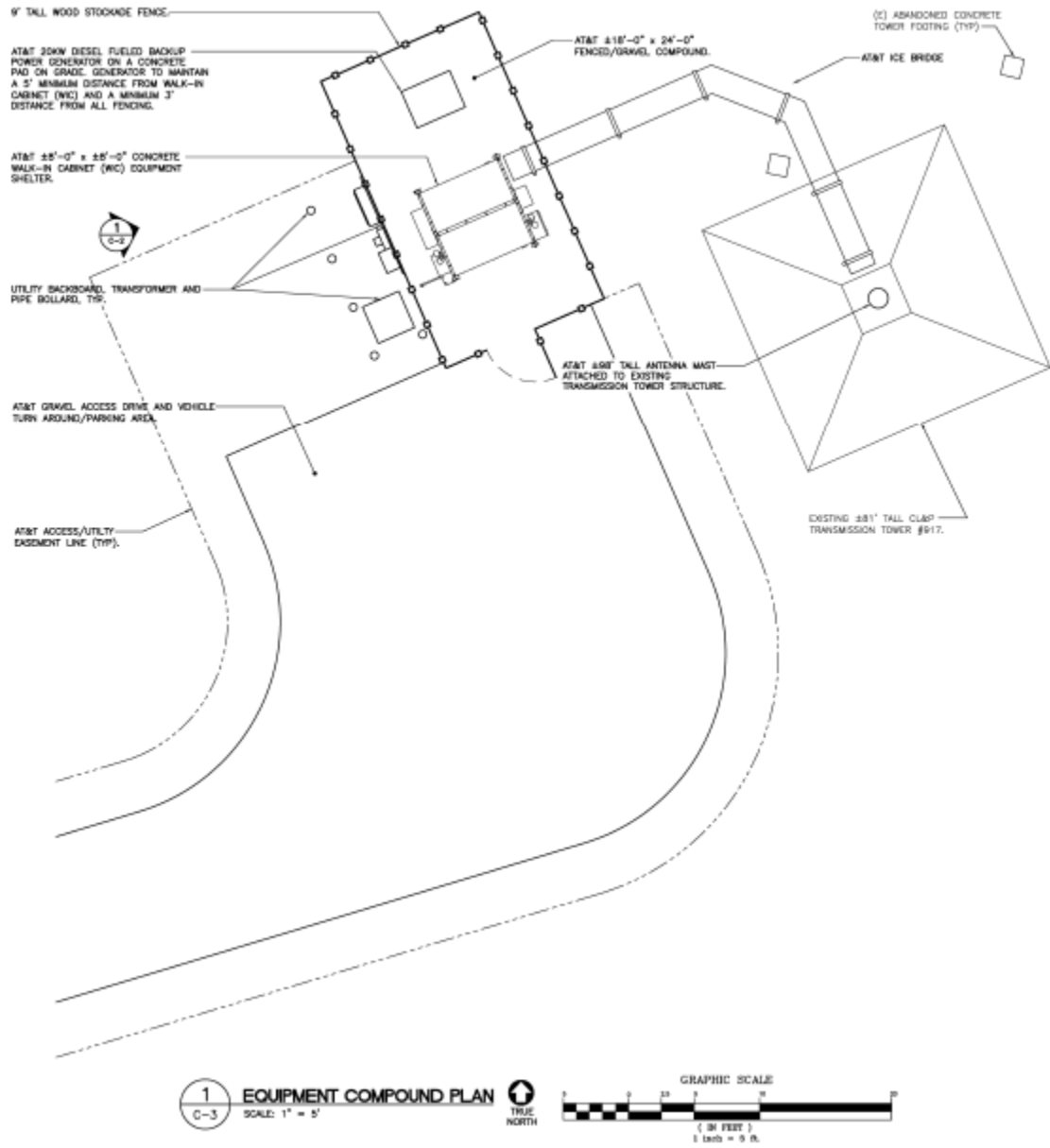


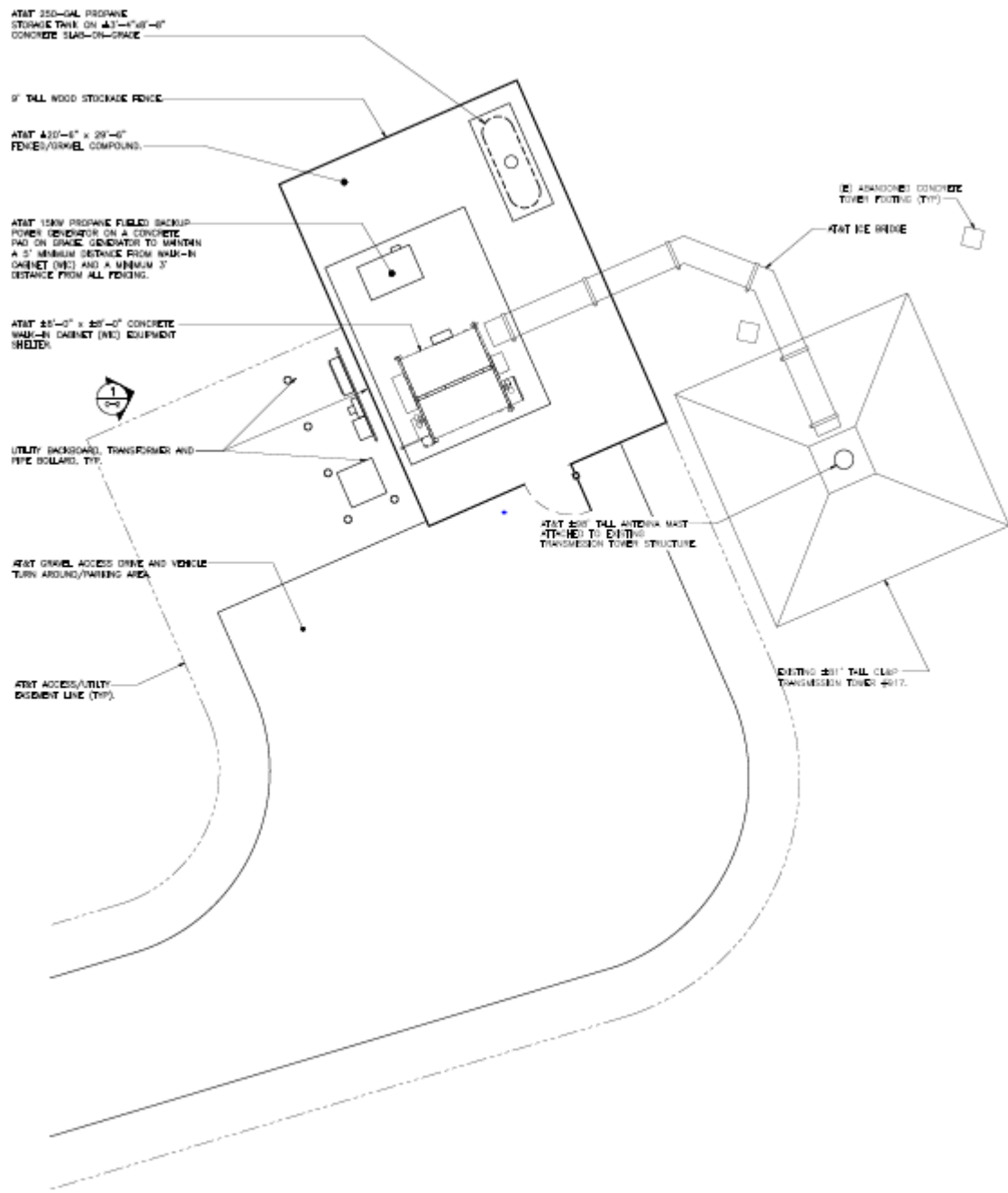
Figure 5: Graphical Summary of the Modeling Results Under Worst-Case Operating Conditions

*For propane-fueled generator configuration

Equipment Compound Plan with Diesel Generator Configuration



Equipment Compound Plan with Propane-fueled Generator Configuration



1
C-3

EQUIPMENT COMPOUND PLAN
SCALE 1" = 5'





November 13, 2019

Via email to melanie.bachman@ct.gov and sitingcouncil@ct.gov

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

Re: Petition No. 1386 - Proposed wireless telecommunications facility at 5 Tall Pines Drive, Weston, CT

Dear Ms. Bachmann,

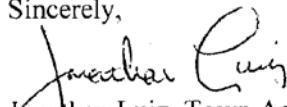
The Town of Weston submits the following comments on Petition No. 1686, New Cingular Wireless PCS, LLC petition for the proposed installation of a wireless telecommunications facility on Eversource structure #917 in right-of-way located at 5 Tall Pines Drive, Weston, CT.

- 1) The Town of Weston would prefer that the proposed wireless telecommunication facility be located on the property of the Weston Volunteer Fire Department Inc.'s Fire Station #2, located at 234 Lyons Plain Rad, Weston, CT. The Town's first responders would benefit from a tower located at that site because it would allow the Fire Department to raise the height of its antennas. Station #2 is very close to the proposed tower location.
- 2) The adjacent neighbor's located at 40 White Birch Road, David and Heather Levy, are concerned about how close the proposed structures and parking area will be to their house and property and that the filed petition excludes photo simulations from their property. The simulations also exclude what the new structures will look like from any of the angles from their property. The plan proposes an 18' x 24' fenced / gravel compound surrounded by a 9' high fence. There will be a 20KW diesel fuel backup generator and an 8'x8' walk in walk-in equipment shelter. There will also be a new road and parking lot within only a few feet of their property line. In fact, the proposed on-ground structures (equipment compound, fence, generator, driveway and parking area) and the existing Eversource tower #917 are located closer to the Levy's house than to the house located at 5 Tall Pines Drive. These structures will be visible from the Levy's property in all seasons (more so in the winter). Any noise from the generator, vehicles and workers will change their living environment and could have a negative impact on their property value. The Town of Weston shares the Levy's concerns.

- 3) The Site Survey Plan, Sheet C-1A, submitted with the petition has not been signed or stamped by a licensed surveyor.
- 4) The wetlands inspection is a **preliminary** wetlands assessment that was prepared **before** the soil scientist had actually reviewed the actual site plans for the proposed wireless facility. In addition, to address the following concern from the Town's staff to the Weston Conservation Commission (inland wetlands agency), sediment and erosion controls must be placed at the curb leak-off location on White Birch Road downslope from the proposed access drive activity to prevent siltation from entering the pond.
- 5) According to Sheet C-3, Compound Plan and Partial Site/ Grading Plan, the construction of the access drive and vehicle turn-around/parking area will require site/grading work that requires a Soil Disturbance Permit from the Town's Land Use Director and Code Enforcement Officer. The Soil Disturbance Permit Application, required certification forms, and regulations are attached. This Soil Disturbance Permit must be in place before any Building Permit Applications for the proposed antenna would be considered by the Building Inspector. The Town does not want storm water run-off from the proposed access drive and/or vehicle turn-around/parking area to flow directly onto White Birch Road and cause a flooding and/or icing condition.
- 6) The constructed of the proposed access driveway intersects a Town Road, White Birch Drive. As such a Driveway Permit, pursuant to the Board of Selectman's Driveway Ordinance will need to be obtained from the Director of Public Works/Town Engineer before any Building Permit Applications for the proposed antenna would be considered by the Building Inspector. The Driveway Permit Application and ordinance are attached.

For the foregoing reasons, the Town of Weston is opposed to the proposed wireless telecommunications facility at 5 Tall Pines Drive, Weston, Connecticut. Please do not hesitate to contact me with any questions that you may have.

Sincerely,



Jonathan Luiz, Town Administrator
Town of Weston CT

Cc: Attorney Kristen Motel, Cuddy & Feder LLP (via e-mail to kmotelcuddyfeder.com)
Weston Board of Selectmen
David and Heather Levey
Weston Fire Department Chief John Pokorny

APPLICATION FOR SOIL DISTURBANCE PERMIT

PROJECT

LOCATION: _____

PROJECT DESCRIPTION: _____

AREA OF PROPERTY TO BE REGRADED: _____ SQUARE FEET

AMOUNT OF SOIL TO BE ADDED TO PROPERTY: _____ CUBIC YARDS

AMOUNT OF SOIL TO BE REMOVED FROM PROPERTY: _____ CUBIC YARDS

OWNER'S NAME: _____

OWNER'S ADDRESS: _____

OWNER'S PHONE: (____) _____

1. _____ Submit 1 copy of A-2 Property Survey that includes existing and proposed topography, proposed sediment and erosion controls, any soil storage areas and location of wetlands areas. (See Section 348.2.1 of the Zoning Regulations.)
2. _____ Submit original notarized Disturbance of Soil Permit Certification form. The form must be completed by a professional engineer licensed in the State of Connecticut. (See Section 348.2.2 of the Zoning Regulations.)
3. _____ If project involves the introduction of more than 25 cubic yards of Soil onto the property, submit original notarized Clean Fill Certification form.
4. _____ Application Fee (\$210 for fill and excavation of less than 1,000 c.y.; \$310 for fill and excavation of more than 1,000 c.y.)

APPLICATION DATE: _____

SIGNATURE OF OWNER: _____

I HEREBY CERTIFY THAT THIS APPLICATION IS BEING FILED BY THE UNDERSIGNED AS AGENT FOR THE OWNER NAMED HEREIN.

SIGNATURE OF AGENT: _____

AGENT'S ADDRESS: _____

AGENT'S PHONE: (____) _____

BY SIGNING THIS APPLICATION, YOU HEREBY GRANT THE CODE ENFORCEMENT OFFICER THE RIGHT TO ENTER ONTO THE PROPERTY TO CONDUCT NECESSARY INSPECTIONS.

CODE ENFORCEMENT OFFICER SIGNATURE: _____

DATE: _____

Disturbance of Soil Permit Certification

(Required for issuance of a permit)

Property Address : _____

Record Owner : _____

Date of Application : _____

The undersigned hereby acknowledges the right of the Town of Weston Planning and Zoning Commission and its agents to rely upon the statements and representations of the undersigned contained in this Certificate and further acknowledges that any permit issued with respect to the above-referenced application will be issued in material reliance on this Certificate.

Given the foregoing, the undersigned hereby covenants, certifies and represents to the Town of Weston Planning and Zoning Commission and its agents, as follows:

(i) I am a professional engineer registered in the State of Connecticut and am duly qualified to make the statements and representations set forth herein.

(ii) I am familiar with Section 348 of the Zoning Regulations of the Town of Weston, Connecticut (the "Regulations").

(iii) I have examined the A-2 Property Survey entitled _____ prepared by _____ bearing a date of last revision of _____ (the "Survey").

(v) The Survey conforms to the requirements of Section 348.2.1 of the Zoning Regulations of the Town of Weston.

(vi) The proposed activity described in the Survey shall not (i) increase the volume or speed of storm water discharge, (ii) materially change the direction of runoff, or (iii) increase the natural or pre-existing rate of Soil erosion on the site, each under conditions of the fifty year design storm.

(vii) My calculations conform to standard criteria contained in the Connecticut Department of Transportation Drainage Manual for hydrological and hydraulic analysis and the Connecticut Department of Environmental Protection Stormwater Quality Manual.

Name:

CT Lic. No.:

[Required acknowledgement page follows]

Clean Fill Certification
(Required for issuance of a permit)

Property Address : _____

Record Owner : _____

Date of Application : _____

The undersigned hereby acknowledges the right of the Town of Weston Planning and Zoning Commission and its agents to rely upon the statements and representations of the undersigned contained in this Certificate and further acknowledges that any permit issued with respect to the above-referenced application will be issued in material reliance on this Certificate.

Given the foregoing, the undersigned hereby covenants, certifies and represents to the Town of Weston Planning and Zoning Commission and its agents, as follows:

- (i) I am the owner of the Property onto which the Soil will be deposited. **[OR]**
- (i) I am the vendor the Soil to be deposited on the Property and my Connecticut Home Improvement Act license number is _____.
- (ii) I am familiar with Section 348.2.3 of the Zoning Regulations of the Town of Weston, Connecticut.
- (iii) All Soil to be introduced onto the Property originated from _____.
- (iv) All Soil to be introduced onto the Property is free of any hazardous or polluting substances including, without limitation, any oil or petroleum products or any chemical liquids or solids.

Name:

State of Connecticut)
) ss:
County of Fairfield)

The foregoing instrument was acknowledged before me this _____, 20__ by _____.

Notary Public
My commission expires:
Commissioner of the Superior Court

as the Commission or its agent finds necessary to ensure that the application complies with all applicable regulations.

345.7 There shall be no more than one apartment in any Dwelling.

346. **[Reserved]** (Deleted 5/26/11)

347. **[Reserved]** (Deleted 5/26/11)

Section 348. Disturbance of Soil

348.1 **Soil Disturbance Permit.** The deposit, re-grading, excavation and removal of Soil shall be prohibited unless a permit has been issued for such activity pursuant to this Section 348. Zoning permits and special permits issued pursuant to any other section of these Regulations shall not be deemed to satisfy the provisions of this Section.

348.2 **Permit Prerequisites.** No permit shall be issued hereunder unless the following requirements have been met³:

348.2.1 **Survey.** Submission of a survey in conformity with Section 401. Such survey shall include (i) existing vertical relief with the source of information (e.g. ground survey or aerial map), contour interval, datum, and originating benchmark identified, (ii) proposed vertical relief, (iii) proposed temporary and permanent sedimentation, run-off and erosion control measures and Soil storage areas, and (iv) location of wetland areas.

348.2.2 **Zero Incremental Runoff Certification.** Submission of a certification referencing the survey required pursuant to Section 348.2.1 and certifying that the activity shall not (i) increase the volume or speed of storm water discharge, (ii) materially change the direction of runoff, or (iii) increase the natural or pre-existing rate of Soil erosion on the site, each under conditions of the fifty year design storm. The certification shall be made by an engineer licensed by the State of Connecticut on a form prepared by the Commission. Calculations shall conform to standard criteria contained in the Connecticut Department of Transportation Drainage Manual for hydrological and hydraulic analysis and the Connecticut Department of Environmental Protection Stormwater Quality Manual.

³ **Guidance:** Additional permits may be required pursuant to, *inter alia*, (i) The Ordinance Concerning the Regulation of Inland Wetlands Watercourses in the Town of Weston, (ii) The Floodplain Management Regulations, and (iii) The Aquifer Protection Area Regulations.

- 348.2.3 **Soil Certifications.** Submission of a certification by the owner of the affected property or the Soil vendor (i) of the origin of any introduced Soil, and (ii) that any introduced Soil shall be free of any hazardous or polluting substances including, without limitation, any oil or petroleum products or any chemical liquids or solids. The Commission or its agent may, in its discretion, require submission of further certifications or soil testing results with respect to any Soil.
- 348.3 **Certificate of Compliance Prerequisites.** No certificate of compliance shall be issued with respect to activity permitted hereunder prior to (i) delivery of a certification made by an engineer licensed by the State of Connecticut on a form prepared by the Commission certifying that the permitted activity has been completed in accordance with the survey submitted pursuant to 348.2.1, and (ii) permanent stabilization of the disturbed area and removal of all temporary sedimentation, run-off and erosion control measures.
- 348.4 **Exemptions.** The provisions of this Section 348 shall not apply with respect to (i) re-grading or removal of Soil where such activity disturbs less than 2,500 square feet of surface area in the aggregate in any twelve (12) month period, (ii) the deposit of fewer than twenty-five (25) cubic yards of Soil in the aggregate deposited in any twelve (12) month period, or (iii) aggregate deposited exclusively for use on a driveway, path or terrace in connection with a residential use.
- 348.5 **Sedimentation, Run-off and Erosion Control Measures.** The Commission or its agent may require implementation of such additional sedimentation, run-off and erosion control measures as it deems necessary or desirable as a condition of issuance of any permit including, without limitation, phased construction and maintenance of areas of non-disturbance.
- 348.6 **Debris; Hazardous Material.** Stumps excavated from a property may be buried on such property only in those locations shown on the survey submitted pursuant to 348.2.1. No debris (including Soil) may be deposited for purposes of storage (i) in excess of sixty (60) days, or (ii) fewer than fifty (50) feet from any property line. No hazardous or polluting substance may be buried.
- 348.7 **Performance Bond.** The Commission or its agent may, in its discretion, require the submission of a performance bond as a prerequisite for issuance of any permit hereunder to secure performance and completion of any activity undertaken in connection with the permit. In the event a cease and desist order or order of removal is issued, the bond may be utilized to stabilize the property, install sedimentation, run-off and erosion control

measures, or remove any Soil deposited in violation of this Section. Upon issuance of a certificate of compliance, any remaining balance shall be released.

348.8 **Mechanical Processing of Soil Prohibited.** Mechanical processing of excavated Soil (including, but not limited to, splitting, sifting, crushing or hammering) is prohibited.

Section 350. Signs. No exterior Sign or Sign visible from the exterior of a Structure shall be installed, erected or placed except as follows:

350.1 **Residential Signs.** The installation of Signs on residential parcels shall be permitted only as follows:

350.1.1 **Street Address Signs.** The installation of up to two (2) Signs each not to exceed two (2) square feet in area and bearing only the street address and/or the name of the resident shall be permitted.

350.1.2 **Home Occupation Signs.** The installation of one (1) Sign bearing only the name of the home occupation conducted therein and/or the nature of such occupation shall be permitted. Such Sign shall consist of a support post and crossbeam and a single primary placard measuring no more than two (2) square feet in area.

350.2 **NSC District Signs.** The installation of Signs within the NSC District shall be permitted only as follows:

350.2.1 **Directional Signs.** Signs for the direction of vehicular traffic may be installed as may be determined to be necessary by the Commission in its discretion.

350.2.2 **Business Signs.** The installation of one (1) Sign bearing only the name of such business may be installed on the front façade of the area occupied by each business operating within the NSC District. No Sign may be affixed to any surface other than a vertical wall and no portion of such Sign shall extend above the wall on which it is affixed. Liquor license permittee designation or other Signs necessary in connection with a valid liquor permit shall be permitted provided such Signs are no larger than is statutorily required.

350.2.3 **Shopping Center Sign.** One (1) Sign bearing only the name of the shopping center and/or its street address may be installed as determined by the Commission in its discretion.

350.3 **Special Permit Signs.** The installation of Signs on parcels subject to a Special Permit shall be permitted only as may be approved by the Commission in its discretion. In no event shall any Sign exceed twelve (12) square feet in area.

Town of Weston
Application For Permit

Application form must be filed
In completely and mailed or
Delivered to the town engineer

Date Rec'd. _____
Number _____

Application is here by made for a permit to:

Construct a driveway access

Distance to nearest

Wetlands _____ ft

Flood Zone _____ ft.

Street Number

Road Name

Lot Number

Application is here by made for permit to:
Describe fully with attached plot plan and
Include materials to be used.

Driveway Ordinance Received _____

Complete plans & specifications must be submitted for any Wetlands flood zone
crossings

Name of
Property Owner

Address

Town

Phone

Name of person to perform work

Company

Address

Town

Phone

Issue permit to _____

Address _____

Town _____

Phone _____

Office
Use

Bond / Fee
Amount

Bond Rec'd. () Owner () Worker
From () Permittee () Other

Starting Date: _____

Completion Date: _____

Before permit is issued, I agree to furnish a performance bond in the amount required by Town of Weston to reimburse the Town of Weston for expenses & damages caused by the execution of work, and to perform work according to the regulations for permit work as stipulated in the ordinances governing certain activities on Town roads, highways & sidewalks & construction of driveways intersecting Town roads and highways.

Signed _____

Dated _____

Driveways must be properly completed and Town Engineer advised to prevent delays in issuing certificates of occupancy.

Chapter 51. DRIVEWAYS

[HISTORY: Adopted by the Town of Weston 4-3-1974 (Ch. 12, Art. II, of the 1981 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Streets, sidewalks and public places — See Ch. 169.

Subdivision regulations — See Ch. 230.

§ 51-1. Definitions.

[Amended 7-23-1986] As used in this chapter, the following terms shall have the respective meanings ascribed to them:

ACCESS

The travelway for vehicles between the edge of the road and the property line, commonly referred to as the "apron."

DRIVEWAY

The travelway for vehicles between the access and the garage or parking area.

GARAGE/PARKING AREA

That part of the driveway near or next to the garage or home used as a parking and turnaround area.

ROAD

Public and private roads, streets or highways, and shall include roads in subdivisions.

§ 51-2. Applicability.

No person shall construct or cause to be constructed or locate or relocate any driveway or access except in accordance with the provisions of this chapter; provided, however, that the provisions of this chapter shall not apply to the maintenance and repair of a driveway or access in existence or for which a permit had been issued at the time of the adoption of this chapter.

§ 51-3. Limitations on Town responsibility.

Nothing in this chapter shall require the Town to repair or improve any driveway or access or render the Town liable to a property owner for failure to make said repair or improvement except where such repair or improvement is made necessary as a result of the widening, repair, maintaining, or relocation of a Town road.

§ 51-4. Variances.

[Amended 7-23-1986]

- A. The Board of Selectmen or its agent may, in its or his discretion, determine and vary the application of these provisions where such provisions will otherwise cause practical difficulties or unnecessary hardships in any particular case.
- B. Variances to the setback requirements of § 51-16 shall be heard by the Board of Selectmen. Notice shall be given by mail to all property owners who share a common property line from which a setback variance is requested no less than 10 days prior to the Selectmen's meeting on the variance. The applicant shall submit to the Selectmen's office a sufficient number of copies of the proposed plan along with stamped envelopes addressed to each such property owner with his application.

§ 51-5. Penalties for offenses.

Violation of this chapter shall bear a penalty as provided in Chapter 1, § 1-6, for each offense. Each day a driveway or access exists in violation of this chapter subsequent to seven days following notice by the Board of Selectmen to the owner of the property on which said driveway or access is located or to the person in charge of or occupying said property shall be considered a separate offense under this chapter.

§ 51-6. Prohibited access or egress.

- A. In addition to any other penalties as there may be, the Board of Selectmen is authorized to prohibit access to or egress from any driveway constructed, located or relocated in violation of this chapter.
- B. No regular access to or egress from premises by vehicles shall be provided except by an approved driveway and access.

§ 51-7. Permit required; action by Selectmen.

[Amended 7-23-1986] No person shall construct or cause to be constructed or locate or relocate an access or a driveway in the Town without a permit issued by the Board of Selectmen or its agent. The permit shall be acted upon by the Board of Selectmen or its agent within 10 legal working days of application.

§ 51-8. Application for permit.

- A. Application for such permit shall be made on forms furnished by the office of the Town Engineer and shall be accompanied by an accurate scale drawing showing the locations and dimensions of the proposed driveway and access in relation to the surrounding property lines; the existing road lines for 50 feet on each side of the access; the proposed dimensions and approximate grades of the driveway and the access; and any easements that may have a bearing upon the size and placement of the driveway and access. Where the driveway and access are being installed to serve proposed new construction for which a building or zoning permit is sought, the aforementioned scale drawing shall be incorporated into the plot plan

accompanying the application for the building or zoning permit.

- B. The Town shall not be liable for errors and omissions, and the results thereof, contained in the application.
- C. Omission of pertinent information shall be grounds for revocation or refusal of the permit.

§ 51-9. Term of permit.

Permits shall be valid for a period of one year from the date of issuance. If construction is not completed in that period, the permit shall thereupon terminate.

§ 51-10. Permit fee.

[Amended 7-23-1986] A fee of \$40 shall accompany the application for the permit mentioned herein.

§ 51-11. Permit required prior to issuance of building or zoning permit.

A driveway access permit is required prior to the issuance of a building or zoning permit.

§ 51-12. Accesses on state highways; state permits.

- A. Accesses on state highways shall not require permits from the Board of Selectmen, provided that the same comply with all requirements of the State Transportation Department and required permits are obtained from the State Transportation Department, and provided further that a copy of such permit is filed in the office of the Town Engineer along with the application for a building or zoning permit prior to the commencement of any work.
- B. Persons receiving state permits as provided above shall file an informational form with the Board of Selectmen or its agent before commencing driveway construction. No fee shall be required in connection with said informational form, which shall be furnished by the office of the Town Engineer.

§ 51-13. Additional permits required.

[Amended 7-23-1986]

- A. Where an access or a driveway requires filling, cutting or regrading in or near wetlands, watercourses or floodplains, a permit to remove or deposit fill must be obtained from the Planning and Zoning Commission prior to the issuance of a driveway access permit, as per § 240-35 of the Town Zoning Regulations.
- B. A permit from the Conservation Commission shall be required where applicable.

§ 51-14. Performance and indemnity bond.

The owner of the premises to be served by the driveway and access shall post a cash bond to guarantee completion of the work and to save harmless the Town from any liability to person or property resulting from performance of the work. The amount of bond required shall be

determined by the Board of Selectmen.

§ 51-15. Conformance to Town specifications.

[Amended 7-23-1986; 1-15-2004, effective 2-12-2004]

- A. The design and construction of the access shall conform to the Town Standard Specifications for Road Construction of the Town of Weston, which specifications are set out in the Subdivision Regulations, Chapter 230 hereof. Said specifications are incorporated herein by reference and made a part of this Code.
- B. The portion of the driveway between the edge of pavement and the right-of-way or property line shall consist of a two-inch single course of bituminous concrete on a base of six-inch crushed run stone or equal approved material, laid on a properly prepared subgrade. Each course shall be properly rolled with a roller suitable for driveway installation.
- C. The use of a Belgian block apron will not be allowed within the Town right-of-way or any Town-owned property. Where the paved portion of the Town road is located less than three feet from a property line, a Belgian block apron will not be allowed within three feet of the edge of the pavement of a Town road.

§ 51-16. Intervening distance requirements; car-length platform.

[Amended 7-23-1986; 1-15-2004, effective 2-12-2004]

- A. No access shall be located within 50 feet of the intersection of the center lines of two or more roads.
- B. Not more than one driveway shall be constructed on the same premises unless the distance between accesses is 50 feet or more.
- C. No access shall be constructed within 50 feet of another on the same side of the street. The driveway at the entrance must be located 25 feet from a side or rear property line for a distance of 25 feet into the property. Beyond that point the driveway is to be located no closer than 10 feet to a side or rear property line.
- D. The view of the edge of the road being entered shall be unobstructed for a distance of 50 feet in each direction from a point eight feet back from the edge of the existing or proposed travelway at a height of four feet.
- E. A car-length platform must be constructed between the access and the driveway in cases where the grade of the driveway exceeds 3% past the access.
- F. Provisions in this section shall not apply to driveways with access onto a permanent dead-end turnaround.

§ 51-17. Road entry angle.

A driveway and access shall enter a road at right angles when possible, and in no case shall the angle be less than 60°. This shall apply for a distance of 40 feet from the center line of the road.

§ 51-18. Access widths; machine-made curbs.

[Amended 7-23-1986]

I

- A. The access serving one lot shall be 12 feet wide at the property line and 15 feet wide at the roadway edge. The access and driveway for one lot shall have a minimum right-of-way of 25 feet. *MAX of 25'*
- B. The access serving two lots shall be 16 feet wide at the property line and 20 feet wide at the roadway edge. The access and driveway for two lots shall have a minimum right-of-way of 30 feet.
- C. An access entering a curbed roadway shall have machine-made curbs tying into the roadway curbing and extending to the property line.
- D. Where there is no roadway curbing, the driveway access pavement shall be "feathered" into the roadway pavement.
- E. Where there is roadway curbing, a two-inch lip shall be constructed and maintained by the owner of the premises.

§ 51-19. Maximum grade.

The grade of the driveway and access shall not exceed 3% within 40 feet from the center line of the travelway. *Editor's Note: Original § 12-38.1, View of road; car-length platform, added 7-23-1986, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 51-16D and E.*

§ 51-20. Paved lip.

When determined by the Board of Selectmen or its agent to prevent road drainage from entering a driveway or access, a paved lip shall be constructed and maintained by the owner of the premises.

§ 51-21. Culverts.

When determined by the Board of Selectmen or its agent that the driveway or access will interfere with drainage, culverts with appropriate proper design, location, and capacity as determined by the Board of Selectmen or its agent shall be installed and maintained by the owner of the premises.

§ 51-22. Ditches, catch basins and other devices.

Water from a driveway or access must be diverted or intercepted before reaching the roadway travel path. Necessary ditches, catch basins or other devices as shall be determined by the Board of Selectmen or its agent shall be constructed and maintained by the owner of the premises.