



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

August 14, 2020

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

RE: **PETITION NO. 1411** - 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 small cell wireless telecommunications facility on the roof of an existing commercial building located at 132 Greenwood Avenue, Bethel, Connecticut.

Dear Attorney Chiocchio:

At a public meeting held on August 13, 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 project changes be delegated to Council staff;
2. Submit a screening/concealment plan for the canister antenna to the Council for approval prior to construction;
3. Contact the Bethel Fire Marshal with regard to the availability of FirstNet services;
4. 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;
5. 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 Bethel;
6. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
7. 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;

8. 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;
9. 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
10. 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.

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 June 8, 2020 and additional information received July 1, 2020 and July 14, 2020.

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

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

MAB/IN/lm

Enclosure: Staff Report dated August 13, 2020

c: The Honorable Matthew S. Knickerbocker, First Selectman, Town of Bethel
Beth Cavagna, Director/Town Planner, Town of Bethel



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Petition No. 1411
New Cingular Wireless PCS, LLC (AT&T)
Small Cell Facility
126-132 Greenwood Avenue, Bethel
Staff Report
August 13, 2020

Introduction

On June 9, 2020, the Connecticut Siting Council (Council) received a petition (Petition) from New Cingular Wireless PCS, LLC (AT&T) for a declaratory ruling, pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, for the proposed installation of a small cell wireless telecommunications facility at 126-132 Greenwood Avenue, Bethel. The small cell installation would be installed on the roof of a commercial building. It would provide reliable wireless service to AT&T customers and emergency service responders within the village center district of Bethel.

On June 4, 2020, AT&T provided notice of the project to abutting property owners, Town of Bethel (Town) officials, and state and federal agencies.

On June 10, 2020, 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 July 9, 2020. On July 7, 2020 the Council received comments from the Town which are attached hereto. See Attachment 1.

On June 16, 2020, the Council deemed the petition incomplete and requested that AT&T provide proof of service to three abutters, and provide an updated abutters map on or before July 16, 2020. On July 1, 2020, AT&T responded to the Council's correspondence and submitted certification that a copy of the Petition was sent to the abutters including an updated abutters map. By letter dated July 10, 2020, the Council deemed the petition complete for processing pursuant to RCSA § 16-50j-40.

The Council issued interrogatories to AT&T on June 30, 2020. AT&T provided responses to the Council's interrogatories on July 14, 2020.

Jurisdiction

Pursuant to CGS §16-50i(a)(6), the Council has exclusive jurisdiction over telecommunications towers, including associated equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system.

Under Regulations of Connecticut State Agencies §16-50j-2a (30), "Tower" means a structure, whether free standing or attached to a building or another structure, that has a height greater than its diameter and that is high relative to its surroundings, or that is used to support antennas for sending or receiving radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, which is or is to be:

- (A) **used principally to support one or more antennas** for receiving or sending radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, and

(B) owned or operated by the state, a public service company as defined in Section 16-1 of the Connecticut General Statutes, or a certified telecommunications provider, or used in a cellular system, as defined in Section 16-50i(a) of the Connecticut General Statutes. (Emphasis added).

The proposed canister antenna would be mounted on a bracket attached to the existing commercial building's roof and would be owned and operated by AT&T, a certified telecommunications provider. Thus, the Council has jurisdiction over the proposed small cell facility.

Proposed Small Cell Facility

AT&T proposes to provide coverage and capacity relief in its network by establishing a new small cell wireless facility along Greenwood Avenue. The proposed facility would provide wireless service in AT&T's 1900/2100/5200 MHz LTE frequency range.

The commercial building is located on a 0.76 acre parcel within Bethel's Village Center District and the Village District Overlay Zones. Specifically, AT&T would install a small cell antenna on the roof of a 36-foot high commercial building.

AT&T intends to install one canister antenna attached to a side mounting bracket on the northwest corner of the building's roof parapet. AT&T would also install two remote radio units (RRU) on the side of the parapet. The top of the canister antenna would be 38-feet 6-inches above ground level. Electric and telephone service would be provided by an existing on-site source and exact routing to be determined by the utility service provider.

No backup power is proposed for this small cell facility. 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, T-Mobile, 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.

Public Safety

A Professional Engineer duly licensed in the State of Connecticut has certified that the existing building and proposed mount are structurally adequate to support the proposed loading.

The calculated power density would be 0.7 percent of the applicable limit using a -10 dB off-beam adjustment.

Environmental

The nearest residences are over 230 feet south of the proposed facility. No environmental impact is anticipated as work will occur on the building.

The surrounding land use is mostly commercial. The building is within the Greenwoods Avenue Historic District and is listed on the National Register of Historic Places. Based on comments received, the Town would prefer the screening or concealment of utility and rooftop mechanical equipment in historic districts.

AT&T states that the canister can be screened or concealed; however, small cell installations are low powered units and the quality of the radio frequency transmission is decreased through an enclosure. The RRUs would be screened by the existing parapet and therefore not visible. See figures 1 & 2.

Facility Construction

The construction of the proposed small cell facility is anticipated to take three days, working eight hours each day, conducted in compliance with the Town's applicable regulations.

Conclusion

If approved, staff recommends the following condition:

1. Approval of any project changes be delegated to Council staff.

Figure 1. Proposed Site Location

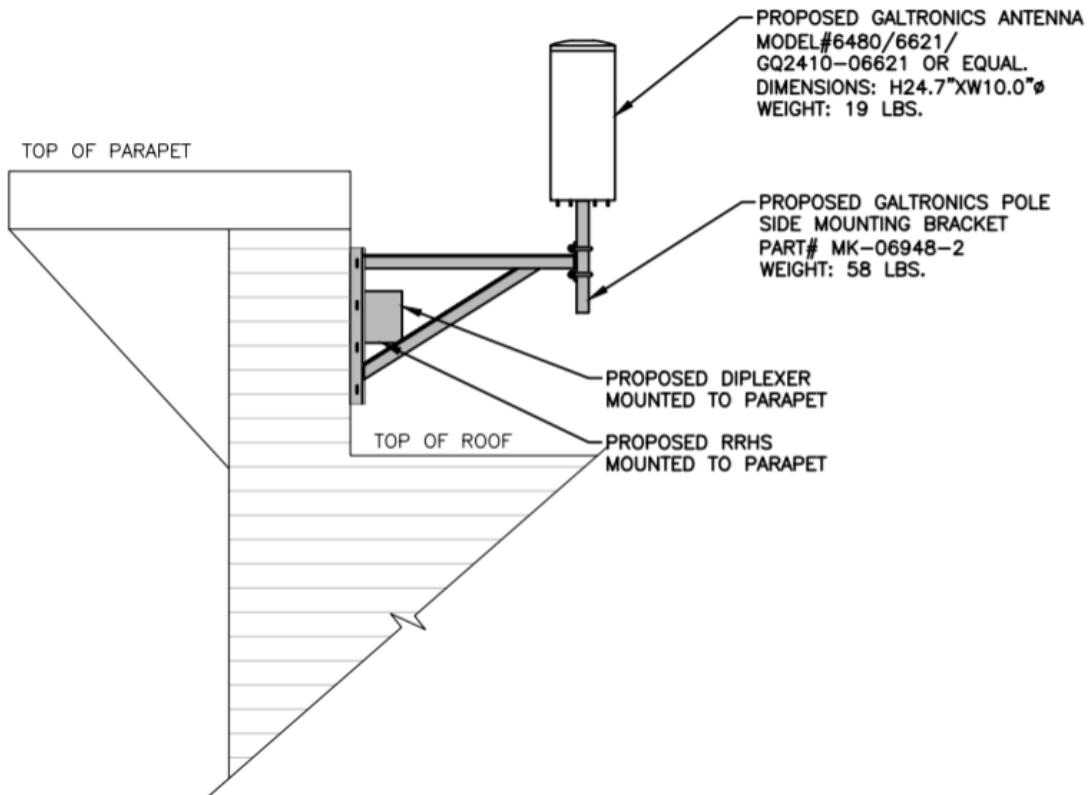


Figure 2. Proposed Small Cell Facility Simulation



VIEW SOUTH FROM GREENWOOD AVE

Figure 3. Facility Elevation Site Plan



NOTE:
MOUNT PER MANUFACTURER'S SPECIFICATIONS.

ANTENNA MOUNT DETAIL

SCALE: N.T.S



Attachment 1: Town Comments



Town of Bethel
Land Use Department
Bethel Municipal Center, 1 School Street
Bethel, Connecticut 06801 (203) 794-8519

July 7th 2020

BY E-MAIL

Melanie A. Bachman
Executive Director Siting Council
State of Connecticut

Re: PETITION NO. 1411 – 132 Greenwood Ave, Bethel Connecticut

Dear Ms. Bachman:

The Town of Bethel is in receipt of the referenced petition above and would like to voice concern over the placement of the proposed small cell telecommunication fixture. We would like to note the following attachments:

Section 6.10.D.3.f. & g. which speaks to utility and mechanical equipment placement and the need for the items to be screened from public view.

Also please find that the structure mentioned in the petition is located within the National Registry of Historic Places recognized by the Federal Government.

The Town of Bethel recognizes the need for improved service and has worked in the past with various providers to use existing structures. (We have several cell facilities within belfries etc). We do believe that the Town would not be adverse to a satellite service but there is a need for its placement to be hidden from public view, following our regulations. There are creative ways this has been accomplished in the past and we look forward to working with you.

The Fire Marshal representing Emergency Management Services would also like to know if AT&T First NET Services will be provided.

I am available for further discussions and appreciate the opportunity to comment on the proposal. If you wish to contact me, I can be reached at 794-8519.

Very truly yours,


Beth Cavagna
Director of Planning
Town of Bethel

SECTION 6.10. ARCHITECTURAL GUIDELINES

A. Purpose

This Section is intended to aid applicants in ensuring that their designs are in harmony with the character of the community, encourage high quality building and site design, and result in development which is compatible with the character of the community.

B. Applicability

Any application to the Commission, unless such requirement is waived by the Commission, shall be re-viewed in relation to the design guidelines following.

C. Procedure

1. The Commission shall review an application in relation to the design guidelines of this Section or may request the assistance of a Design Review Committee or similar organization, if available, in evaluating such plans.
2. Any recommendations or suggestions so received from any reviewing agency shall not be binding upon the Commission.

D. Design Guidelines

Since the architectural design, scale and mass of the buildings and other structures are important in determining the visual character of an area, the guidelines listed below are recommended so as to harmonize and be compatible with the neighborhood, to protect property values and to preserve and improve the appearance and the beauty of the community.

1. Relationship of Buildings to Site and Adjoining Areas

- a. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
- b. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas. In particular, exterior building renovations and new construction for properties located within the National Register designated Greenwood Avenue Historic District should take into consideration the architectural style of existing building and the pedestrian orientation of the downtown.
- c. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
- d. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.
- e. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- f. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- g. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

2. Landscape and Site Treatment

- a. The design of the development and the placement of buildings, driveways, walkways, parking facilities and other improvements shall be such that existing trees, watercourses, rock outcrops and similar natural features are preserved to the greatest extent possible.
- b. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
- c. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.
- d. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).
- e. Existing trees at four (4) inches or greater caliper shall be incorporated into the site plan.

3. Building Design

- a. Architectural designs appropriate to a New England community are generally preferred (pitched roof buildings, colonial facades, etc.).
- b. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
- c. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
- d. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
- e. Building textures, colors, and components shall be selected for harmony of the building with adjoining buildings.
- f. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.
- g. Rooftop mechanical equipment (other than solar energy panels) should be concealed.

4. Signs and Lighting

- a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
- b. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.
- c. Lighting shall be restrained in design and excessive brightness avoided.
- d. Roof lighting is prohibited.



STATE OF CONNECTICUT
CONNECTICUT HISTORICAL COMMISSION

January 4, 2000

Mr. Charles A. Steck, III
First Selectman
Bethel Municipal Center
1 School Street
Bethel, CT 06801

Dear Mr. Steck:

It is a great pleasure to inform you that the Greenwood Avenue Historic District, roughly along Greenwood Avenue, P.T. Barnum Square, Depot Place, and South Street in Bethel, Connecticut, has been listed on the National Register of Historic Places effective December 17, 1999.

The National Register of Historic Places is the official list of historic properties recognized by the Federal Government as worthy of preservation for their significance in American History, architecture, archaeology, engineering, and culture. Located in the National Park Service, U.S. Department of the Interior, the program is part of a national policy to coordinate and support public and private efforts to identify, evaluate, and protect our cultural and national resources, and is maintained by the Secretary of the Interior under provisions of the National Historic Preservation Act of 1966.

Listing in the National Register results in the following for historic purposes:

1. Consideration in planning for Federal, federally licensed, and federally assisted projects. Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.
2. Eligibility for Federal tax provisions. If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15 percent and 20 percent Investment Tax Credits (ITCS) for rehabilitations of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

3. Consideration of historic values in the decision to issue a surface coal mining permit where coal is located, in accordance with the Surface Mining and Control Act of 1977. For further information, please refer to 30 CFR 700 et. seq.
4. Qualifications for Federal grants for historic preservation when funds are available. Presently funding is unavailable. Contact the State Historic Preservation Office to determine the current status of such grants.

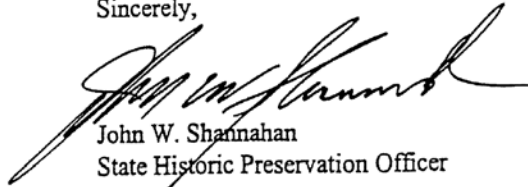
In Connecticut, listing in the National Register of Historic Places results in the following for historic properties:

1. Eligibility to purchase historical markers from the State Historic Preservation Officer.
2. Application of Connecticut General Statutes, Section 22a-19a. This statute directs that the provisions of sections 22a-15 through 22a-19, inclusive, of the Connecticut Environmental Protection Act, which permit legal recourse for the unreasonable destruction of the state's resources, shall also be applicable to historic structures and landmarks of the state. Such structures and landmarks are defined as those properties (1) which are listed or under consideration for listing as individual units on the National Register of Historic Places or (2) which are a part of a district listed or under consideration for listing on the National Register and which have been determined by the State Historic Preservation Board to contribute to the historic significance of such a district. If the plaintiff in a resulting legal action cannot make a prima facie showing that the conduct of the defendant, acting alone or in combination with others, has unreasonably destroyed or is likely unreasonably to destroy the public trust in such historic structures or landmarks, the court shall tax all costs for the action to the plaintiff.

Listing does not mean that the Federal Government wants to acquire the property, place restrictive covenants on the land, or dictate the color or materials used on individual buildings. State and local ordinances or laws establishing restrictive zoning, special design review committees, or review of exterior alterations, are not a part of the National Register program and should be clearly separated from the function of the National Register as a tool in the Federal planning process.

We are pleased to have been of assistance in the preservation of this historic resource.

Sincerely,



John W. Shanahan
State Historic Preservation Officer

Enclosure