



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
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VIA ELECTRONIC MAIL

August 14, 2020

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

RE: **PETITION NO. 1413** – 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 a new approximately 30-foot privately-owned light pole to be located at the southeast edge of the parking lot at 242 Hope Street, Stamford, 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. 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;
3. 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 City of Stamford;
4. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
5. 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;

6. 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;
7. 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
8. 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 11, 2020 and additional information received on June 24, 2020 and July 30, 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/RDM/lm

Enclosure: Staff Report dated August 13, 2020

c: The Honorable David Martin, Mayor, City of Stamford
Ralph Blessing, Land Use Bureau Chief, City of Stamford



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Petition No. 1413
New Cingular Wireless PCS, LLC
Small Cell Facility
242 Hope Street, Stamford, Connecticut
Staff Report
August 13, 2020

Introduction

On June 11, 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 §4-176 and §16-50k, for the proposed installation of a small cell wireless telecommunications facility at 242 Hope Street in Stamford. The small cell installation would be installed on a new metal pole in the parking lot of a commercial property. It would provide reliable wireless service to AT&T customers and emergency service providers in the surrounding area.

On June 10, 2020, AT&T notified the City of Stamford (City), state and federal agencies, and property abutters of the proposed project.

On June 12, 2020, the Council sent correspondence to the City stating that the Council has received the Petition and invited the municipality to contact the Council with any questions or comments by July 11, 2020. No comments from the City were received.

On June 16, 2020, the Council deemed the petition incomplete and requested that AT&T provide proof of service to two abutters, provide an abutters map and clarify the project location on or before July 16, 2020. On June 24, 2020, AT&T responded to the Council's correspondence and submitted supplemental Project information, including a revised site plan that relocated the facility approximately 12 feet to the west from a landscape strip adjacent to Hope Street to a new location in the southeast corner of the on-site parking lot. By letter dated June 26, 2020, the Council deemed the petition complete pursuant to Regulations of Connecticut State Agencies (RCSA) § 16-50j-39a.

The Council submitted interrogatories to AT&T on July 20, 2020. AT&T responded to the Council's interrogatories on July 30, 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 metal pole will be used principally to support the small cell facility. It will 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's proposed facility would provide network coverage and/or capacity relief to residential and commercial areas surrounding the site in the 1900 MHz/2100 MHz/5200 MHz LTE frequency range. Connecticut Department of Transportation statistics indicate Hope Street is a significant arterial road with thousands of daily vehicular trips.

The proposed facility is located on a 0.17 acre commercial property in the CN (neighborhood business) zone. The property is developed with a commercial building that is set back from Hope Street with a parking lot that fronts Hope Street.

The proposed small cell facility consists of a 30-foot tall, 10-inch diameter metal pole installed on a pier foundation at the southeast edge of the parking lot. A canister antenna would be installed at the top of the metal pole, with the top of the canister antenna extending to a height approximately 33 feet above grade. Associated equipment would be installed in a 2.5-foot wide, 4.6-foot high vented enclosure at the base of the pole. Electrical and telephone service would be provided by underground electric/fiber lines with exact routing to be determined by Eversource. The utility meter for the proposed facility would be mounted at the power source location. A light fixture would also be installed on the pole at a height of 27 feet above grade that would serve to illuminate the parking lot.

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 proposed pole and foundation would be structurally adequate to support the proposed loading.

A 4-foot minimum clearance would be maintained between the top of the canister and adjacent overhead utility lines that extend along Hope Street. The existing utility poles along Hope Street were not considered for telecommunication use because the poles already support electric infrastructure such as transformers, switches, regulators, reclosers, and capacitors.

The calculated power density would be 0.67 percent of the applicable limit using a -10 dB off-beam adjustment.

A radio frequency safety sign with an emergency contact number would be placed at the bottom of the pole. A second warning sign would be placed below the canister antenna.

Environmental

The surrounding area is heavily developed. The proposed facility is approximately 70 feet to the nearest residence.

The project is located in a previously disturbed area and consists entirely of a paved area. No environmental impact is anticipated.

Visual impact of the proposed facility is not expected to be significant due to the relatively low height of the pole, its narrow profile and a gray finish for the antenna, pole and support base. The proposed pole is consistent with the commercial character of the area that includes above-ground utility infrastructure and adjacent commercial buildings. No new overhead lines are proposed as necessary utilities would be installed underground.

Facility Construction

Construction of the proposed small cell facility is anticipated to take 8 days with work hours from 7 AM to 8 PM weekdays and 8 AM to 8 PM on Saturday, which is consistent with City ordinances.

Conclusion

AT&T contends that this proposed project would not have a substantial adverse environmental impact.

If approved, staff recommends the following condition:

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

Figure 1. Proposed Site Location

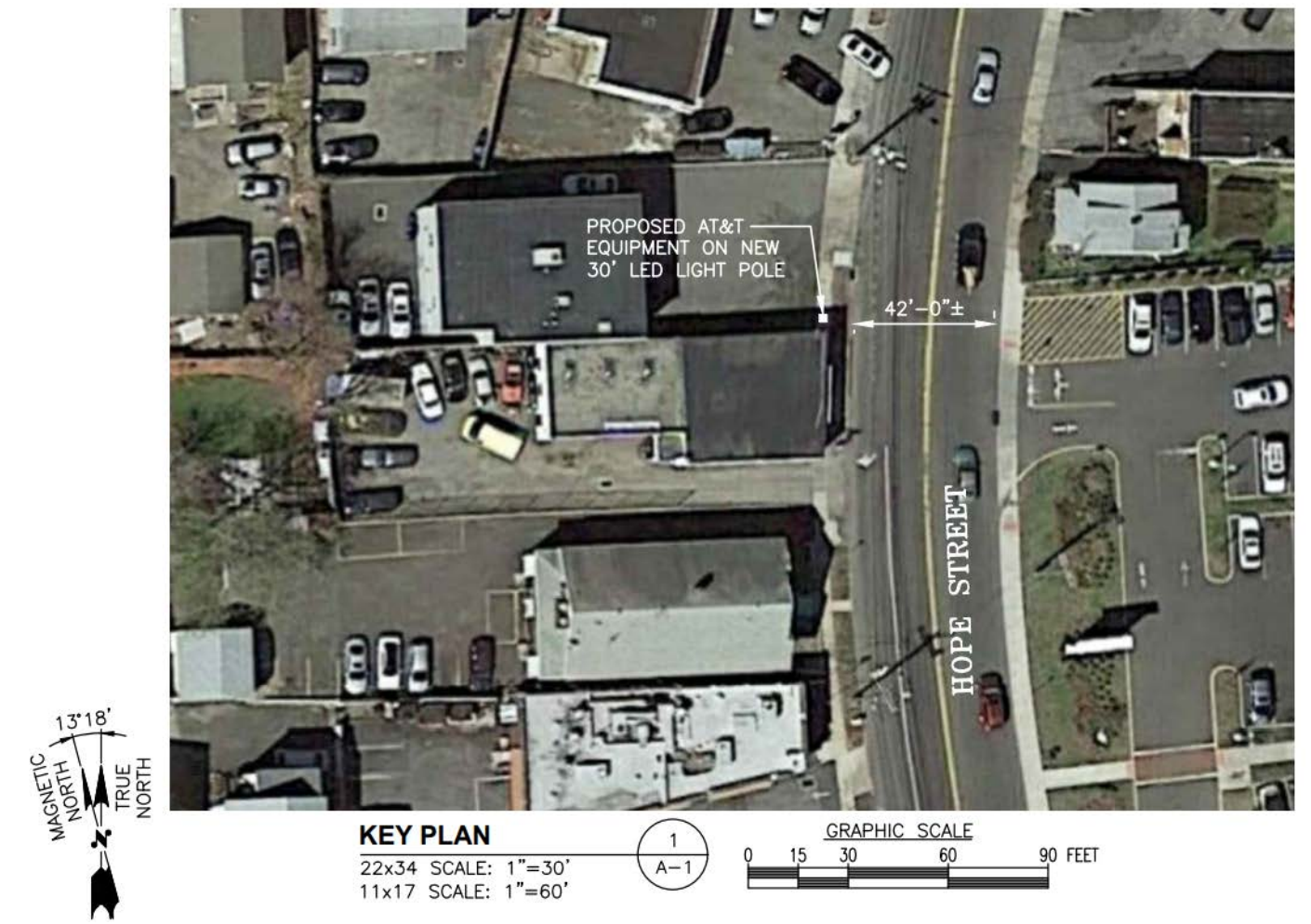


Figure 2. Proposed Small Cell Facility Simulation



VIEW WEST FROM HOPE STREET

Figure 3. Facility Elevation Site Plan

