



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

November 19, 2021

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06106-3597
kbaldwin@rc.com

RE: **PETITION NO. 1461** – SBA Communications Corporation petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed replacement and extension of an existing telecommunications facility located at 130 Welles Road, Groton, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on November 18, 2021, 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. Submission of the Erosion and Sediment Control Plan prior to the commencement of construction;
3. Submission of the final FAA Determination prior to commencement of construction;
4. Submission of the final structural design drawings for the tower and foundation stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
5. The final structural design drawings shall include a yield point to ensure that the tower setback radius remains within the boundaries of the subject property;
6. Notification of commencement and completion of construction;
7. Unless otherwise approved by the Council, the existing monopole shall be removed within 180 days of the installation of the new monopole;
8. The Council shall be notified in writing within 45 days of when the existing monopole is removed and the new monopole is operational unless a written request for an extension is submitted to the Council within that timeframe;
9. 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.

10. 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 Groton;
11. 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;
12. 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;
13. If the facility ceases to provide wireless services for a period of one year the Petitioner shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council within 90 days from the one year period of cessation of service. The Petitioner may submit a written request to the Council for an extension of the 90 day period not later than 60 days prior to the expiration of the 90 day period;
14. 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
15. 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 August 16, 2021, and additional information received on October 25 and 26, 2021.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/MP/lm

Enclosure: Staff Report dated November 18, 2021

c: Service List dated September 9, 2021

The Honorable Patrice Granatosky, Mayor, Town of Groton (pgranatosky@groton-ct.gov)

John Burt, Town Manager, Town of Groton (jburt@groton-ct.gov)



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Petition No. 1461

SBA Communications Corporation

130 Welles Road, Groton

Staff Report

November 18, 2021

Introduction

On August 18, 2021, SBA Communications Corporation (SBA) 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 proposed replacement and extension of an existing telecommunications facility located at 130 Welles Road in the Town of Groton (Town).

Notice was provided to the Town, the property owner and abutting property owners on August 16, 2021. On August 19, 2021, 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 September 17, 2021. No comments have been received.

On September 9, 2021, the Council granted intervenor status to New Cingular Wireless PCS, LLC (AT&T). The Council submitted interrogatories to AT&T on October 12, 2021, and AT&T submitted responses to the interrogatories on October 25, 2021. The Council submitted interrogatories to SBA on October 12, 2021, and SBA submitted responses to the interrogatories on October 26, 2021.

On October 7, 2021, pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, which 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 February 14, 2022, the statutorily-mandated 180-day decision deadline for this petition under CGS §4-176(i).

Existing Telecommunications Facility

The Council issued a Certificate to Sprint Spectrum L.P. for this facility on December 19, 2002 in Docket No. 230. The existing 120-foot monopole is located in the northeast portion of an 8.55-acre property owned by the Town formerly used as the Town landfill. The site is currently part of Groton's Shady Oaks Park. The site property is located in the Town's RU-80 Zone and is accessed from Welles Road.

On February 25, 2019, the Council approved an Eligible Facilities Request by AT&T to co-locate at the 98-foot level of the tower due to removal of a water tank located at 35 Nantucket Drive in Mystic which supported AT&T antennas.

Current tower users include AT&T at 98 feet above ground level (agl), T-Mobile at 108 feet agl, and Sprint at 117.5 feet agl.

Proposed Telecommunications Facility

A replacement tower (approximately 60 feet taller) is needed for AT&T to provide improved wireless service along significant portions of Route 184 as well as local roads and to increase network capacity by providing service to a portion of the surrounding area previously covered by the water tank site. Specifically, the proposed replacement facility would provide coverage and capacity for the 700 MHz, 850



MHz, 1900 MHz, 2100 MHz, and 2300 MHz frequency bands. AT&T would require a minimum antenna centerline height of 176 feet agl to meet its wireless service objectives. AT&T's proposed installation will support 5G services at this facility.

SBA proposes to install a 180-foot replacement monopole facility approximately 23 feet to the northwest of the existing facility location and within the same fenced compound. The proposed replacement monopole would have a galvanized gray finish. A lightning rod on top of the tower would reach a height of 184 feet. The proposed replacement monopole would be located approximately 37 feet south of the nearest property line. Thus, the tower setback radius would extend onto a Town parcel to the north by approximately 143 feet. The proposed replacement monopole could be designed with a yield point to ensure that the tower setback radius remains within the boundaries of the subject property. However, SBA believes that, given the property to the north is also Town-owned, a design yield point would not be warranted. Installation of a design yield point would increase the tower cost by approximately 10-12%. Notwithstanding, if approved, Council staff suggests including a condition for a tower yield point.

AT&T would install 9 panel antennas and 12 remote radio units on a low-profile platform at a centerline height of approximately 176 feet agl on the replacement tower. Sprint and T-Mobile would re-locate onto the replacement tower at the 117.5 foot and the 108-foot levels of the tower, respectively.

Dish Network has future plans to co-locate at the 160 foot level of the tower. If this Petition is approved, Dish Network should file a Request for an Order to Approve Tower Sharing with the Council pursuant to CGS §16-50aa.

SBA would not expand the existing fence compound to accommodate the project. AT&T would utilize its existing equipment shelter located within the compound. Sprint and T-Mobile would utilize their existing equipment within the compound. Existing ice bridges for AT&T, Sprint and T-Mobile would be modified to accommodate the new tower location relative to the existing equipment pads. SBA would utilize existing access and utilities to the site.

AT&T has an existing 15-kilowatt diesel backup generator that holds 54 gallons of fuel and could run for approximately 90 hours before refueling is required. AT&T also has an existing battery backup that could provide approximately eight hours of backup power in the event that the generator fails to start

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, 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.

The estimated cost of the proposed facility is:

SBA Costs (including tower)	\$ 331,050
AT&T Materials	\$ 46,000
AT&T Labor	\$ 88,000
<u>Total Estimated Costs</u>	<u>\$ 465,050</u>

Environmental

No trees would need to be removed for the project.

The proposed facility is not located within a Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) buffered area. Additionally, given that all work would be located within the existing fenced compound, SBA does not anticipate that any construction activities would impact state-listed species. Thus, no protective measures are proposed.

The nearest wetland is located approximately 385 feet east of the proposed replacement tower location. SBA would incorporate appropriate soil erosion and sedimentation control measures consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* prior to the commencement of construction. With such measures, SBA does not anticipate that construction of the project would adversely impact this wetland. If approved, staff recommends submission of a Soil Erosion and Sediment Control Plan prior to the commencement of construction.

The site is located in the Federal Emergency Management Agency (FEMA) unshaded Zone X, an area of minimal flood hazard and outside of the 500-year flood zone.

SBA performed a visual impact assessment of the proposed replacement facility. The replacement tower will be visible in the vicinity of the subject property, along the eastern portion of Wells Road and for a 0.05-mile stretch of Gold Star Highway. The replacement tower will also be partially visible from numerous locations along Shewville Road to the east between Route 184 and Hyde Pond Court and from a portion of Packer Road to the southwest between Cow Hill Road and Gold Star Highway. However, in many of these locations, like the existing tower, the proposed replacement tower would only have seasonal visibility due to intervening vegetation in the leaf-on months and/or only the upper portion of the proposed replacement tower would be visible above the tree line.

Overall, due to the topography and intervening vegetation in the area where the proposed replacement facility would be located, the full profile of the proposed tower is not anticipated to be visible from any of the surrounding residential areas.

Public Safety

On June 6, 2020, the Federal Aviation Administration (FAA) issued a Determination of No Hazard to Air Navigation (No Hazard Determination) for the proposed replacement facility. However, this No Hazard Determination is based on tower coordinates that are approximately 25 feet away from the proposed replacement tower location. Council staff suggests that a revised FAA Determination be submitted prior to commencement of construction.

The project would be constructed in accordance with the latest edition of the International Building Code and the American National Standards Institute "Structural Standards for Steel Antenna Towers and Antenna Support Structures" Revision G.

The proposed replacement facility would comply with DEEP Noise Control Standards. The existing backup generator is exempt from DEEP Noise Control Regulations §22a-69-1.8.

The cumulative calculated power density would be 10.6 percent of the applicable limit using a -10 dB off-beam adjustment.

Construction Schedule

If approved, construction is expected to commence shortly thereafter. Work would be performed Monday through Saturday from 8:00 a.m. to 5:00 p.m.

Conclusion

If approved, staff recommends the following conditions:

- 1) Approval of any project changes be delegated to Council staff;
- 2) Submission of the Erosion and Sediment Control Plan prior to the commencement of construction;
- 3) Submission of the final FAA Determination prior to commencement of construction;
- 4) Submission of the final structural design drawings for the tower and foundation stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
- 5) The final structural design drawings shall include a yield point to ensure that the tower setback radius remains within the boundaries of the subject property;
- 6) Notification of commencement and completion of construction;
- 7) Unless otherwise approved by the Council, the existing monopole shall be removed within 180 days of the installation of the new monopole; and
- 8) The Council shall be notified in writing within 45 days of when the existing monopole is removed and the new monopole is operational unless a written request for an extension is submitted to the Council within that timeframe.

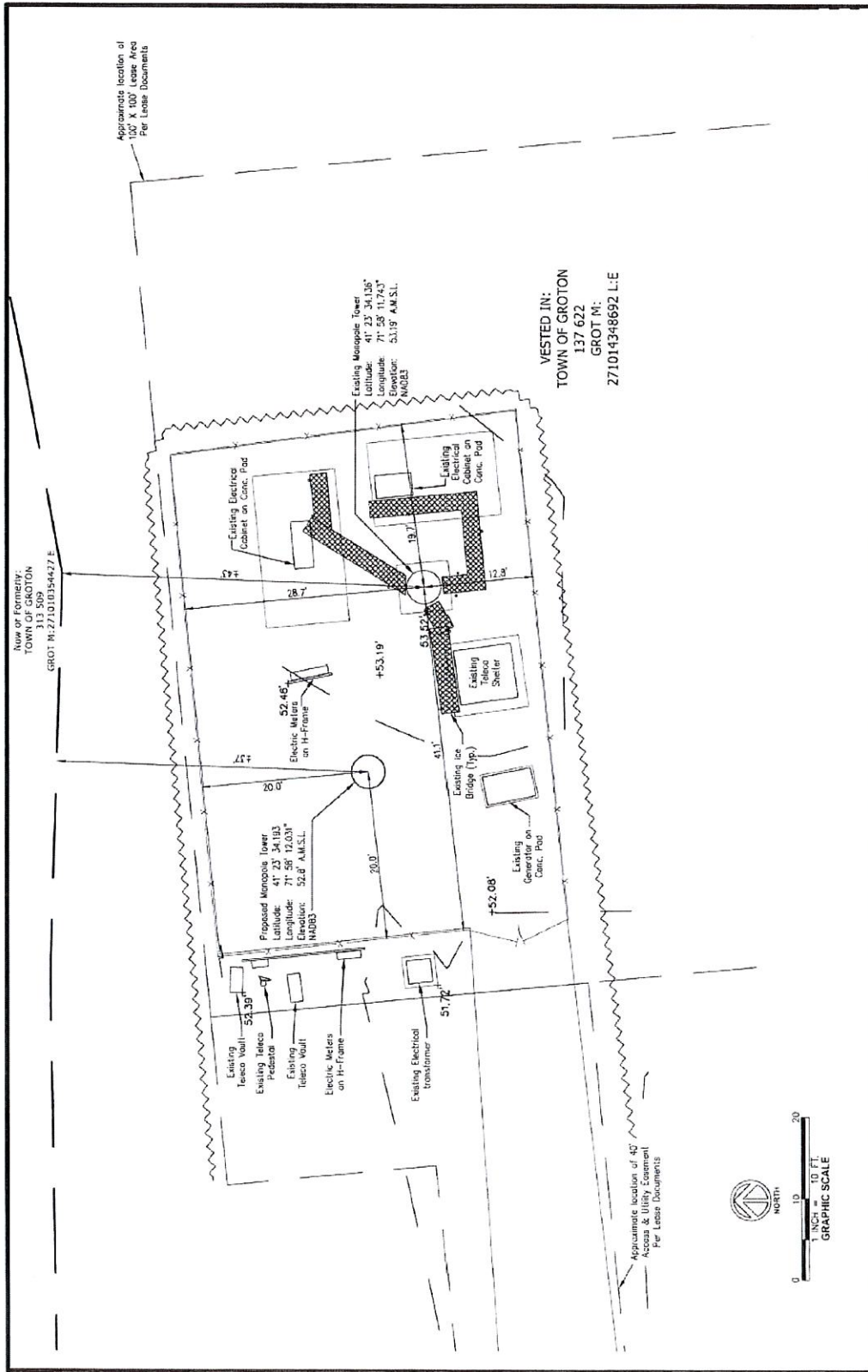
View of existing tower and the proposed replacement tower from approximately 715 feet to the southwest



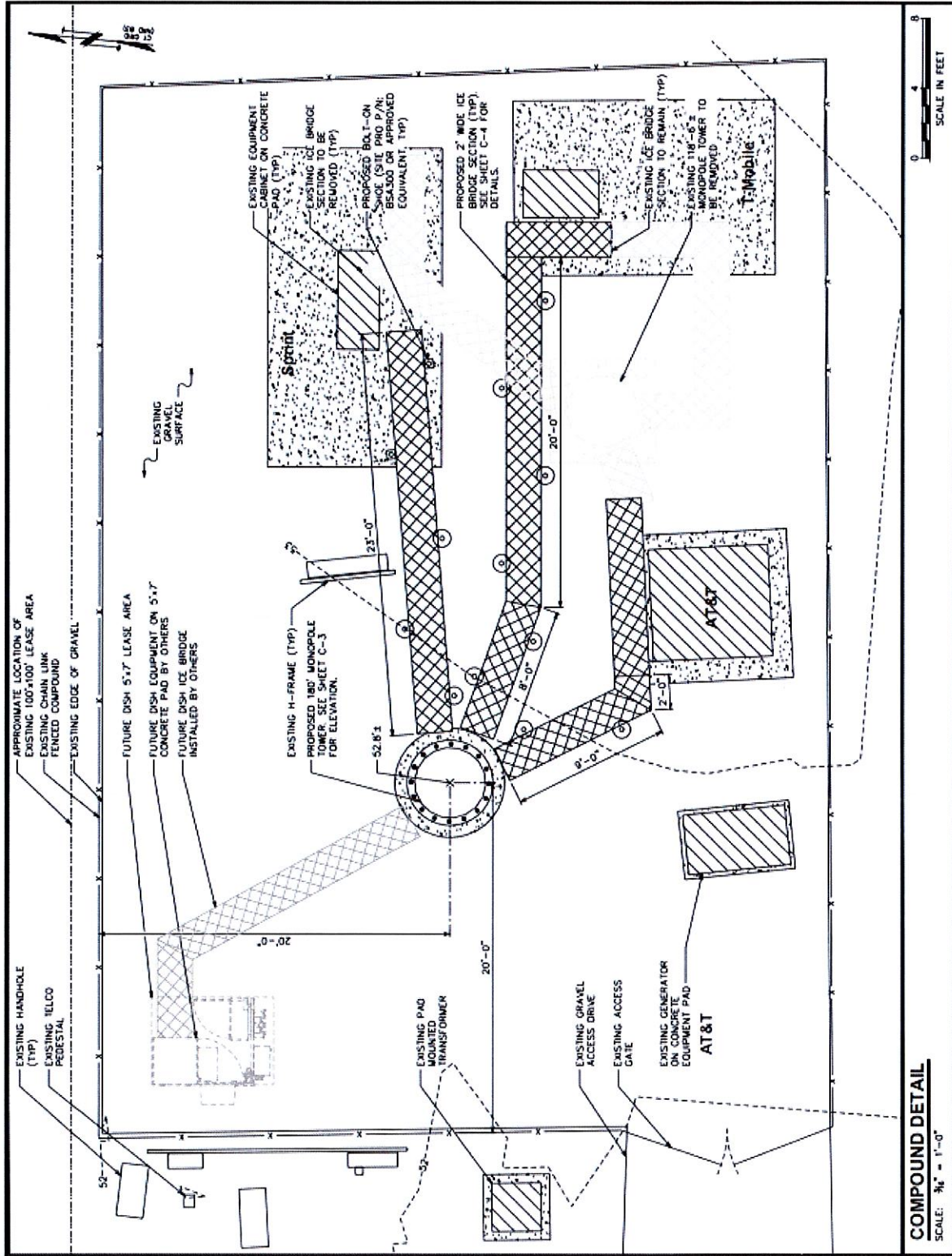
Monopole Tower Simulation
180-ft AGL (184-ft AGL w/ appurtenances)
Photo #1 - approx. 715-ft SW of site

South Ledyard (CT46142A)
130 Welles Road
Groton, CT 06340

Existing Site Plan with Proposed Replacement Tower Location



Proposed Site Plan



Proposed Replacement Tower Elevation Drawing

