



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](mailto:siting.council@ct.gov)  
Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

**VIA ELECTRONIC MAIL**

August 19, 2022

Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06106-3597  
[kbaldwin@rc.com](mailto:kbaldwin@rc.com)

RE: **PETITION NO. 1461** – SBA Communications Corporation 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.  
**Request for Waiver of Declaratory Ruling Condition No. 5.**

Dear Attorney Baldwin:

At a public meeting held on August 18, 2022, the Connecticut Siting Council (Council) considered and denied SBA Communications Corporation (SBA) Request for Waiver of the Council's November 19, 2021 Declaratory Ruling Condition No. 5 that requires SBA to include a yield point in the final tower design to ensure that the tower setback radius remains within the boundaries of the subject parcel on the basis of public safety.

In addition, the Council is in receipt of the Erosion and Sediment Control Plan and the final FAA Determination submitted in compliance with Condition Nos. 2 and 3 of the Council's November 19, 2021 Declaratory Ruling. The Council acknowledges that Condition Nos. 2 and 3 have been satisfied. This acknowledgment applies only to the conditions satisfied by the August 2, 2022 correspondence.

Please be advised that deviations from the standards established by the Council in the Declaratory Ruling are enforceable under the provisions of Connecticut General Statutes § 16-50u.

Thank you for your attention and cooperation. Please do not hesitate to contact our office if you should have any questions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman".

Melanie A. Bachman  
Executive Director

MAB/MP/laf

Enclosure: Staff Report dated August 18, 2022

c: Service List dated September 9, 2021

The Honorable Juan Melendez, Jr., Mayor, Town of Groton ([jmelendez@groton-ct.gov](mailto:jmelendez@groton-ct.gov))

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



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**Petition No. 1461**  
**SBA Communications Corporation**  
**130 Welles Road, Groton, Connecticut**

**Request for Waiver of Condition No. 5 Staff Report**  
**August 18, 2022**

On November 18, 2021, the Connecticut Siting Council (Council) issued a Declaratory Ruling to SBA Communications Corporation (SBA), pursuant to Connecticut General Statutes §4-176 and §16-50k, for the replacement and extension of an existing telecommunications facility located at 130 Welles Road, Groton, Connecticut (Project). In its Declaratory Ruling, the Council included conditions pertaining to construction of the facility.

On August 2, 2022 SBA submitted correspondence regarding compliance with Condition Nos. 2, 3, and 4 of the Declaratory Ruling and a request for waiver of Condition No. 5.

The submitted information is presented in detail below:

**Declaratory Ruling Condition No. 2. *Submission of the Erosion and Sediment Control Plan prior to the commencement of construction;***

SBA submitted Erosion and Sedimentation Control Plan details in the final construction plans on Sheets C-5 and C-6. The submission complies with Condition No. 2.

**Declaratory Ruling Condition No. 3. *Submission of the final FAA Determination prior to the commencement of construction.***

SBA submitted the final Determination of No Hazard to Air Navigation from the Federal Aviation Administration. The submission complies with Condition No. 3.

**Declaratory Ruling Condition No. 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.***

SBA submitted final structural design drawings for the replacement tower and foundation, as well as a Structural Design Report for the replacement tower. The submission complies with Condition No. 4.

**Declaratory Ruling Condition No. 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.***

SBA is requesting a waiver of this condition. It was intended to prevent the tower setback radius from encroaching upon the abutting property to the north. As noted in the Declaratory Ruling, the host parcel of the existing site and the adjacent parcel to the north are owned by the Town of Groton.

In August 1, 2022 correspondence to the Council, the Groton Town Manager supports SBA's request for a waiver of Condition No. 5 because the Town owns both the host parcel of the existing site and the abutting parcel to the north. The Town does not believe the inclusion of a yield point is necessary.

### **CONCLUSION**

Declaratory Condition Nos. 2, 3, and 4 are satisfied.

Staff recommends the request for waiver of Condition No. 5 be granted.