



## 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)

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### VIA ELECTRONIC MAIL & CERTIFIED MAIL RETURN RECEIPT REQUESTED

February 25, 2022

Daniel Patrick, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, NY 10601  
[dpatrick@cuddyfeder.com](mailto:dpatrick@cuddyfeder.com)

RE: **PETITION NO. 1480** - 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 50-foot Eversource-owned utility pole that is not used principally for electric distribution service to be located in the public right-of-way adjacent to 32 Sasco Creek Road, Westport, Connecticut.

Dear Attorney Patrick:

At a public meeting held on February 24, 2022, 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 Town of Westport;
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 January 14, 2022, and additional information received on February 2, 2022.

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

Sincerely,



Melanie A. Bachman  
Executive Director

MAB/IN/lm

Enclosure: Staff Report dated February 24, 2022

c: The Honorable Jennifer Tooker, First Selectwoman, Westport ([selectman@westportct.gov](mailto:selectman@westportct.gov) )



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### Petition No. 1480

#### New Cingular Wireless PCS, LLC (AT&T)

##### Small Cell Facility

32 Sasco Creek Road

Westport, Connecticut

##### Staff Report

February 24, 2022

### Introduction

On January 18, 2022, 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 on a new Eversource-owned utility pole to be located in the public right of way (ROW) adjacent to 32 Sasco Creek Road, Westport, Connecticut.

The small cell would be installed on a new Eversource-owned utility pole that will not be used principally for electric distribution service. It would provide additional coverage and capacity relief to the AT&T network in the surrounding area.

On January 13, 2022, AT&T notified the Town of Westport (Town), state officials and agencies, and abutting property owners, of the proposed project.

On January 21, 2022, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the Town to contact the Council with any questions or comments by February 17, 2022. No comments from the Town have been received.

The Council issued interrogatories to AT&T on January 26, 2022. AT&T provided responses to the Council's interrogatories on February 2, 2022.

### 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.

The proposed utility pole will be used principally to support the proposed small cell facility. It would be owned by Eversource, a public utility company, 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 in this area of Westport, including nearby portions of the I-95 and the Metro-North Railway in the 700/1900/2100 MHz frequency range.

The proposed site is located within the public ROW adjacent to 32 Sasco Creek Road. The I-95 ROW is located to the southeast and two state owned properties are located to the west and north of the facility. The Metro-North Railroad is located about 400 feet southeast of the proposed facility beyond the I-95 ROW. Land use surrounding the site is mostly residential. The proposed pole is located about 500-feet from the nearest residential structure and about 90-feet to the nearest property line west of the site.

The proposed utility pole would have a height of approximately 43 feet<sup>1</sup> above ground level (agl) and be located in the public ROW on the western side of a bridge crossing I-95. The pole would be located approximately 4 feet from the edge of the road. AT&T would install two small cell antennas measuring 23.3 inches high by 23.3 inches long by 6 inches wide, at the top of the pole with a centerline height of approximately 47 feet agl and extending to a height of 48 feet agl. An equipment cabinet would be mounted on the side of the pole. The bottom of the equipment cabinet would be approximately 12 feet 9 inches agl.

Two remote radio heads would be installed within the equipment cabinet. A service disconnect box would be attached to the pole at 10 feet agl, and a meter socket with lever bypass would be installed at 5 feet agl. Electrical and telephone service would run underground from a pole across Sasco Road to the northwest.

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.

The estimated cost of the facility is \$50,000.

### **Public Safety**

A Professional Engineer duly licensed in the State of Connecticut has certified that the proposed wood pole would be structurally adequate to support the proposed loading.

The calculated power density would be 4.1 percent of the applicable limit using a -10 dB off-beam adjustment.

A radio frequency (RF) safety/caution sign with an emergency contact number visible from the ground would be placed on opposite sides of the equipment cabinet.

### **Environmental**

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<sup>1</sup> The proposed wood pole would be approximately 50 feet in length. Approximately 7 feet would be buried.

The project is located in the public ROW among other existing utility poles. Development of the facility would not require tree removal and would result in minimal ground disturbance.

The proposed pole would not have a significant visual impact on the surrounding area due to the numerous wood utility poles in the immediate area. Existing vegetation would screen the facility from some views.

### **Facility Construction**

The construction of the proposed small cell facility is anticipated to take 90 days working 8.30 am to 3.30 p.m., Monday through Friday.

### **Conclusion**

If approved, staff recommends the following condition:

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



**Figure 1.** Aerial view of the Proposed site location.

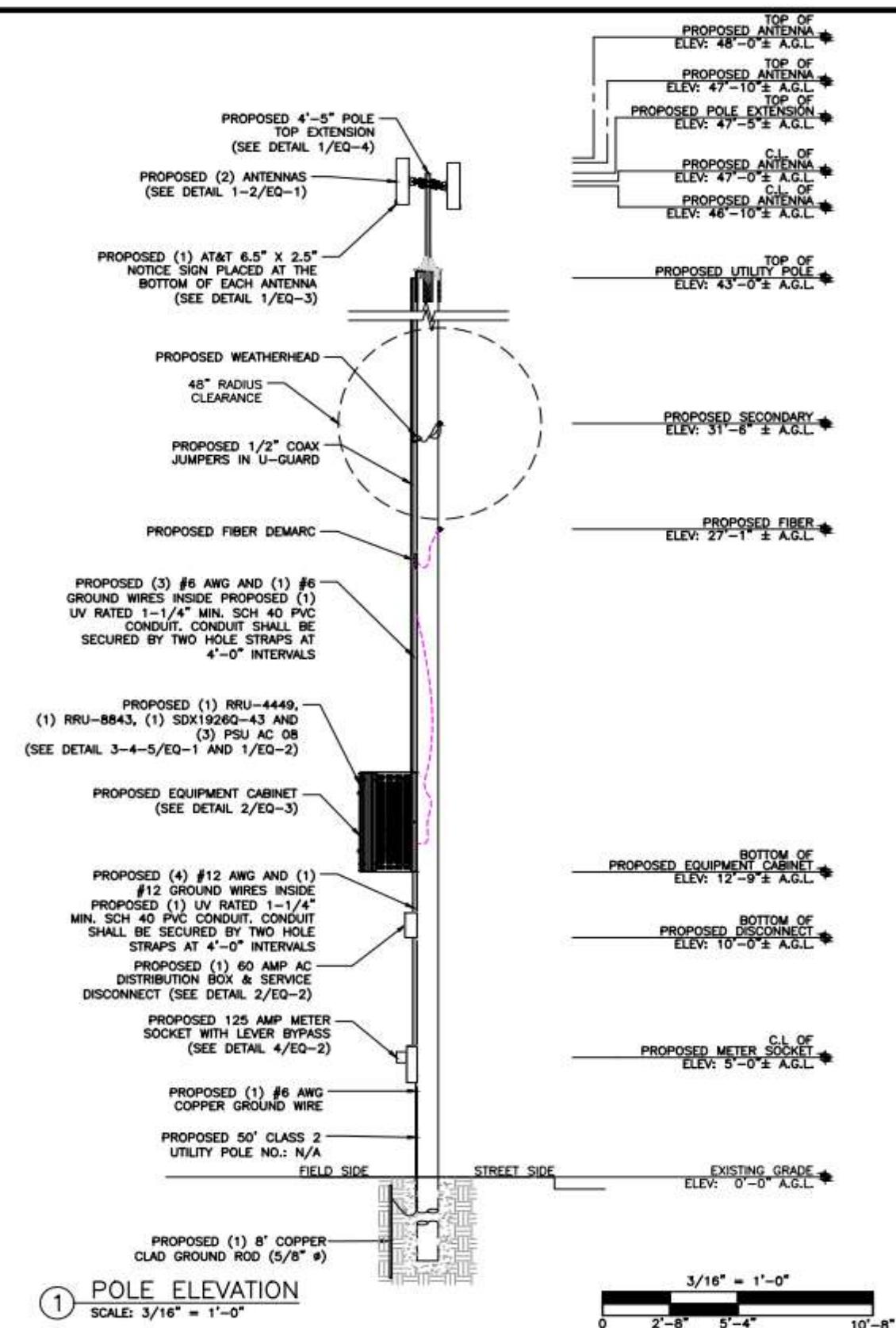


Figure 2. Proposed Pole schematic.



**Figure 3.** Simulation of the proposed facility with Existing conditions.