



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 & CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

September 30, 2022

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
kbaldwin@rc.com

RE: **PETITION NO. 1521** – EIP Communications I, LLC 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 75 Wells Road, Wethersfield, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on September 29, 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 recommendation that current and future tenants maximize the duration of emergency back-up generators to the extent feasible and the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. Submission of the final FAA Determination for the replacement tower prior to commencement of construction;
3. Submission of the final construction/design drawings for the proposed project stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
4. Submission of a structural analysis inclusive of AT&T and T-Mobile's antenna upgrades for the replacement tower and foundation, that is stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
5. Submission of mount analyses that account for the antenna upgrades for AT&T and T-Mobile;
6. 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;
7. Relocate and replace the existing 12-inch cluster pine tree that is to be removed for the Project and indicate its final location in the site plans referenced in Condition No. 3;
8. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;

9. Unless otherwise approved by the Council, the existing monopole shall be removed within 180 days of the installation of the new monopole;
10. Within 45 days after completion of construction, when the existing monopole is removed and the new monopole is operational, the Council shall be notified in writing that construction has been completed;
11. 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;
12. 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 Wethersfield;
13. Any nonfunctioning equipment on this facility owned and operated by the Petitioner shall be removed within 60 days of the date the antenna ceased to function;
14. 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;
15. 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;
16. 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
17. 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 15, 2022, and additional information received on August 25, 2022.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with the first name "Melanie" being more prominent.

Melanie A. Bachman

Executive Director

MAB/IN/laf

Enclosure: Staff Report dated September 29, 2022

c: The Honorable Michael L. Rell, Mayor, Town of Wethersfield (michael.rell@wethersfieldct.gov)
Fred Presley, Town Manager, Town of Wethersfield (fred.presley@wethersfieldct.gov)



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Petition No. 1521
EIP Communications I, LLC
75 Wells Road
Wethersfield, Connecticut
Staff Report
September 29, 2022

Introduction

On June 15, 2022, EIP Communications I, LLC (Everest) submitted a 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 75 Wells Road, Wethersfield, Connecticut (Petition or Project).

Specifically, Everest proposes to replace and extend the height of the existing telecommunications facility and expand the existing compound/lease area at the site to support the equipment upgrades of the wireless carriers that are currently located on the facility and structurally accommodate the potential collocation of additional tenants.¹ The existing monopole is at capacity and would not be able to structurally accommodate equipment upgrades by the wireless carriers or future collocation by additional tenants.

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40, on or about June 15, 2022, Everest provided notice to the abutting property owners and Town of Wethersfield (Town) officials.

On June 16, 2022, 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 15, 2022. No comments were received.

The Council issued interrogatories to Everest on July 11, 2022. After three extensions, Everest submitted responses to the Council's interrogatories on August 25, 2022.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take an action on a petition for a declaratory ruling within 60 days of receipt. On July 21, 2022, pursuant to CGS §4-176(e), the Council voted to set the date by which to render a decision on the Petition as no later than December 12, 2022, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

Existing Facility

This facility was approved by the Town in 1998. The Council issued a Declaratory Ruling to MetroPCS Massachusetts, LLC for modifications to the existing facility on December 1, 2011 in Petition No. 1012.

¹ Dish Wireless expressed interest in collocation on the replacement facility and would submit a tower share request in the future if the replacement facility is approved by the Council.

The existing 101-foot monopole is located on the eastern portion of an approximately 0.89-acre parcel owned by Frontier Communications, Inc. (Frontier). The host parcel is located in the Special Residential District/Single Family Residential zone (SRD/A) and is accessed from Wells Road. The host parcel is developed with one building, a parking area and the existing facility. The facility is located about 7-feet east of the Frontier building and is enclosed within a 3-foot tall chain link fence.

The existing tower currently supports AT&T at the 103.5-foot² level and T-Mobile at the 95-foot level. AT&T's ground equipment is located within an equipment room on the second floor of the Frontier building. T-Mobile's ground equipment is located on a 16-foot by 10-foot concrete pad adjacent to the base of the tower within an existing equipment compound.

Proposed Project

Everest intends to install a new 108.5-foot tall monopole³ approximately 51-feet south of the existing tower location and approximately 18-feet east of the Frontier building. The proposed replacement tower will be designed to accommodate up to four wireless carriers and municipal/emergency service antennas.

The existing 3-foot chain link fence that currently encloses the tower would be removed, and the entire 2,030-square foot lease area would be enclosed within a new 6-foot chain-link fence with privacy slats and a 12-foot wide double gate at the southern end of the facility compound. The proposed replacement tower would have a diameter of 44.5-inches at the base and 24 inches at the top.⁴

The proposed replacement tower would be located about 18 feet from the nearest property line; thus the tower setback radius would extend beyond the host property. Everest believes that its engineering design standards for the tower make a yield point unnecessary.

AT&T would install 12 antennas and 15 RRUs at a centerline height of 105.6-foot above ground level (agl) and T-Mobile would install 9 antennas and 6 RRUs at a centerline height of 95-feet agl on the replacement tower. AT&T's proposed antennas would provide services in the 700/850/1900/2100/3700 MHz frequencies and would be capable of providing 5G services. T-Mobile's proposed antennas would provide its services in the 600/700/1900/2100/3500 MHz frequencies and would also be capable of providing 5G services. The proposed replacement facility would handoff AT&T and T-Mobile signals from the site to adjacent sites in Wethersfield, Hartford, East Hartford, Glastonbury, Rocky Hill and Newington.

Coverage maps indicate that AT&T's equipment upgrade would improve its existing 700 MHz coverage signal strength. T-Mobile's coverage maps indicate that the proposed equipment upgrade would improve its existing signal strength within the existing coverage area.

AT&T and T-Mobile would extend their respective ice bridges to the replacement monopole. There would be no changes to the existing ground equipment. During construction, Everest would utilize a 15-foot wide temporary construction easement extending from the access driveway to the south of the compound.

² AT&T's existing antennas extend to about 106.5-foot above ground level (178.5-feet above mean sea level).

³ Due to differences in elevation the replacement tower will have the same height above mean sea level as AT&T's existing antennas.

⁴ The existing tower has a diameter of 28-inches at the base and 14.6 inches at the top.

Protective plating and a construction fence would be installed to protect existing and proposed fiber ducts during construction. Everest would utilize existing access and utilities to the site.

AT&T currently shares the existing Frontier emergency backup generator located within the building. T-Mobile does not currently have an emergency backup generator installed at the site and does not intend to install one at this time. Both carriers have battery backups capable of supplying power for up to four hours for AT&T and one to two hours for T-Mobile.

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 existing 101-foot monopole would be decommissioned and removed after the replacement tower is fully operational. The existing tower foundation would be left in place to be used as an equipment pad for future tenants.

The total estimated cost of the proposed facility is \$350,000.00. Costs associated with construction, maintenance and operation of the replacement facility will be recovered through rent charged to each tenant located at the facility.

The project would take approximately six to nine months to complete. Work hours/days would be 8 AM to 5 PM, Monday-Friday. Saturday work may be required.

Everest anticipates AT&T and T-Mobile would install their equipment upgrades once the replacement tower is constructed.

Environmental

Construction would occur within existing developed areas. One 12-inch diameter cluster pine tree would be removed for the project. Staff recommends that the cluster pine tree be moved and replanted, consistent with the Council's Declaratory Ruling in Petition No. 1012.

The Project site is not located within a Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database buffered area. The proposed facility is not within a DEEP designated Aquifer Protection Area.

On March 4, 2022, the U.S. Fish and Wildlife Service (USFWS) determined that there are no critical habitats for threatened or endangered species within the Project area.

The nearest Important Bird Area is the Rocky Hill/Glastonbury Meadows located over a mile southeast of the site. The proposed replacement tower would comply with the USFWS recommended best practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning.

A visibility study determined that the proposed tower extension would have additional visibility of about 1.8 acres (0.09%) within a one mile radius (2,010.6 acres) study area. Additional visibility of the extended tower would be mostly from the east and northeast of the host property. Changes in visibility would be

minimal, as Everest proposes to replace the existing monopole with another monopole of similar height and appearance 51-feet south of the existing monopole location.

The site is not located within a flood zone or proximate to any wetlands. The nearest wetland is located off-site approximately 1,600 feet (0.3 miles) southeast of the replacement tower.

Development of the facility would require 30 cubic yards of cut to drill the caisson foundation and 30 cubic yards of fill for the caisson foundation concrete. Any excess materials would be disposed of off-site. Everest 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.

The temporary construction access easement will be restored upon completion of construction.

The Old Wethersfield Historic District, a property listed on the National Register of Historic Places, is located approximately 0.18 mile from the site. The State Historic Preservation Office determined that the proposed replacement facility would have no adverse effect on this resource as it is replacing an existing tower of similar height. Everest proposes to paint the replacement tower a light gray similar to the existing tower.

Public Safety

The Project would be constructed in accordance with the Connecticut State Building Code, Telecommunications Industry Association (TIA) 222-H Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, the National Electrical Code, the Connecticut State Fire Safety Code, and the Occupational Safety and Health Administration standards (OSHA).

Construction of the replacement tower would not impact or interfere with any existing nearby public utilities. Everest would employ construction standards designed to protect existing utilities and structures including, but not limited to, State building codes; National Fire code; Call before you dig and Occupational Health and Safety requirements.

Access to the facility site would be restricted to the tenants and Everest personnel. Carrier equipment would be fitted with silent intrusion alarms. Climbing pegs on the lower portion of the tower would be removed to deter unauthorized climbing of the tower.

Due to its proximity to an airport, the existing tower is currently marked/lit with a red air navigation beacon installed at the top of the tower in accordance with the recommendation of a 1999 Federal Aviation Administration (FAA) determination. Everest intends to employ the same FAA marking/lighting scheme at the top of the proposed replacement facility or adhere to any recommendations in the final FAA determination regarding a marking/lighting scheme on the proposed facility. Everest would submit the final FAA determination for the proposed Project when it becomes available.

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

AT&T and T-Mobile's antennas would continue to support text-to-911 service and would comply with E911 requirements and the intent of the Warning, Alert and Response Network Act of 2006.

The cumulative calculated power density for the facility would be 80.6 percent of the applicable limit using a -10 dB off-beam adjustment.

Conclusion

If approved, staff recommends the following conditions:

- 1) Approval of any project changes be delegated to Council staff;
- 2) Submission of the final FAA Determination for the replacement tower prior to commencement of construction;
- 3) Submission of the final construction/design drawings for the proposed project stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
- 4) Submission of a structural analysis inclusive of AT&T and T-Mobile's antenna upgrades for the replacement tower and foundation, that is stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
- 5) Submission of mount analyses that account for the antenna upgrades for AT&T and T-Mobile;
- 6) 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;
- 7) Notification of commencement and completion of construction;
- 8) Unless otherwise approved by the Council, the existing monopole shall be removed within 180 days of the installation of the new monopole;
- 9) 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; and
- 10) Relocate and replant the existing 12-inch cluster pine tree that is to be removed for the Project.

Figure 1 - Side by Side simulation of the existing and proposed replacement towers from approximately 398.5 feet to the east



Figure 2 - Existing Site Plan with Proposed Replacement Tower Location

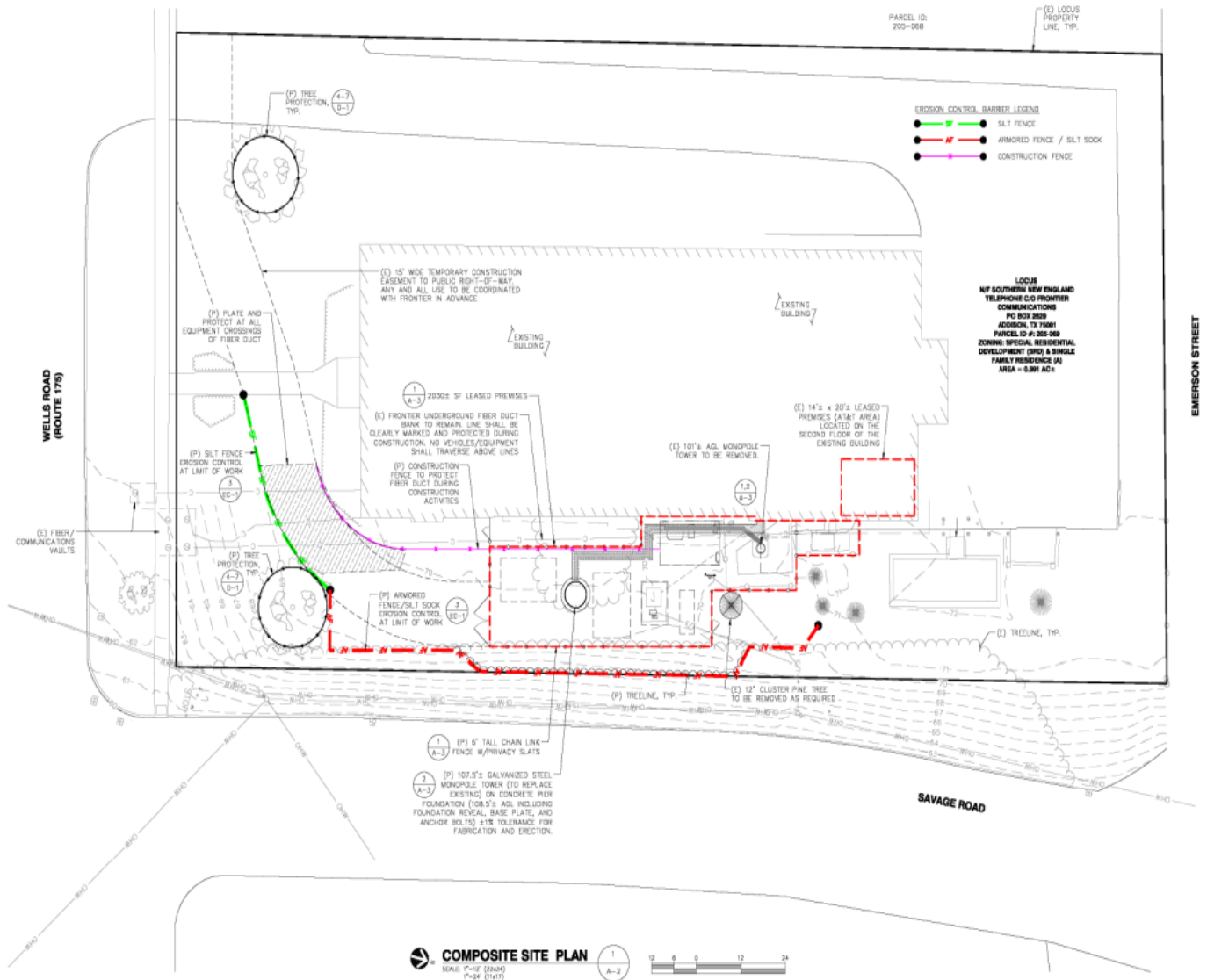


Figure 3 - Proposed Site Plan

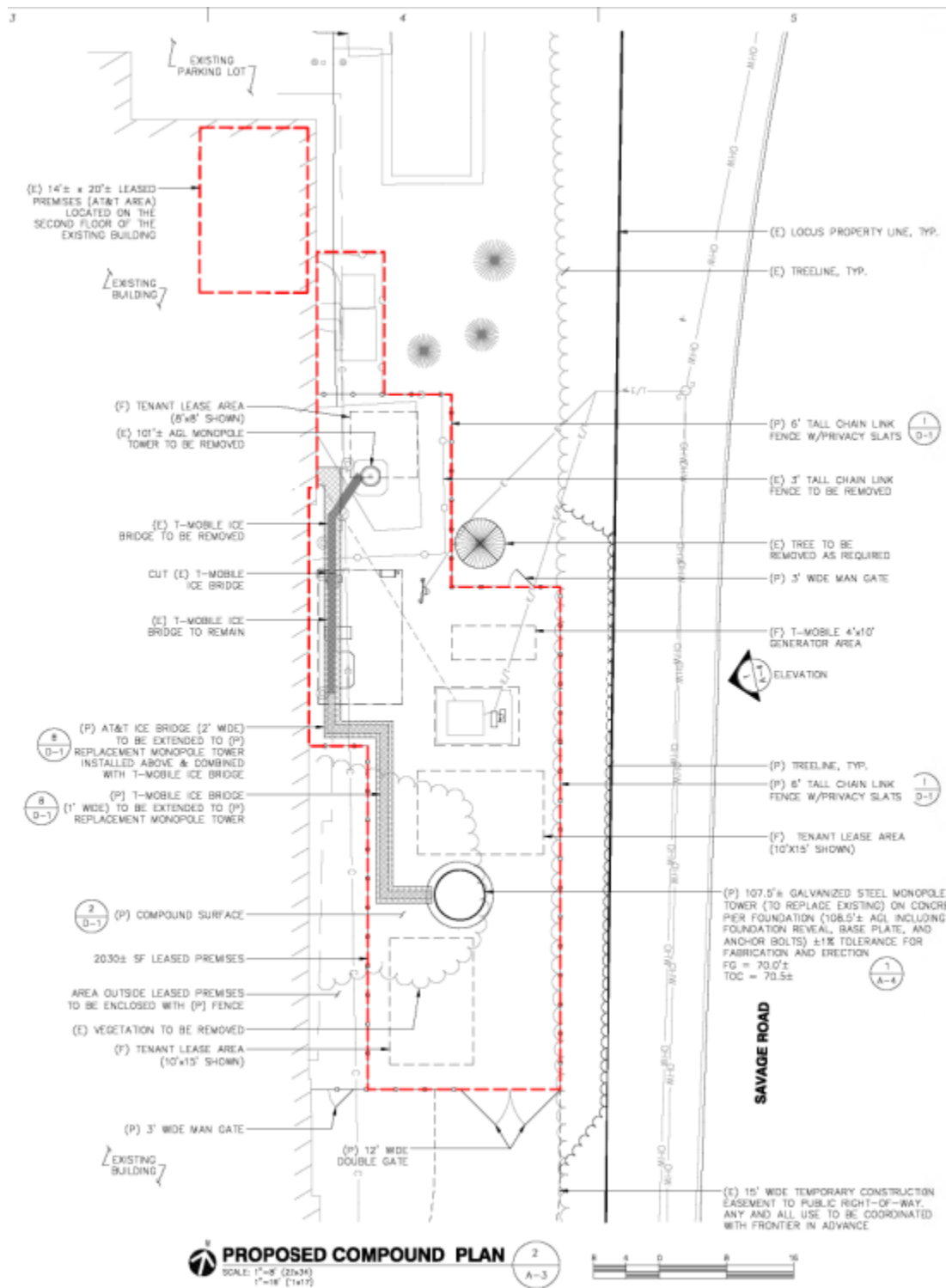
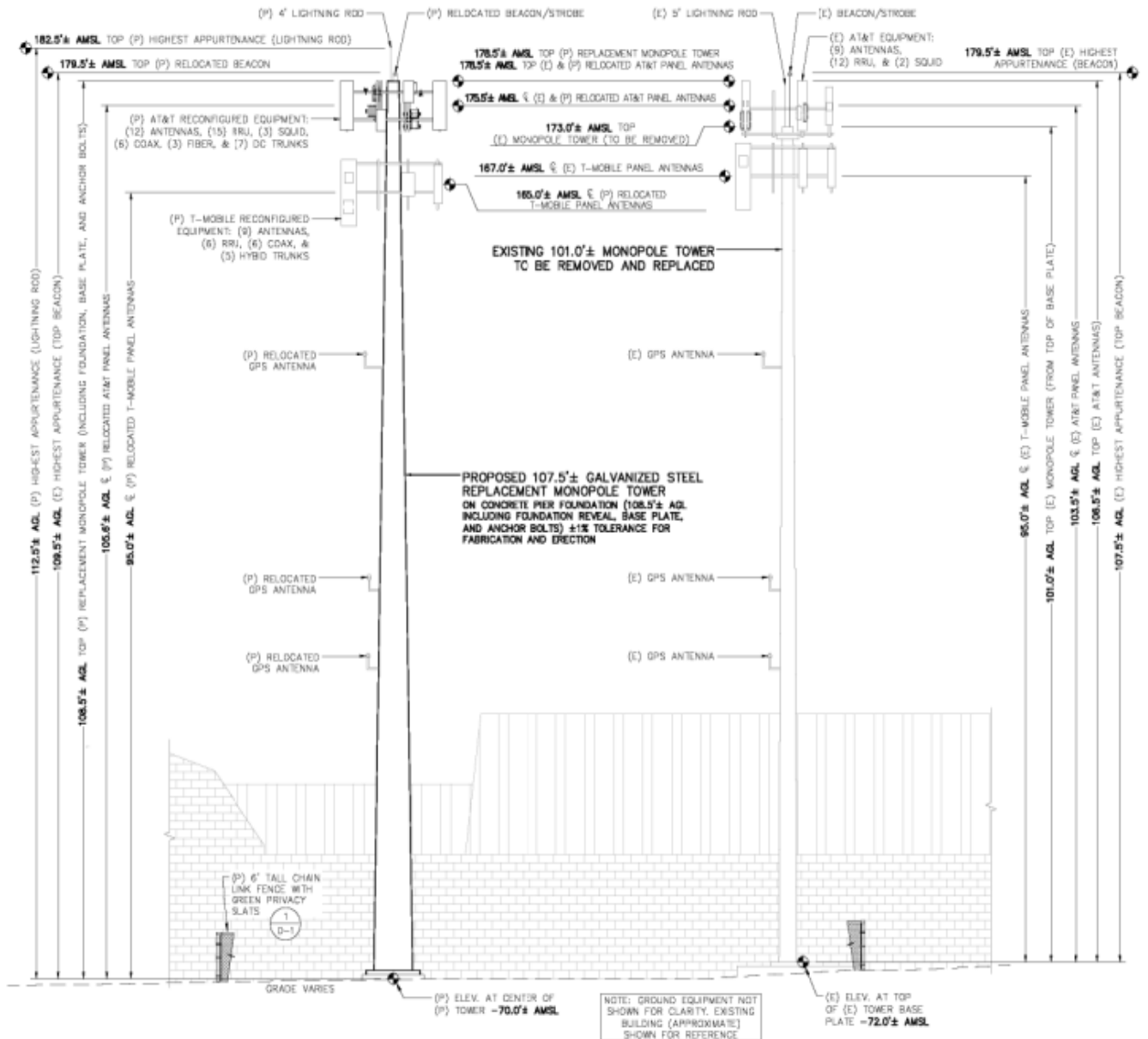


Figure 4 - Proposed Replacement Tower Elevation Drawing



STATE OF CONNECTICUT)

: ss. Southington, Connecticut September 30, 2022

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Decision and Staff Report in Petition No. 1521 issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



Melanie A. Bachman
Executive Director
Connecticut Siting Council

STATE OF CONNECTICUT)

: ss. New Britain, Connecticut September 30, 2022

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1521 has been forwarded by Certified First Class Return Receipt Requested mail, on September 30, 2022, to all parties and intervenors of record as listed on the attached service list, dated June 15, 2022.

ATTEST:



Lisa Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

Date: June 15, 2022

Petition No. 1521
Page 1 of 1

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	E-mail	EIP Communications I, LLC	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 Phone (860) 275-8200 kbaldwin@rc.com