



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 16, 2022

Jake Lehman
Site Acquisition Specialist I
Airosmith Development, Inc.
318 West Ave.
Saratoga Springs, NY 12866
jlehman@airosmithdevelopment.com

RE: **PETITION NO. 1530** – American Tower Corporation petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for proposed modifications to an existing telecommunications facility located at 401 Lopus Road, Beacon Falls, Connecticut.

Dear Jake Lehman:

At a public meeting held on September 15, 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. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
3. 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;
4. 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 Beacon Falls;
5. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
6. Any nonfunctioning equipment on this facility owned and operated by the Petitioner shall be removed within 60 days of the date the equipment ceased to function;

7. 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;
8. 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
9. 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 July 12, 2022 with additional information dated August 12, 2022 and August 22, 2022.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/RDM/laf

Enclosure: Staff Report dated September 15, 2022

c: The Honorable Gerard Smith, First Selectman, Town of Beacon Falls (gsmith@beaconfallsct.org)



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Petition No. 1530 American Tower Corporation 401 Lopus Road Beacon Falls, Connecticut

**Staff Report
September 15, 2022**

Introduction

On July 13, 2022, the Connecticut Siting Council (Council) received a petition from American Tower Corporation (ATC) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, for the proposed modification of an existing wireless telecommunications facility located at 401 Lopus Road, Beacon Falls, Connecticut (Petition or Project). ATC proposes to install a shared-use emergency backup generator at the site.

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40 on or about July 7, 2022, ATC notified the abutting property owners and Town of Beacon Falls (Town) officials.

On July 13, 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 August 12, 2022. No comments were received.

The Council issued interrogatories to ATC on August 11, 2022. ATC submitted responses to the Council's interrogatories on August 12, 2022. ATC submitted a revised site plan on August 24, 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 August 18, 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 January 9, 2023, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

Existing Facility

The Town approved the original facility in 2005. The Council approved AT&T's T-Mobile's and DISH Wireless' shared use of the tower on October 24, 2005, January 26, 2006, and January 14, 2022, respectively. On February 14, 2017, the Council approved an Eligible Facilities Request from Verizon Wireless to locate at the facility. On May 11, 2022, the Council denied a request for an exempt modification from ATC to expand the existing compound beyond the lease area and recommended that ATC submit a petition for a declaratory ruling.

The existing facility is owned by ATC and consists of a 150-foot monopole located on an approximately 3.0-acre commercially zoned parcel that is developed with a building. The host parcel and building are owned by the Town and used for maintenance and storage by the Town Public Works Department.

The tower hosts AT&T antennas at the 145-foot level, T-Mobile antennas at the 135-foot level, Verizon Wireless antennas at the 115-foot level and DISH Wireless antennas at the 105-foot level. The tower and associated ground equipment are located within a 1,992 square foot compound/lease area. Verizon Wireless currently maintains a 15-kW propane-fueled emergency backup generator for its equipment at the site. T-

Mobile, DISH Wireless, and AT&T each maintain a battery backup power system for their equipment at the site.

Proposed Project

ATC proposes to expand its existing compound by 170 square feet and install an 80-kW diesel-fueled emergency backup generator for shared use by multiple tower tenants on a six-foot by eight-foot concrete pad.¹ The generator would have a three-foot minimum safety clearance on all sides. An underground electrical connection would extend from the generator to a proposed transfer switch/circuit breaker that would be installed on an existing H-frame.

The expanded compound would be surfaced with gravel and enclosed by an eight-foot chain link fence to match the existing compound fence. A six-foot wide access gate would be located on the west side of the expanded compound. A 24-foot long retaining wall with a maximum height of three feet would be constructed on the south side of the compound expansion area to stabilize a slope.

The proposed generator has a self-contained, 300-gallon double walled diesel fuel tank that could provide 48 hours of run time at full electrical load before re-fueling is required. It also has leak detection alarms and a locked intrusion cover.

Pursuant to RCSA §22a-174-3b, the generator would be managed to comply with DEEP's "permit by rule" criteria and is exempt from general air permit requirements.

The proposed emergency backup generator would operate weekly on a 10-minute run cycle for testing. Noise from the operation of the emergency backup generator is exempt from the State Noise Control Regulations.

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.

T-Mobile would utilize the generator immediately after installation. ATC anticipates other tower tenants would most likely decommission existing equipment and utilize the shared generator in the future.

Abutting land use is commercial. The generator is proposed to be located approximately 79 feet from the west property line (Lopus Road). Verizon Wireless' existing emergency backup generator is approximately 110 feet from the west property line.

Construction would occur over a two-week period. Typical construction hours and workdays are as follows: Monday – Friday, 8:00 AM to 5:00 PM.

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

Environmental

No trees would be removed. The installation is proposed to be located within a grass/shrub area immediately adjacent to the existing equipment compound. No wetlands are on the host parcel or adjacent to the proposed installation. The existing tower/compound is currently visible from Lopus Road. No substantial adverse environmental or visual impact is expected from the proposed installation.

¹ The Town approved a 10,000 square foot lease area on the abutting parcel in 2005 as a "tower expansion area."

Conclusion

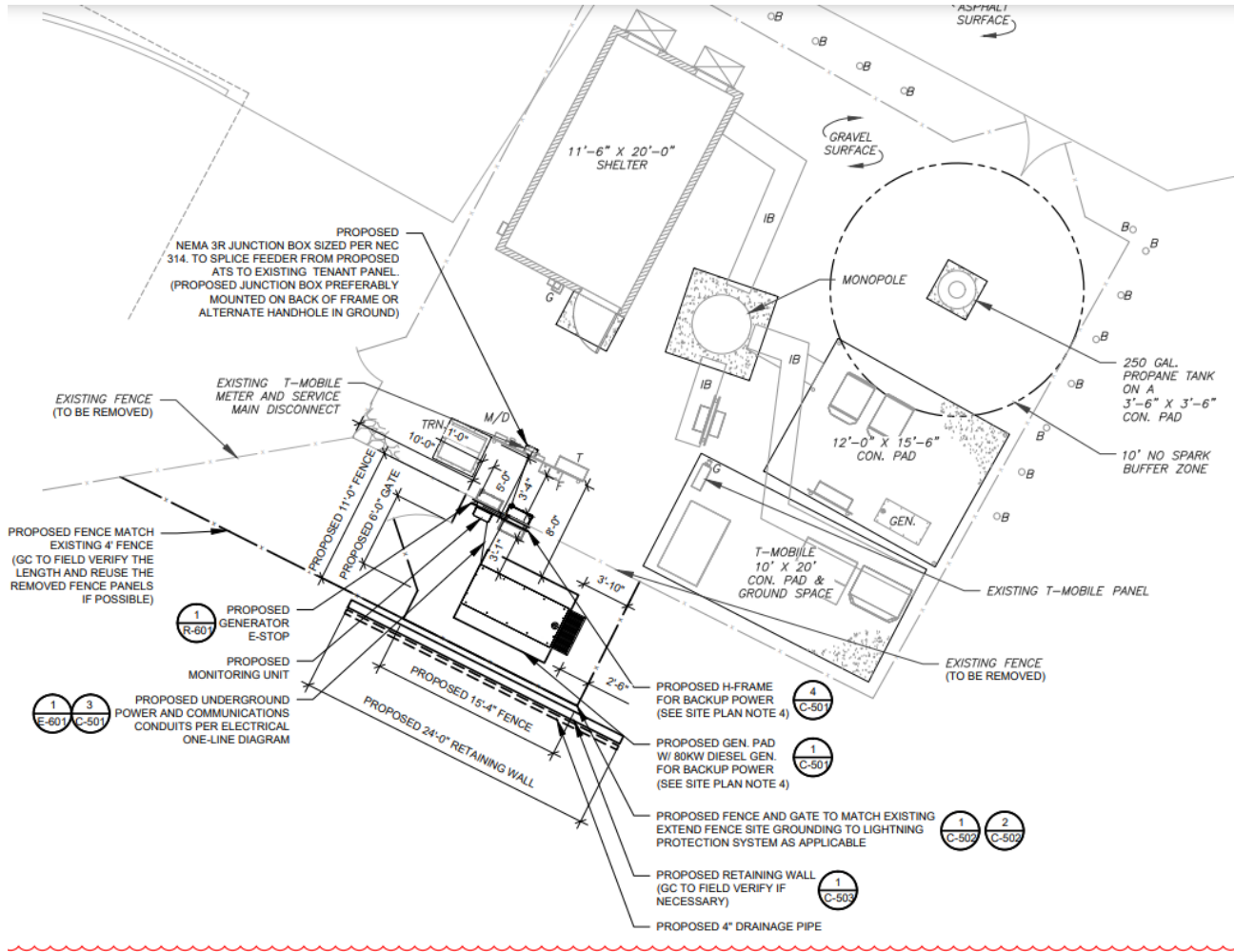
If approved, staff recommends the following conditions:

1. Approval of any project changes be delegated to Council staff; and
2. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities.

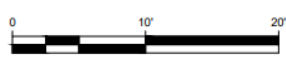
Site Location



Site Plan



1 DETAILED SITE PLAN



STATE OF CONNECTICUT)

: ss. Southington, Connecticut

September 16, 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. 1530 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 16, 2022

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1530 has been forwarded by Certified First Class Return Receipt Requested mail, on September 16, 2022, to all parties and intervenors of record as listed on the attached service list, dated July 13, 2022.

ATTEST:



Lisa A. Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	<input checked="" type="checkbox"/> E-mail	American Tower Corporation	Jake Lehman Site Acquisition Specialist 1 Airosmith Development, Inc. 318 West Avenue Saratoga Springs, NY 12866 Phone: (518) 932-7049 jlehman@airosmithdevelopment.com