



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

Eric Breun
Site Acquisition Agent
Transcend Wireless
1 International Blvd. Suite 400
Mahwah, NJ 07495
ebreun@transcendwireless.com

RE: **PETITION NO. 1532** – T-Mobile Northeast, LLC 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 376 Deercliff Road, Avon, Connecticut.

Dear Eric Breun:

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 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 modification 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 owner/operator of the associated equipment shall dismantle 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 owner/operator of the associated equipment 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 modification 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 Avon;
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 owner/operator of the associated equipment shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility modification under Conn. Gen. Stat. §16-50v;
8. This Declaratory Ruling may be transferred, provided the owner/operator/transferor of the associated equipment 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 owner/operator of the associated equipment 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 associated equipment 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 8, 2022, and additional information dated September 14, 2022.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/MP/laf

Enclosure: Staff Report dated September 29, 2022

c: The Honorable Heather Maguire, Chairman, Town of Avon (hmaguire@avonct.gov)
Brandon Robertson, Town Manager, Town of Avon (brobertson@avonct.gov)



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Petition No. 1532
T-Mobile Northeast, LLC
376 Deercliff Road
Avon, Connecticut
Staff Report
September 29, 2022

Introduction

On July 21, 2022, the Connecticut Siting Council (Council) received a petition from T-Mobile Northeast, LLC (T-Mobile) 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 376 Deercliff Road, Avon, Connecticut (Petition or Project). T-Mobile proposes to install an emergency backup generator for its existing equipment at the site.

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40, on or about June 29, 2022, T-Mobile notified the abutting property owners and Town of Avon (Town) officials. No comments from the Town or abutting property owners were received.

On July 22, 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 20, 2022. No comments were received.

The Council issued interrogatories to T-Mobile on August 31, 2022. T-Mobile provided responses to the Council's interrogatories on September 14, 2022.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take action on a petition within 60 days of receipt. On September 15, 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 17, 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 1985. The Council approved T-Mobile's and DISH's shared use of the tower on July 18, 2011 and September 24, 2021, respectively.

The existing facility is owned by Crown Castle and consists of a 560-foot guyed lattice tower located on an approximately 2.00-acre residential zoned parcel that is developed with a building. The host parcel is owned by Homeowners Finance Co.

The tower hosts T-Mobile antennas at the 240-foot level and DISH antennas at the 202-foot level. The tower and associated ground equipment are located within an approximately 380 square foot fenced compound/lease area.

Proposed Project

T-Mobile proposes to expand its existing compound by 150 square feet and install a 48-kilowatt diesel-fueled emergency backup generator on a 9-foot by 4-foot concrete pad. The generator would have a 3-foot minimum safety clearance on all sides. An underground electrical connection would extend from the generator to a proposed automatic transfer switch and continue to the existing power protection cabinet.

The proposed generator has a self-contained, 240-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 12-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.

Abutting land use is residential. The nearest property line is about 190 feet to the west. Existing wooded buffers are present between the abutting properties and the equipment compound.

Construction would occur over a two to three 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 \$20,000.

Environmental

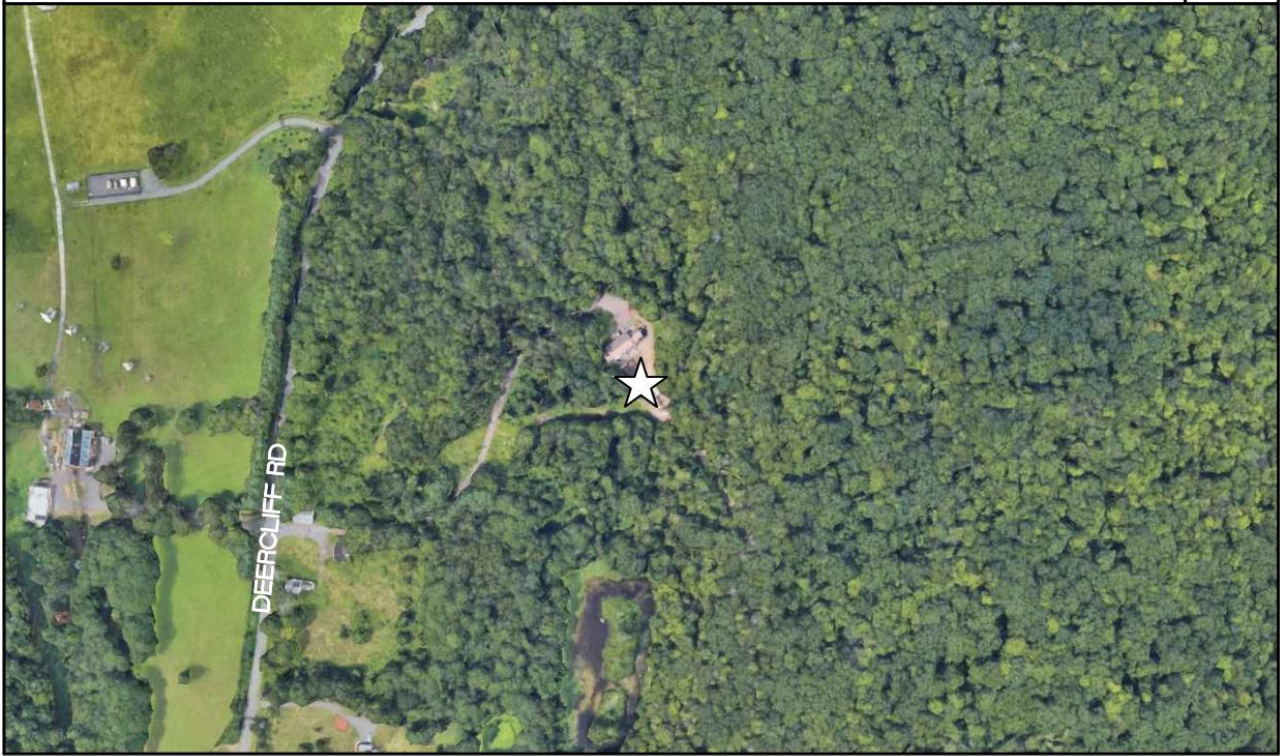
No trees would be removed. The installation is proposed to be located within a previously disturbed area immediately adjacent to the existing equipment compound. No wetlands are located adjacent to the proposed installation. Views of the existing compound from Deercliff Road are screened by an existing building and surrounding vegetation. No substantial adverse environmental or visual impact is expected from the proposed installation.

Conclusion

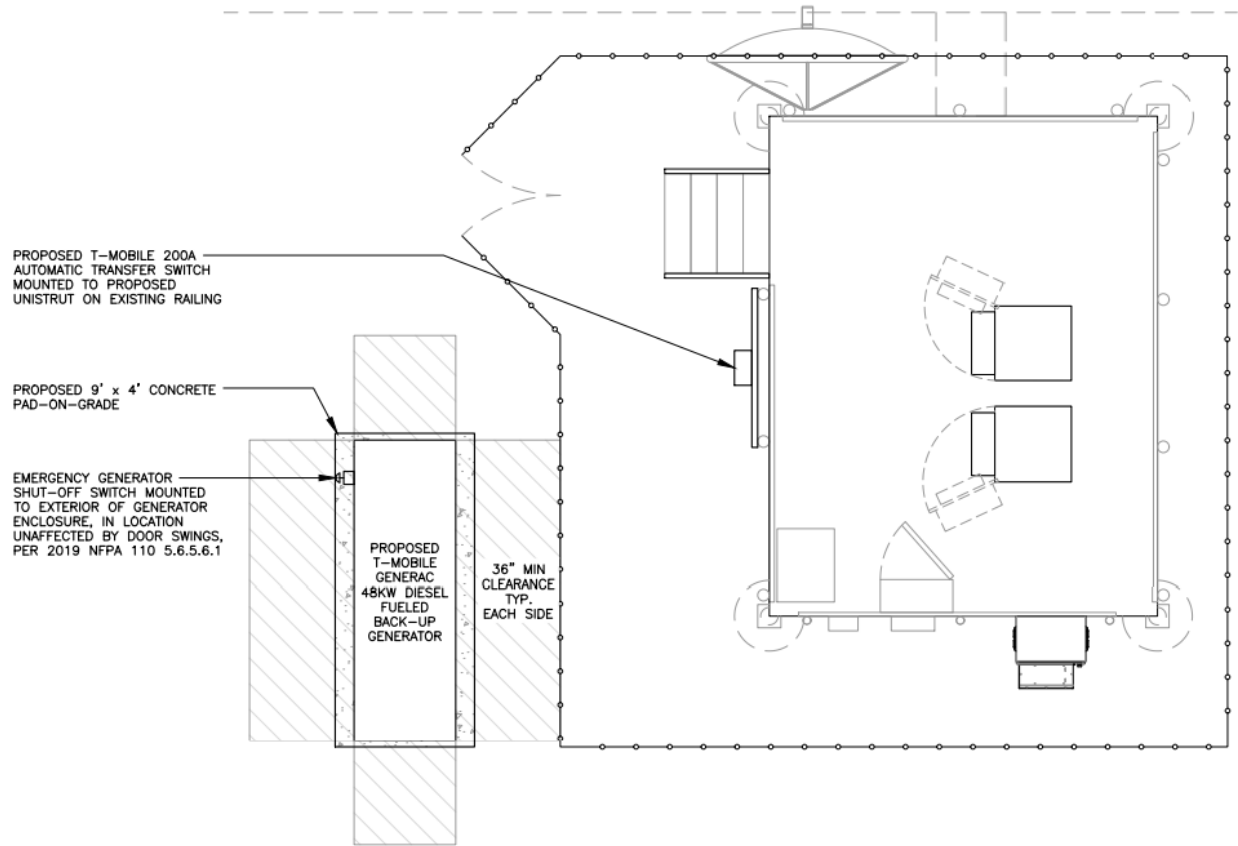
If approved, staff recommends the following conditions:

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.

Proposed Generator Location



Site Plan



3 EQUIPMENT PLAN - PROPOSED 
C-1 SCALE: 3/8" = 1' TRUE NORTH

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. 1532 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. 1532 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 July 21, 2022.

ATTEST:



Lisa 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	T-Mobile Northeast, LLC	Eric Breun Transcend Wireless 1 International Blvd., Suite 400 Mahwah, NJ 07495 Phone (201) 658-7728 ebreun@transcendwireless.com