



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 & 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](mailto:ebreun@transcendwireless.com)

RE: **PETITION NO. 1536** – T-Mobile 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 259 Commerce Street, East Haven, 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 East Haven;
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 August 16, 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/IN/laf

Enclosure: Staff Report dated September 29, 2022

c: The Honorable Joseph Carfora, Mayor, Town of East Haven (eh.mayor@att.net; eh.biancur@gmail.com)



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**Petition No. 1536**  
**T-Mobile Northeast, LLC**  
**259 Commerce Street**  
**East Haven, Connecticut**  
**Staff Report**  
**September 29, 2022**

**Introduction**

On August 16, 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 259 Commerce Street, East Haven, 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 July 6, 2022, T-Mobile notified the abutting property owners and Town of East Haven (Town) officials. No comments from the Town or abutting property owners were received.

On August 17, 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 September 15, 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.

**Existing Facility**

The Council issued a Declaratory Ruling to AT&T Wireless PCS, LLC for this facility on July 11, 2003 in Petition No. 634. The Council approved T-Mobile's shared use of the tower on March 2, 2007.

The existing facility is owned by Crown Castle and consists of a 57-foot monopole located on an approximately 0.49-acre industrially zoned parcel that is developed with a commercial building and paved parking area. The host parcel is owned by Stephen Viglione and is used as the business offices for Viglione Heating and Cooling.

The tower hosts AT&T antennas at the 54-foot level and T-Mobile antennas at the 47-foot level. The associated ground equipment for both carriers is located within an approximately 678 square foot fenced compound/lease area.

**Proposed Project**

T-Mobile proposes to expand the 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 and alarm connection would extend from the generator to an existing automatic transfer switch located on a H-frame within the compound.

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.

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 commercial to the north and west and residential to the south and east. The proposed generator location is approximately 72.9-feet from the eastern property line (Silver Sands Road/ CT 337). Existing shrubs and evergreen trees are present between the abutting properties to the east 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 PM.

The estimated cost of the Project is \$20,000.

### **Environmental**

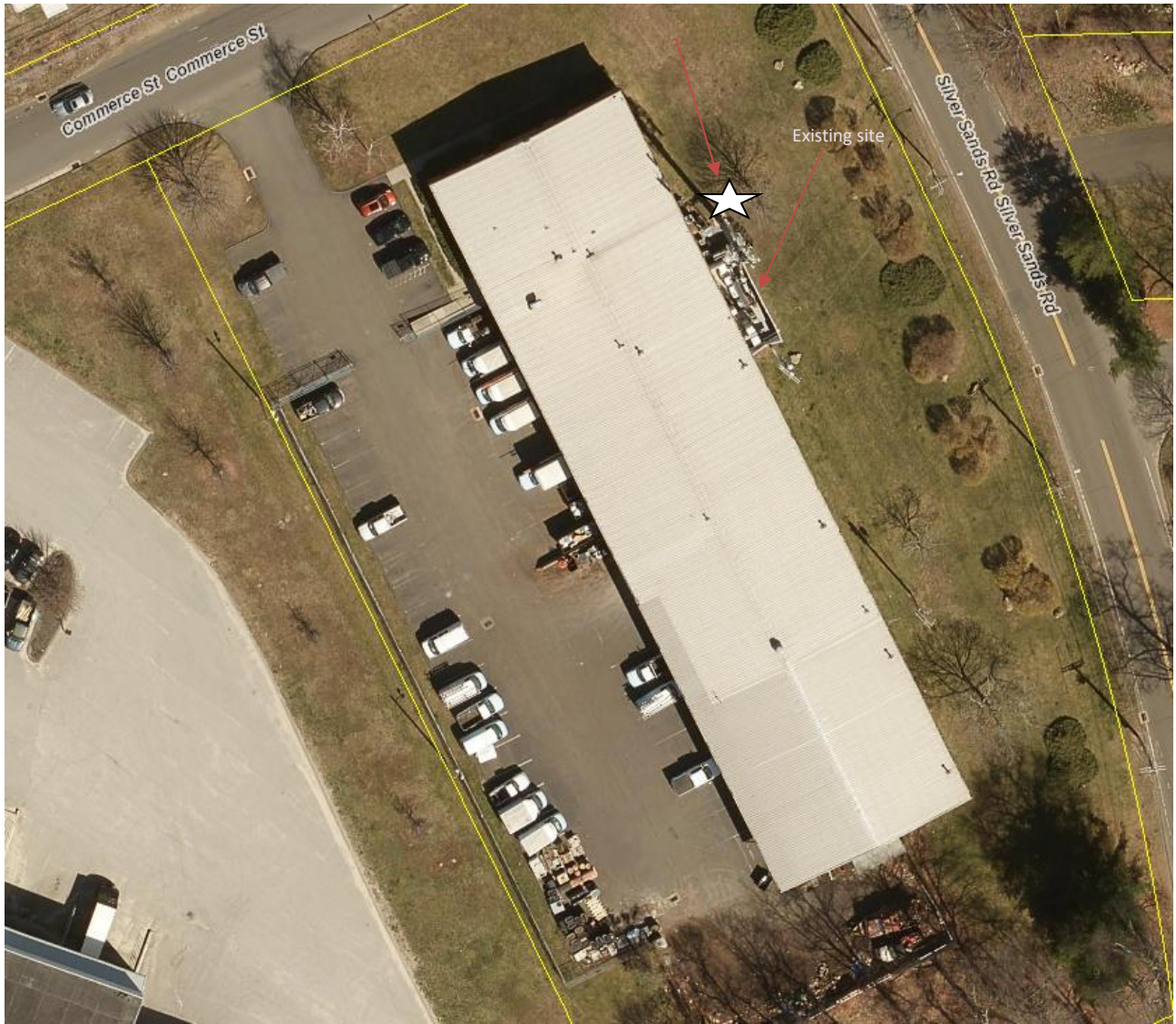
No trees would be removed. The installation is proposed to be located within a previously disturbed area immediately adjacent to the existing equipment compound. No wetlands are located adjacent to the proposed installation. Views of the proposed generator from surrounding roads would be screened by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

### **Conclusion**

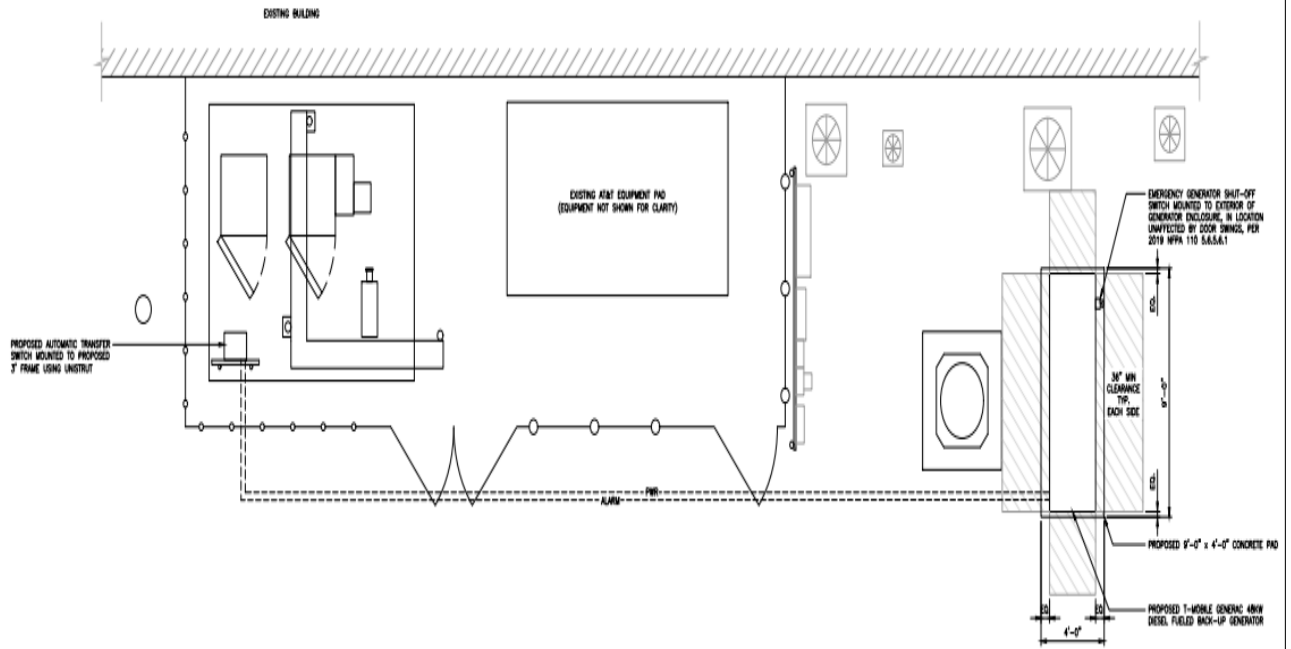
If approved, staff recommends the following conditions:

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



2 PROPOSED EQUIPMENT PLAN  
6-1 SCALE: 1/8" = 1'  
REVISED AREA

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. 1536 issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



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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. 1536 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 August 17, 2022.

ATTEST:



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Lisa Fontaine  
Fiscal Administrative Officer  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Petitioner</b>	<input checked="" type="checkbox"/> E-mail	T-Mobile	Eric Breun Transcend Wireless 1 International Blvd., Suite 400 Mahwah, NJ 07495 Phone (201) 658-7728 <a href="mailto:ebreun@transcendwireless.com">ebreun@transcendwireless.com</a>