



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**

December 9, 2022

Denise Sabo
Northeast Site Solutions
420 Main Street, Unit 3
Sturbridge, MA 01566-1359
denise@northeastsitesolutions.com

RE: **PETITION NO. 1537** – T-Mobile petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed extension and modifications to an existing telecommunications facility located at 1 Fairfield Avenue, Danbury, Connecticut.

Dear Denise Sabo:

At a public meeting held on December 8, 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. Prior to the commencement of construction, T-Mobile shall provide a copy of the Structural Analysis and Construction Drawings referencing the Connecticut State Building Code effective October 1, 2022;
3. RF access restriction and caution signage shall be installed at the site in compliance with FCC guidance;
4. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable;
5. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
6. 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;

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7. 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 City of Danbury;
8. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
9. 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;
10. 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;
11. If the facility ceases to provide wireless services for a period of one year the facility owner/operator shall dismantle the facility 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 facility owner/operator 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; and
12. This Declaratory Ruling may be transferred or partially transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. 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. Both the facility owner/operator/transferor and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.

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 5, 2022, and additional information received on November 9, 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 December 8, 2022

c: The Honorable Dean E. Esposito, Mayor, City of Danbury (mayor@danbury-ct.gov)

STATE OF CONNECTICUT)

: ss. Southington, Connecticut

December 9, 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. 1537 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

December 9, 2022

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1537 has been forwarded by Certified First Class Return Receipt Requested mail, on December 9, 2022, to all parties and intervenors of record as listed on the attached service list, dated August 19, 2022

ATTEST:



Lisa A. Mathews
Office Assistant
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 | Denise Sabo Northeast Site Solutions 420 Main Street, Unit 3 Sturbridge, MA 01566-1359 Phone (860) 209-4690 denise@northeastsitesolutions.com |
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Petition No. 1537
T-Mobile Northeast, LLC
1 Fairfield Avenue
Danbury, Connecticut
Staff Report
December 8, 2022

Introduction

On August 18, 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 extension and modification of an existing telecommunications facility located at 1 Fairfield Avenue, Danbury, Connecticut (Petition or Project).

On August 5, 2022, T-Mobile provided notice of the proposed project to the City of Danbury (City), the property owner and abutting property owners. On August 22, 2022, the Council sent correspondence to the City stating that the Council had received the Petition and invited the municipality to contact the Council with any questions or comments by September 17, 2022. No comments have been received to date.

The Council issued interrogatories to T-Mobile on September 16, 2022. T-Mobile provided responses to the Council's interrogatories on November 9, 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 October 13, 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 February 14, 2023, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

Existing Facility

The Council issued a Declaratory Ruling to Omnipoint Communications, Inc., also known as T-Mobile, for this facility on December 14, 2005, in Petition No. 748.

The existing facility consists of a 39-foot tall metal pole concealed within a 40-foot tall faux chimney located at the south end of a 33-foot tall condominium building owned by Tall Oaks, LLC. The host parcel is located in the multifamily residential (RM12) zone and is accessed from Fairfield Avenue. The host parcel is developed with one building and a paved parking area. Surrounding land use is mostly residential.

The facility currently supports three T-Mobile 700/1900/2100 MHz antennas within the faux chimney at the 37-foot level. T-Mobile's ground equipment is located on a 10-foot by 15-foot concrete pad adjacent to the base of the chimney and enclosed within a 12-foot by 30-foot fenced area.

Proposed Project

T-Mobile intends to extend the existing faux chimney and the metal pole by 5 feet, bringing the total height to 45-feet above ground level (agl) and 44-feet agl, respectively. The 5-foot faux chimney extension would be made of the same fiberglass reinforced material and have the same exterior wood finish as the existing faux chimney.

The existing facility does not currently provide any 4G LTE or 5G services. T-Mobile would replace its three existing antennas at 37 feet agl and install three additional panel antennas at 42.5 feet agl. T-Mobile's proposed antennas would provide its services in the 600/700/1900/2100/2500 MHz frequencies and would also be capable of providing 4G LTE and 5G services.

T-Mobile would expand the existing concrete pad by 60-square feet and install three equipment cabinets and nine remote radio units on a new H-Frame within the existing fenced area.

The proposed modifications would enhance T-Mobile's network coverage and provide additional network capacity to the surrounding residential and commercial areas including parts of Route 53 (South Street), Memorial Drive, Mansfield Street and Mountainville Road.

T-Mobile would have battery backup capable of supplying power for up to 8 hours in the event of a power outage. If the duration of a power outage exceeds the battery's capacity, a temporary diesel generator would be brought to the site and installed in a location selected by the property owner.

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 project is \$48,000. It is not proposed to be undertaken, or funded in whole or in part, by the state through any contract or grant.

Construction would be carried out during regular business hours Monday-Friday, or as allowed by the property owner.

Environmental

Construction would occur within the existing developed areas. No trees would be removed.

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

The site is not located within a flood zone or proximate to any wetlands.

The proposed facility extension would have a minimal impact on year round visibility from the surrounding area.

Public Safety

The proposed facility extension would not require notice to the Federal Aviation Administration.

The Project would be constructed in accordance with the Connecticut State Building Code, Telecommunications Industry Association (TIA) 222-G 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).

A Professional Engineer duly licensed in the State of Connecticut has certified that the faux chimney and metal pole are structurally adequate to support the proposed loading. The calculated cumulative power density would be 4.6% of the applicable limit at ground level at a distance of 200 feet from the facility using a far field approximation.

Conclusion

If approved, staff recommends the following conditions:

- 1) Approval of any project changes be delegated to Council staff;
- 2) Prior to the commencement of construction, T-Mobile shall provide a copy of the Structural Analysis and Construction Drawings referencing the Connecticut State Building Code effective October 1, 2022;
- 3) RF access restriction and caution signage shall be installed at the site in compliance with FCC guidance; and
- 4) Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable.

Figure 1 - Proposed Site Plan

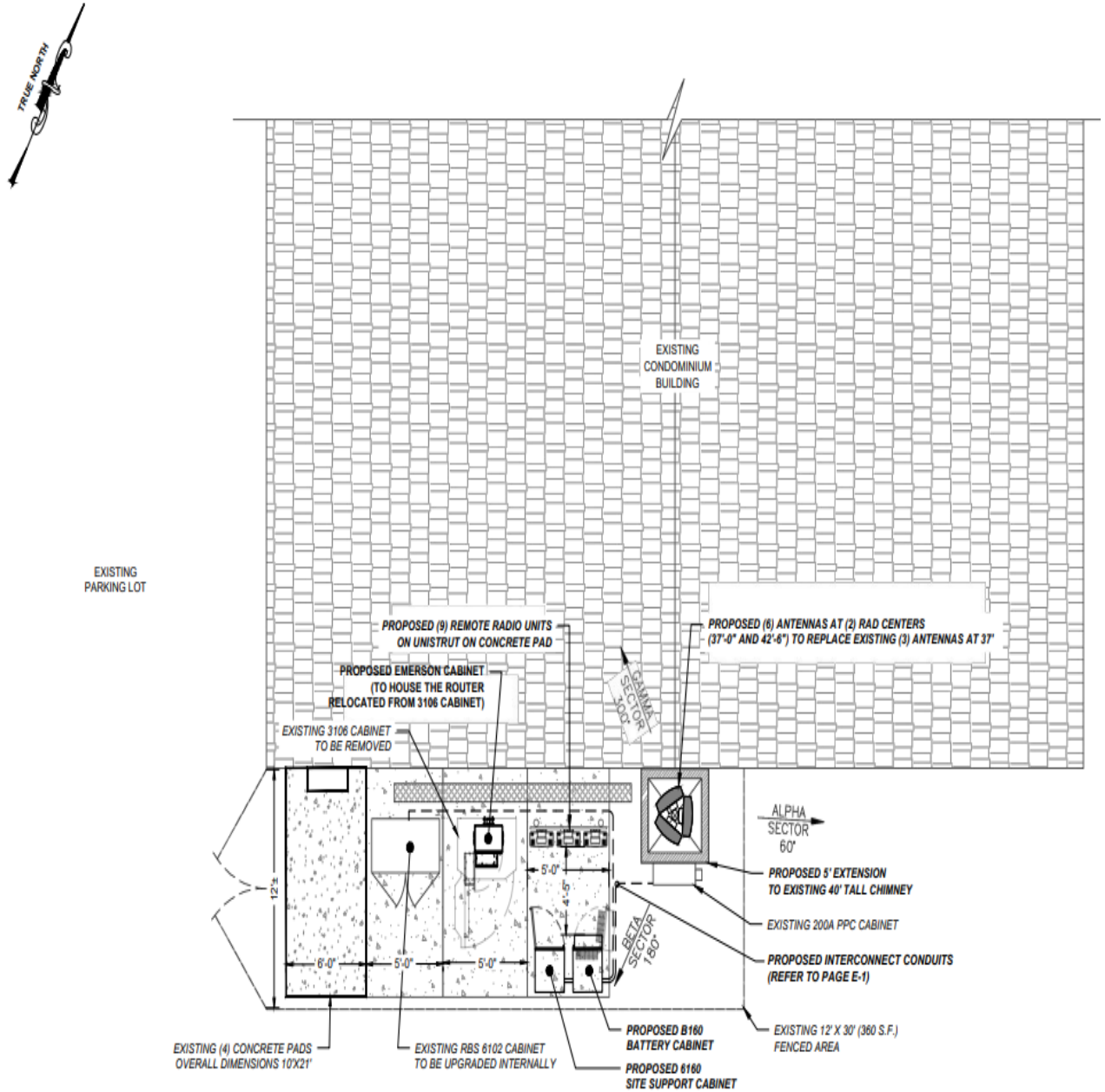


Figure 2 - Elevation Drawing with Faux Chimney Extension

