



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**

October 28, 2022

Lucia Chiocchio, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
lchiocchio@cuddyfeder.com

RE: **PETITION NO. 1538** – New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a small cell telecommunications facility to be located on the cupola at Lyme Town Hall, 480 Hamburg Road, Lyme, Connecticut.

Dear Attorney Chiocchio:

At a public meeting held on October 27, 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 Lyme;
5. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
6. 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;

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. If the facility ceases to provide wireless services for a period of one year the Petitioner 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 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; and
9. 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 25, 2022, and additional information received on September 28, 2022.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/CMW/lm

Enclosure: Staff Report dated October 27, 2022

c: The Honorable David Lahm, First Selectman, Town of Lyme (selectman@townlyme.org)



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Petition No. 1538
New Cingular Wireless PCS, LLC
Small Cell Facility
480 Hamburg Road, Lyme, CT
October 27, 2022

Introduction

On August 29, 2022, the Connecticut Siting Council (Council) received a petition from New Cingular Wireless PCS, LLC (AT&T) for a declaratory ruling, pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, for the proposed installation of a small cell wireless telecommunications facility to be located at the Lyme Town Hall, 480 Hamburg Road in Lyme, Connecticut (Petition or Project).

The small cell would be installed on the cupola of the Town Hall building. On May 4, 2022, the Town of Lyme (Town) authorized AT&T to submit the Petition for the site. The small cell facility would provide reliable wireless service to AT&T customers and emergency responders within the North Lyme Village and Hamburg Road (Route 156) area.

On August 23, 2022, AT&T provided notice of the proposed Project to abutting property owners, officials, and state and federal agencies. No comments were received.

On August 30, 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 September 12, 2022. No comments were received.

The Council issued interrogatories to AT&T on September 15, 2022. AT&T provided responses to the Council's interrogatories on September 28, 2022.

Jurisdiction

Pursuant to CGS §16-50i(a)(6), the Council has exclusive jurisdiction over telecommunications towers, including associated equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system.

Under Regulations of Connecticut State Agencies §16-50j-2a (30), "Tower" means a structure, whether free standing or attached to a building or another structure, that has a height greater than its diameter and that is high relative to its surroundings, or that is used to support antennas for sending or receiving radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, which is or is to be:

- (A) **used principally to support one or more antennas** for receiving or sending radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, and
- (B) owned or operated by the state, a public service company as defined in Section 16-1 of the Connecticut General Statutes, or a certified telecommunications provider, or used in a cellular system, as defined in Section 16-50i(a) of the Connecticut General Statutes. (Emphasis added).

The proposed canister antenna would be mounted on a bracket attached to the backside of the cupola on the Town Hall roof and would be owned and operated by AT&T, a certified telecommunications provider. Thus, the Council has jurisdiction over the proposed small cell facility.

Proposed Small Cell Facility

AT&T's proposed facility would provide network coverage in the north area of Town. The proposed facility would provide wireless service in AT&T's 700/1900/2100 LTE frequency range. It would also provide FirstNet services, a prioritized, preemptive wireless service in the 700 MHz band for first responders in the area. The small cell antenna would be capable of providing 5G services

The Town Hall is located on a 2.65-acre residentially zoned parcel adjacent to the Lyme Public Library and the Lyme Consolidated School. Surrounding land use is municipal and residential. The nearest residential structure is located across Hamburg Road approximately 310 feet southeast of the proposed facility. The Town Hall cupola faces Hamburg Road and extends to a height of 41 feet above ground level (agl).

AT&T intends to install one canister antenna on a mounting bracket attached to the backside of the cupola at a centerline height of 44.1 feet agl. The top of the antenna would extend to a height of approximately 45.1 feet agl. AT&T would also install two remote radio units attached to mounting bars inside the cupola. Electric and telephone service would be routed within the building from existing connections located in the basement.

No backup power is proposed for this small cell facility. AT&T would install an emergency backup generator plug so that a mobile generator can be connected to the facility, if necessary.

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 facility is \$50,000.

Public Safety

A Professional Engineer duly licensed in the State of Connecticut has certified that the building cupola and proposed antenna mount are structurally adequate to support the proposed loading.

The calculated power density would be 0.1 percent of the applicable limit at ground level at a distance of 4 feet from the proposed facility using a far field approximation.

Environmental

No ground disturbance is proposed. No environmental impact is anticipated as work would occur on the building.

The Town Hall is a white clapboard building that was constructed as a church in 1862. The building is not listed on the National Register of Historic Places.

The visual impact of the proposed antenna would be minimal and confined to the area around the building.

Facility Construction

Normal work hours would be Monday through Friday from 8:00 AM to 6:00 PM. Installation of the facility would take approximately four days.

Conclusion

If approved, staff recommends the following condition:

1. Approval of any project changes be delegated to Council staff.

Figure 1. Site Location



Figure 2. Proposed Small Cell Facility Simulation

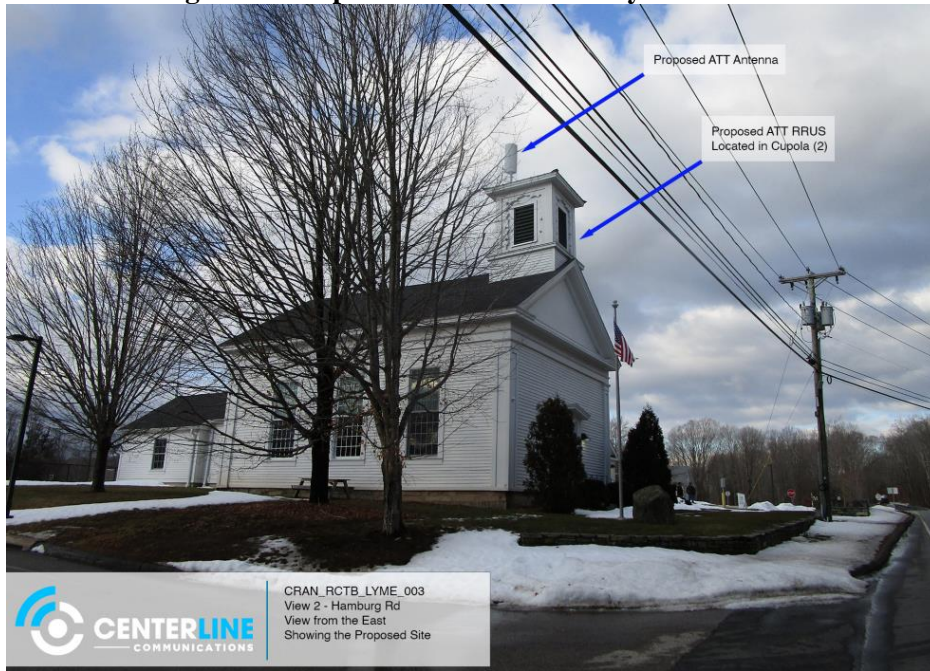
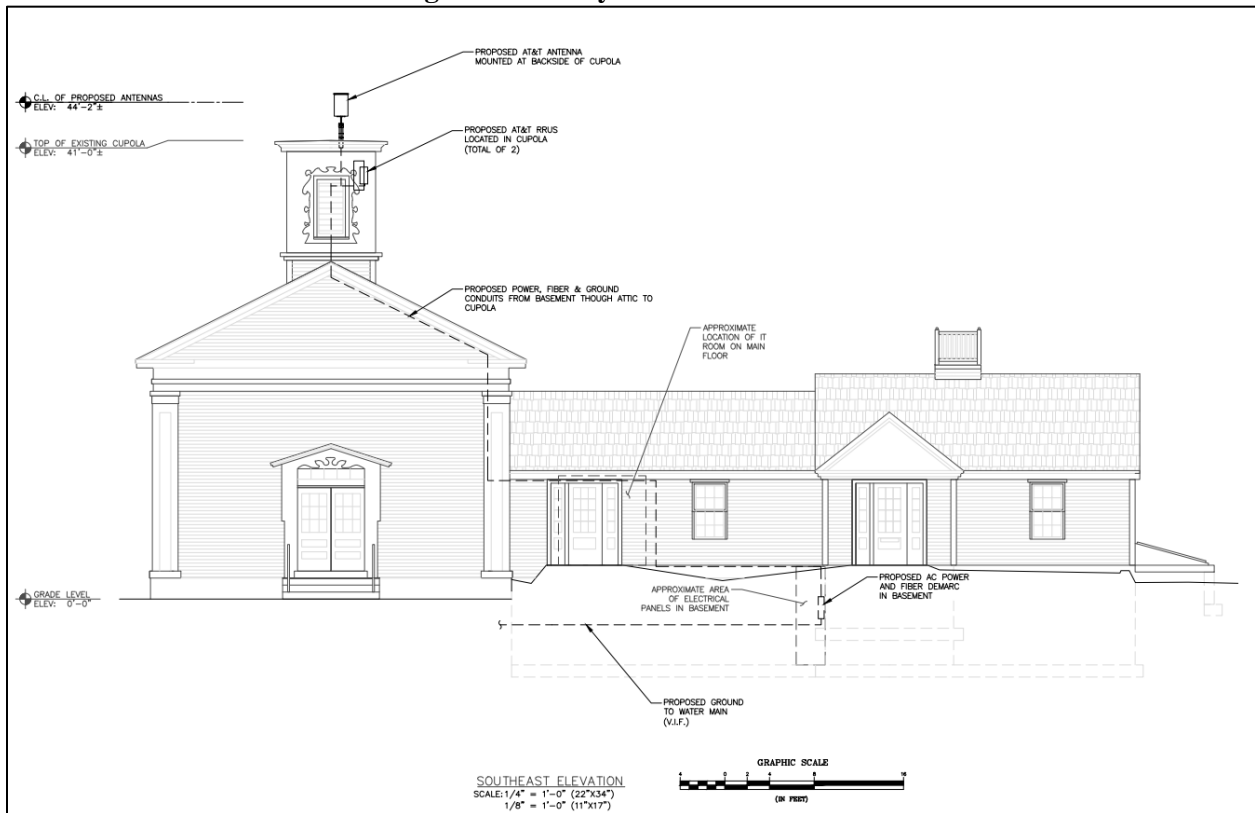


Figure 3. Facility Elevation Site Plan



STATE OF CONNECTICUT)

: ss. Southington, Connecticut October 28, 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. 1538 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 October 28, 2022

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1538 has been forwarded by Certified First Class Return Receipt Requested mail, on October 28, 2022, to all parties and intervenors of record as listed on the attached service list, dated August 29, 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	New Cingular Wireless PCS, LLC (AT&T)	Lucia Chiocchio, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th Floor White Plains, New York 10601 Phone (914) 761-1300 lchiocchio@cuddyfeder.com