



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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**VIA ELECTRONIC MAIL & CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

April 14, 2023

Kenneth C. Baldwin, Esq.
Robinson and Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
kbaldwin@rc.com

RE: **PETITION NO. 1559** – Crown Castle petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed replacement and extension of an existing telecommunications facility located at 41 Padanaram Road, Danbury, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on April 13, 2023, 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. Radio frequency access restriction and caution signage shall be installed at the site in compliance with FCC guidance;
3. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable;
4. Submission of the final construction drawings stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
5. Submission of a structural analysis for the replacement tower/antenna mounts and foundation stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
6. The final structural design shall include a yield point to ensure that the tower setback radius remains within the boundaries of the host property;
7. Submission of a landscaping plan for the tower compound prior to commencement of construction;
8. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
9. 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.

10. 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;
11. Unless otherwise approved by the Council, the existing wood laminate tower shall be removed within 180 days of the installation of the new steel monopole tower;
12. The Council shall be notified in writing within 45 days of when the existing wood laminate tower is removed and the new steel monopole tower is operational unless a written request for an extension is submitted to the Council within that timeframe;
13. 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;
14. If the facility ceases to be used for signal transmission or reception in the electromagnetic spectrum pursuant to a Federal Communications Commission license for a period of one year, the facility owner/operator shall dismantle the tower 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 signal transmission or reception. 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
15. 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, including contact information for the individual acting on behalf of the transferee.

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 February 2, 2023, and additional information received on March 24, 2023.

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 April 13, 2023

c: Service List dated February 16, 2023

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

STATE OF CONNECTICUT)

: ss. Southington, Connecticut April 14, 2023

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Decision and Staff Report in Petition No. 1559 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 April 14, 2023

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1559 has been forwarded by Certified First Class Return Receipt Requested mail, on April 14, 2023, to each party and intervenor, or its authorized representative, as listed on the attached service list, dated February 16, 2023.

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	Crown Castle	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 kbaldwin@rc.com
Intervenor	<input checked="" type="checkbox"/> E-mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 kbaldwin@rc.com
Intervenor	<input checked="" type="checkbox"/> E-mail	New Cingular Wireless PCS, LLC d/b/a AT&T	Thomas J. Regan, Esq. Brown Rudnick LLP 185 Asylum Road Hartford, CT 06103 (860) 509-6527 tregan@brownrudnick.com



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Petition No. 1559
Crown Castle
41 Padanaram Road
Danbury, Connecticut

Staff Report
April 13, 2023

Introduction

On February 2, 2023, Crown Castle (Crown) submitted a petition to the Connecticut Siting Council (Council) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the proposed replacement and extension of an existing telecommunications facility located at 41 Padanaram Road, Danbury, Connecticut (Petition or Project).

Specifically, Crown proposes to replace and extend the height of the existing telecommunications facility and expand the existing compound/lease area at the site to accommodate the collocation of Cellco Partnership d/b/a Verizon Wireless (Cellco), New Cingular Wireless PCS, LLC d/b/a AT&T (AT&T), and future tenants. The existing 80-foot wood laminate monopole has limited structural capacity and is not tall enough to support the collocation of Cellco, AT&T and future tenants.

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40, on or about February 2, 2023, Crown provided notice of the proposed Project to abutting property owners and the City of Danbury (City). Crown received a comment from an abutting property owner requesting confirmation that the Project would not require construction access on the adjacent property. Crown confirmed access on the adjacent property is not necessary.

On February 3, 2023, the Council sent correspondence to the City stating that the Council has received the Petition and invited the municipality to contact the Council with any questions or comments by March 4, 2023. On February 16, 2023, the Council received comments from the City's Deputy Planning Department.¹

On February 8, 2023, Cellco requested intervenor status. The Council granted Cellco intervenor status during a public meeting held on February 16, 2023.

On February 13, 2023, AT&T requested intervenor status. The Council granted AT&T intervenor status during a public meeting held on February 16, 2023.

The Council issued interrogatories to Crown, Cellco and AT&T on March 10, 2023. Cellco submitted responses to the Council's interrogatories on March 23, 2023. Crown and AT&T submitted responses to the Council's interrogatories on March 24, 2023.

¹ [PE1559 TownofDanbury-PlanningDept_s.pdf \(ct.gov\)](#)

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 March 30, 2023, 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 August 1, 2023, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

Jurisdiction

Pursuant to CGS §§16-50i(a)(6) and 16-50x, 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 RCSA §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.

The proposed replacement tower will be used principally to support antennas and used in a cellular system. Thus, the Council has jurisdiction over the proposed replacement facility.

Pursuant to the tower sharing policy of the state under CGS §16-50aa, the Council must examine whether the proposed replacement facility may be shared with any public or private entity that provides service to the public, provided such shared use is technically, legally, environmentally and economically feasible and meets public safety concerns, to promote the immediate and shared use of telecommunications facilities and avoid the unnecessary proliferation of such facilities in the state. The proposed replacement facility is designed to accommodate four wireless carriers and municipal antennas.

Existing Facility

The Council issued a Declaratory Ruling to T-Mobile for this facility on April 27, 2005 in Petition No. 712. The Council approved Sprint’s collocation at the facility in 2007. Crown acquired the existing facility in 2014.

The existing 80-foot wood laminate monopole is located in the southeast portion of an approximately 9.68-acre parcel owned by Robert J. Kaufman. The parcel, zoned Commercial (CN-20) and Residential (RA-20), is used as a concrete manufacturing facility and is developed with a building, the existing facility, several gravel driveways and material storage areas. The facility is located within an undeveloped portion of the parcel and is enclosed within a fenced compound. Abutting property along Route 37 to the north, south and west is commercial and light industrial. Abutting property to the east is residential.

The existing tower currently supports T-Mobile at the top level. In 2021, Sprint decommissioned its equipment at the 70-foot level of the tower. The compound contains equipment cabinets on concrete pads for T-Mobile's equipment.

Proposed Project

Crown intends to replace the existing 80-foot tall wood laminate monopole with a 145-foot tall galvanized steel monopole within a 30-foot by 75-foot fenced equipment compound to accommodate T-Mobile, Cellco and AT&T, as well as provide space for future collocation. The proposed replacement tower would be installed approximately 84 feet northwest of the existing tower location. It would have a diameter of approximately 60 inches at the base and approximately 26 inches at the top. The existing tower has a uniform diameter of 26 inches.

Cellco would install 9 antennas on a low profile platform antenna mount at a centerline height of 118 feet above ground level (agl). Cellco's proposed antennas would provide services in the 700/850/1900/2100/3550/3600 MHz frequencies. The 850 MHz and 3600 MHz frequency bands are capable of providing 5G services.

Cellco's installation would improve its 700/850 MHz service to portions of Route 37 and Route 39 and the surrounding area, provide services in the 1900 MHz, 2100 MHz and 5G services to the surrounding area and improve signal strength within its existing coverage area. Areas of improved signal strength include, but are not limited to, portions of Route 37 and Route 39 in Danbury. In addition, the site would provide capacity relief to Cellco's adjacent sites in Danbury and the northern part of Bethel.

AT&T would install 12 antennas on three sector frame antenna mounts at a centerline height of 140 feet. AT&T's antennas would provide services in the 700/850/1900/2100/2300 MHz frequencies. The 850/1900/2100/2300 MHz frequency bands are capable of providing 5G services. AT&T's installation would provide coverage to portions of Routes 37 and 39, East Hayestown Road and East Pembroke Road.

T-Mobile would relocate its existing antennas and associated equipment to the 128-foot level of the replacement tower.

The new compound would be established at the base of the replacement tower and enclosed by a new 8-foot tall chain link fence and a 12-foot wide double swing gate at the southeastern side. Crown would utilize the existing gravel access and utilities to the site.

Cellco would install one equipment cabinet and a 50-kilowatt diesel fueled emergency backup generator with a 275 gallon double walled base tank within the compound. Cellco's backup generator would be exercised bi-weekly during daytime hours and would be capable of providing up to 120 hours of backup time before refueling.

AT&T would install one equipment cabinet and one 15-kilowatt diesel fueled generator with a 54 gallon double walled base tank within the compound. AT&T's backup generator would be exercised weekly during daytime hours and would be capable of providing up to 53 hours of backup time before refueling.

T-Mobile would also install two equipment cabinets and one diesel fueled generator within the new equipment compound.

Cellco would also install a battery cabinet within its equipment lease area which will help prevent a reboot condition during generator startup and would be capable of supplying power for approximately 4 to 8 hours before recharging is necessary. AT&T would also install battery backup capable of providing approximately 3 to 4 hours of backup power.

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 existing 80-foot wood laminate monopole would be decommissioned and removed within 180 days after the replacement tower is fully operational with all carriers. No disruption to T-Mobile's wireless services is anticipated. The existing site would be restored, all ground equipment and materials would be removed, and the soil would be seeded with native material.

The nearest residential property line from the replacement tower is approximately 127 feet to the east at 17 Hayestown Heights Road. The existing tower is 74 feet from this property line and 645 feet from the single-family residence on the parcel. The nearest residential building from the replacement tower is a multifamily condominium located approximately 174 feet to the south at 25 Padanaram Road. There are approximately 37 residences located within 1,000 feet of the proposed replacement tower.

The estimated cost of the proposed replacement facility is \$650,000 excluding Cellco's and AT&T's installations, and T-Mobile's relocation costs. Cellco's estimated installation costs are \$335,000. AT&T's estimated installation costs are \$308,300.

Neither the Project, nor any portion thereof, is proposed to be undertaken by state departments, institutions or agencies, or funded in whole or in part, by the state through any contract or grant. Crown is a private entity.

Facility Construction

Typical construction hours and workdays of the week are as follows: Monday through Saturday, 7:00 AM to 7:00 PM.

Environmental

Construction would occur within a forested area. Thirty-five trees would be removed to facilitate the construction of the proposed compound.

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

There are no Audubon-designated Important Bird Areas within two miles of the site. The proposed replacement tower would comply with the USFWS recommended best practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning.

The site is not located within a flood zone or proximate to any wetlands. The nearest wetland is located off site approximately 1,000 feet (0.2 miles) west of the replacement tower.

Development of the facility would require 30 cubic yards of cut and 30 cubic yards of fill. Any excess materials would be disposed of off-site. Crown would incorporate appropriate soil erosion and sedimentation control measures consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* prior to the commencement of construction.

A visibility study determined that compared to the existing tower the proposed 145-foot replacement tower would have an additional year round (leaf on) visibility of about 34.5 acres (3.85%) and an additional seasonal (leaf off) visibility of about 77.4 acres (1.72%) within a one mile radius (2,010.6 acres) study area. Total year round views would be from approximately 62.5 acres (3.11%) of the study area, the majority of which are contained within parts of Route 39 and Route 37, open areas, and parts of Danbury High School to the west and commercial parking lots to the east and southeast. Total seasonal visibility would be from approximately 142 acres (7.07%) of the study area. The proposed external antenna arrays on the replacement facility would be visible within approximately 1,000 feet of the site and primarily along Horseshoe Drive and Mabel Avenue, within a residentially developed area.

The nearest publicly accessible recreational resource is Hatters Park located approximately 0.59 miles to the east of the site at its closest point. The replacement tower would not be visible from this park.

A steel monopole was selected over a wood laminate tower to provide the structural capacity to maximize tower sharing potential. A galvanized steel tower would weather to a dull gray finish and blend in with the wooded surroundings, whereas a painted tower would chip and require maintenance. A monopine would not be a suitable stealth design option at the site given the lack of native pine trees within the Project location and additional cost over a monopole design.

No properties listed on the National Register of Historic Places are located proximate to the site.

Public Safety

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

Construction of the replacement tower would not impact or interfere with any existing nearby public utilities. Prior to commencement of construction, all existing utilities and infrastructure locations will be identified to ensure that proper construction measures can be incorporated to avoid impacts and interference.

Access to the facility site would be restricted to the tower tenants and Crown personnel. Carrier equipment would maintain silent intrusion alarms. Climbing pegs on the lower portion of the tower would be removed

to deter unauthorized climbing of the tower. The expanded compound would be enclosed by an eight-foot tall chain link fence with barbed wire on top.

The proposed replacement tower would be located about 127 feet west of the nearest property line; thus, the tower setback radius would extend beyond the host parcel. The tower could be designed with a yield point at no less than 73 feet agl to ensure that the tower setback radius remains within the boundaries of the host property.

Notice to the Federal Aviation Administration is required for the proposed tower; however, the replacement tower would not be a hazard to air navigation and would not require obstruction marking or lighting.

The proposed replacement facility and associated equipment would comply with DEEP Noise Control Standards. The proposed emergency backup generator is exempt from DEEP Noise Control Regulations §22a-69-1.8.

AT&T and Cellco's antennas would support text-to-911 service and would comply with E911 requirements and the intent of the Warning, Alert and Response Network Act of 2006.

AT&T would provide FirstNet Services² from the proposed replacement tower.

The calculated cumulative worst-case power density from the operation of Cellco's, T-Mobile's and AT&T's antennas would be 13.2% of the applicable exposure limit established by the Federal Communications Commission at ground level 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) Radio frequency access restriction and caution signage shall be installed at the site in compliance with FCC guidance;
- 3) Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable;
- 4) Submission of the final construction drawings stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
- 5) Submission of a structural analysis for the replacement tower/antenna mounts and foundation stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction; and
- 6) The final structural design shall include a yield point to ensure that the tower setback radius remains within the boundaries of the host property.

² FirstNet is a subscriber service available to local emergency response entities that would allow preferred wireless service on AT&T's 700 MHz system during emergencies.

Figure 1 - Existing Laminate Wood Pole



Figure 2 - Proposed Facility Location

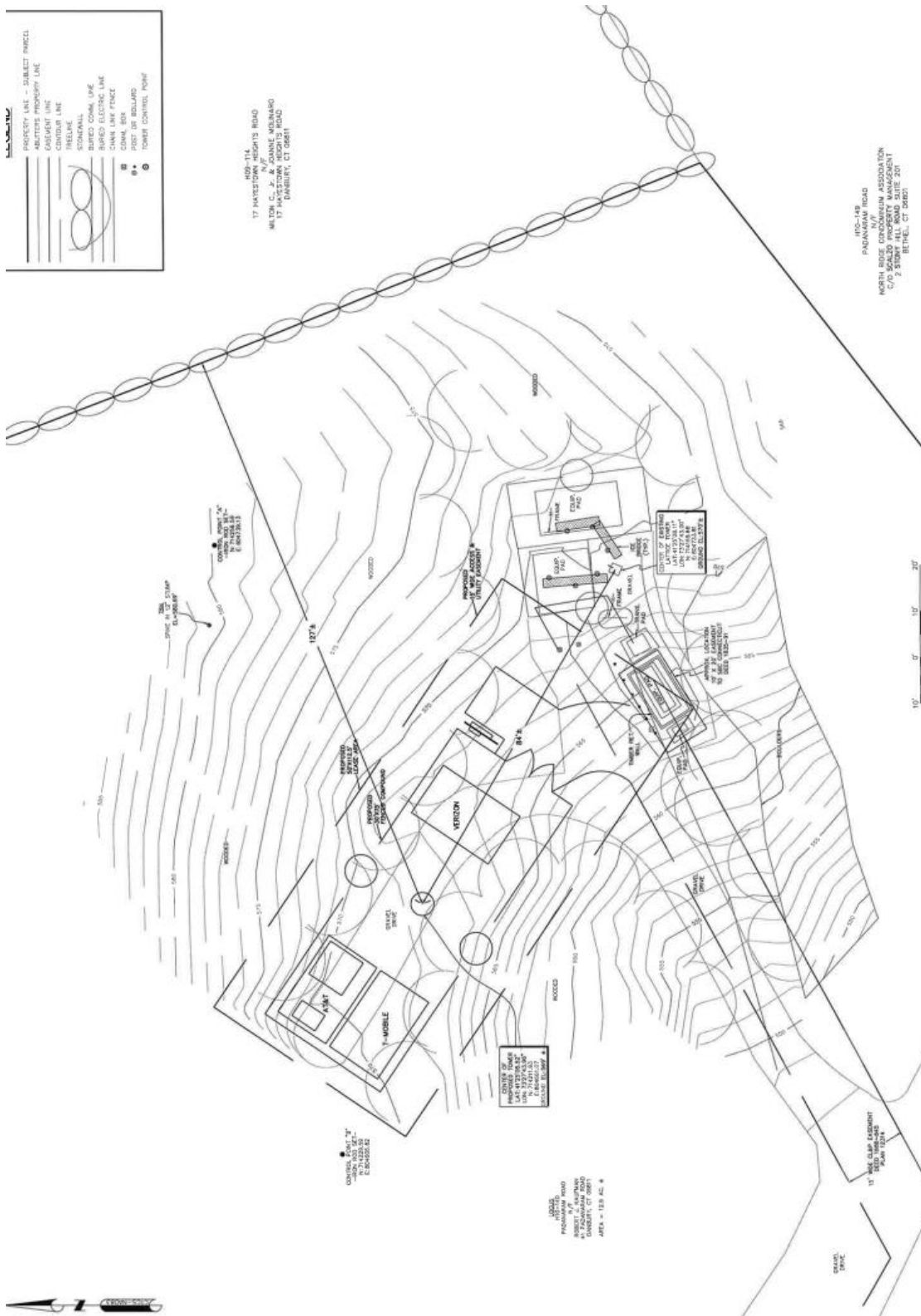


Figure 3 - Proposed Site Plan

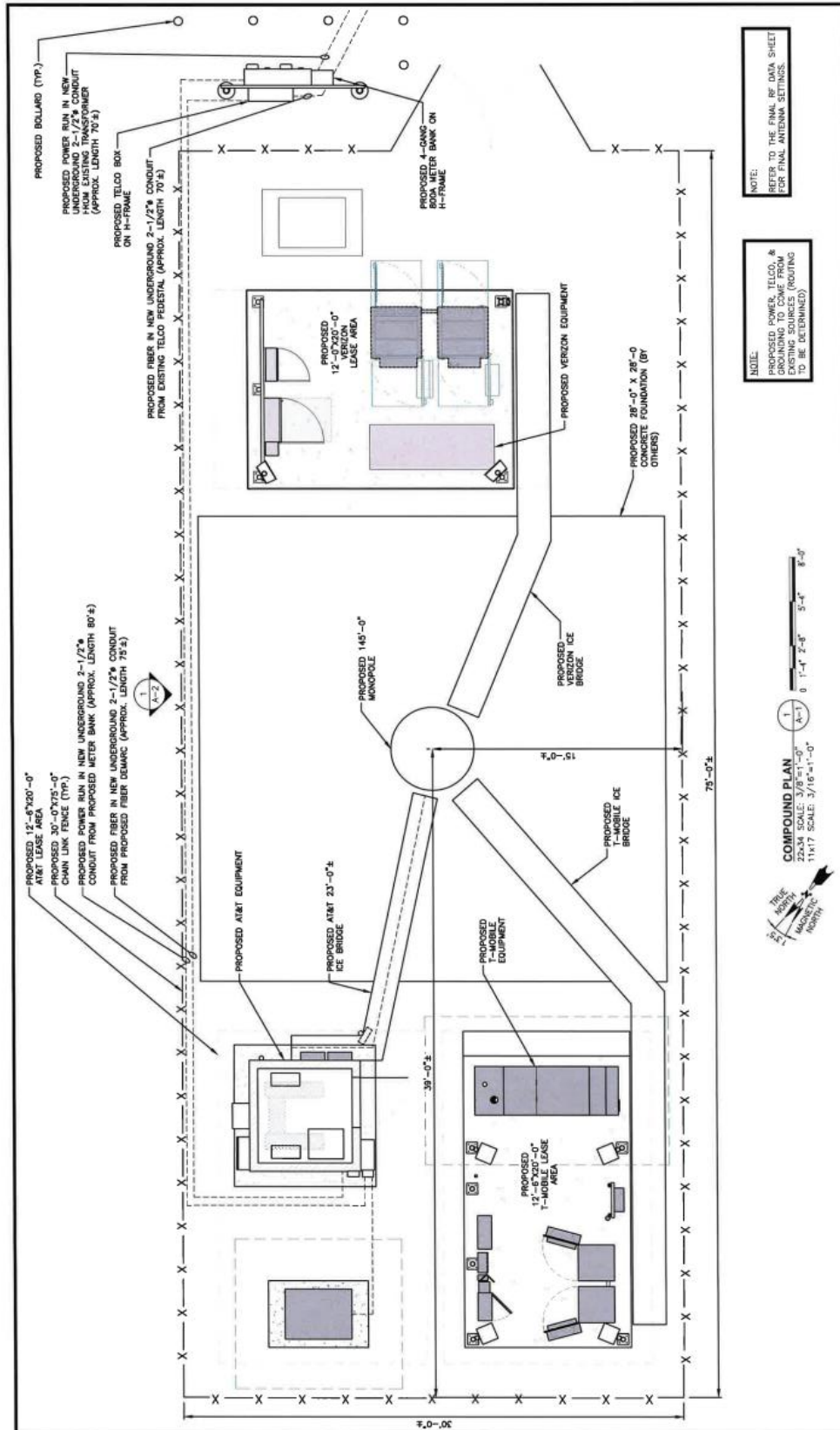


Figure 4 - Proposed Replacement Tower Elevation Drawing

