



# 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 29, 2023

Victoria Masse  
Northeast Site Solutions  
420 Main Street, Unit 1, Box 2  
Sturbridge, MA 01566-1359  
[victoria@northeastsitesolutions.com](mailto:victoria@northeastsitesolutions.com)

RE: **PETITION NO. 1569** – Dish Wireless, 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 St. Matthew Lutheran Church, 224 Lovely Street, Avon, Connecticut.

Dear Victoria Masse:

At a public meeting held on September 28, 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. Submit an eastern box turtle protection plan prior to the commencement of construction;
3. Submit a revised site plan that depicts the leased area for the facility site prior to the commencement of construction;
4. Radio frequency access restriction and caution signage shall be installed at the site in compliance with FCC guidance;
5. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable;
6. Install a generator plug for the deployment of a temporary emergency backup power source;
7. The Council shall be notified in writing at least two weeks prior to the commencement of site construction activities;
8. 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;

9. 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 Avon;
10. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed **along with a representative photograph of the facility modification**;
11. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by Dish Wireless shall be removed within 60 days of the date the antenna ceased to function;
12. 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;
13. 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
14. 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 April 26, 2023 and additional correspondence received September 7, 2023.

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

Sincerely,



Melanie A. Bachman  
Executive Director

MAB/RDM/dll

Enclosure: Staff Report dated September 28, 2023

- c: The Honorable Daniel Polhamus, Chairperson, Town of Avon ([dpolhamus@avonct.gov](mailto:dpolhamus@avonct.gov))  
Brandon Robertson, Town Manager, Town of Avon ([brobertson@avonct.gov](mailto:brobertson@avonct.gov))  
Service List, dated May 1, 2023

STATE OF CONNECTICUT )

: ss. Southington, Connecticut

September 29, 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. 1569 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 29, 2023

COUNTY OF HARTFORD )

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1569 has been forwarded by Certified First Class Return Receipt Requested mail, on September 29, 2023, to each party and intervenor, or its authorized representative, as listed on the attached service list, dated May 1, 2023.

ATTEST:



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Dakota LaFountain  
Clerk Typist  
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	Dish Wireless, LLC	Victoria Masse Northeast Site Solutions 420 Main Street, Unit 1, Box 2 Sturbridge, MA 01566-1359 Phone (860) 306-2326 <a href="mailto:victoria@northeastsitesolutions.com">victoria@northeastsitesolutions.com</a>



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**Petition No. 1569  
Dish Wireless, LLC  
224 Lovely Street  
Avon, Connecticut**

**Staff Report  
September 28, 2023**

## **Notice**

On April 28, 2023, the Connecticut Siting Council (Council) received a petition from Dish Wireless LLC (Dish) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for proposed modifications to an existing telecommunications facility located at 224 Lovely Street, Avon, Connecticut (Petition or Project). Specifically, Dish proposes to co-locate antennas on the existing monopole and install ground equipment within an expanded compound at the site.

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40, on or about April 26, 2023, Dish provided notice to abutting property owners and Town of Avon (Town) officials, respectively. No comments from the Town or abutting property owners were received.

On May 1, 2023, 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 May 28, 2023. No comments were received.

Under RCSA §16-50j-40, neither Dish nor the Council is required to provide notice to the state agencies listed in CGS §16-50j(g) when a petition for a declaratory ruling for modifications to an existing facility is submitted to the Council. On May 26, 2023, the Council on Environmental Quality submitted comments on the Project<sup>1</sup>.

The Council submitted interrogatories to Dish on May 19, 2023. Following three extensions, Dish submitted responses to the Council's interrogatories on September 7, 2023.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take an action on a petition within 60 days of receipt. On June 8, 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 October 25, 2023, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

## **Project Development**

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<sup>1</sup> [https://portal.ct.gov/-/media/CSC/3\\_Petitions-medialibrary/Petitions\\_MediaLibrary/MediaPetitionNos1501-1600/PE1569/ProceduralCorrespondence/PE\\_1569-CEQcommentsrecd\\_a.pdf](https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1569/ProceduralCorrespondence/PE_1569-CEQcommentsrecd_a.pdf)

The Project is needed to provide wireless service along portions of Routes 177 and 167 and surrounding areas.

The estimated cost of the Project is \$48,000.

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. Dish is a private entity.

### **Existing Facility**

The Council issued a Certificate of Environmental Compatibility and Public Need for the facility to New Cingular Wireless PCS, LLC (AT&T) on October 7, 2010 in Docket No. 373A and included a condition that the “tower shall be constructed as a 110-foot tall monopole with interior flush-mount antennas...”

The existing facility is owned by SRR Towers, LLC<sup>2</sup> and consists of a 110-foot monopole located on a 5.25-acre residentially-zoned parcel that is developed with a church, parsonage and associated parking and lawn areas. The host parcel is owned by St. Matthew Lutheran Church. The tower site is located in the eastern portion of the host parcel, north of the parsonage and adjacent to the Roaring Brook riparian corridor.

The tower hosts AT&T at the 108, 102 and 95 foot levels and T-Mobile at the 85 foot level. The 30-foot by 30-foot equipment compound is enclosed with a stockade fence and contains an equipment shelter and equipment cabinets on a concrete pad.

### **Proposed Modifications**

Dish proposes to install three 600/1900/2100 MHz flush-mounted antennas and six diplexers at a centerline height of 67 feet and 60 feet above ground level (agl), respectively. The proposed antennas would be capable of providing 5G services.

Due to the size of the antennas, they will not be able to fit within the existing 36-inch concealment casing that extends to the top of the tower. To conceal its antennas, Dish would install a 48-inch diameter canister around the antennas, extending for eight feet from approximately 63 feet agl to 71 feet agl.

Dish would expand the existing compound area by approximately 87 square feet and install a 5-foot by 7-foot raised steel equipment platform to support its radio equipment cabinet and other associated ground level equipment. An H-frame would be installed adjacent to the steel platform to support 6 remote radio units.

The expansion area is located along the north side of the existing compound and would be enclosed by a stockade fence that matches the existing fence. Due to site topography and the existing compound layout, Dish personnel would access the equipment by foot through the existing compound gate or from a new access gate along the north side of the expansion area. There will be no vehicular access to the proposed gate on the north side of the compound.

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<sup>2</sup> SRR Towers, LLC purchased this facility from AT&T Wireless on March 31, 2022. A request for a transfer of Certificate was not submitted to the Council.

Underground power and fiber lines would be installed to Dish's equipment within new conduit extending from an existing H-frame and utility box at the compound parking area. The lines would extend between AT&T's shelter and the compound fence.

Dish would utilize an emergency power network sharing agreement with T-Mobile and AT&T in the event of a power outage. Dish would install a generator plug within its equipment platform in the event a mobile generator is brought on-site.

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.

Due to limited access in the expansion area, material and equipment will be brought to the area and assembled/installed by hand.

The Project would take approximately three weeks to complete. Construction will occur during normal business hours, or as allowed by the tower and/or property owner. Dish would coordinate with St. Matthew's Church to ensure there are no disruptions to church operations.

### **Environmental Effects and Mitigation Measures**

Construction would occur in a level area at the base of a slope. No excavation or filling would be required. No lighting would be installed.

One tree may be trimmed or removed to facilitate construction. If the tree is removed the stump would remain. Existing landscaping around the compound will remain. Views of the expansion area would be screened by existing vegetation, topography and landscaping.

The proposed expansion area is not within a flood zone. Riparian wetlands associated with Roaring Brook are approximately 15 feet east of the existing compound. The proposed compound expansion area is to the north of the existing compound and would not be closer than 15 feet to the wetland. Erosion and sedimentation controls would be established consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended.

The Project site is within the range of the eastern box turtle, a state species of special concern. Dish would establish rigid barriers around the construction area to deter turtles from entering the area and work with an environmental consultant prior to construction.

The Project site is not within a DEEP designated Aquifer Protection Area.

There would be no increase in tower height. The diameter of proposed concealment canister around the proposed antennas would be one foot larger than the existing casing for an eight-foot section of the tower. The proposed compound expansion would impact a small portion of the existing site perimeter. Thus, no substantial adverse environmental or visual impact is expected from the proposed installation.

### **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 using a maximum wind speed of 116 miles per hour, the National Electrical Code, the Connecticut State Fire Safety Code, and the Occupational Safety and Health Administration (OSHA) standards. The concealment canister was designed to the 2018 Connecticut State Building Code.

Expansion of the existing compound 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.

A Professional Engineer duly licensed in the State of Connecticut has certified that the tower is structurally adequate to support the proposed loading.

The calculated cumulative worst-case power density after Dish's installation would be 21.6% of the applicable exposure limit established by the Federal Communications Commission at ground level using a far field approximation.

### **Conclusion**

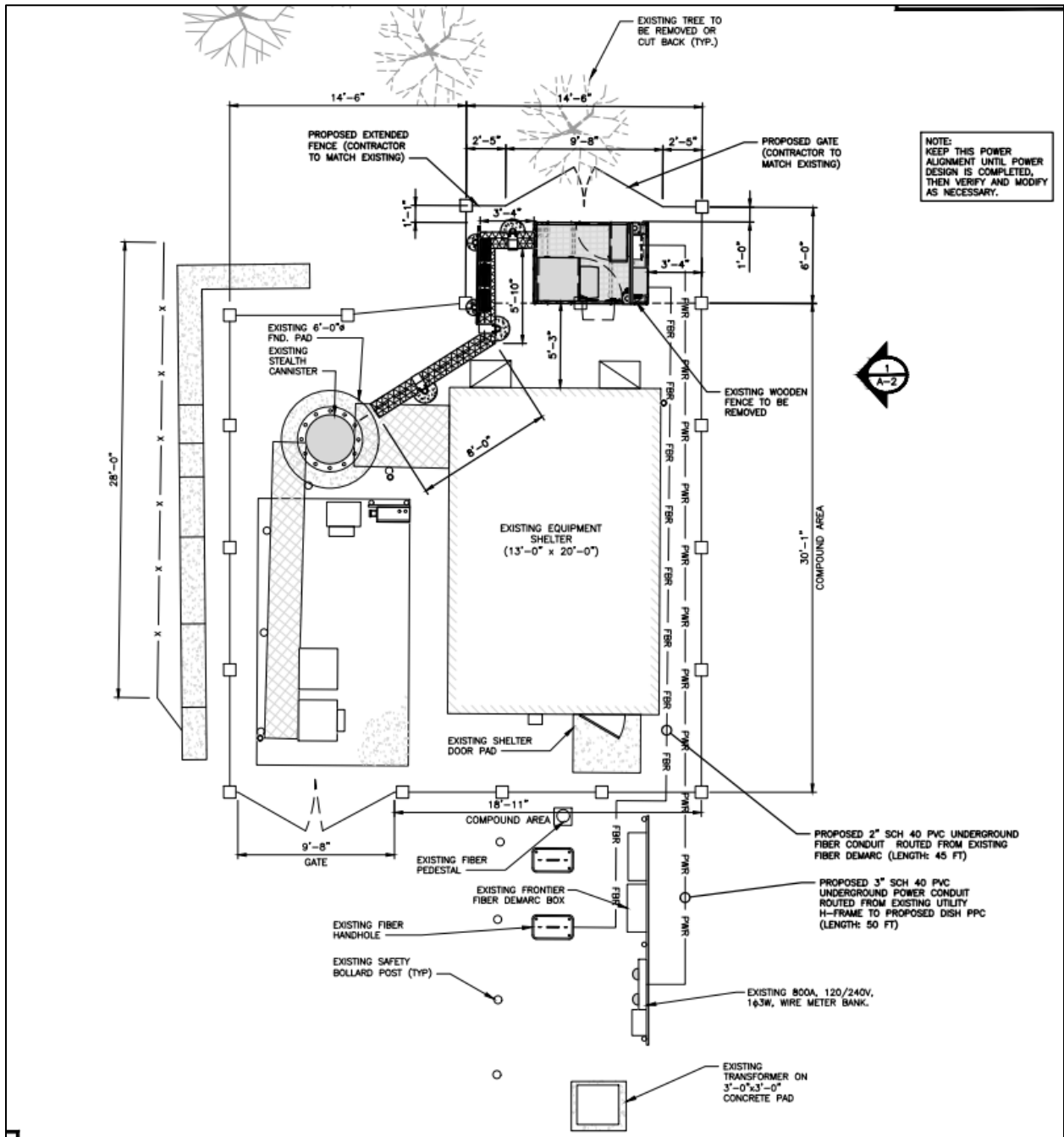
If approved, staff recommends the following conditions:

- 1) Approval of any project changes be delegated to Council staff;
- 2) Submit an eastern box turtle protection plan prior to the commencement of construction;
- 3) Submit a revised site plan that depicts the leased area for the facility site prior to the commencement of construction;
- 4) Radio frequency access restriction and caution signage shall be installed at the site in compliance with FCC guidance; and
- 5) Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable.

### Aerial Image of Existing Facility and Proposed Expansion Area



### Proposed Site Plan



### Tower Elevation

