



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 21, 2023

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

RE: **PETITION NO. 1590** – TowerNorth Development, LLC and New Cingular Wireless, PCS d/b/a AT&T petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the replacement of an existing municipal communications tower located at 13 Pomeroy Avenue, Meriden, Connecticut. **Final Decision.**

Dear Attorneys Patrick & Chiocchio:

At a public meeting held on December 21, 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. Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable;
3. Submit a structural analysis for the replacement tower and foundation inclusive of AT&T's equipment that is stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
4. Submit the final structural design drawings that include a yield point to ensure that the tower setback radius remains within the boundaries of the host parcel prior to commencement of construction;
5. Unless otherwise approved by the Council, the existing lattice tower at 13 Pomeroy Avenue and the existing non-tower antenna array (NTAA) at 900 East Main Street shall be removed within 180 days of the installation of the new steel monopole tower;
6. The Council shall be notified in writing within 45 days of when the existing lattice tower at 13 Pomeroy Avenue and existing NTAA at 900 East Main Street have been removed and the new steel monopole tower is operational, **along with a representative photograph of the facility**, unless a written request for an extension is submitted to the Council within that timeframe;

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 City of Meriden.
10. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by AT&T shall be removed within 60 days of the date the antenna ceased to function;
11. 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;
12. 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
13. 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 August 31, 2023, and additional information received on November 9, 2023.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman".

Melanie A. Bachman
Executive Director

MAB/ANM/dll

Enclosure: Staff Report dated December 21, 2023

c: The Honorable Kevin M. Scarpati, Mayor, City of Meriden (kscarpati@meridenct.gov)
Emily Holland, Acting City Manager, City of Meriden (eholland@meridenct.gov)

STATE OF CONNECTICUT)

: ss. Southington, Connecticut

December 22, 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. 1590 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 22, 2023

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1590 has been forwarded by Certified First Class Return Receipt Requested mail, on December 22, 2023, to each party and intervenor, or its authorized representative, as listed on the attached service list, dated September 5, 2023.

ATTEST:



Dakota LaFountain
Clerk Typist
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)
Petitioners	<input checked="" type="checkbox"/> E-mail	TowerNorth Development, LLC and New Cingular Wireless, PCS d/b/a AT&T	Daniel Patrick, Esq. Lucia Chiocchio, Esq. Cuddy & Feder LLP 445 Hamilton Ave 14 th Floor White Plains, New York 10601 Phone: (914) 761-1300 dpatrick@cuddyfeder.com lchiocchio@cuddyfeder.com



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Petition No. 1590

**TowerNorth Development, LLC and New Cingular Wireless PCS, LLC
13 Pomeroy Avenue
Meriden, Connecticut**

**Staff Report
December 21, 2023**

Introduction

On August 31, 2023, TowerNorth Development, LLC (TowerNorth) and New Cingular Wireless PCS, LLC d/b/a AT&T (AT&T) (collectively, Petitioners) 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 of an existing municipal communications tower located at 13 Pomeroy Avenue, Meriden, Connecticut (Petition or Project).

Specifically, Petitioners propose to replace and extend the height of the existing municipal communications tower to support AT&T's equipment and structurally accommodate the potential collocation of additional tenants. The existing 60-foot lattice municipal communications tower has limited structural capacity and is not tall enough to support collocation of AT&T and future tenants.

Pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-40, on or about August 30, 2023, Petitioners provided notice to the abutting property owners and City of Meriden (City) officials.

On September 5, 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 October 1, 2023. No comments were received.

On September 28, 2023, the Council on Environmental Quality submitted comments on the Project related to the implementation of best management practices during construction to protect wetlands.¹

The Council issued interrogatories to Petitioners on October 25, 2023. Petitioners submitted responses to the Council's interrogatories on November 9, 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 for a declaratory ruling within 60 days of receipt. During a regular meeting held on October 12, 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 February 28, 2024, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

Jurisdiction

¹ https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1590/ProceduralCorrespondence/PE1590_STATEMEMO-CommentsRecd_a.pdf

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 Municipal Communications Tower and Site

The existing municipal communications tower was approved by the City and constructed in 1968.

It is a 60-foot self-supporting lattice tower located on the western portion of an approximately 0.66-acre parcel owned by the City that hosts the Chief Leonard A. Petrucelli Memorial Firehouse Fire Station #5 (Fire Station). The host parcel, zoned Commercial Highway (C-3), is located southwest of the Pomeroy Avenue and East Main Street intersection. It is developed with one building, a parking area and the existing municipal communications tower. The tower is located about 59 feet south of the Fire Station building and is enclosed within a chain link fence.

The existing tower currently supports the City’s public safety and emergency services communications equipment.

Existing Rooftop Non-Tower Antenna Array

AT&T currently maintains a non-tower antenna array (NTAA) on a sign support structure mounted to the rooftop of the Comfort Inn & Suites at 900 East Main Street. AT&T’s antennas are located at 69 feet and 50 feet above ground level (agl). The existing sign support structure is inadequate to support additional AT&T equipment. The building owner does not plan to complete the structural modifications required to accommodate AT&T’s equipment upgrades.

The proposed replacement facility at the Fire Station on Pomeroy Avenue would allow AT&T to remove its equipment from the roof of the Comfort Inn & Suites. If the replacement facility is approved, AT&T would decommission its existing NTAA once the replacement facility became operational.

Proposed Replacement Facility

AT&T established a search ring in September of 2020. It evaluated four other tower sites located at the Red Roof Inn at 10 Bee Street where a 140-foot tower would be required to meet coverage objectives; 934 and 965 East Main Street where a lease could not be negotiated with the property owner; and 366 Bee Street where a 150-foot tower would be required to meet coverage objectives.

Under a lease agreement with the City, TowerNorth would own and operate the proposed replacement facility. It intends to replace the existing 60-foot self-supporting lattice tower with a 150-foot monopole, within a paved parking lot and lawn area, approximately 15 feet south of the existing municipal communications tower location and approximately 68 feet southwest of the Fire Station building. The proposed replacement tower would have a diameter of 4-feet 6-inches at the base and 2-feet at the top.

The City is not proposing to install antennas and equipment on the tower or in the compound at this time.

AT&T would install 9 antennas and 12 RRUs at a centerline height of 141-feet agl on the replacement tower. AT&T's proposed antennas would provide services in the 700/850/1900/2100/2300 MHz frequencies and would be capable of providing 5G services. AT&T's antenna installation on the proposed replacement facility would supplant its existing rooftop NTAA located at 900 East Main Street, which would be decommissioned.

Coverage maps indicate AT&T's equipment upgrade would improve its existing 700 MHz coverage area by approximately 0.27 square miles at -83dBm and 0.57 square miles at -93dBm. The proposed facility would provide additional 700 MHz coverage to approximately 1.5 miles along State Highway 15, 0.9 miles along Pomeroy Avenue/Paddock Avenue, 0.7 miles along Bee Street, 0.6 miles along Interstate 91 (I-91), and along Mattabasset Drive.

Petitioners would utilize existing access and utilities to the site. Telephone and electric service would be routed through underground conduits to connect the tower compound to an existing utility pole to the east of the parcel along Pomeroy Avenue. A 100-foot retaining wall would be constructed along the east edge of the Fire Station parking lot to enable an expansion of the parking lot to allow for circulation of vehicles. A total of 14 parking spaces would be created within the expanded parking area.

The new 1,230 square foot compound would be established at the base of the replacement tower and enclosed by a 6-foot tall chain link fence with two 12-foot wide double gates at the eastern side of the facility compound. The compound would be constructed within a 1,250 square foot area.

AT&T would install a walk-in equipment cabinet on a concrete pad as well as a 15-kilowatt diesel-fueled emergency backup generator with a 54 gallon double walled base tank within the compound. AT&T's generator would be exercised weekly during daylight hours and would be capable of providing up to 50 hours of backup time before refueling. AT&T has a battery backup capable of supplying power for up to

three hours. A GPS antenna, telco/electric lines and conduits, utility meter, and ice bridge would also be installed.

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.

Verizon Wireless and the City Fire Department have expressed interest in locating on the proposed facility in the future.

The existing 60-foot self-supporting lattice tower would be removed down to the foundation bolts and decommissioned during the construction of the proposed replacement facility. The existing tower foundation would be left in place to avoid further land disturbance.

The total estimated cost of the proposed replacement facility is \$840,000. Cost associated with TowerNorth is estimated to be \$710,000. Cost associated with AT&T is estimated to be \$130,000.

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. TowerNorth and AT&T are private entities.

Facility Construction

The Project would take approximately three to four months to complete. Typical construction hours/days of the week would be 8:00 AM to 5:00 PM, Monday-Friday.

A temporary facility will not be required to maintain wireless services during construction of the proposed replacement facility.

Environmental Effects and Mitigation Measures

Construction would occur within the existing developed area. One tree would be removed for the parking lot expansion.

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

The nearest Important Bird Area is Wangunk Meadows located approximately 8.5-miles northeast of the site. The proposed replacement tower would comply with the United States Fish and Wildlife Service recommended best practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning.

A visibility study determined that, compared to the existing tower, the proposed 150-foot replacement tower would have additional visibility along approximately 0.33 miles in either direction along East Main Street and 0.25 miles to the south along Pomeroy Avenue. Additional visibility along Paddock Avenue, a residential area to the west, and Arlington Street North, to the north, is not expected.

A monopole would provide the structural capacity to maximize tower sharing potential. The galvanized steel finish would weather to a dull gray and blend in with the varying sky colors, any available painted colors would become more visible with varying weather conditions. AT&T considered a flagpole design but determined it would limit opportunities for collocation by additional carriers, limit the number of antennas and/or other equipment that can be installed per level and require a larger diameter pole. Municipal whip antennas cannot be installed inside a flagpole.

The existing municipal communications tower is approximately 3 feet east of a wetland. The proposed replacement facility would be 5 feet east of the wetland. Relocation of the proposed replacement facility toward the road to increase the distance to the wetland would impede fire department operations. Erosion and sedimentation controls including 8-inch diameter straw wattles would be installed along the length of the parking lot to protect the wetland area consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Controls*.

The site is not within a Federal Emergency Management Agency-designated flood zone.

No properties listed on the National Register of Historic Places are located proximate to the existing 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 standards (OSHA).

The existing municipal communications tower is located approximately 70 feet from the I-91/Route 15 off-ramp. The proposed replacement tower would be located approximately 80 feet from the I-91/Route 15 off-ramp. The existing municipal communications tower is located approximately 59 feet from the Fire Station building. The proposed replacement tower would be located approximately 68 feet from the Fire Station building.

The existing municipal communications tower is located about 19 feet from the nearest property line. The proposed replacement tower would be located about 33 feet from the nearest property line. The tower setback radius would extend beyond the host parcel. The replacement tower can be designed with a yield point at 75 feet agl so that the tower setback radius remains within the boundaries of the host parcel.

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 using Call Before You Dig to ensure that proper construction measures can be incorporated to avoid impacts and interference.

Access to the facility site would be restricted to the tenants and TowerNorth personnel. AT&T's equipment would be fitted with silent intrusion alarms.

A Federal Aviation Administration Determination (FAA) found the replacement tower would not be a hazard to air navigation and would not require obstruction marking or lighting. If the City installs antennas in the future that exceed a height of 154 feet agl, a new FAA Determination would be required.

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'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 AT&T's antennas would be 5.02% 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) Deployment of any 5G services must comply with FCC and FAA guidance relative to air navigation, as applicable;
- 3) Submit a structural analysis for the replacement tower and foundation inclusive of AT&T's equipment that is stamped and signed by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction;
- 4) Submit the final structural design drawings that include a yield point to ensure that the tower setback radius remains within the boundaries of the host parcel prior to commencement of construction;
- 5) Unless otherwise approved by the Council, the existing lattice tower at 13 Pomeroy Avenue and the existing NTAA at 900 East Main Street shall be removed within 180 days of the installation of the new steel monopole tower; and
- 6) The Council shall be notified in writing within 45 days of when the existing lattice tower at 13 Pomeroy Avenue and existing NTAA at 900 East Main Street have been removed and the new steel monopole tower is operational unless a written request for an extension is submitted to the Council within that timeframe.

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 Municipal Self-Supporting Lattice Tower.



Figure 2 - Proposed Site Plan with Replacement Tower Location

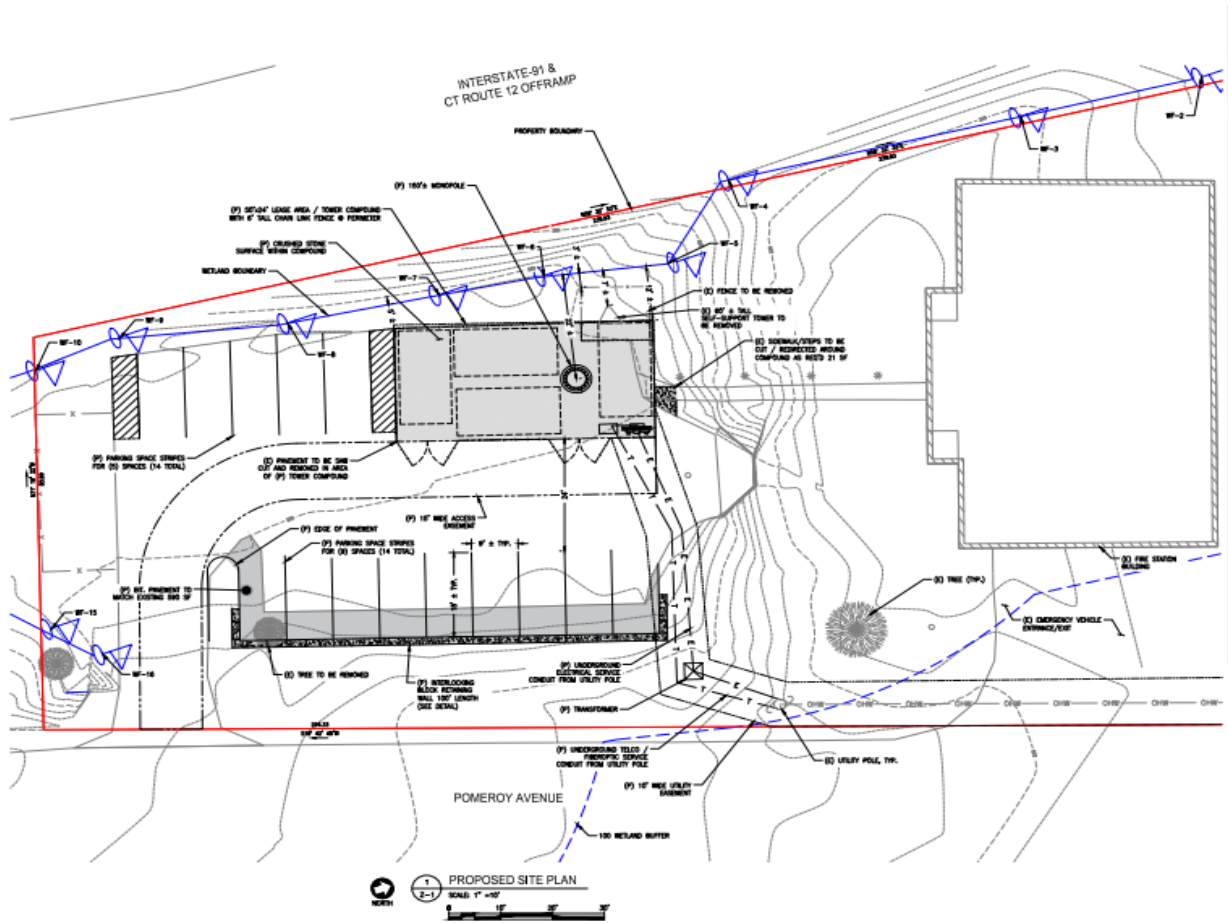
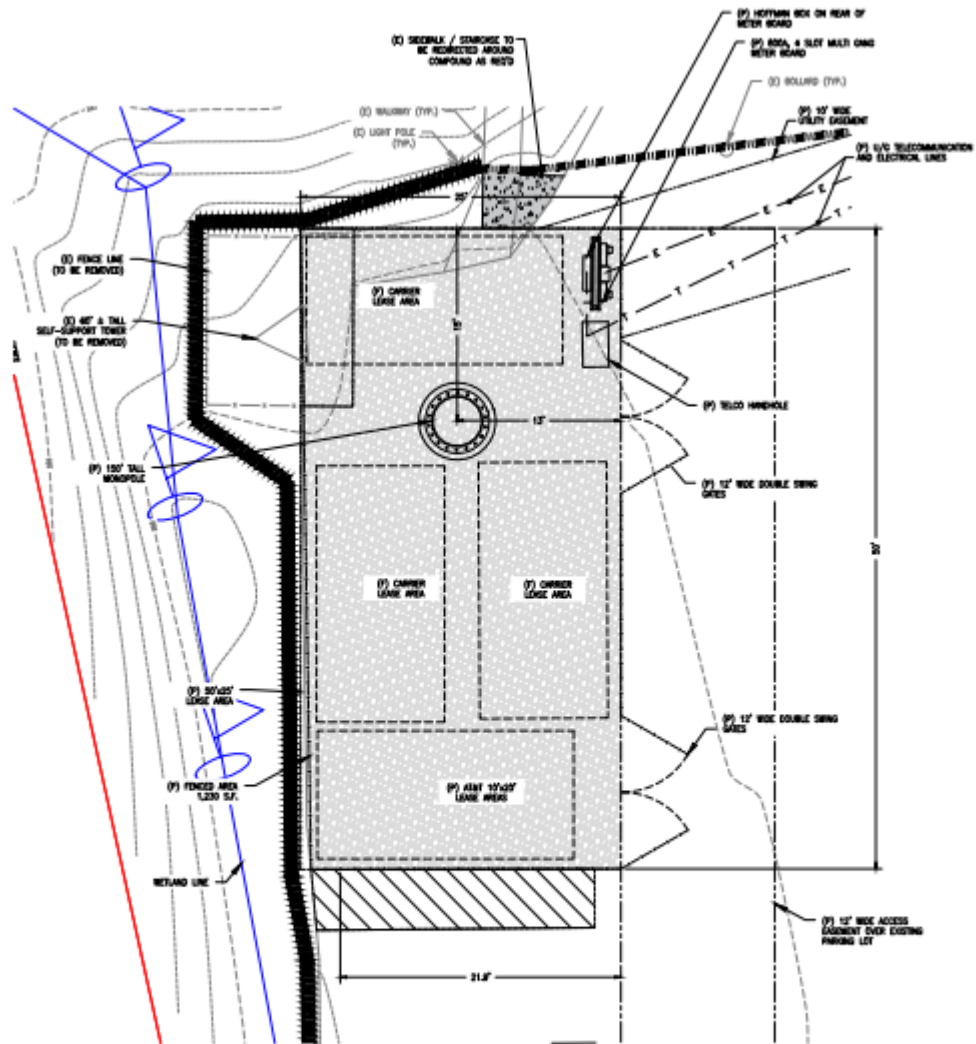


Figure 3 - Proposed Compound Plan



1 COMPOUND PLAN
2-2 SCALE: 1" = 3'

0 3' 6' 9' 12'

Figure 4 – Proposed Erosion & Grading Plan

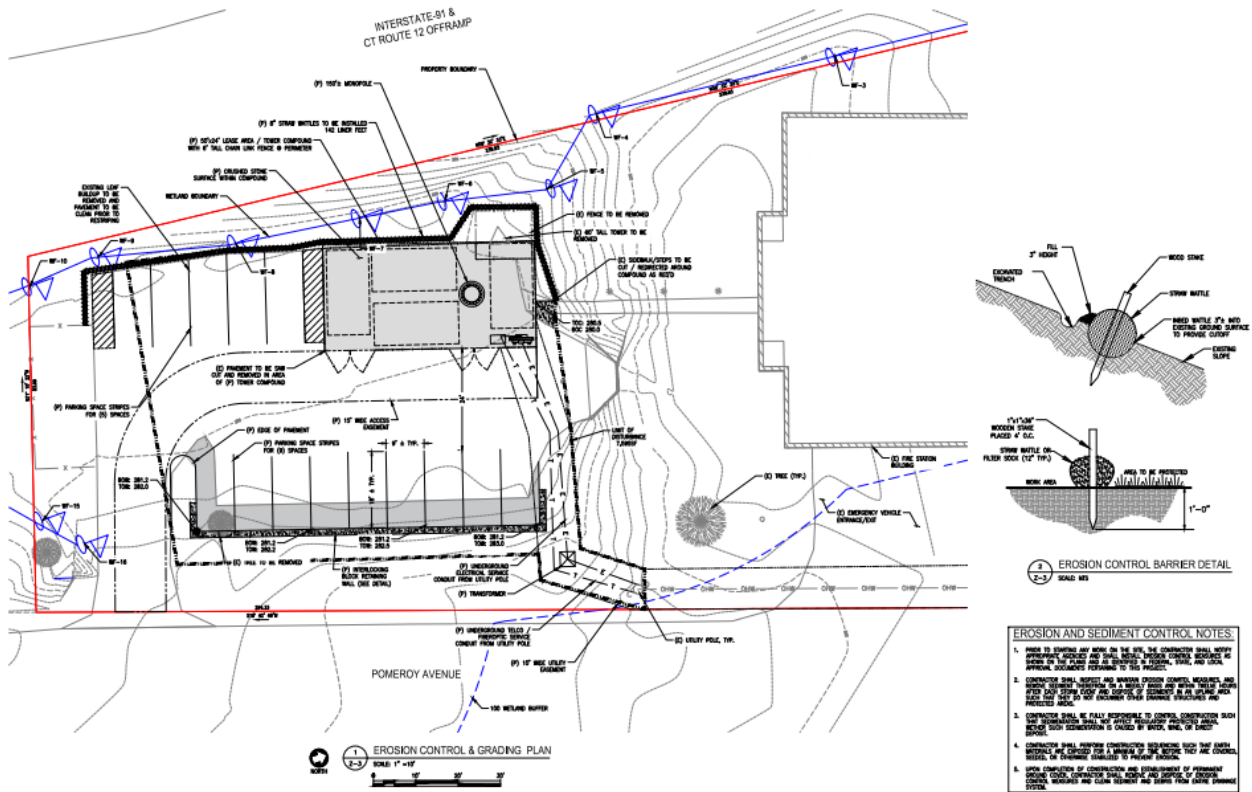


Figure 5 - Proposed Replacement Tower Elevation Drawing

