

DRAFT

**Petition No. 1461
SBA Communications Corporation
130 Welles Road, Groton, Connecticut**

**Request for Waiver of Condition No. 5 Staff Report
August 12, 2022**

On November 18, 2021, the Connecticut Siting Council (Council) issued a Declaratory Ruling to SBA Communications Corporation (SBA), pursuant to Connecticut General Statutes §4-176 and §16-50k, for the replacement and extension of an existing telecommunications facility located at 130 Welles Road, Groton, Connecticut (Project). In its Declaratory Ruling, the Council included conditions pertaining to construction of the facility.

On August 2, 2022 SBA submitted correspondence regarding compliance with Condition Nos. 2, 3, and 4 of the Declaratory Ruling and a request for waiver of Condition No. 5.

The submitted information is presented in detail below:

Declaratory Ruling Condition No. 2. *Submission of the Erosion and Sediment Control Plan prior to the commencement of construction;*

SBA submitted Erosion and Sedimentation Control Plan details in the final construction plans on Sheets C-5 and C-6. The submission complies with Condition No. 2.

Declaratory Ruling Condition No. 3. *Submission of the final FAA Determination prior to the commencement of construction.*

SBA submitted the final Determination of No Hazard to Air Navigation from the Federal Aviation Administration. The submission complies with Condition No. 3.

Declaratory Ruling Condition No. 4. *Submission of the final structural design drawings for the tower and foundation stamped by a Professional Engineer duly licensed in the State of Connecticut prior to commencement of construction.*

SBA submitted final structural design drawings for the replacement tower and foundation, as well as a Structural Design Report for the replacement tower. The submission complies with Condition No. 4.

Declaratory Ruling Condition No. 5. *The final structural design drawings shall include a yield point to ensure that the tower setback radius remains within the boundaries of the subject property.*

SBA is requesting a waiver of this condition. It was intended to prevent the tower setback radius from encroaching upon the abutting property to the north. As noted in the Declaratory Ruling, the host parcel of the existing site and the adjacent parcel to the north are owned by the Town of Groton.

In August 1, 2022 correspondence to the Council, the Groton Town Manager supports SBA's request for a waiver of Condition No. 5 because the Town owns both the host parcel of the existing site and the abutting parcel to the north. The Town does not believe the inclusion of a yield point is necessary.

CONCLUSION

Declaratory Condition Nos. 2, 3, and 4 are satisfied.

Staff recommends the request for waiver of Condition No. 5 be granted.