



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

www.ct.gov/csc

April 16, 2018

Ryan Lynch
Real Estate Specialist
Smartlink, LLC
85 Rangeway Road
Building 3, Suite 102
North Billerica, MA 01862

RE: **EM-AT&T-066-180322** - AT&T Wireless notice of intent to modify an existing telecommunications facility located at 159 Weingart Road, Harwinton, Connecticut.

Dear Mr. Lynch:

The Connecticut Siting Council (Council) hereby denies the request to modify the above-referenced existing telecommunications facility, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies.

On February 28, 2018, the Council denied an earlier request from Smartlink to modify the above-referenced existing telecommunications facility that was submitted to the Council on February 20, 2018 in **EM-AT&T-066-180220** because the proposed modification would load the tower to 104 percent of its structural capacity. Enclosed with the Council's denial letter was a copy of the Council's November 6, 2017 memorandum to telecommunications carriers and their representatives indicating the Council will accept requests for exempt modifications with tower overstresses "if the filing is accompanied by a formal opinion from the Connecticut State Building Inspector **specifically regarding the structure in question stating that such overstress of the specific structure is allowable**" (emphasis added).

On March 22, 2018, a request for exempt modification was resubmitted with a copy of the April 27, 2017 correspondence from the Connecticut State Building Inspector to the Council rather than with a copy of correspondence from the Connecticut State Building Inspector to Smartlink specifically regarding the structure in question stating that such overstress of the specific structure is allowable.

On March 29, 2018, the Council sent you a letter stating that the above-referenced request for exempt modification was incomplete because the Structural Analysis Report included with the filing, dated October 24, 2017, showed that the proposed equipment would load the tower to 104 percent of its structural capacity and the correspondence submitted from the Connecticut State Building Inspector did not reference the specific site in question. In fact, the correspondence submitted from the Connecticut State Building Inspector did not reference any telecommunications facility site; it was just a copy of the April 27, 2017 correspondence from the Connecticut State Building Inspector to the Council that is attached to the Council's November 6, 2017 memorandum to telecommunications carriers and their representatives. In its March 29, 2018 correspondence, the Council recommended Smartlink either provide a revised Structural Analysis Report with tower loading at or below 100 percent of the structural capacity of the tower or a formal opinion from the Connecticut State Building Inspector specifically regarding the structure in question.

On April 12, 2018, a revised Structural Analysis Report prepared by American Tower Corporation, dated April 11, 2018, was submitted to the Council that revised the loading on the tower to 100 percent of its capacity. In the April 11, 2018 revised Structural Analysis Report, the height of the monopole structure is depicted at 181.9 feet and the tables on page 2 of the Structural Analysis Report have been revised to change the mount elevation for AT&T's mount from 181.9 feet to 185 feet "above the bottom of the steel structure

to the bottom of the mount...” Additionally, the height listed for the Verizon platform mount was revised from 176 feet in the October 24, 2017 Structural Analysis Report submitted with the request for an exempt modification, to 175 feet on the April 11, 2018 revised Structural Analysis Report.

The revised heights provided in the tables on page 2 of the April 11, 2018 Structural Analysis Report are inconsistent and provide for an antenna mount to be installed at a height more than three feet above the top of the tower structure.

Thus, the proposed modification is not in compliance with the exemption criteria in Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies.

Sincerely,



Melanie Bachman
Executive Director

MAB/CW

Enclosures:

Council correspondence denying request for exempt modification, dated February 28, 2018 and attachments;
Council correspondence regarding incomplete request for exempt modification, dated March 29, 2018

- c: The Honorable Michael R. Criss, First Selectman, Town of Harwinton
- Michael J. Orefice, Planning Chairman, Town of Harwinton
- American Tower, property and tower owner
- Daniel M. Laub, Esq., Cuddy & Feder LLP
- Kenneth C. Baldwin, Esq., Robinson & Cole LLP



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

www.ct.gov/csc

February 28, 2018

Ryan Lynch
Real Estate Specialist
Smartlink, LLC
85 Rangeway Road
Building 3, Suite 102
North Billerica, MA 01862

RE: **EM-AT&T-066-180220** - AT&T Wireless notice of intent to modify an existing telecommunications facility located at 159 Weingart Road, Harwinton, Connecticut.

Dear Mr. Lynch:

The Connecticut Siting Council (Council) hereby denies your request to modify the above-referenced existing telecommunications facility, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies. The requested modification, as proposed, would load the tower to a maximum of 104 percent of its capacity, which is above the 100 percent limit established by the Council under guidance from the Connecticut State Building Inspector.

In accordance with the Council's November 6, 2017 memorandum to telecommunications carriers and their representatives (attached), the Council will accept filings with tower overstresses "if the filing is accompanied by a formal opinion from the Connecticut State Building Inspector specifically regarding the structure in question stating that such overstress of the specific structure is allowable." The above-referenced exempt modification filing is not accompanied by a formal opinion from the Connecticut State Building Inspector.

Thus, the proposed modification is not in compliance with the exemption criteria in Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies.

Sincerely,

Melanie Bachman
Executive Director

MAB/CW

enclosure

- c: The Honorable Michael R. Criss, First Selectman, Town of Harwinton
Michael J. Orefice, Planning Chairman, Town of Harwinton
American Tower, property and tower owner



CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer



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

www.ct.gov/csc

MEMORANDUM

Date: November 6, 2017

To: Telecommunications Carriers and their Representatives

From: Melanie Bachman, Executive Director *MAB*

Re: Exempt Modification/Tower Share Filing
Acceptable Overstress for Communications Towers

The Connecticut Siting Council (Council) has received requests for exempt modifications to existing jurisdictional towers that include statements relating to allowable potential "overstress" in the structural analysis reports submitted with exempt modification filings. Given the statement in the Connecticut State Building Inspector's April 27, 2017 correspondence to the Council, a copy of which is attached, indicating that "the State Building Code would allow limited overstresses under certain conditions for existing towers," the Council will accept such filings if the filing is accompanied by a formal opinion from the Connecticut State Building Inspector specifically regarding the structure in question stating that such overstress of the specific structure is allowable. If the exempt modification filing with an overstress situation does not include this formal opinion specific to the structure, the filing will be denied.

Thank you in advance for your cooperation.

MAB/CMW/laf

Enclosure: State Building Inspector Letter, dated April 27, 2017

c: Joseph V. Cassidy, P.E., State Building Inspector



S:\ADMINISTRATION\General Correspondence\Memos\Telcom\20170522-raamotocarrirs_notice_m

CONNECTICUT SITING COUNCIL
Affirmative Action / Equal Opportunity Employer



DEPARTMENT OF ADMINISTRATIVE SERVICES

April 27, 2017

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

**Re: Interpretation of 2016 CT State Building Code IBC Section 3404
Acceptable Loading of Existing Structures**

Ms. Bachman,

In your email of March 24, 2017 you requested an interpretation regarding the structural stresses allowed during an alteration of an existing communication tower, specifically whether an overstress up to 5% would be allowed by the State Building Code.

Answer:

These alterations are regulated by chapter 34 – Existing Buildings and Structures of the 2012 IBC portion of the 2016 State Building Code. Section 3404.3 discusses gravity loading and states in salient part “Any existing gravity load-carrying structural element for which an alteration causes an increase in design gravity load of more than 5 percent shall be strengthened...”. Section 3404.4 discusses lateral loads and includes an exception which states in salient part “Any existing lateral load-carrying structural element whose demand-capacity ratio with the alteration considered is no more than 10 percent greater than its demand-capacity ratio with the alteration ignored shall be permitted to remain unaltered.” This exception continues to require that the effects of all additions and alterations must be included in this analysis.

Therefore, the State Building Code would allow limited overstresses under certain conditions for existing towers.

Sincerely,

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

Joseph V. Cassidy, P.E.
State Building Inspector



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

www.ct.gov/csc

March 29, 2018

Ryan Lynch
Real Estate Specialist
Smartlink, LLC
85 Rangeway Road
Building 3, Suite 102
North Billerica, MA 01862

RE: **EM-AT&T-066-180322** - AT&T Wireless notice of intent to modify an existing telecommunications facility located at 159 Weingart Road, Harwinton, Connecticut.

Dear Mr. Lynch:

The Connecticut Siting Council (Council) received a notice of intent to modify the above-referenced facility on March 22, 2018.

According to Section 16-50j-71 of the Regulations of Connecticut State Agencies, "...any modification, as defined in Section 16-50j-2a of the Regulations of Connecticut State Agencies, to an existing tower site, except as specified in Sections 16-50j-72 and 16-50j-88 of the Regulations of Connecticut State Agencies, may have a substantial adverse environmental effect."

Staff has reviewed this exempt modification request for completeness and has identified a deficiency in the filing. The above-referenced filing includes a Structural Analysis Report showing that the proposed equipment would load the tower to 104 percent of its structural capacity and correspondence from the Connecticut State Building Inspector that does not reference the specific site in question.

As stated in the Council's correspondence to you dated February 28, 2018 (enclosed), the Council will accept filings with tower overstresses "if the filing is accompanied by a formal opinion from the Connecticut State Building Inspector specifically regarding the structure in question stating that such overstress of the specific structure is allowable." Please find enclosed the Council's policy regarding tower overstress. The above-referenced exempt modification filing does not include an opinion from the Connecticut State Building Inspector specifically regarding the structure in question. In fact, the memorandum from the State Building Inspector included with your filing does not reference any site.

Therefore, the exempt modification request is incomplete at this time. The Council recommends that Smartlink either provide a revised Structural Analysis report with tower loading at or below 100 percent of the structural capacity of the tower or a formal opinion from the Connecticut State Building Inspector specifically regarding the structure in question on or before April 30, 2018. If additional time is needed to gather the requested information, please submit a written request for an extension of time prior to April 30, 2018.

This notice of incompleteness shall have the effect of tolling the Federal Communications Commission (FCC) 60-day timeframe in accordance with Paragraph 217 of the FCC Wireless Infrastructure Report and Order issued on October 21, 2014 (FCC 14-153).



Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Sincerely,



Melanie Bachman
Executive Director

MAB/CW

- c: The Honorable Michael R. Criss, First Selectman, Town of Harwinton
- Michael J. Orefice, Planning Chairman, Town of Harwinton
- American Tower, property and tower owner