



# 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)

[www.ct.gov/csc](http://www.ct.gov/csc)

### CERTIFIED MAIL RETURN RECEIPT REQUESTED

December 23, 2016

Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597

RE: **PETITION NO. 1273** - Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a small cell wireless telecommunications facility on a new approximately 38-foot Eversource-owned utility pole that is not used principally for electric distribution service located in a public right of way adjacent to 264 Metcalf Road, Tolland, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on December 22, 2016, 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:

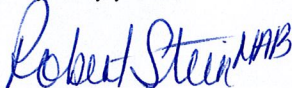
1. Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel;
2. Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes;
3. Approval of any minor project changes be delegated to Council staff;
4. Install erosion and sediment controls prior to Cellco installing its equipment;
5. 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;
6. 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 Tolland;

7. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
8. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by the Petitioner shall be removed within 60 days of the date the antenna ceased to function;
9. 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;
10. This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v; and
11. If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, 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.

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 November 7, 2016, and additional information dated December 7, 2016 and December 12, 2016..

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

Very truly yours,



Robert Stein  
Chairman

RS/FOC/cm

Enclosure: Staff Report dated December 22, 2016

- c: The Honorable Rick Field, Chairman, Town of Tolland  
Steven R. Werbner, Town Manager, Town of Tolland  
Heidi Samokar, AICP, Director, Planning & Community Development, Town of Tolland





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**Petition No. 1273**  
**Cellco Partnership**  
**264 Metcalf Road, Tolland**  
**Small Cell Facility**  
**Staff Report**  
**December 22, 2016**

On November 7, 2016, the Connecticut Siting Council (Council) received a petition from Cellco Partnership d/b/a Verizon Wireless (Cellco) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a small cell telecommunications facility at 264 Metcalf Road, Tolland, Connecticut. Currently, Cellco is experiencing a half-mile coverage gap for the 700 MHz service along portions of I-84 in Tolland. In an effort to increase Cellco's 700 MHz coverage area and provide customers with improved wireless services in the area, Cellco proposes to install a small cell facility. A field review of the project site occurred on December 7, 2016. Council member Larry Levesque, Council staff member Fred Cunliffe and Kenneth Baldwin, Esq. representing Cellco attended the field review.

Cellco would install a small cell antenna on the top of a wood pole owned by Eversource. Cellco has a master lease agreement with Eversource to install antennas on electric distribution poles. The primary purpose of the utility pole described in this Petition is to support Cellco's small cell Facility. The pole does not currently and will not, for the foreseeable future, be used as a part of the existing electric distribution system. In the Council's Opinion regarding its Petition No. 809 dated November 5, 2007, the Council determined that it has jurisdiction over five wood utility poles proposed to be used for the primary purpose of supporting the distributed antenna system proposed to be constructed in that proceeding. Similarly, the pole described in this Petition has a primary purpose of supporting a small cell wireless antenna and related equipment, and as such the Council has jurisdiction over the Facility. Furthermore, in its decision in Docket No. 16-06-38 dated December 14, 2016, the Public Utilities Regulatory Authority determined that it has jurisdiction over the placement of small cell or other similar facilities on utility poles that are part of the electric distribution system and that the Council has jurisdiction over the attachment of small cells or other similar facilities to a new structure, an electric transmission pole or other free standing structure.

Cellco's initial site search effort focused on eight existing utility poles, seven of which are located along Metcalf Road. The eighth is located too far west to provide the needed coverage. Because five of the seven Metcalf Road poles support transformers, Eversource would not allow Cellco to attach small cell equipment to those poles. The two remaining poles investigated were available for attachment but at a much lower antenna height (approximately 15 feet above grade) because the poles support primary electric service to the area. At this height, the small cell antenna would not provide the service needed in the area. Eversource, therefore, agreed that it would install a new utility pole, in the Metcalf Road right-of-way for Cellco's use. The pole was installed July 18, 2016. Cellco recognizes the wood pole was installed by Eversource Energy (Eversource) along the right-of-way of Metcalf Road prior to Council review and has revised its permitting process to hold pole installations within rights-of-way until proper permits have been secured.

The wood pole has a total length of 45 feet: 39 feet above ground level (agl) and 6 feet below grade. It has been temporarily tagged as pole no. 35225. The pole has one anchor wire attached. A structural analysis

conducted by an engineer licensed in the State concludes the pole meets the requirements of the National Electric Safety Code. Cellco proposes to install a single canister-type antenna 12 inches in diameter by 28  $\frac{3}{4}$  inches high on an antenna mount on the top of the pole. The total height of the pole and antenna would be approximately 42 feet. Cellco would also install an equipment cabinet (48 inches high by 10.5 inches by 19 inches) on the pole approximately 12 feet 10 inches above grade, remote radio heads (21.6 inches high by 9 inches by 12 inches) on the pole approximately 8 feet 6 inches above grade, and a service disconnect switch on the pole approximately 6 feet 6 inches above grade. These heights mostly are out of reach of pedestrians and above vehicle driver's line of sight. Electrical and telephone service would likely run overhead from an existing utility pole (#22232) across the road to reach the proposed Cellco equipment depending on a connection determination from Eversource. A battery backup system would provide power for up to 6.4 hours. The site would not operate if an extended power outage were to occur. Cellco's macro-cell sites in the area maintain permanent backup power generators and would provide continuous service. If the pole were to fall then most likely power would be disconnected.

The subject property is located within Tolland's Rural Design District. Land uses in the area consist of low density residential and the I-84 corridor is located about 550 feet north of the site and parallels Metcalf Road. Three of four adjoining parcels are vacant. The fourth maintains a residence approximately 185 feet east of the facility, at 232 Metcalf Road. The nearest school and commercial daycare center are 1.4 miles and 1.0 mile northeast of the pole location. The visual impact of the wood pole is not expected to be significant due to the similarity of existing wood utility poles along Metcalf Road and the minimal height (i.e. approximately 10 feet above the existing adjacent utility wood poles), and existing trees. The color of Cellco's equipment is light gray; however it could be painted to match the wood pole. The proposed equipment is not expected to create noise. The pole's setback distance would extend onto properties at 264 Metcalf Road to the north and 245 Metcalf Road to the south if the pole were to fall.

The pole is located approximately 13.6 feet south-southwest of a wetland associated with Chapin Meadow Brook. No impact to wetland is expected because of no ground disturbance. All Points Technology (APT) recommends straw wattles be installed as an erosion and sediment control measure prior to Cellco installing its equipment. The pole location is within a 100 year flood zone. Cellco's equipment is not expected to be affected by a 100 year flood event based on APT analysis of the base flood elevation (BFE) interpolation methodology. Cellco's lowest pole mounted equipment would be about two feet above BFE. The proposed site is not with a Department of Energy and Environmental Protection Natural Diversity Data Base buffer area.

The calculated power density would be 1.2 percent of the applicable limit using a -10 dB off-beam adjustment. Notice is not required to the Federal Aviation Administration.

Notice was provided to the Town of Tolland, and abutting property owners on or about November 7, 2016. Cellco learned the pole location changed based on Eversource's determination of feasibility; thus, Cellco provided notice to one additional property owner on or about December 7, 2016<sup>1</sup>. Staff has received no comments to date.

Cellco contends that this proposed project would not have a substantial adverse environmental impact.

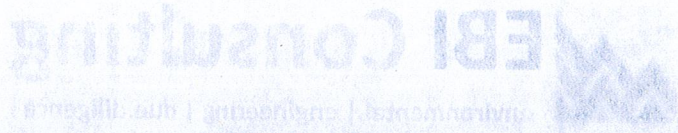
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<sup>1</sup> Notice is based on a typical utility pole span length as established in Public Utility Regulatory Authority Docket No 07-03-34RE01 APPLICATION OF THE CITIES OF BRIDGEPORT, DANBURY AND STAMFORD FOR A DECLARATORY RULING REGARDING THE SAFETY OF VRAD BOXES - JUDGMENT ON STIPULATION decision dated August 12, 2009.

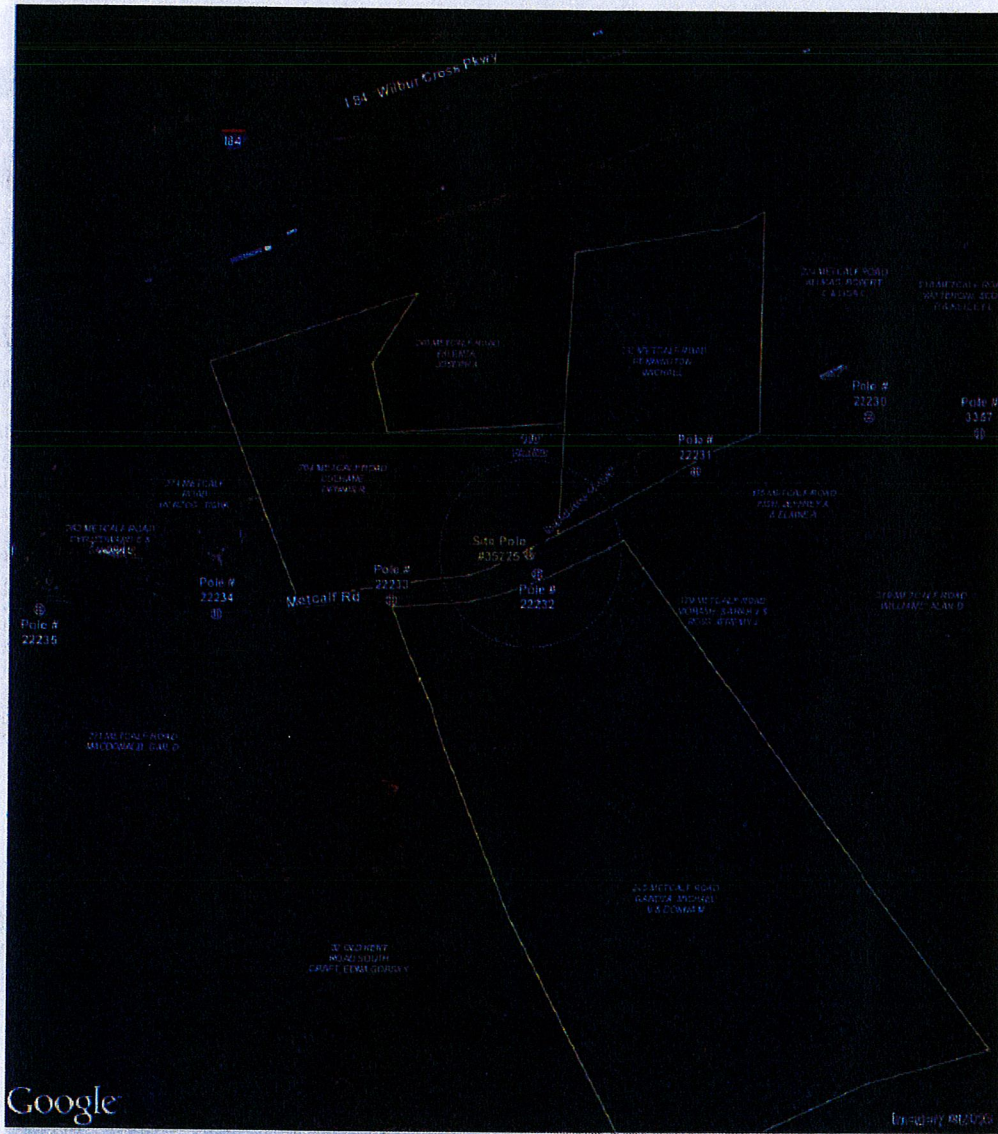
Staff recommends the following conditions:

1. Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and use of ultra-low sulfur fuel;
2. Compliance with the provisions of Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies that limit the idling of mobile sources to 3 minutes;
3. Approval of any minor project changes be delegated to Council staff; and,
4. Install erosion and sediment controls prior to Cellco installing its equipment.





**Site Location**



- Legend**
- Site Utility Pole #35225
  - Utility Pole
  - Overhead Utility Line
  - Assessor Parcel Boundary
  - 140' Radius
  - Parcels Within 140' Radius

Map Notes:  
 Base Map Source: 2016 Google Imagery  
 Map Scale: 1:600 = 200 Feet  
 Map Date: December 2016



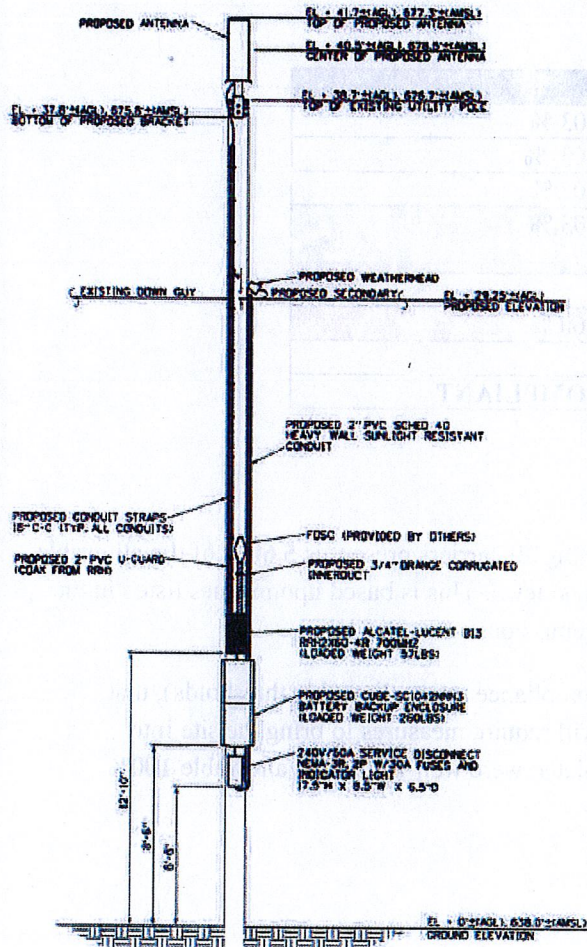
**Site Schematic**

Proposed Wireless  
 Telecommunications Facility  
 Tolland SC4 CT  
 Metcalf Road  
 Tolland, Connecticut





**Site Plan**



**Photo simulation**



LOCATION  
 METCALF ROAD