



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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CERTIFIED MAIL RETURN RECEIPT REQUESTED

February 21, 2017

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

RE: **PETITION NO. 1285** - 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 replacement light pole located at Samuel M. Peretz Park, 221 West Main Street, Niantic (East Lyme), Connecticut.

Dear Attorney Baldwin:

At a public meeting held on February 16, 2017, 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 minor project changes be delegated to Council staff;
2. Prior to construction, Cellco shall file with the Council the final structural design for the replacement pole stamped by a Professional Engineer duly licensed in the State of Connecticut;
3. 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;
4. 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 East Lyme;
5. Unless otherwise approved by the Council, the existing light pole shall be removed within 180 days of the installation of the new light pole;
6. The Council shall be notified in writing within 45 days of when the existing light pole is removed and the new light pole telecommunications facility is operational unless a written request for an extension is submitted to the Council within that timeframe;

7. 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;
8. 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;
9. 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
10. 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 December 28, 2016.

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

Very truly yours,



Robert Stein
Chairman

RS/MP/lm

Enclosure: Staff Report dated February 16, 2017

c: The Honorable Mark C. Nickerson, First Selectman, Town of East Lyme
Gary Goeschel II, Director of Planning, Town of East Lyme



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Petition No. 1285

Cellco

221 West Main Street, Niantic

Small Cell Facility

Staff Report

February 16, 2017

On December 30, 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 Samuel M. Peretz Park, 221 West Main Street, Niantic (East Lyme), Connecticut. Currently, Cellco maintains four macro-cell facilities in the Town of East Lyme, which provide, to a significant extent, reliable wireless services in western portions of East Lyme, particularly portions of West Main Street (Route 156) and local roads as well as commercial, residential, recreational (e.g. Rocky Neck State Park and Peretz Park), and institutional land uses such as York Correction Facility. However, reliable service in and around Peretz Park can be problematic especially during times of active use of Peretz Park and Rock Neck State Park. To address this issue, Cellco proposes to install a small cell facility. Initially, the proposed facility would provide wireless service in the 2100 MHz range only.

Specifically, Cellco would replace an existing 80-foot light pole near the existing athletic fields with a new 80-foot galvanized steel pole that would support the athletic field lights and Cellco's small cell equipment. The proposed small cell replacement pole would be located on property owned by the Town of East Lyme. Specifically, Cellco would attach a single canister antenna and remote radio head at the top of the replacement pole. The top of the antenna would reach a height of approximately 87 feet 5-inches above ground level (agl). Cellco's radio equipment and battery backup cabinet would be located within a new 8-foot by 8-foot black vinyl fenced compound on the western portion of the property. Utility connections would be underground.

The subject property is located within East Lyme's Residential RU-40 Zone. While there are residences located farther west (on the west side of North Bridebrook Road), the visual impact is not expected to be significant due to the light pole design, limited height (i.e. less than eight feet taller than the existing pole with appurtenances), and existing trees to the west. The equipment compound would be screened with the vinyl fence.

The calculated power density would be 0.44 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 East Lyme (as both the host municipality and the subject property owner) and abutting property owners on or about December 28, 2016. To date, the Council has not received any comments.

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

Staff recommends the following conditions:

1. Approval of any minor project changes be delegated to Council staff; and
2. Prior to construction, Cellco shall file with the Council the final structural design for the replacement pole stamped by a Professional Engineer duly licensed in the State of Connecticut.

Site Location



Photo-simulation as viewed from West Main Street

