



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

VIA ELECTRONIC MAIL

October 11, 2019

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

RE: **Non-Compliance with Notification of Completion:**

PETITION NO. 1244 - Cellco Partnership d/b/a Verizon Wireless 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 the roof of an existing commercial building located at 2985-3017 Berlin Turnpike, Newington, Connecticut.

Dear Attorney Baldwin:

Pursuant to Connecticut General Statutes §§ 4-176 and 16-50k, the Connecticut Siting Council approves Petitions for Declaratory Rulings for facilities that would not have a substantial adverse environmental effect and would not require a Certificate of Environmental Compatibility and Public Need. The Council routinely imposes standard conditions when issuing Declaratory Rulings.

To date the Council is not in receipt of any communication that construction has been completed in accordance with the conditions of the declaratory ruling.

The Council hereby requests compliance on this matter no later than December 16, 2019. If additional time is needed to gather the requested information, please notify the Council in writing.

If you have any questions or concerns, please call the Council office at 860-827-2935.

Thank you for your attention to this matter.

Sincerely,

Melanie Bachman
Executive Director

Enc.: Decision Letter for Petition No. 1244

MB/RDM/laf



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CERTIFIED MAIL RETURN RECEIPT REQUESTED

September 6, 2016

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

RE: **PETITION NO. 1244** - 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 the roof of an existing commercial building located at 2985-3017 Berlin Turnpike, Newington, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on September 1, 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:

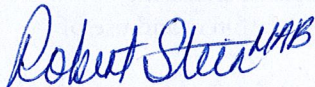
1. Use of off-road construction equipment that meets the latest EPA or California Air Resources Board standards, or in the alternative, equipment with the best available controls on diesel emissions, including, but not limited to, retrofitting with diesel oxidation catalysts, particulate filters and 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. 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;
5. 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 Newington;
6. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;

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 July 1, 2016.

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

Very truly yours,

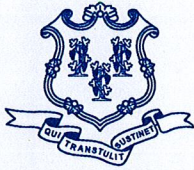


Robert Stein
Chairman

RS/RDM/lm

Enclosure: Staff Report dated September 1, 2016

- c: The Honorable Roy Zartarian, Mayor, Town of Newington
Tanya Lane, Town Manager, Town of Newington
Craig Minor, Town Planner, Town of Newington
Brixmore GA Turnpike Plaza LLC



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Petition No. 1244

Cellco Partnership d/b/a Verizon Wireless

2985-3017 Berlin Turnpike, Newington

Small Cell Facility

Staff Report

September 1, 2016

On July 1, 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 2985-3017 Berlin Turnpike, Newington, Connecticut. The small cell would provide 2100 MHz LTE wireless service to surrounding commercial and residential areas.

The proposed small cell facility would consist of a canister antenna mounted on a ballast sled placed on the rear portion of the roof of a 25-foot tall commercial building. The ballast sled contains a mounting pole and support arms attached to weighted ballasts. A remote radio head would be installed on the mounting pole below the canister antenna. The mounting pole and canister antenna would extend approximately 8.75 feet above the roof of the building. The commercial building is located on a 16.3-acre parcel, zoned Planned Development, and currently houses Dick's Sporting Goods and Price Chopper Supermarket.

Cellco's associated radio cabinet would be installed on a six-foot by six-foot concrete pad on the west side of the building, at the rear of the Dick's Sporting Goods store. A cable tray would be installed on the exterior wall of the building to connect the antenna to the radio cabinet. An eight-foot tall chain link fence would enclose the ground equipment. Electrical and telephone service would extend to the radio equipment from an existing pole on the subject property.

The maximum worst-case power density would be 3.3 percent of the applicable Federal Communications Commission limit using a -10 dB off beam adjustment. Notice is not required to the Federal Aviation Administration.

The visual effect of the proposed installation is minimal due to the site's location in a heavily developed commercial area and the small size of the proposed facility.

Notice was provided to the Town of Newington, the property owner, and abutting property owners on or about July 1, 2016. The Council has not received any comments regarding the proposed installation to date.

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

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; and
3. Approval of any minor project changes be delegated to Council staff.



Site Location - 2985-3017 Berlin Turnpike, Newington

