



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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www.ct.gov/csc

CERTIFIED MAIL RETURN RECEIPT REQUESTED

December 12, 2016

Daniel M. Laub, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

RE: **PETITION NO. 1258** – New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed replacement of an existing rooftop telecommunications facility and for the proposed construction, operation and maintenance of an additional rooftop telecommunications facility on an existing medical office building located at 1389 West Main Street, Waterbury, Connecticut.

Dear Attorney Laub:

At a public meeting held on December 8, 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 City of Waterbury;

6. Unless otherwise approved by the Council, the existing stealth flagpole tower shall be removed within 180 days of the installation of the new stealth flagpole and stealth chimney;
7. The Council shall be notified in writing within 45 days of when the existing stealth rooftop flagpole tower is removed and the new stealth flagpole and stealth chimney is operational unless a written request for an extension is submitted to the Council within that timeframe;
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. If the facility ceases to provide wireless services for a period of one year the Petitioner shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council within 90 days from the one year period of cessation of service. The Petitioner may submit a written request to the Council for an extension of the 90 day period not later than 60 days prior to the expiration of the 90 day period;
11. 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
12. 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 October 14, 2016.

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

Very truly yours,



Robert Stein

Chairman

RS/CMW/lm

Enclosure: Staff Report dated December 8, 2016

c: The Honorable Neil M. O'Leary, Mayor, City of Waterbury
James A. Sequin, AICP, City Planner, City of Waterbury



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Petition No. 1258

New Cingular Wireless PCS, LLC

1389 West Main Street, Waterbury

Staff Report

December 8, 2016

On October 17, 2016, the Connecticut Siting Council (Council) received a petition from New Cingular Wireless PCS, LLC (AT&T) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed replacement of an existing rooftop telecommunications facility and the proposed construction, operation and maintenance of an additional rooftop telecommunications facility on an existing medical office building located at 1389 West Main Street, Waterbury, Connecticut.

AT&T currently maintains an approximately 15-foot stealth flagpole tower on the southern corner of the roof of the medical office building. AT&T proposes to replace the existing flagpole facility with an approximately 17-foot stealth flagpole and add a separate 8.5-foot stealth chimney facility in the northern corner of the rooftop. AT&T would install four panel antennas with two at a centerline height of 50 feet above ground level (agl) and two at a centerline height of 42 feet agl inside the stealth flagpole structure. Four tower mounted amplifiers would also be located within the flagpole structure. Associated remote radio heads would be added to existing units on the roof. The proposed chimney structure would contain two antennas and two tower mounted amplifiers at a centerline height of 42 feet agl. Remote radio heads associated with the antennas within the chimney structure would be installed nearby on the roof. The existing equipment platform, which is also on the roof of the building, would not change.

The subject property is located within Waterbury's Commercial Office Zoning District. The visual impact of the proposed facility is expected to be minimal since the proposed replacement flagpole would be similar in appearance to the existing flagpole on the building and the proposed chimney enclosure would be designed and painted to match the existing building.

The calculated power density would be 30.1 percent of the applicable limit using a -10 dB off-beam adjustment. No lighting or marking of the proposed facility would be required by the Federal Aviation Administration.

Notice was provided to the City of Waterbury, the property owner, and abutting property owners on or about October 13, 2016. The Connecticut Department of Transportation submitted comments dated November 29, 2016 stating that the agency has no comment on the proposed project. No other comments have been received to date.

AT&T 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.



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Affirmative Action / Equal Opportunity Employer



Figure 1. Location of building on which the proposed facility would be located.

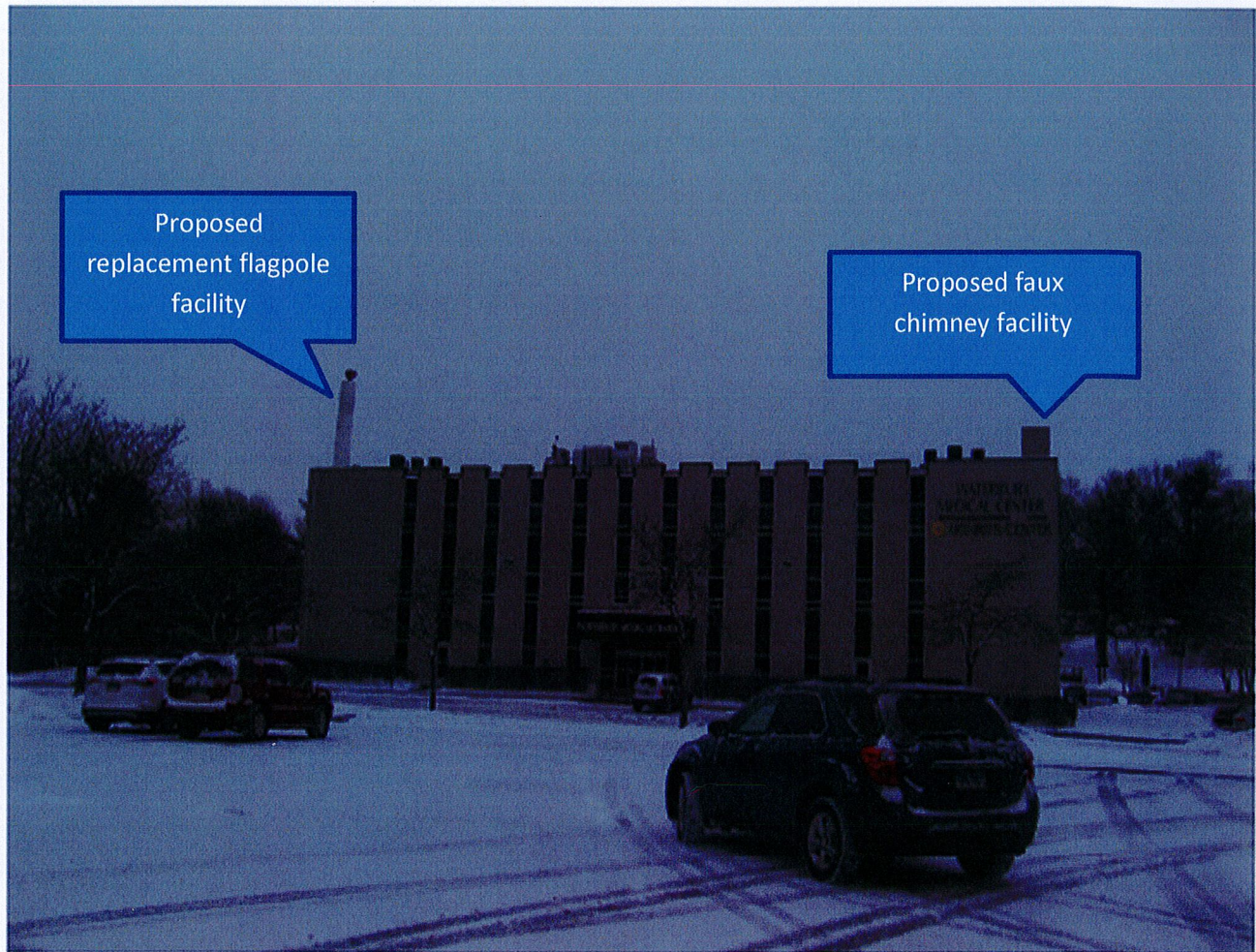


Figure 2. Proposed AT&T rooftop telecommunications facility.