



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

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### CERTIFIED MAIL RETURN RECEIPT REQUESTED

March 20, 2017

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

RE: **PETITION NO. 1282** - New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to install a wireless telecommunications facility on the roof of the existing office building located at 208 Harbor Drive, Stamford, Connecticut.

Dear Attorney Laub:

At a public meeting held on March 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. Installation of radio-frequency worker safety signs in accordance with the Radio Frequency Exposure Report prepared by C Squared Systems, LLC, dated December 6, 2013;
2. Approval of any minor project changes be delegated to Council staff;
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 City of Stamford;
5. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
6. 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;

7. 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; and
8. This Declaratory Ruling may be transferred or partially transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. 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. Both the facility owner/operator/transferor and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.

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 19, 2016, and additional information received on February 14, 2017 and March 9, 2017.

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 March 16, 2017

- c: The Honorable David Martin, Mayor, City of Stamford  
Ralph Blessing, Land Use Bureau Chief, City of Stamford





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### Petition No. 1282

#### AT&T – Rooftop Telecommunications Facility

208 Harbor Drive, Stamford

Staff Report

March 16, 2017

On December 20, 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 installation of a rooftop telecommunications facility at 208 Harbor Drive in Stamford, Connecticut. On January 3, 2017, the Council sent interrogatories to AT&T for more project information. AT&T provided responses to the interrogatories on February 14, 2017. On March 9, 2017, AT&T submitted a revised structural analysis for the proposed facility to the Council.

The proposed project was first submitted to the City of Stamford in 2013 and went through the Land Use Bureau review process in the summer of 2013. The Land Use Bureau and AT&T agreed that the proposed height of the antennas would comply with zoning requirements as the overall facility height was shorter than the existing rooftop satellite dishes. AT&T attended a Stamford Board of Health public hearing on December 10, 2013 that resulted in a favorable review. AT&T then put the project on hold due to budgetary reasons. AT&T reactivated the project in 2016, and during the building permit process, the Planning Department advised AT&T that the proposed facility did not comply with current zoning rules as it was taller than the existing rooftop. During further review of the two proposed steel support structures to which the antennas are to be attached, AT&T determined the proposed facility meets the definition of a “tower” under the Regulations of Connecticut State Agencies §16-50j-2a(30), and is therefore within the jurisdiction of the Council.

The site would provide wireless service (LTE and UTMS) for AT&T to the southern section of Stamford. The site property consists of an existing multi-story office building and associated parking areas located on a small peninsula that extends into Stamford Harbor, west of Mitchell Drive. The property is within the M-L Light Industrial Zone. The surrounding area consists of marinas in Stamford Harbor and residential areas to the east along Mitchell Street and southeast along Downs Avenue.

The proposed facility would be located on the eastern portion of the office building roof, on top of a multilevel penthouse roof. The main roof is 61 feet above ground level (agl). The upper penthouse roof is 72.7 feet agl.

AT&T would install three antenna sectors on the upper penthouse roof, consisting of four panel antennas and seven remote radio units per sector, enclosed within metal frame structures that are covered with fiberglass panels. The beta and gamma antenna sectors would be located on the west end of the penthouse roof and would be installed within a metal frame enclosure covered by the fiberglass panels. The enclosure would measure 20.5 feet long by 16.3 feet wide by 10.0 feet tall. The alpha sector would also be installed within a metal frame enclosure on the east side of the penthouse roof and would measure 20.5 feet long by 7.3 feet wide by 10.0 feet tall. The antenna centerline height for all three sectors would be 78.7 feet agl.

Both enclosures would be supported by a structural frame attached to the main roof, installed so that bottom support beams are slightly above the penthouse roof. Each enclosure would have a door to access interior framing that supports the antenna arrays. Two existing rooftop exhaust stacks adjacent to the west enclosure would be extended upon consultation with the building's mechanical engineer.



AT&T would install an 11.5-foot by 16-foot equipment shelter on a steel frame located on the main roof, adjacent to the north side of the penthouse. An emergency power battery would be installed, providing 4 to 6 hours of emergency service. Utility connections would occur within the building.

AT&T contends the project would have no adverse environmental effect. The Project occurs on a rooftop, not affecting any natural habitats or vegetation. The installation would be constructed to conform to Revision G of the Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.

The antenna enclosures would be colored to match existing building materials and would appear as extensions of the existing penthouse. Other existing roof top structures include other penthouses, mechanical equipment, exhaust stacks, satellite dishes and numerous antennas. The overall height of both enclosures would be 82.7 feet agl, below the height of the existing satellite dishes. Photo-simulations of the proposed installation were included in AT&T's February 14, 2017 Council submittal.

The maximum calculated power density at ground level for AT&T's installation and one existing transmit antenna on the roof would be 3.63 percent of the applicable limit for the general population established by the Federal Communications Commission. The radio frequency analysis report recommended the installation of worker safety signage in certain locations on the roof next to the antenna arrays to alert maintenance personnel of their presence.

Notice of the petition was provided to the City of Stamford, the property owner, and abutting property owners on or about December 9 and 12, 2016. Three notices were unclaimed. The Council received five public comment letters in opposition to the project. The City did not submit comment to the Council regarding the petition.

Staff recommends the following conditions:

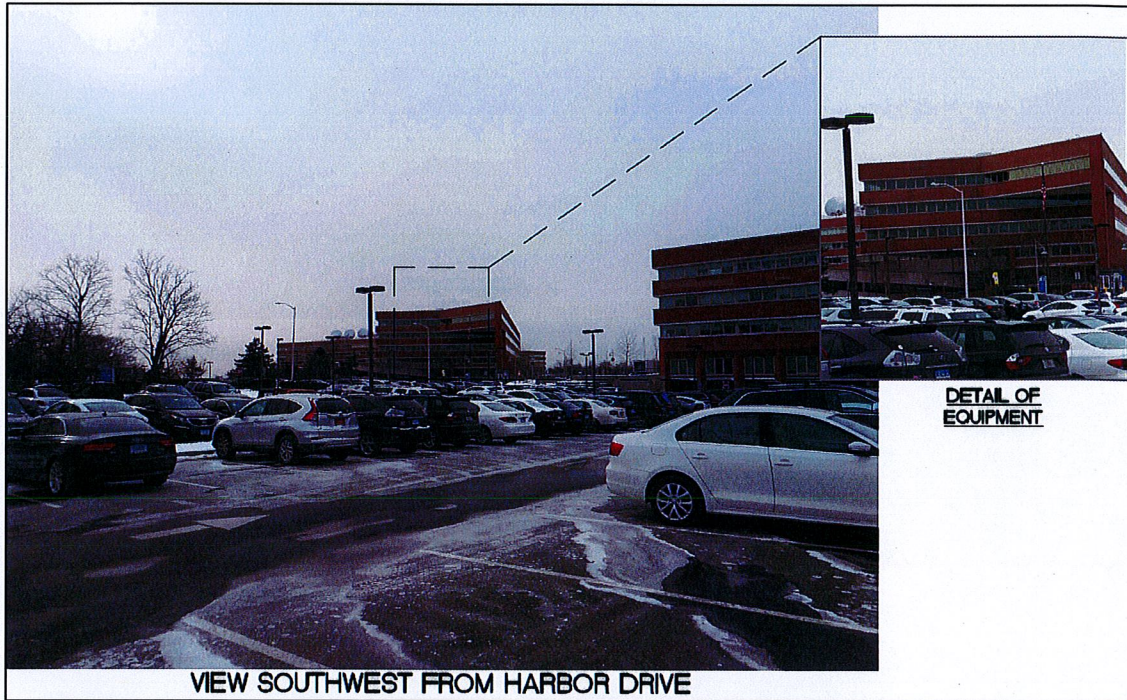
1. Installation of radio-frequency worker safety signs in accordance with the Radio Frequency Exposure Report prepared by C Squared Systems, LLC, dated December 6, 2013; and
2. Approval of any minor project changes be delegated to Council staff.

**Project Site – 208 Harbor Drive, Stamford**





## EXISTING CONDITIONS



## PROPOSED CONDITIONS

