



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

CERTIFIED MAIL RETURN RECEIPT REQUESTED

July 21, 2017

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

RE: **PETITION NO. 1300** - 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 and relocation of an existing rooftop telecommunications facility installed at the front of the building with a new rooftop telecommunications facility to be installed at the rear of the building located at 1 Circular Avenue, Hamden, Connecticut.

Dear Attorney Laub:

At a public meeting held on July 20, 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. AT&T shall implement the RF safety recommendations as identified in Section 5.2 of SiteSafe report dated March 8, 2017;
2. AT&T shall install the steel frame in accordance with Section 6.0 of the Structural Analysis Report prepared by Com EX Consultants, LLC and stamped by Ahmet Colakoglu, P.E. on March 31, 2017;
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 Hamden.

6. Unless otherwise approved by the Council, the existing rooftop flagpole tower shall be removed within 180 days of the installation of the new flagpole tower;
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 for an extension of the 90 day period no later than 60 days prior to expiration of the 90 day period;
8. The Council shall be notified in writing within 45 days of when the existing flagpole tower is removed and the new flagpole tower is operational unless a written request for an extension is submitted to the Council within that timeframe;
9. 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;
10. 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;
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 April 24, 2017, and additional information received on May 30, and June 16, 2017.

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

Very truly yours,

Robert Stein

Chairman

RS/MP/bm

Enclosure: Staff Report dated July 20, 2017

- c: The Honorable Curt B. Leng, Mayor, Town of Hamden
Dan Kops, Town Planner, Town of Hamden
Christopher Fisher, Cuddy & Feder
Martin McCarthy, Building/Property Owner



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Petition No. 1300

AT&T

1 Circular Drive, Hamden

Replacement Rooftop Telecommunication Facility

Staff Report

July 20, 2017

On April 25, 2017, 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 and relocation of a rooftop telecommunications facility at 1 Circular Avenue, Hamden, Connecticut. Currently, AT&T maintains a rooftop flagpole tower (without a flag) that extends to a height of approximately 42-feet 6-inches above ground level (agl). The replacement or upgrade of this facility is necessary in order to assure maximum data throughput speeds for capacity purposes and continued reliable service to this area of Hamden. AT&T would deploy 737 MHz, 850 MHz and 1900 MHz frequency bands at the proposed replacement telecommunications facility.

The current antenna technology necessary for AT&T's service would necessitate a slightly larger diameter flagpole design. While the original facility was approved in 2002 by the Town of Hamden and complies with the State Historic Preservation Office's (SHPO) recommendations, SHPO has since concluded that a larger diameter flagpole should be moved farther towards the rear of the building to mitigate potential visual impacts to historic resources.

To accommodate the antenna upgrades and SHPO's recommendations, AT&T proposes to remove the existing rooftop flagpole facility and install a replacement rooftop telecommunications facility near the rear of the existing building owned by Martin McCarthy. The proposed replacement tower would be approximately the same height at 42-feet 6-inches (neglecting the small sphere at the top) and have three internally-mounted panel antennas. The antennas would be concealed inside an RF transparent flagless structure. The existing facility is a "stepped" flagpole where the 28-inch diameter RF transparent canister is in the top section and a smaller diameter in the lower section of the flagpole. The proposed replacement facility would be 28-inches diameter for its entire length, including the canister. In other words, it would be cylindrical with no "step." The proposed replacement facility would attach to a proposed steel frame.

AT&T would utilize the existing steel equipment platform on the roof. Electrical and telephone service are already existing at the equipment platform. AT&T's existing cable tray from the equipment platform to the existing rooftop facility would be removed. AT&T would upgrade one radio cabinet. AT&T would replace its diplexers near the equipment platform. AT&T would install a cable tray along the roof on sleepers and include six 1 5/8" coaxial cables to connect to the replacement facility. No work is proposed on the ground. Thus, the proposed project would not result in any tree clearing or wetland impacts.

The subject property is located within Hamden's Urban Center (T5) Zone. While there are residences located on the western side of Circular Avenue, the visual impact is not expected to be significant due to the stealth flagpole design, approximately equal height and a maximum diameter of the tower that is approximately the same as the existing facility. Also, while the proposed replacement facility would have a slightly larger



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diameter in the lower section, the cylindrical design with no "step" would be expected to improve aesthetics. (See the attached existing and proposed photo-simulations.) No equipment compound on the ground is required. The rooftop equipment compound would have few changes.

The calculated power density at ground level would be not more than 5.0 percent of the applicable limit. AT&T's RF consultant, SiteSafe, has provided recommendations relative to appropriate signage for RF safety. If approved, staff suggests including such recommendations.

Notice is not required to the Federal Aviation Administration for the proposed replacement rooftop telecommunications facility.

A Professional Engineer duly licensed in the State of Connecticut has certified that the proposed steel frame is structurally adequate to support the relocated pole, and the existing building is structurally adequate to support the proposed loading.

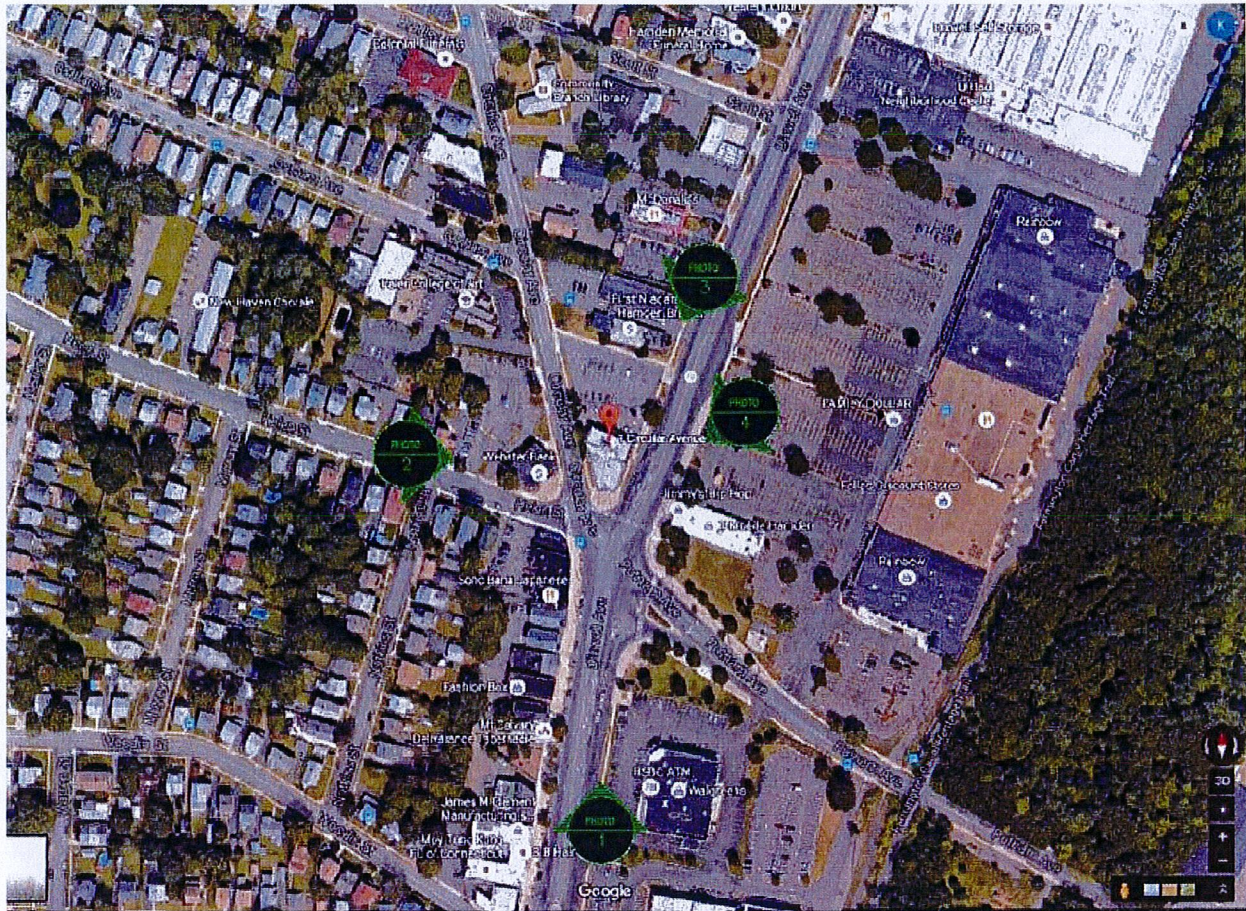
Notice was provided to the Town of Hamden, the property owner, and abutting property owners on or about April 19, 2017. No comments have been received by the Council to date.

AT&T contends that this proposed project would not have a substantial adverse environmental impact.

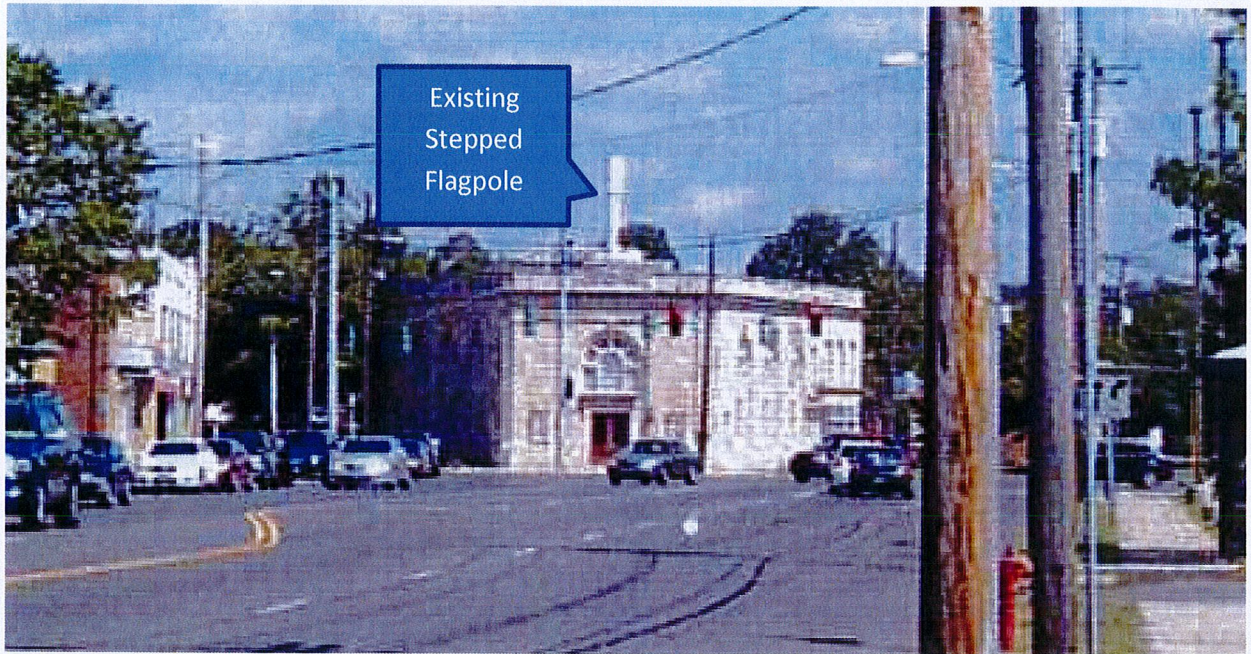
Staff recommends the following conditions:

1. AT&T shall implement the RF safety recommendations as identified in Section 5.2 of SiteSafe Report dated March 8, 2017;
2. AT&T shall install the steel frame in accordance with Section 6.0 of the Structural Analysis Report prepared by Com-Ex Consultants, LLC and stamped by Ahmet Colakoglu, P.E. on March 31, 2017; and
3. Approval of any minor project changes be delegated to Council staff.

Site Location



Existing Facility



Proposed Replacement Facility

