



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

August 16, 2019

Kristen Motel, Esq.
Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

RE: **PETITION NO. 1373** – New Cingular Wireless PCS, LLC (AT&T) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed modifications to an existing wireless telecommunications facility at the Simsbury Volunteer Fire Department located at 345 Bushy Hill Road, Simsbury, Connecticut.

Dear Attorney Motel:

At a public meeting held on August 15, 2019, 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 request that AT&T provide written confirmation of the amount of fill required to develop the site, and the following conditions:

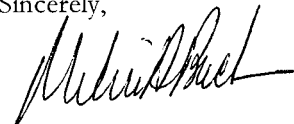
1. Submission of an erosion and sedimentation control plan, consistent with the *2002 Connecticut Guidelines for Erosion and Sediment Control*, as amended, prior to commencement of site construction;
2. Prior to AT&T's antenna installation, tower modifications shall be installed in accordance with the Modification Structural Analysis prepared by Master Consulting Connecticut, dated May 30, 2019, and stamped and signed by Petros Tsoukalas;
3. Approval of any minor project changes be delegated to Council staff;
4. Within 45 days following completion of proposed modifications, AT&T shall provide documentation that its installation complied with the recommendations of the Modification Structural Analysis;
5. 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;
6. 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 Simsbury;

7. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
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. 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
11. 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 June 25, 2019, and additional information submitted on July 22 and July 25, 2019.

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

Sincerely,



Melanie A. Bachman
Executive Director

MAB/RDM/emr

Enclosure: Staff Report dated August 15, 2019

- c: The Honorable Eric Wellman, First Selectman, Town of Simsbury
Maria Capriola, Town Manager, Town of Simsbury
Michael Glidden, Director of Planning and Community Development, Town of Simsbury
Simsbury Volunteer Fire Department, Property Owner



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Petition No. 1373
New Cingular Wireless PCS, LLC
343 Bushy Hill Road, Simsbury

Staff Report
August 15, 2019

Introduction

On June 25, 2019, New Cingular Wireless PCS, LLC (AT&T) submitted a petition (Petition) to the Connecticut Siting Council (Council) for a declaratory ruling pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k for the proposed extension of an existing 107-foot monopole located at 343 Bushy Hill Road, in Simsbury.

Notice was provided to the Town of Simsbury (Town), the property owner and abutting property owners on June 21, 2019. On June 25, 2019, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the municipality to contact the Council with any questions or comments by July 25, 2019. No comments have been received to date.

A field review of the proposed project was conducted on July 8, 2019. The field review was attended by Council member Larry Levesque, Public Utilities Regulatory Authority staff member Zak Alexander, Council staff member Robert Mercier, Town Code Compliance Officer Janell Mullen, and AT&T representatives Kristen Motel, Esq., Mark Donnelly, and Haleluya Haile.

The Council submitted interrogatories to AT&T on July 9, 2019. AT&T submitted responses to the interrogatories on July 22, 2019. A revised site plan was submitted to the Council on July 25, 2019.

Existing Facility

The existing 107-foot monopole is located on a 1.74-acre property owned by the Simsbury Fire District and developed with a fire station used by the Simsbury Volunteer Fire Company. The site property is located in a rural residential area and is accessed from Bushy Hill Road. The tower was approved by the Town in 2004 and was constructed as an 80-foot monopole located to the rear of the fire station, adjacent to an exterior wall.

Current tower users include T-Mobile at 77 feet above ground level (agl), Verizon at 101 feet agl and the Simsbury Volunteer Fire Company which maintains two, 13-foot tall whip antennas at the top of the tower.

On April 16, 2007, the Council approved a tower share by T-Mobile to locate at the 77-foot level of the tower. On December 12, 2013, the Council approved Petition No. 1077 to extend the existing 80-foot tower to a height of 107 feet agl to accommodate shared-use by Verizon. Due to the small size of the existing tower compound and lack of space for a compound expansion, Verizon's shelter was installed adjacent to the northwest edge of the fire station parking lot, at the top of a steep embankment.

On June 16, 2014, the Council approved an AT&T tower share request to install 12 panel antennas at the 90-foot level of the tower. This tower share approval was later modified by the Council on October 6, 2014 to allow AT&T to install an equipment shelter and small compound to the northwest of Verizon's shelter. It also included an underground utility run that extended parallel to Verizon's existing utility run, and a natural gas powered generator. AT&T subsequently did not proceed with the approved installation and is not currently located on the facility.

Although AT&T was previously approved to locate at the 90-foot level of the tower, network demands and equipment technology have changed since the Council's 2014 approval, requiring AT&T to install antennas at a height above 90 feet agl to meet network needs.

Proposed Extension

AT&T proposes to install a 10-foot extension on the existing tower which will bring the overall height of the tower to 117 feet agl. AT&T would install 9 panel antennas and 15 remote radio units on a V-boom mount at a centerline height of approximately 110 feet agl. The whip antennas would be relocated to the top of the monopole, extending to a height of 130-feet agl.

AT&T would install an equipment shelter to the northwest of Verizon's existing equipment shelter, in the same location the Council previously approved in 2014. The approximate 9.7 foot high equipment shelter would be located in a 758 square foot lease/compound area, accessed by a new 60-foot long, 14-foot wide paved driveway extending from the existing parking lot. Consistent with the Council's previous approval, underground utilities from AT&T's compound would extend through the parking lot to the tower, adjacent to Verizon's existing utility connection.

Due to the steep embankment in the proposed compound location, AT&T would install an approximate 396-foot long retaining wall to create the compound area at a ground elevation that matches the top of the embankment. The compound itself would have a gravel surface and would be enclosed by a six-foot high chain link fence. The height of the retaining wall would vary, with a maximum visible height of 9.7 feet. The proposed retaining wall would be approximately 60 feet from the nearest property line, located to the north at 9 Oakhurst Road.

A 20-kilowatt diesel-fueled generator unit would be installed on a four-foot by six-foot concrete pad within the compound. The unit includes a sub-base double walled fuel tank and a sound attenuation enclosure. It could run for 70 hours before refueling is required, assuming normal network loading.

Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the Federal Communications Commission (FCC). At present, no standards for backup power for CMRS providers have been promulgated by the FCC. Every year since 2006, AT&T, Sprint, T-Mobile, and Verizon have certified their compliance with the CTIA Business Continuity/Disaster Recovery Program and the Communications Security, Reliability and Interoperability Council standards and best practices to ensure network reliability during power outages.

The estimated cost of the project is \$155,000.

Environmental

Approximately 12 trees with a trunk diameter of six inches or greater would be removed to develop the site. Approximately 200 cubic yards of fill would be required to create the compound area. The proposed site is not within a Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDDDB) buffered area. According to Town 2014 mapping, the site is not within a wetland area.

The construction area would be isolated in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*.

The proposed tower extension would have a minimal impact on year-round visibility, with a slight increase in views (1.62 acres) occurring within 1,000 feet of the site, mostly around and along Bushy Hill Road and at the entrance to Hildurcrest Drive directly across from the fire station.

There are 68 residences within a 1,000 foot radius of the existing tower with the nearest residence approximately 190 feet to the north at 9 Oakhurst Road. There are no schools or day care facilities within 1,000 feet of the existing tower.

Public Safety

The proposed tower extension would not require notice to the Federal Aviation Administration.

The Project would be constructed in accordance with the 2017 National Electric Code, 2018 Connecticut State Building Code and the American National Standards Institute "Structural Standards for Steel Antenna Towers and Antenna Support Structures" Revision G.

A Professional Engineer duly licensed in the State of Connecticut has certified that the tower is structurally adequate to support the proposed loading with certain conditions.

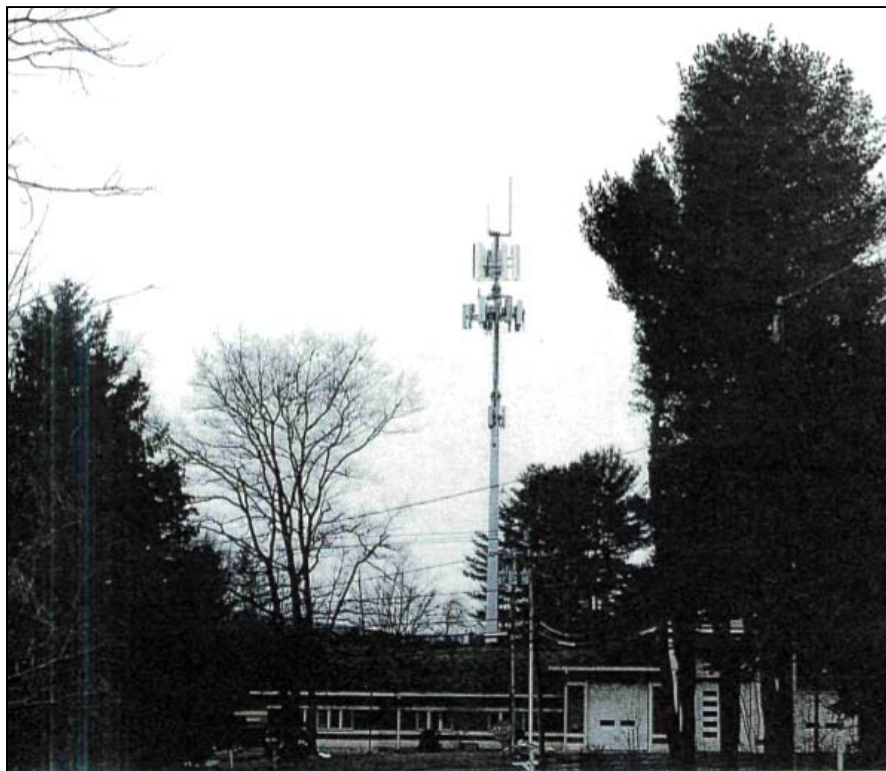
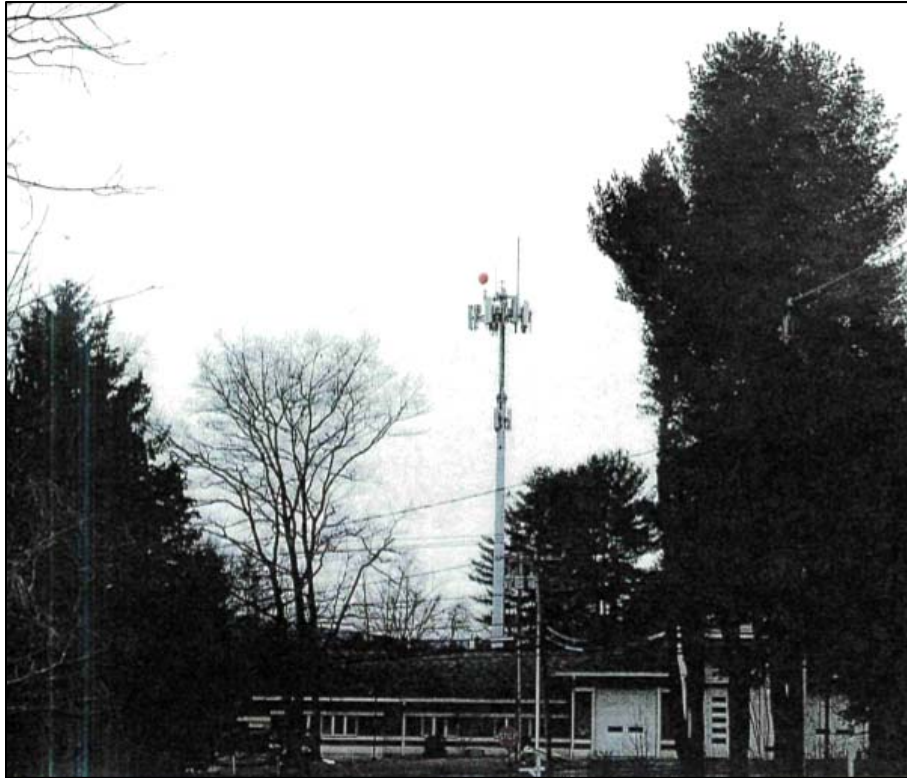
The calculated power density would be 31.9 percent of the applicable limit using a -10 dB off-beam adjustment.

Conclusion

If approved, staff recommends the following conditions:

- 1) Submission of an erosion and sedimentation control plan, consistent with the *2002 Connecticut Guidelines for Erosion and Sediment Control*, as amended, prior to commencement of site construction;
- 2) Prior to AT&T's antenna installation, tower modifications shall be installed in accordance with the Modification Structural Analysis prepared by Master Consulting Connecticut, dated May 30, 2019, and stamped and signed by Petros Tsoukalas;
- 3) Approval of any minor project changes be delegated to Council staff; and
- 4) Within 45 days following completion of proposed modifications, AT&T shall provide documentation that its installation complied with the recommendations of the Modification Structural Analysis.

View of existing tower (top photo) and proposed extension (bottom photo) from the front of fire station



Site Plan

