



# 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](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

### CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 3, 2020

Kristen Motel, Esq.  
Lucia Chiocchio, Esq.  
Cuddy & Feder, LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

RE: **PETITION NO. 1388** – 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 Old Lyme Volunteer Fire Department located at 189 Boston Post Road, Old Lyme, Connecticut.

Dear Attorneys Motel and Chiocchio:

At a public meeting held on January 2, 2020, 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. Approval of any minor project changes be delegated to Council staff;
2. Prior to AT&T's antenna installation, tower modifications shall be installed in accordance with Section 4.1 of the Structural Analysis Report prepared by Paul J. Ford & Company, dated August 28, 2019, and stamped and signed by Justin T. Kline;
3. Within 45 days following completion of proposed modifications, AT&T shall provide documentation that its installation complied with the recommendations of the Structural Analysis Report;
4. The Petitioner install, as necessary, sound attenuation blankets or other methods to mitigate generator noise to a level that complies with DEEP Noise Control Standards if it were not exempt;
5. The Petitioner shall consult with the neighbors and municipality to determine the most convenient time to perform the weekly maintenance testing for the backup generator;
6. The Petitioner shall consult with the supplier of the containment pad to determine the maintenance replacement schedule of the petro-pipe filter;



CONNECTICUT SITING COUNCIL  
Affirmative Action / Equal Opportunity Employer

7. 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;
8. 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 Old Lyme;
9. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
10. 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;
11. 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;
12. 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
13. 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.

Additionally, the Council recommends that the Petitioner consider the feasibility of utilizing a backup generator that could connect to the existing propane tank at the site.

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 November 5, 2019 and additional information received on December 23, 2019.

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

Sincerely,



Melanie A. Bachman  
Executive Director

MAB/MP/emr

Enclosure: Staff Report dated January 2, 2020

c: The Honorable Timothy Griswold, First Selectman, Town of Old Lyme  
Kim Groves, CZET, Land Use Technician, Town of Old Lyme



# 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](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

### Petition No. 1388

**New Cingular Wireless PCS, LLC**

**189 Boston Post Road, Old Lyme**

**Staff Report**

**January 2, 2020**

### Introduction

On November 5, 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 111-foot monopole located at 189 Boston Post Road in Old Lyme.

Notice was provided to the Town of Old Lyme (Town), the property owner and abutting property owners on November 1, 2019. On November 5, 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 December 5, 2019. No comments have been received to date.

A publicly noticed field review of the proposed project was conducted on December 2, 2019. The field review was attended by Council member Robert Hannon and Council staff member Michael Perrone. Neither the Petitioner nor any of its representatives attended the field review.

On December 5, 2019, pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act which requires an administrative agency to take action on a petition within 60 days of receipt, the Council voted to set the date by which to render a decision on the petition as May 3, 2020. This date is the statutorily-mandated 180-day decision deadline for this petition under CGS §4-176(i).

The Council submitted interrogatories to AT&T on December 9, 2019. AT&T submitted responses to the interrogatories on December 23, 2019.

### Existing Facility

The existing 111-foot monopole is located on a 1.03-acre property owned by the Town and developed with a fire station used by the Old Lyme Volunteer Fire Department. The site property is located in Old Lyme's R-20 Zone and is accessed from Boston Post Road and/or Boughton Road. The existing tower was approved by the Town in 2001 for Sprint, and it was constructed as a monopole located to the rear of the fire station.

Current tower users include Verizon at 88 feet above ground level (agl), Sprint at 100 feet agl, MetroPCS at 108 feet agl, and the Old Lyme Volunteer Fire Department which maintains two, 13-foot tall whip antennas at the top of the tower.

In 2009, the Council approved a tower share by Verizon to locate at the 88-foot level of the tower. Also in 2009, the Council approved a tower share for MetroPCS to located at the 108-foot level of the tower.

### **Proposed Extension**

The tower extension and associated equipment are needed primarily to provide coverage in the vicinity of Grassy Hill Road and Boston Post Road (Route 1) in Old Lyme and also for some capacity offload for the 700 MHz, 850 MHz, 1900 MHz, 2100 MHz, and 2300 MHz bands.

Specifically, AT&T proposes to install a 24-foot extension on the existing tower which will bring the overall height of the tower to 135 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 127 feet agl. The existing approximately 13-foot tall whip antennas would be relocated to the top of the monopole, extending the total height with appurtenances to 148-feet agl.

AT&T would expand the wood fenced compound to the east to include a new 10-foot by 20-foot area.

AT&T would install a 6-foot 8-inch by 6-foot 8-inch by 8-foot 2-inch high walk-in equipment shelter in the southern portion of the expanded compound area. The shelter would be accessed by a 6-foot wide swing gate on the northern side of the expanded compound and a 4-foot wide swing gate on the southern side of the expanded compound. The site would be accessed from the fire department's parking lot, so no new access would be required. Utilities would be run underground to reach an existing pole.

A 20-kilowatt diesel-fueled generator unit would be installed on a five-foot by eight-foot concrete containment pad within the compound. The containment pad is sized to contain all generator engine fluids: fuel, oil and coolant. The backup generator could run for up to 48 hours before refueling is required, assuming full load on the generator. The generator would run for maintenance purposes once per week for approximately 20 to 30 minutes. The weekly maintenance can be set to run on a specific day/time, and if requested, AT&T would work with the neighbors and municipality to determine which run time is most convenient.

AT&T would also have battery backup to prevent a reboot condition during the generator start-up delay period. The battery backup system alone could supply AT&T's facility for up to six hours in the event that the generator fails to start.

Cellco Partnership d/b/a Verizon Wireless (Verizon) has an existing propane-fueled generator and propane tank at this site. However, it is AT&T's standard practice to install self-contained diesel generators. For AT&T to share Verizon's generator and/or propane tank, it would require approval from Verizon. Shared use of Verizon's generator would likely require an upgrade to Verizon's generator because it is not equipped to power both tenants.

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.

### **Environmental**

No trees with a diameter of six inches or greater would be removed to develop the project.

The proposed site is located within  $\frac{1}{4}$ -mile of a Connecticut Department of Energy and Environmental Protection (DEEP) Natural Diversity Database (NDD) buffered area. However, given that AT&T's proposed facility would be located on an extension to an existing telecommunications tower that is located on land previously disturbed, AT&T contends that the proposed project would not impact any state-listed species. Also, the proposed 200 square foot equipment compound extension area would be located within the existing parking area for the fire station.

The site does not contain any wetlands.

The predicted year-round views of the proposed modifications to the tower would be from approximately 100.1 acres or about 4.89 percent of the 1-mile radius study area. The majority of these year-round views (about 89.9 acres) are from Rogers Lake to the north and Black Hill Pond to the southwest. The remaining areas of predicted visibility (about 10.2 acres) are from within a 1,000-foot radius of the tower location. These specific views are in the vicinity of Boston Post Road, Grassy Hill Road and the entrance to Boughton Road. Due to the density of existing tree cover, these views are predicted to be intermittent and partially obscured.

The predicted seasonal (i.e. "leaf off") views of the proposed modifications to the tower facility are from an additional 8.07 acres or about 0.4 percent of the 1-mile radius study area. These additional seasonal views would mostly occur along the edges of the year-round visibility area with some small areas of additional seasonal visibility scattered within the residential/mixed use area to the west of Boston Post Road east of Town Woods Road. Views from these specific areas are predicted to be partially obscured by existing tree cover.

Overall, while visibility of the proposed tower extension would be minimally increased from immediately surrounding residential areas and the two nearest waterbodies: Rogers Lake and Black Hall Pond, this change is not expected to adversely impact these properties.

There are 73 residences within a 1,000-foot radius of the existing tower with the nearest residence approximately 115 feet to the south at 8 Boughton Road. There are no schools or child day care facilities within two miles 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 Electrical Code, 2018 Connecticut State Building Code and the American National Standards Institute "Structural Standards for Steel Antenna Towers and Antenna Support Structures" Revision H.

The proposed backup generator is exempt from DEEP Noise Control Regulations §22a-69-1.8(f).<sup>1</sup> Notwithstanding, given the abutting Class A (residential) noise zone(s), AT&T could explore the use of sound attenuation blankets or other sound dampening methods to mitigate generator noise to a level that would comply with DEEP Noise Control Regulations if it were not exempt.

---

<sup>1</sup> In its response to Council interrogatories, Petitioner claims the generator is exempt from DEEP Noise Control Regulations because it "constitutes noise generated by a substation of a public utility providing telephone service." Petitioner is not a public utility as that term is defined in the statutes and the telecommunications facility is not a substation as that term is defined in the statutes. This exemption does not apply.

The emergency backup generator would run for maintenance purposes once per week for approximately 20 to 30 minutes. The weekly maintenance operation can be set for a specific day at a particular time, and if requested, AT&T would work with the neighbors and the local municipality to determine a run time that is convenient for all parties.

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 reinforcements as stated in Section 4.1 of the Structural Analysis Report prepared by Paul J. Ford & Company, dated August 28, 2019 and stamped and signed by Justin T. Kline;

The calculated power density would be 24.9 percent of the applicable limit using a -10 dB off-beam adjustment.

#### **Construction Schedule**

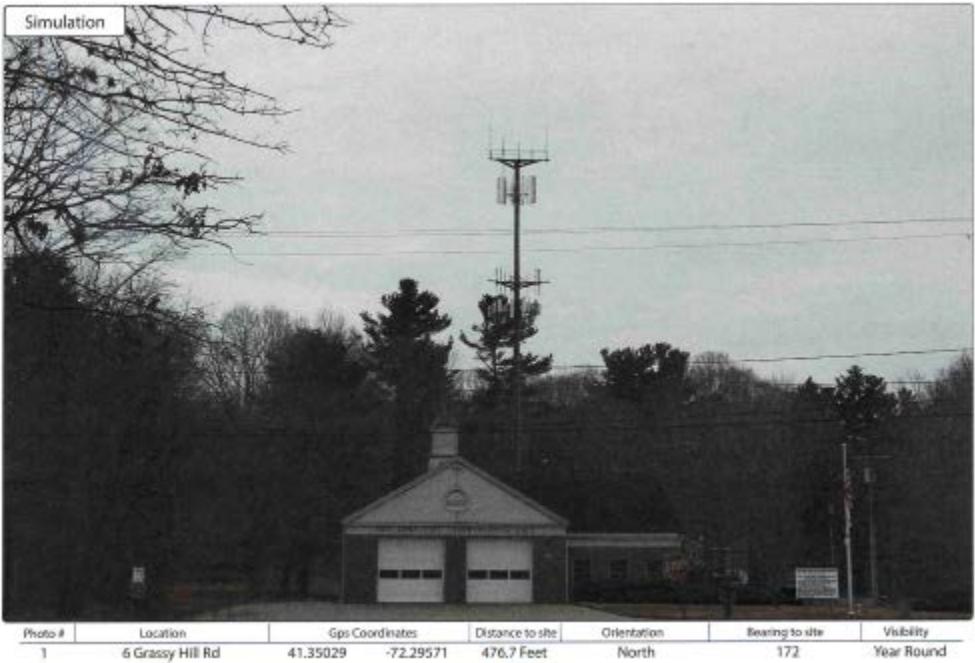
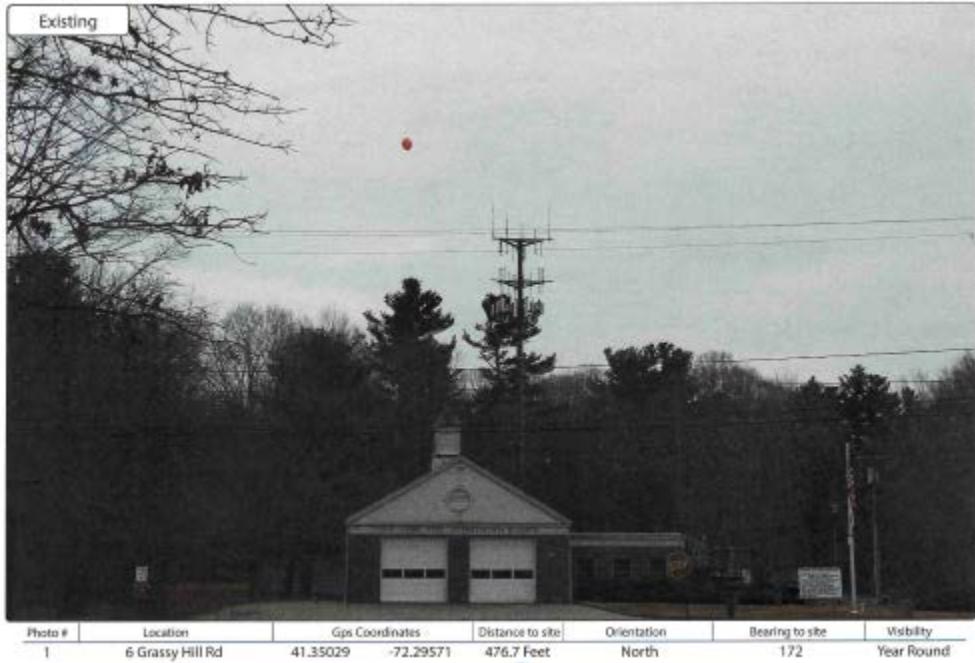
If approved by the Council, construction is expected to commence in January 2021. Work would be performed Monday through Friday from approximately 7:00 a.m. until sunset.

#### **Conclusion**

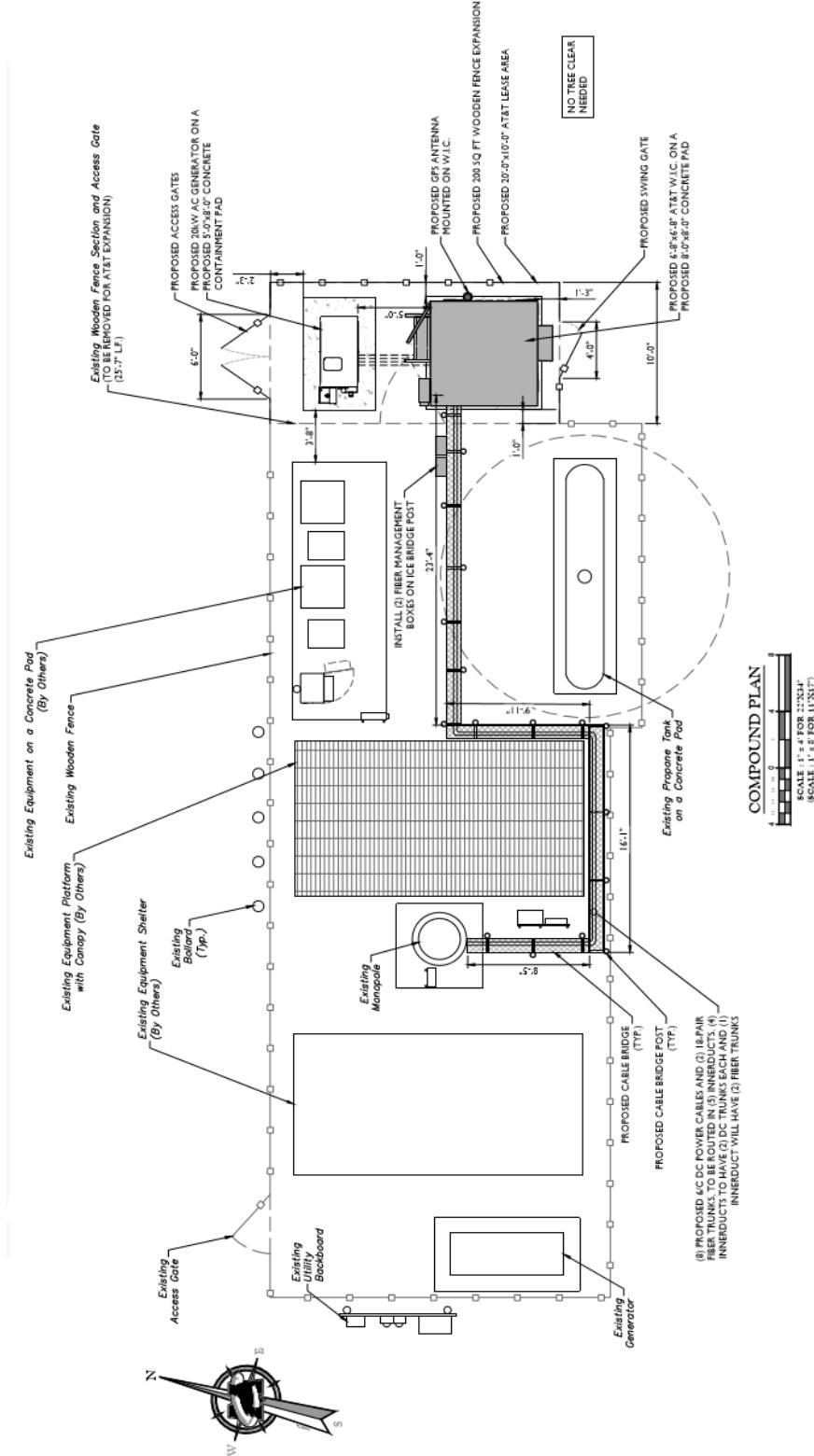
If approved, staff recommends the following conditions:

- 1) Approval of any minor project changes be delegated to Council staff;
- 2) Prior to AT&T's antenna installation, tower modifications shall be installed in accordance with Section 4.1 of the Structural Analysis Report prepared by Paul J. Ford & Company, dated August 28, 2019, and stamped and signed by Justin T. Kline; and
- 3) Within 45 days following completion of proposed modifications, AT&T shall provide documentation that its installation complied with the recommendations of the Structural Analysis Report.

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



## Site Plan



## Tower Elevation Drawing

