



# 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

July 8, 2016

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

RE: **PETITION NO. 443B** - AT&T request to amend its declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the modification of an existing Connecticut Light and Power high-voltage electric transmission line support structure (no. 1292) located at Sound Shore Drive (Cos Cob) in Greenwich, Connecticut and for the installation of a temporary telecommunications facility at 1 River Road in Greenwich, Connecticut. Request to Amend.

Dear Attorney Laub:

At a public meeting held on July 7, 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. The proposed temporary tower shall be designed to withstand inundation and equipment shall be elevated above the 100 year flood elevation;
2. Sedimentation and erosion controls are properly designed, installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control;
3. A tidal wetland protection plan is implemented during construction;
4. 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;
5. 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;
6. The Council shall be notified in writing within 45 days after completion of installing the temporary tower;
7. After completion of the permanent replacement facility on Eversource Structure #1279, the Council shall be notified in writing within 45 days that removal and restoration of the proposed temporary site has been completed;

8. Unless otherwise approved by the Council, if the temporary facility authorized herein is not fully constructed within eighteen months 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;
9. 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 the Town of Greenwich; and
10. Unless otherwise approved by the Council, if the temporary facility ceases to provide wireless service, 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.

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 May 11, 2016 and supplemental information dated June 28, 2016.

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

Very truly yours,



Robert Stein  
Chairman

RS/FOC/lm

Enclosure: Staff Report dated July 7, 2016

- c: The Honorable Peter J. Tesei, First Selectman, Town of Greenwich  
Katie DeLuca, Director of Planning & Zoning, Town of Greenwich  
One River Road, LLC



# 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. 443B – Request to Amend  
New Cingular Wireless PCS, LLC/AT&T  
River Road, Greenwich  
Staff Report  
July 7, 2016**

### Introduction

On May 12, 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 temporary wireless telecommunications facility at 1 River Road, Greenwich. This Petition was field reviewed by Council member Larry Levesque and Council staff member Fred Cunliffe on June 13, 2016. Attorney Daniel Laub of Cuddy & Feder, Mike Libertine of All Points Technology, Dan Bilezikian of SAI Communications Inc. and Camilo Gaviria of Centek Engineering, Inc. represented AT&T. A visibility analysis and wetland report was submitted on June 29, 2016.

On December 10, 2015, the Council (Council) approved Petition No. 443A, a request to amend Petition No. 443, for New Cingular Wireless PCS, LLC (AT&T) to permanently relocate an existing power mount telecommunications facility from an existing Connecticut Light & Power Company (dba Eversource) electric transmission tower structure #1292, to an adjacent electric transmission tower #1279 within an existing Eversource right-of-way at Cos Cob Substation off of Sound Shore Drive, Greenwich. AT&T continues to coordinate with all stakeholders to complete the relocation of this site, including but not limited to, Eversource and Connecticut Department of Transportation.

On December 29, 2015, the Council's Executive Director authorized continued use of structure #1292 as a temporary tower; however, AT&T remains on notice from Eversource to remove its facility by mid-June 2016 and is planning to have a viable temporary site to ensure continuity of wireless service in the Cos Cob area of Greenwich during this transition. The proposed temporary facility would remain in place until a permanent replacement for the facility at Eversource structure #1279 is deployed.

### Proposed Project

AT&T proposes to install a temporary tower on a parcel with an address of 1 River Road, Greenwich. The property is approximately 1.8 acres in size and includes the Greenwich Racquet Club and an office building. The property is zoned Waterfront Business (WB). Interstate 95 abuts the property where the highway is elevated and traverses southwest to northeast along the property boundary. Cos Cob Harbor and residential development are land uses that are south and east of the site, respectively.

AT&T originally retained two potential locations with the property owner: Option A- a site located between the southwest side adjacent to the Greenwich Racquet Club building and I-95 and Option B- a site on the southeast side adjacent to the Greenwich Racquet Club building. Based on consultation with Connecticut



CONNECTICUT SITING COUNCIL

Affirmative Action / Equal Opportunity Employer

The temporary tower would consist of a 94 foot tall monopole tower mounted on a 14 foot square ballast (weighted) steel base. Three panel antennas and six tower mounted amplifiers would be installed at a centerline height of 89 feet above ground level. Associated equipment including remote radio heads located on top of ballast base and associated fence integrated with ballast frame. Minor grading and use of gravel is required as a suitable base for the temporary tower. No trees will be removed. Electric and communications utilities will be connected from the Racquet Club building.

### **Environmental**

The Greenwich Racquet Club building and temporary tower site is situated north of Mianus Pond, a tidal estuary embayment, and associated coastal resources. Tidal wetlands were delineated approximately 16 feet south of the proposed temporary tower site. The tidal wetland boundary is characterized by a distinct slope break and vegetation. In addition to the tidal wetland habitat, the Mianus Pond intertidal zone is characterized by developed shorefront (i.e., rock armoring), mudflats and shellfish beds. A 100 year flood zone (Zone AE) with an elevation of 13 feet encompasses the entire subject property and the proposed temporary tower site which has an elevation of 12 feet. Council staff recommends the proposed temporary tower is designed to withstand inundation and equipment is elevated above the flood elevation.

The proposed project is not expected to alter the natural characteristics of any coastal resource area, with the exception of the flood zone, or result in direct impact to tidal wetlands. AT&T's consultant All Point Technology Corporation (APT) asserts no temporary impacts to the nearby tidal wetland area are anticipated provided: 1) sedimentation and erosion controls are properly designed, installed and maintained in accordance with the 2002 Connecticut Guidelines For Soil Erosion and Sediment Control; and, 2) a tidal wetland protection plan is implemented during construction. The tidal wetland protection program would consist of several components including: use of appropriate sedimentation and erosion control measures to control and contain erosion; periodic inspection and maintenance of sedimentation and erosion controls; education of all contractors and sub-contractors prior to initiation of work on the environmentally sensitive nature of the site; protective measures; and, reporting.

The temporary tower would have a slim profile. The base measures 24 inches in diameter and tapers to the top with a diameter of six inches. Three panel antennas (45 inches long by 14 inches wide) will be closely affixed to the tower. The visibility of the temporary tower would be limited to areas within 0.75 mile or less surrounded by buildings, elevated highway, and intervening infrastructures such as telephone poles and marina buildings. APT's visibility analysis concludes no adverse visual impact due to low structure height and existing infrastructure in the area.

The site would have a cumulative worst-case power density of 1.5 percent of the applicable limit using a -10 dB off-beam adjustment.

### **Municipal Notice**

Notice was provided to the Greenwich First Selectman Peter Tesei, property owner, and the owners of land that abuts the site property. No comments have been received to date.

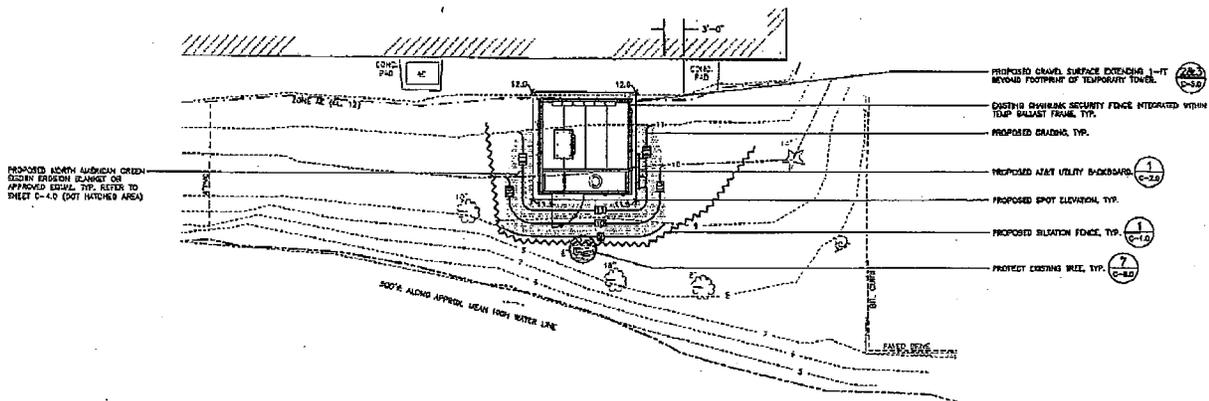
### **Recommendations**

Staff recommends inclusion of the following conditions:

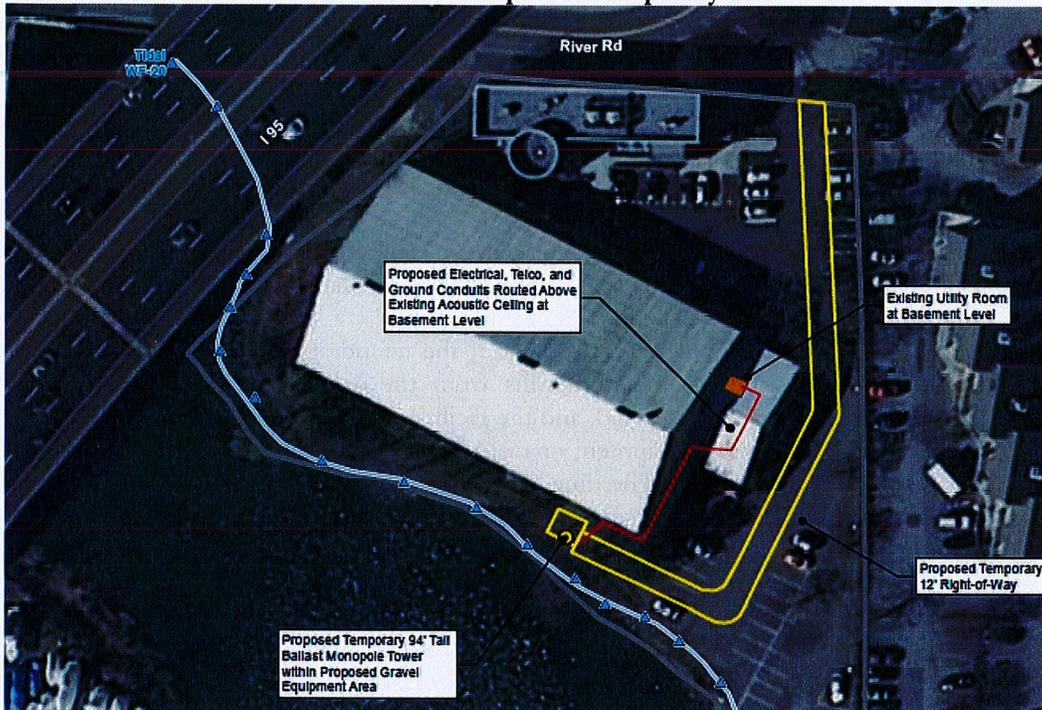
- 1) the proposed temporary tower shall be designed to withstand inundation and equipment shall be elevated above the 100 year flood elevation;
- 2) sedimentation and erosion controls are properly designed, installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control;
- 3) a tidal wetland protection plan is implemented during construction;

- 4) 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;
- 5) 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;
- 6) the Council shall be notified in writing within 45 days after completion of installing the temporary tower,
- 7) after completion of the permanent replacement facility on Eversource Structure #1279, the Council shall be notified in writing within 45 days that removal and restoration of the proposed temporary site has been completed;
- 8) Unless otherwise approved by the Council, if the temporary facility authorized herein is not fully constructed within eighteen months 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;
- 9) 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 the Town of Greenwich; and
- 10) Unless otherwise approved by the Council, if the temporary facility ceases to provide wireless service, 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.

### Proposed Temporary Site



Aerial View of Proposed Temporary Site



Photosimulation of Proposed Temporary Tower

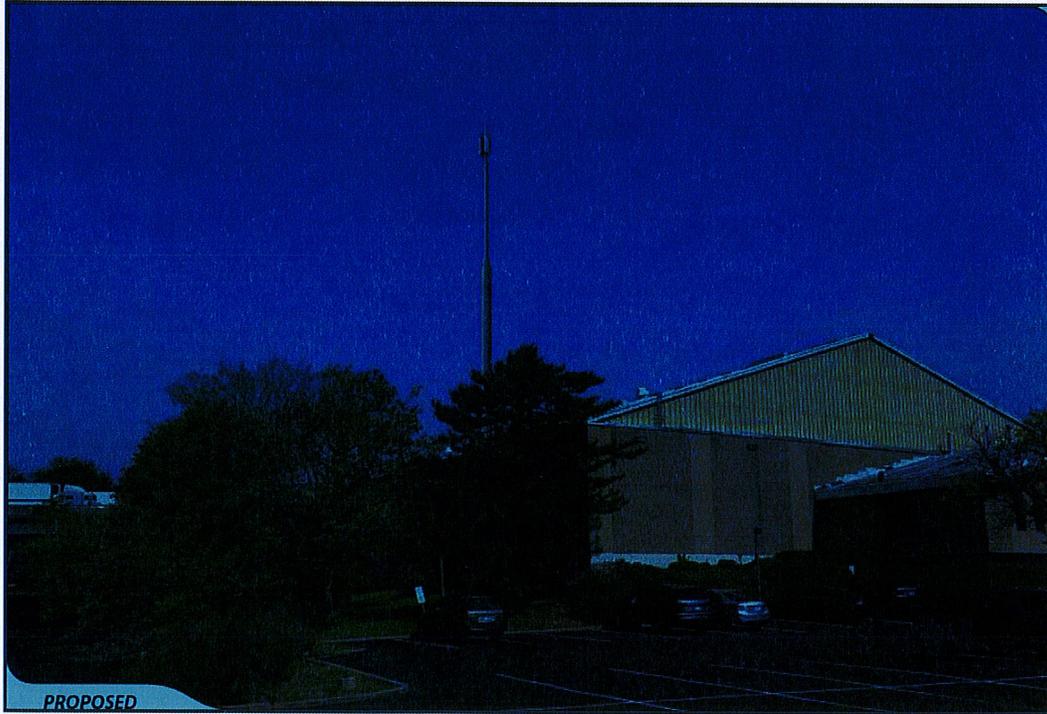


PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
15	HOST PROPERTY	NORTHWEST	+/- 158 FEET	YEAR ROUND