

# 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)

July 19, 2019

Lucia Chiocchio, Esq  
Daniel Patrick, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> floor  
White Plains, NY 10601

RE: **DOCKET NO. 391** - American Towers LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 232 Shore Road, Old Lyme, Connecticut.

Dear Attorney Chiocchio and Attorney Patrick:

During a public meeting held on July 18, 2019, the Connecticut Siting Council (Council) by its Decision and Order dated July 18, 2019, modified the Decision and Order in Docket 391 rendered on September 23, 2010 for the construction, maintenance and operation of a telecommunications facility at 232 Shore Road, Old Lyme, Connecticut and reissued the Certificate of Environmental Compatibility and Public Need (Certificate), thereby eliminating the requirement that wireless antennas be attached to the tower via T-arm mounts.

Enclosed are the Council's Staff report, Modified Decision and Order, and reissued Certificate.

Sincerely,

Melanie A. Bachman  
Executive Director

MAB/MP/laf

Enclosures

c: Gregory Mercier, Supervising Attorney, US Tower Division, American Tower Corporation  
Parties and Intervenors  
State Documents Librarian  
The Honorable Bonnie A. Reemsnyder, First Selectwoman, Town of Old Lyme  
Kim Barrows, CZET, Land Use Technician, Town of Old Lyme



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### Docket No. 391

232 Shore Road, Old Lyme

### New Cingular Wireless PCS, LLC Request to Reopen and Modify the Decision and Order Staff Report July 18, 2019

#### Introduction

On September 23, 2010, the Connecticut Siting Council (Council) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to T-Mobile Northeast, LLC (T-Mobile) for the construction, maintenance and operation of a telecommunications facility at 232 Shore Road, Old Lyme, Connecticut. New Cingular Wireless PCS, LLC (AT&T) and Cellco Partnership d/b/a Verizon Wireless (Cellco) participated as intervenors in the Certificate proceeding. On July 16, 2013, the Council approved the transfer of the Certificate from T-Mobile to Bay Communications II, LLC (Bay). On December 7, 2018, the Council approved the transfer of Certificate from Bay to American Towers, LLC (AT), who is the current Certificate Holder.

The Council's Docket No. 391 Decision and Order (D&O), Condition No. 1 specified that, "The wireless antennas shall be attached to the tower via T-arm mounts."

On May 17, 2019, AT&T submitted a Request to Reopen and Modify the D&O Condition No. 1 to allow for other types of antenna mounts to be used at this facility including, but not limited to, V-Boom mounts thereby increasing opportunities for tower sharing from entities that cannot utilize T-arm mounts with current or future antenna designs.

#### Background Site Information

##### *Development and Management Plan*

On August 26, 2011, the Council approved a Development and Management (D&M) Plan for this facility that included a 110-foot monopole, expandable to 160 feet. The D&M Plan approval included T-Mobile's installation consisting of nine panel antennas on T-arm mounts at a centerline height of approximately 99 feet above ground level (agl); Cellco's installation of 12 panel antennas on T-arm mounts at a centerline height of approximately 89 feet agl; and AT&T's installation of six panel antennas on T-arm mounts at a centerline height of approximately 109 feet agl.

Bay submitted a revised D&M Plan for this facility on or about August 14, 2013 to include enhancements to the wetland buffer area, modify the underground utility route and correct the yield point information for the tower. On August 27, 2013, the Council approved the revision to the D&M Plan.

AT&T submitted a revised D&M Plan filing for its co-location on or about October 22, 2013. In the revised D&M Plan filing, AT&T proposed to install 12 panel antennas and 15 remote radio heads (RRHs) at a centerline height of approximately 109-feet agl. On December 13, 2013, the Council approved this revised D&M Plan filing.

AT&T submitted another revised D&M Plan filing for its co-location on or about March 13, 2015. In this revised D&M Plan filing, AT&T proposed to install six panel antenna and 15 RRHs at a centerline height of approximately 109-feet agl. Also in that filing, AT&T confirmed that the tower construction was completed

in fall 2014, and both Cellco and T-Mobile installed their co-locations on the tower and are both on-air<sup>1</sup>. On April 6, 2015, the Council approved AT&T's latest revision to the D&M Plan. AT&T has not installed antennas on this tower to date.

### **Request to Reopen and Modify**

AT&T's May 17, 2019 Request to Reopen and Modify the D&O seeks to allow the use of V-Boom mounts and other antenna mounting designs to promote tower sharing and enhance existing wireless service, as detailed below:

- The current restrictions on antenna mount designs deter wireless carriers, including AT&T, from utilizing the existing tower site due to the inability of T-arm mounting systems to support the antennas and associated equipment now required by wireless carriers to provide state-of-the-art reliable wireless services;
- A Professional Engineer duly licensed in the State of Connecticut has certified that T-arm mounts would not be structurally adequate to support the AT&T's loading for this site, and thus, AT&T proposes V-Boom mounts; and
- The V-Boom mount system would not be more visually intrusive than a T-arm mount system. Specifically, per the AT&T's photosimulations, the different types of mounting systems would only be visible or noticeable in areas within a roughly 0.2-mile radius.

On May 16, 2019, AT&T notified the Town of Old Lyme and abutting property owners of the Request to Reopen and Modify the D&O.

On May 20, 2019, the Council notified Parties and Intervenors (including the Town of Old Lyme) of the Request to Reopen and Modify the D&O and requested that any submission of comments or statements with respect to whether the Request to Reopen and Modify the D&O should be granted or denied including any request for a hearing be submitted to the Council by close of business on June 20, 2019. No comments were received.

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<sup>1</sup> At least one wireless carrier had to be fully operational (i.e. on-air) before January 22, 2015, the deadline for construction based on the latest extension of time granted by the Council.



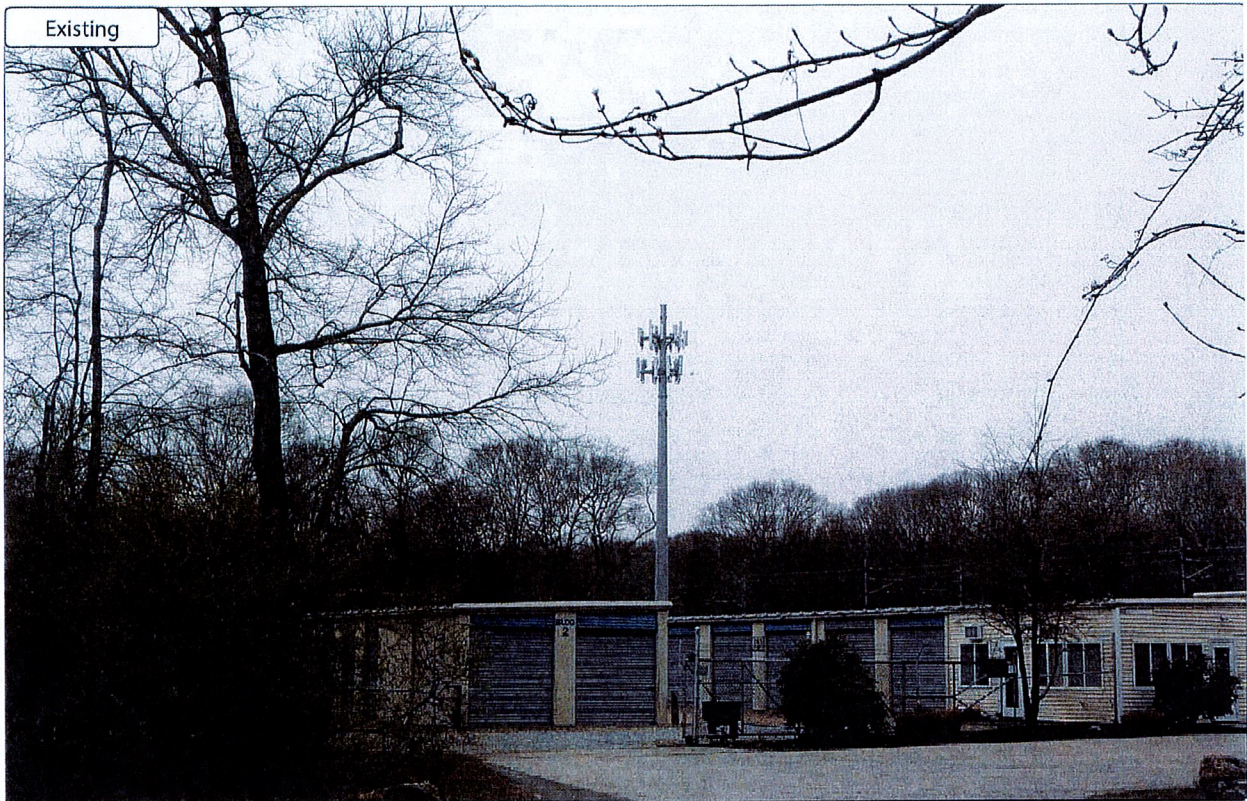


Photo #	Location	Gps Coordinates	Distance to site	Orientation	Bearing to site	Visibility
1	232 Shore Rd	41.2907 -72.28579	497.36 Feet	South-East	318	Year Round



Photo #	Location	Gps Coordinates	Distance to site	Orientation	Bearing to site	Visibility
1	232 Shore Rd	41.2907 -72.28579	497.36 Feet	South-East	318	Year Round



**DOCKET NO. 391** – American Towers LLC Certificate of }  
Environmental Compatibility and Public Need for the construction, }  
maintenance and operation of a telecommunications facility located }  
at 232 Shore Road, Old Lyme, Connecticut. }

Connecticut  
Siting  
Council  
July 18, 2019

### Decision and Order

In response to the Connecticut Siting Council's (Council) reopening of the record in this docket on July 18, 2019 to consider whether changed conditions exist that would warrant a modification to the original Decision and Order's Condition 1 eliminating the requirement that wireless antennas be attached to the tower via T-arm mounts, the Council hereby rescinds the Decision and Order in Docket 391 rendered on September 23, 2010 and issues this new Decision and Order for the construction, maintenance and operation of a telecommunications facility located at 232 Shore Road, Old Lyme, Connecticut.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of AT&T Wireless PCS, LLC, T-Mobile, and Celco Partnership d/b/a Verizon Wireless and other entities, both public and private. The height of the tower may be extended after the date of this Decision and Order pursuant to regulations of the Federal Communications Commission.
2. The tower and foundation shall be designed to accommodate a tower extension up to 160 feet agl.
3. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Old Lyme for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
  - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
4. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
5. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
6. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.

7. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Old Lyme public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
8. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower 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 Final 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 Certificate Holder 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 referred to in Condition 8 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Old Lyme. Any proposed modifications to this Decision and Order shall likewise be so served.
10. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
11. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
12. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.
13. The Certificate Holder 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.
14. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder\transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder\transferor and the transferee shall provide the Council 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.

We hereby direct that a copy of the staff report and modified Decision and Order be served on each person listed in the Service List, dated December 6, 2018, and notice of issuance published in the The Day.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.



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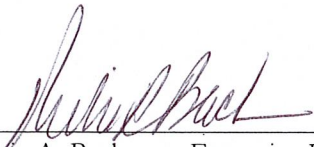
E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

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**CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 391**

Pursuant to General Statutes § 4-181a(b), the Connecticut Siting Council hereby reissues a Certificate of Environmental Compatibility and Public Need to American Towers LLC for the construction, maintenance and operation of a telecommunications facility located at 232 Shore Road, Old Lyme, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on July 18, 2019.

By order of the Council,

  
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Melanie A. Bachman, Executive Director

July 18, 2019



STATE OF CONNECTICUT )

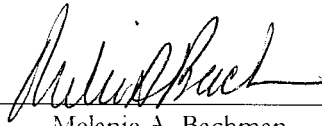
ss. New Britain, Connecticut :

July 19, 2019

COUNTY OF HARTFORD )

I hereby certify that the foregoing is a true and correct copy of the Modified Decision and Order and reissued Certificate of Environmental Compatibility and Public Need by the Connecticut Siting Council, State of Connecticut.

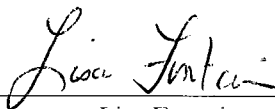
ATTEST:



Melanie A. Bachman  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Modified Decision and Order and reissued Certificate of Environmental Compatibility and Public Need in Docket No. 391 have been forwarded by Certified First Class Return Receipt Requested mail on July 19, 2019, to all parties and intervenors of record as listed on the attached service list, dated December 6, 2018.

ATTEST:



Lisa Fontaine  
Fiscal Administrative Officer  
Connecticut Siting Council



**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Certificate Transfer</b> <i>(granted on Dec. 6, 2018)</i>	<input checked="" type="checkbox"/> E-Mail	American Towers LLC	Gregory Mercier, Esq. American Tower Corporation 10 Presidential Way Woburn, MA 01801 (781) 926-4712 <a href="mailto:Greg.mercier@americantower.com">Greg.mercier@americantower.com</a>
<b>Certificate Transfer</b> <i>(granted on July 11, 2013)</i>	<input type="checkbox"/> U.S. Mail	Bay Communications II LLC	James R. Riley, Manager 391 Oakland Street, Second Floor, Mansfield, MA 02048 Office: (774) 719-2146 Fax: (774) 719-2135 <a href="mailto:jriley@baycommunicationsllc.com">jriley@baycommunicationsllc.com</a>
<b>Applicant</b>	<input checked="" type="checkbox"/> U.S. Mail	T-Mobile Northeast, LLC	Monte E. Frank, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax <a href="mailto:mfrank@cohenandwolf.com">mfrank@cohenandwolf.com</a>
<b>Intervenor</b> <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax <a href="mailto:kbaldwin@rc.com">kbaldwin@rc.com</a>
<b>Intervenor</b> <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	Christopher B Fisher, Esq. Daniel M. Laub, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 <sup>th</sup> Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax <a href="mailto:cfisher@cuddyfeder.com">cfisher@cuddyfeder.com</a> <a href="mailto:dlaub@cuddyfeder.com">dlaub@cuddyfeder.com</a>

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Party</b> <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	Town of Old Lyme	The Honorable Timothy C. Griswold Office of the Selectmen Town of Old Lyme 52 Lyme Street Old Lyme, CT 06371 <a href="mailto:firstselectman@oldlyme-ct.gov">firstselectman@oldlyme-ct.gov</a>



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July 19, 2019

TO: Classified/Legal Supervisor ([legal@theday.com](mailto:legal@theday.com))  
39120190718  
The Day Publishing Company  
P. O. Box 1231  
New London, CT 06320-1231

FROM: Lisa Fontaine, Fiscal Administrative Officer

RE: **DOCKET NO. 391** - American Towers LLC Certificate of Environmental  
Compatibility and Public Need for the construction, maintenance and operation of  
a telecommunications facility located at 232 Shore Road, Old Lyme, Connecticut.

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Please publish the attached legal notice for one day on the first day possible from receipt of this notice.

Please send an affidavit of publication and invoice to my attention.

Thank you.

MP/laf





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### NOTICE

Pursuant to General Statutes § 4-181a(b), the Connecticut Siting Council (Council) announces that, on July 18, 2019, the Council modified the Decision and Order in Docket 391, dated September 23, 2010, and reissued the Certificate of Environmental Compatibility and Public Need, thereby eliminating the requirement that wireless antennas be attached to the tower via T-arm mounts in DOCKET NO. 391 - American Towers LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 232 Shore Road, Old Lyme, Connecticut. This record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.