

Connecticut Siting Council

Application Guide for

**COMMUNITY ANTENNA TELEVISION AND
TELECOMMUNICATION FACILITIES**

February 16, 2007

This application guide is to assist applicants in filing for a certificate of environmental compatibility and public need from the Connecticut Siting Council (Council) for the construction of a community antenna television or telecommunications facility. Such facilities are defined in General Statutes § 16-50i (a) (5) and (6) and Section 16-50j-2a of the Regulations of Connecticut State Agencies. By setting forth in advance the type of information the Council believes both necessary and/or useful for its evaluation of an application, the guidelines will contribute to an orderly and expeditious review process.

Applicants should consult General Statutes §§ 16-50g through 16-50aa and Sections 16-50j-1 through 16-50z-4 of the Regulations of Connecticut State Agencies to assure complete compliance with the requirements of those sections. Where appropriate, statutory and regulatory references are noted below.

Pre-Application Process (General Statutes § 16-50l (e))

“...at least 60 days prior to the filing of any application with the Council, the applicant shall consult with the municipality in which the facility may be located and with any other municipality required to be served with a copy of the application under subdivision (1) of subsection (b) of this section [any adjoining municipality having a boundary not more than 2500 feet from such facility] concerning the proposed and alternative sites of the facility....Such consultation with the municipality shall include, but not be limited to, good faith efforts to meet with the chief elected official of the municipality. At the time of the consultation, the applicant shall provide the chief elected official with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility. Within 60 days of the initial consultation, the municipality shall issue its recommendations to the applicant. No later than 15 days after submitting the application to the Council, the applicant shall provide to the Council all materials provided to the municipality and a summary of the consultations with the municipality including all recommendations issued by the municipality.”

I. Quantity, Form, and Filing Requirements (Regs. Conn. State Agencies § 16-50j-12)

A. Except as may be otherwise required at the time applications are filed with the Council, there should be furnished to the Council an original and 20 copies of docket applications. Applicants who submit petition filings, tower sharing applications, and exempt-modification filings shall furnish an original and 25 copies. All filings from the applicant, parties, or intervenors should be labeled with the docket number, properly collated and paginated, and bound in the wide comb method.*

*By regulation, an applicant must submit an original and 20 copies of docket applications, unless the Council otherwise requires a lower or higher number. For the typical community antenna television and telecommunication facility application, the Council requests 25 copies to help expedite the process.

- B. Bulk filing should be provided of not less than four (4) copies of the applicable town zoning and Inland wetlands regulations (including a map showing the location of inland wetlands if relevant) and plan of development and any other publicly available material in support of the application. These documents shall include effective dates, revision dates, or dates of adoption. If no such dates are available, the document shall include the date the document was obtained.
- C. Applications filed for the purpose of any proceeding before the Council shall be printed or typewritten on paper cut or folded to letter size, 8 ½ by 11 inches. Width of margins shall be not less than one inch. The impression shall be on only one side of the papers, unless printed, and shall be double spaced, except that quotations in excess of five typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photoduplicated, or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible. (Regs., Conn. State Agencies § 16-50j-12 (b)).
- D. Every application shall be signed by the applicant or by one or more attorneys in their individual names on behalf of the applicant (Regs. Conn. State Agencies § 16-50j-11). All applications shall be filed at the office of the Council, Ten Franklin Square, New Britain, Connecticut 06051. Service of all documents and other papers filed as applications, briefs, and exhibits but not limited to those categories, shall be by personal delivery or by first class mail to the Council and all parties and intervenors to the proceeding, unless service has been waived.
- E. Applications may include any exhibits, sworn written testimony, data, models, illustrations, and all other materials that the applicant deems necessary or desirable to support the application. In addition, annexed materials shall include such exhibits, sworn written testimony, and other data that any statute or regulation may require. The applicant may request administrative notice of and refer in the application to portions of other Council docket records and generic hearings or statements prepared by the Council as a result of generic hearings. All documents, including but not limited to maps, shall include effective dates, revision dates, or dates of adoption. If no such dates are available the document shall include the date the document was obtained. If a map includes a key table(s), a matching source list/table, appropriately organized, shall also be included; if a map includes a source list/table, a matching key table shall also be included.
- F. All material should be sequentially paginated and in a format most appropriate for the particular proposal. To allow timely Council review, include with the application a copy of this form with page references for each item required in Section VI below.

II. Application Filing Fees (Regs. Conn. State Agencies § 16-50v-1a)

The filing fee for an application is determined by the following schedule:

<u>Estimated Construction Cost</u>	<u>Fee</u>
Up to \$5,000,000	0.05% or \$1,000.00, whichever is greater
Above \$5,000,000	0.1% or \$25,000.00, whichever is less

All application fees shall be paid to the Council at the time an application is filed with the Council. Additional assessments may be made for expenses in excess of the filing fee, or fees in excess of the Council's actual costs will be refunded to the applicant.

III. Proof of Service (General Statutes § 16-50l (b))

Each application shall be accompanied by proof of service of such application on:

- A. the chief executive officer, the zoning commission, planning commission, the planning and zoning commissions, and the conservation and wetlands commissions of the site municipality and any adjoining municipality having a boundary not more than 2500 feet from the facility;
- B. the regional planning agency that encompasses the site community;
- C. the State Attorney General;
- D. each member of the Legislature in whose district the facility is proposed;
- E. any federal or state agency, department, commission or instrumentality which has jurisdiction over the proposed facility; and
- F. the State of Connecticut Department of Environmental Protection, Public Health, Public Utility Control, Economic and Community Development, and Transportation; the Council on Environmental Quality; and the Office of Policy and Management. Additionally, applicants should serve the State Historic Preservation Officer (SHPO)

IV. Public Notice (General Statutes § 16-50l (b))

A notice of the application shall be published at least twice prior to the filing of the application in a newspaper having general circulation in the site municipality or municipalities. The notice shall state the name of the applicant, the date of filing, and a summary of the application. The notice should include a statement that the applicant will fly a balloon representative of the proposed height of each proposed tower on the day of the public hearing in the host community, including the expected hours of said flight. The notice must be published in not less than ten point type, whenever possible.

V. Notice to Abutting Landowners (General Statutes § 16-50l (b))

“A notice of such application...shall also be sent, by certified or registered mail, to each person appearing of record as an owner of property which abuts the proposed primary or alternative sites on which the facility would be located. Such notice shall be sent at the same time that notice of such application is given to the general public.”

The application shall be accompanied by an affidavit of notice to all abutting landowners and an affidavit of publication each time the notice of application is published.

The Council also advises each applicant that at least ten business days prior to the public hearing such applicant should erect and maintain in a legible condition a sign not less than six feet by four feet upon the site at the entrance to the property from a public road where such facility is to be located. The sign shall set forth the name of the applicant, the type of facility, the proposed

maximum height, the public hearing date, and contact information for the Council (Web site and phone number).

Example:

PUBLIC NOTICE:

Sprint PCS has filed an application with the Connecticut Siting Council (Council) for construction of a telecommunications facility on this site. The maximum height of said facility shall not exceed 150 feet. The Council will hold a public hearing on March 27, 2004 at the Newington Town Hall Auditorium at 3 and 7 p.m. A copy of the application can be reviewed at the town hall or at the Council offices in New Britain, CT. For more information, please contact the Council by telephone at 860-827-2935, electronically at www.ct.gov/csc, or by mail at 10 Franklin Square, New Britain, Connecticut 06051.

VI. Contents of Application (General Statutes § 16-50l and Regs. Conn. State Agencies § 16-50j-74)

An application for a Certificate of Environmental Compatibility and Public Need for the construction of a community antenna television and head-end structure or telecommunications facility shall include or be accompanied by the following:

- A. An Executive Summary on the first page of the application with the address, proposed height, and type of tower being proposed. A map showing the location of the proposed site should accompany the description;
- B. A brief description of the proposed facility, including the proposed locations and heights of each of the various proposed sites of the facility, including all candidates referred to in the application;
- C. A statement of the purpose for which the application is made;
- D. A statement describing the statutory authority for such application;
- E. The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant is a corporation, trust association, or other organized group, it shall also give the state under the laws of which it was created or organized;
- F. The name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant;
- G. A statement of the need for the proposed facility with as much specific information as is practicable to demonstrate the need including a description of the proposed system and how the proposed facility would eliminate or alleviate any existing deficiency or limitation;
- H. A statement of the benefits expected from the proposed facility with as much specific information as is practicable;

- I. A description of the proposed facility at the named sites including:
 1. Height of the tower and its associated antennas including a maximum “not to exceed height” for the facility, which may be higher than the height proposed by the Applicant;
 2. Access roads and utility services;
 3. Special design features;
 4. Type, size, and number of transmitters and receivers, as well as the signal frequency and conservative worst-case and estimated operational level approximation of electro magnetic radiofrequency power density levels (facility using FCC Office of Engineering and Technology Bulletin 65, August 1997) at the base of the tower base, site compound boundary where persons are likely to be exposed to maximum power densities from the facility;
 5. A map showing any fixed facilities with which the proposed facility would interact;
 6. The coverage signal strength, and integration of the proposed facility with any adjacent fixed facility, to be accompanied by multi-colored propagation maps of red, green and yellow (exact colors may differ depending on computer modeling used, but a legend is required to explain each color used) showing interfaces with any adjacent service areas, including a map scale and north arrows; and
 7. For cellular systems, a forecast of when maximum capability would be reached for the proposed facility and for facilities that would be integrated with the proposed facility.

- J. A description of the named sites, including:
 1. The most recent U.S.G.S. topographic quadrangle map (scale 1 inch - 2,000 feet) marked to show the site of the facility and any significant changes within a one mile radius of the site;
 2. A map (scale not less than 1 inch = 200 feet) of the lot or tract on which the facility is proposed to be located showing the acreage and dimensions of such site, the name and location of adjoining public roads or the nearest public road, and the names of abutting owners and the portions of their lands abutting the site;
 3. A site plan (scale not less than 1 inch = 40 feet) showing the proposed facility, set back radius, existing and proposed contour elevations, 100 year flood zones, waterways, wetlands, and all associated equipment and structures on the site;
 4. Where relevant, a terrain profile showing the proposed facility and access road with existing and proposed grades; and
 5. The most recent aerial photograph (scale not less than 1 inch = 1,000 feet) showing the proposed site, access roads, and all abutting properties.

Please note that all documents, including but not limited to maps, must be dated. If the document date is unavailable, the date the document was obtained shall be provided. If a map includes a key table(s), a

matching source list/table, appropriately organized, shall also be included; if a map includes a source list/table, a matching key table shall also be included.

- K. A statement explaining mitigation measures for the proposed facility including:
1. Construction techniques designed specifically to minimize adverse effects on natural areas and sensitive areas;
 2. Special design features made specifically to avoid or minimize adverse effects on natural areas and sensitive areas; Applicants should consider proposing a yield point on a tower when the total height of the tower exceeds the distance to the nearest property line. It is expected that a yield point for such a facility would be designed to ensure that if the telecommunications tower is structurally compromised or structurally failed, no part of the tower would be expected to cross onto the adjacent property. For purposes of Council proceedings the definition of yield point shall be as follows: a manufactured fault point designed in a telecommunications tower; the location of the yield point is determined by measuring the distance from ground level to the point at which the manufactured break is designed on the tower; that total distance shall be referred to as the "yield point". Please note that the measurement should not be taken from the base of the tower. (Such a location on a telecommunications tower is also referred as a "break point".)
 3. Establishment of vegetation proposed near residential, recreation, and scenic areas; and
 4. Methods for preservation of vegetation for wildlife habitat and screening.
- L. A description of the existing and planned land uses of the named sites and surrounding areas;
- M. A description of the scenic, natural, historic, and recreational characteristics of the named sites and surrounding areas including officially designated nearby hiking trails and scenic roads;
- N. Sight line graphs to the named sites from visually impacted areas such as residential developments, recreational areas, and historic sites;
- O. A list describing the type and height of all existing and proposed towers and facilities within a four mile radius within the site search area, or within any other area from which use of the proposed towers might be feasible from a location standpoint for purposes of the application;
- P. A description of efforts to share existing towers, or consolidate telecommunications antennas of public and private services onto the proposed facility including efforts to offer tower space, where feasible, at no charge for space for municipal antennas;
- Q. A description of technological alternatives and a statement containing justification for the proposed facility;
- R. A description of rejected sites with a U.S.G.S. topographic quadrangle map (scale 1 inch = 2,000 feet) marked to show the location of rejected sites;

- S. A detailed description and justification for the site(s) selected, including a description of siting criteria and the narrowing process by which other possible sites were considered and eliminated including, but not limited to, environmental effects, cost differential, coverage lost or gained, potential interference with other facilities, and signal loss due to geographical features compared to the proposed site(s);
- T. A statement describing hazards to human health, if any, with such supporting data and references to regulatory standards;
- U. A statement of estimated costs for site acquisition, construction, and equipment for a facility at the various proposed sites of the facility, including all candidates referred to in the application;
- V. A schedule showing the proposed program of site acquisition, construction, completion, operation and relocation or removal of existing facilities for the named sites;
- W. A statement indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least three feet, at the sites of the various proposed sites of the facility, including all candidates referred to in the application, on the day of the Council's first hearing session on the application or at a time otherwise specified by the Council. For the convenience of the public, this event shall be publicly noticed at least 30 days prior to the hearing on the application as scheduled by the Council; and
- X. Such information as any department or agency of the State exercising environmental controls may, by regulation, require including:
 - 1. A listing of any federal, State, regional, district, and municipal agencies, including but not limited to the Federal Aviation Administration; Federal Communications Commission; State Historic Preservation Officer; State Department of Environmental Protection; and local conservation, inland wetland, and planning and zoning commissions with which reviews were conducted concerning the facility, including a copy of any agency position or decision with respect to the facility; and
 - 2. The most recent conservation, inland wetland, zoning, and plan of development documents of the municipality, including a description of the zoning classification of the site and surrounding areas, and a narrative summary of the consistency of the project with the Town's regulations and plans.
- Y. Description of proposed site clearing for access road and compound including type of vegetation scheduled for removal and quantity of trees greater than six inches diameter at breast height and involvement with wetlands;
- Z. Such information as the applicant may consider relevant;

VII. Procedures

- A. The Council will review and may reject the application within thirty days if it fails to comply with specific data or exhibit requirements established by statute or regulation, or if the applicant fails to promptly correct deficiencies in any filed application in the manner directed by the Council. (Regs., Conn. State Agencies §§ 16-50/-4 and 16-50/-5)

- B. The Council and any party or intervenor to the proceeding may file exhibits and interrogatories requesting supplemental or explanatory materials. All filings will be subject to cross-examination and the Council's discretion for admission into the record. (General Statutes § 16-50o)
- C. A public hearing must be held at a location selected by the Council in the county in which the facility is proposed, with one session held after 6:30 p.m. for the convenience of the public. If the proposed facility is to be located in more than one county, the Council shall fix the location for at least one public hearing session in whichever county it deems appropriate, provided that the Council may hold hearing sessions in more than one county. The Council's record must remain open for 30 days after the close of the hearing. (General Statutes § 16-50n (f))
- D. The Council must render a decision within 180 days of receipt of an application, extendible by 180 days upon consent of applicant. (General Statutes § 16-50p)

VIII. Alternative Procedure for Authorization of Telecommunications Facility by Petition

- A. Any applicant who believes that a proposed facility does not fall within the statutory requirements of the certificate process may file a petition for declaratory ruling in accordance with Conn. Gen. Stat. § 4-176.

PLEASE NOTE THAT THIS GUIDE IS NO SUBSTITUTION FOR OBTAINING ADVICE FROM LEGAL COUNSEL. IN THE EVENT OF ANY CONFLICT BETWEEN THIS GUIDE AND THE ACTUAL STATUTES AND REGULATIONS, THE STATUTES AND REGULATIONS SHALL GOVERN.