



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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VIA ELECTRONIC MAIL

May 7, 2021

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
kbaldwin@rc.com

RE: **PETITION NO. 1440** - Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a wireless telecommunications facility and associated equipment on an extension of the support structure above the top of an existing billboard located on a commercial property at 115 Peat Meadow Road, New Haven, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on May 6, 2021, 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 recommendation that security measures be employed in the wood fence design and with the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. Submit a final site plan showing the route of the access road and placement of the facility at least an additional 1-foot above the existing ground elevation prior to commencement of construction;
3. Submit the FAA determination or the analysis related to any FAA notification requirements prior to commencement of construction;
4. 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;
5. 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 City of New Haven;

May 7, 2021

6. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
7. 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;
8. 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;
9. 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
10. 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 January 14, 2021, and additional correspondence dated March 26, 2021.

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

Sincerely,

s/ Melanie A. Bachman

Melanie A. Bachman
Executive Director

MAB/IN/emr

Enclosure: Staff Report dated May 6, 2021

c: The Honorable Justin Elicker, Mayor, City of New Haven (jelicker@newhavenct.gov)
The Honorable Joseph Carfora, Mayor, Town of East Haven (jcarfora@townofeasthavenct.org)



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Petition No. 1440
Cellco Partnership d/b/a Verizon Wireless
Telecommunications Facility
115 Peat Meadow Road
New Haven, Connecticut

Staff Report
May 6, 2021

Introduction

On January 14, 2021, the Connecticut Siting Council (Council) received a petition (Petition) from Cellco Partnership d/b/a Verizon Wireless (Cellco) for a declaratory ruling, pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, for the proposed installation of a wireless telecommunications facility on an extension of the support structure above the top of an existing billboard located on a commercial property at 115 Peat Meadow Road, New Haven, Connecticut.

The purpose of the proposed facility is to provide reliable wireless service to portions of Interstate-95 (I-95) between Cellco's facility at 153 Forbes Street in New Haven and its facility at 65 Messina Drive in East Haven.

On January 14, 2021, Cellco provided notice of the proposed project to abutting property owners, City of New Haven (City) officials, Town of East Haven (Town) officials and state agencies and officials.

On January 15, 2021, the Council sent correspondence to the City and the Town stating that the Council has received the petition and invited the municipalities to contact the Council with any questions or comments by February 13, 2021. No comments were received.

Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act, an administrative agency is required to take action on a petition within 60 days of receipt, and therefore, March 15, 2021 was the deadline for action on this Petition. In response to the Coronavirus pandemic, Governor Lamont issued Executive Order No. 7, as subsequently extended, that provides for a 90-day extension of statutory and regulatory deadlines for administrative agencies. Thus, the deadline under CGS §4-176(e) is extended to June 13, 2021.

The Council issued interrogatories to Cellco on March 11, 2021. Cellco provided responses to the Council's interrogatories on March 26, 2021.

Jurisdiction

Pursuant to CGS §16-50i(a)(6), the Council has exclusive jurisdiction over telecommunications towers, including associated equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system.

Under Regulations of Connecticut State Agencies (RCSA) §16-50j-2a (30), “Tower” means a structure, whether free standing or attached to a building or another structure, that has a height greater than its diameter and that is high relative to its surroundings, or that is used to support antennas for sending or receiving radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, which is or is to be:

- (A) used principally to support one or more antennas for receiving or sending radio frequency signals, or for sending or receiving signals to or from satellites, or any of these, and
- (B) owned or operated by the state, a public service company as defined in Section 16-1 of the Connecticut General Statutes, or a certified telecommunications provider, or used in a cellular system, as defined in Section 16-50i(a) of the Connecticut General Statutes.

Cellco would install its equipment at the top of an extension of the existing billboard support structure. The telecommunications facility would be owned and operated by Cellco, a certified telecommunications provider. Thus, the Council has jurisdiction over the proposed telecommunications facility.

Proposed Telecommunications Facility

The proposed facility would provide wireless service to the surrounding area in Cellco’s 700 MHz, 850 MHz, 1900 MHz and 2100 MHz LTE frequency range.

The site is located in the southeast corner of a 6.0 acre developed commercial property within New Haven’s Automobile Sales Business (BB) district. The property is owned by 115 Peat Meadows, LLC. The property hosts the Brandfon Hyundai automotive dealership and is owned by 115 Peat Meadow, LLC. The subject property abuts Route 1 and I-95 to the south, a City park, an undeveloped parcel and a bulk oil storage facility to the north, residential properties to the west and the New Haven-East Haven town line and the CarMax automobile dealership to the east.

Cellco proposes to install a 45-foot 10-inch extension of the existing monopole support structure extending its overall height to 70-feet above ground level (agl). Cellco would install six panel antennas at a centerline height of 67- feet agl and six remote radio heads at 62-feet agl. The proposed antennas would offer 5G services.

The proposed facility would also include two equipment cabinets on a 7-foot by 4-foot concrete pad and an H-frame structure supporting associated equipment enclosed within an 18-foot by 8-foot 8-inch fenced equipment compound. Cellco would install backup batteries which would provide about eight hours of backup power to the cell site. Cellco would also install an ice bridge and a GPS antenna.

Access to the site would be via a proposed 15-foot wide easement extending from the existing parking lot north of the facility. Cellco would not make any improvements to the ground surface leading up to the gate of the fenced compound.

Electrical and telephone service would extend underground approximately 430 feet south along a proposed 10-foot wide easement from an existing utility pole located in the northeast corner of the property.

Public Safety

A preliminary Federal Aviation Administration (FAA) determination indicates the proposed facility would not require notice to the FAA. A more detailed analysis will be completed to determine if further notification to the FAA is required.

A Professional Engineer duly licensed in the State of Connecticut has certified that the proposed monopole extension and antenna mounts would be structurally adequate to support the proposed equipment loading.

The calculated power density would be 26.35 percent of the applicable limit using a -10 dB off-beam adjustment.

Environmental

The surrounding land use is a mixture of residential and commercial. The nearest residence is approximately 650 feet west of the facility at 590 Forbes Avenue. The nearest wetland is located about 583-feet northwest of the proposed facility. No tree clearing is proposed for the project.

Cellco will implement erosion and sedimentation controls in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*.

The facility site is not located within the Federal Emergency Management Agency-designated 100-year or 500-year flood zone. It is located approximately 1 foot above the base flood elevation for the 100-year flood plain and portions of the proposed underground utility easement are located within the 100-year flood zone. Cellco indicates elevating the proposed facility an additional 1-foot above the existing ground elevation may increase the reliability of the facility during a flood event.

The proposed project is not located within a buffered area of the Department of Energy and Environmental Protection's Natural Diversity Database. The facility would be located on a previously disturbed area.

The facility would comply with United States Fish and Wildlife Service guidelines for minimizing potential impacts to bird species.

No schools or commercial child day care centers are located within 250 feet of the site. The nearest school and child day care are located approximately 0.98 miles east and 0.3 miles west of the site, respectively. No visibility of the proposed facility is predicted from either location.

The proposed telecommunications facility is not expected to have a significant visual impact to the surrounding area. Views of the existing billboard and proposed facility are primarily along I-95 to the south and commercial and industrial development to the south and east of the facility. Visibility from the residential area to the west would be obscured by existing vegetation and mature trees. The facility would also be visible from some residences along Peat Meadow Road during leaf-off conditions.

Facility Construction

The construction of the facility is anticipated to take four to eight weeks. Construction will be conducted between the hours of 7 a.m. to 5 p.m. weekdays and Saturdays.

Conclusion

If approved, staff recommends the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. Submit a final site plan showing the route of the access road and placement of the facility at least an additional 1-foot above the existing ground elevation prior to commencement of construction; and
3. Submit the FAA determination or the analysis related to any FAA notification requirements prior to commencement of construction.

Figure 1. Proposed Site Location¹



¹ Cellco states in the response to Council interrogatories dated March 25, 2021 that “The 15-foot-wide access easement will commence at the northerly right-of-way line of Forbes Avenue, and run in a northerly direction through the existing parking-lot, then change course and continue in a southerly direction towards the northerly side of the proposed facility.” This is represented in Fig. 3

Figure 2. Site Plan of the proposed Facility

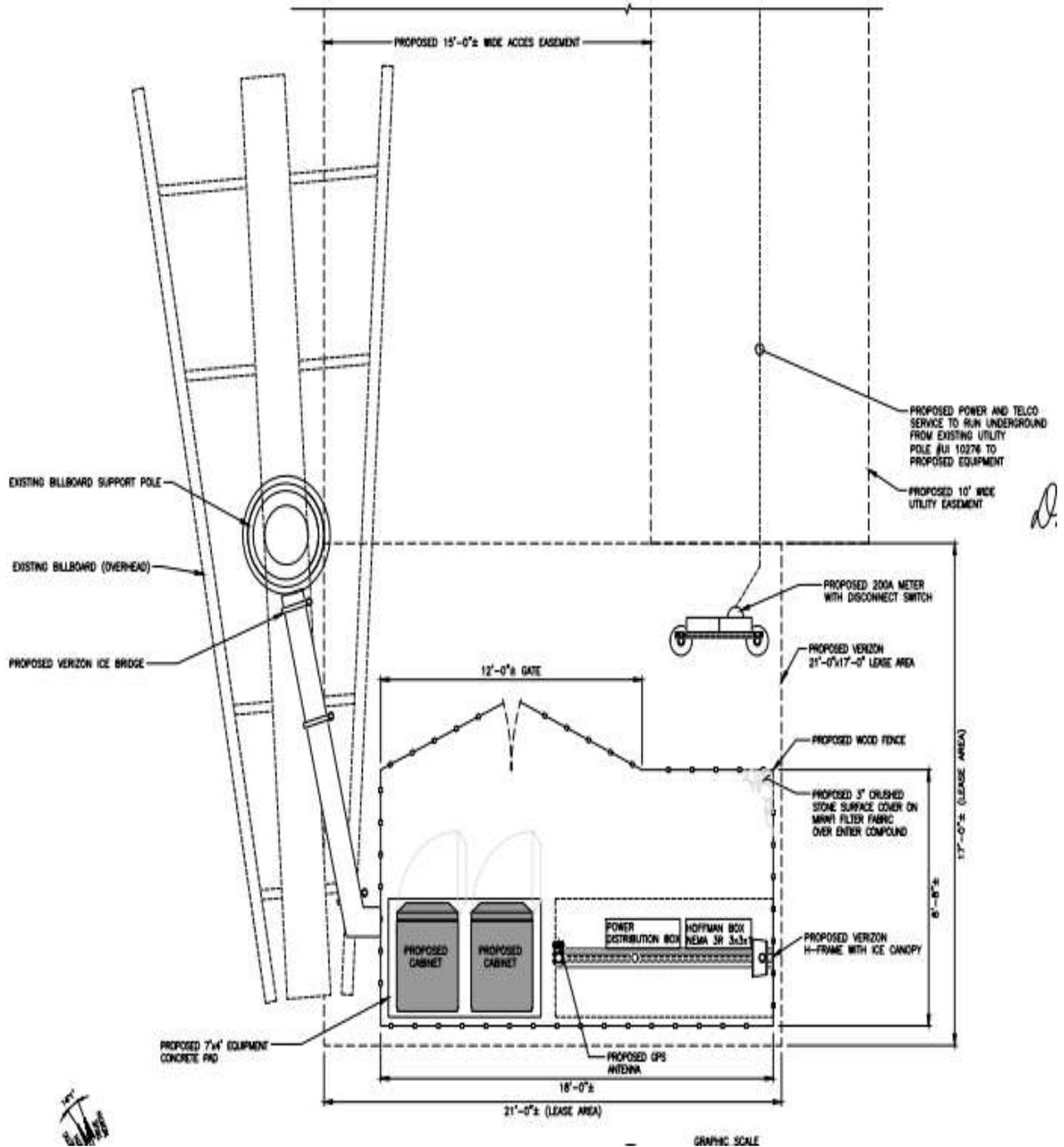


Figure 3. Side Elevation of the proposed facility

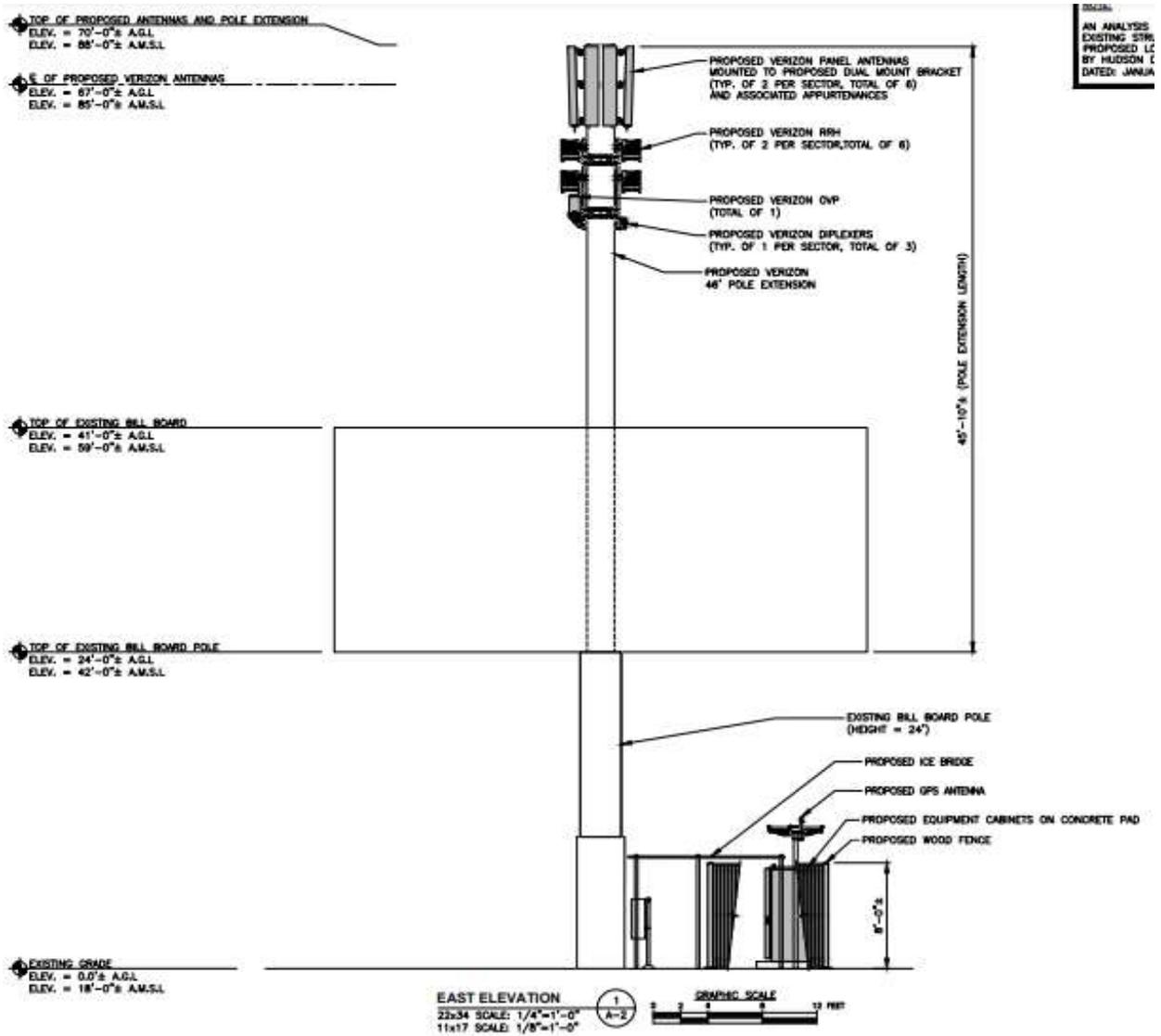


Figure 4. Site Plan showing access easement

