

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

IN RE:

ARX WIRELESS INFRASTRUCTURE LLC  
APPLICATION FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED FOR THE CONSTRUCTION,  
MAINTENANCE, AND OPERATION OF A  
TELECOMMUNICATIONS FACILITY LOCATED  
AT 1061-1063 BOSTON POST ROAD IN THE  
CITY OF MILFORD, CONNECTICUT

DOCKET NO. 500

Date: MAY 5, 2021

**ARX WIRELESS INFRASTRUCTURE LLC'S SUPPLEMENT  
TO SECTION VII(C) OF THE APPLICATION NARRATIVE**

Arx Wireless Infrastructure LLC ("ARX") hereby supplements Section VII(C) of its Application Narrative with the following information:

**VII. CONSISTENCY WITH THE MILFORD LAND USE REGULATIONS**

**C. Milford Zoning Regulations**

A portion of the Property is zoned Interchange Commercial District (ICD), and another portion of the Property is zoned R-12.5. The Site encompasses both portions of the Property, with the proposed tower location being located in the R-12.5 zone and the proposed access to the Site being over the portion zoned ICD and the portion zoned R-12.5.

As to the ICD, telecommunications facilities are not listed as a permitted use or a special use in the ICD zone, and therefore, there is no regulation governing this use in the ICD zone.

As to the R-12.5 zone, telecommunications towers that are subject to local zoning are permitted in the R-12.5 zone "subject to Special Permit, Special Exception,

and Site Plan Approval in accordance with Article VII of the Zoning Regulations.” See Sections 3.1.2 and 3.1.2.18. Section 3.1.2.18 further requires the following “conditions and safeguards” for towers that are subject to local zoning: 1) the lot area shall not be less than five (5) acres; 2) any tower shall be set back from all street and lot lines by a distance equal to or greater than the height of such tower; and 3) any other building, structure or parking area shall be set back at least 50 feet from all street and lot lines. Here, the Property is 2.44 acres. The tower, with AGL 116.0’ to the top of the antennas, would not be set back from all lot lines by a distance equal to or greater than 116.0’. The tower would, however, be setback more than 116.0’ from all street lines. Other than the tower, the other structures (i.e., generators, power distribution boxes) that constitute the Facility would be setback more than 50 feet from all street and lot lines. Thus, if the Facility were subject to local zoning, it would not fully comply with Section 3.1.2.18(1) or (2). Section 3.1.4 limits height in the R-12.5 to 35 feet, which the Facility would exceed.

If ARX were subject to local zoning, ARX submits the following information in support of the Facility’s compliance with the additional local zoning requirements:

<b>Section 7.2.2 Special Permit Requirements</b>	<b>Proposed Facility Compliance</b>
<p><b>Application Requirements</b></p> <ol style="list-style-type: none"> <li>1. Plan of Conservation and Development: That the proposed Site Plan shall be in general conformance with the intent and purpose of the current Plan of Conservation and Development of the City of Milford.</li> </ol>	<p>The Milford Plan of Conservation and Development does not identify telecommunications facilities as a land use consistent or inconsistent with the general planning and conservation principles or policies of the City. The Plan does, however, encourage “co-location facilities where multiple carriers use the same tower for their equipment.” See Bulk Filing, Plan dated December 2012 at page 114. The Facility would improve wireless services in the area thereby</p>

	<p>allowing for better communication for the ever increasing number of individuals who rely primarily or exclusively on wireless services for communication. It would also ensure that, in the event of an emergency, wireless customers would be able to successfully make a 9-1-1 call. In addition, the Facility provides enhanced opportunities for carriers to co-locate, as the Facility would accommodate AT&amp;T and Verizon, as well as two additional future carriers. Accordingly, the Facility would further some of the objectives articulated by the Plan.</p>
<p>2) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous, inconvenient or detrimental to or conflict with the flow of traffic in the neighborhood</p>	<p>The Facility would be located in the Boston Post Road/I-95 interchange area, which is dominated by existing commercial and industrial uses, which is already a busy, highly-trafficked area.</p> <p>The Facility would be unmanned, requiring infrequent monthly maintenance visits by AT&amp;T and Verizon that would last approximately one hour. The equipment located at the Facility would be monitored 24 hours a day, 7 days a week from a remote location. Therefore, the Facility is not anticipated to have any negative traffic impacts.</p>
<p><b>Section 7.3 Special Exception Requirements</b></p>	<p><b>Proposed Facility Compliance</b></p>
<p>Section 7.3.1: The nature, location, size, intensity and site layout of the use shall be such that it will be in harmony with the appropriate and orderly development of the area in which it is situated and that its operations will comply with the Performance Standard Regulations, Section 5.11, herein.</p>	<p>The Facility would be located in the Boston Post Road/I-95 interchange area, which is dominated by existing commercial and industrial uses.</p>
<p>Section 7.3.2: The nature and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relations to streets giving access to it shall be such that both pedestrian and vehicular</p>	<p>The Facility would be unmanned, requiring infrequent monthly maintenance visits by AT&amp;T and Verizon that would last approximately one hour. The equipment located at the Facility would be monitored 24 hours a day, 7 days a week from a</p>

<p>traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the predominant character of the neighborhood, or conflict with the normal traffic of the neighborhood, taking into consideration, among other things, convenient routes of pedestrian traffic, particularly street intersections, vehicular turning movements in relation to routes and volume of traffic flow, sight distances, and adequacy of parking facilities.</p>	<p>remote location. Therefore, the Facility is not anticipated to have any negative traffic impacts.</p>
<p>Section 7.3.3: The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.</p>	<p>The Facility would be located in the Boston Post Road/I-95 interchange area, which is dominated by existing commercial and industrial uses. ARX suggests that landscaping is unnecessary. It also notes that this aspect of the proposal would be best dealt with in the D&amp;M Phase.</p>
<p><b>Section 5.11 Performance Standard Regulations</b></p>	<p><b>Proposed Facility Compliance</b></p>
<p>Section 5.11.1: No building or use shall create any dangerous, injurious, noxious or otherwise detrimental condition so as to adversely affect the public health, safety or welfare of the neighborhood or community.</p>	<p>The Facility would not create any dangerous, injurious, noxious or otherwise detrimental condition so as to adversely affect the public health, safety or welfare of the neighborhood or community. See Exhibit J to Application (Power Density Report) and Exhibit I to Application (NEPA Report).</p>
<p>Section 5.11.6.1: Smoke, Fly Ash and Other Dusts, Gases, Fumes, Odors, and Dust-Producing Substances: No person shall cause or allow any smoke, fly ash and other dusts, gases, fumes, odors, and dust-producing substances to be discharged or emitted into the open air, except in accordance with the "Air Pollution Control Ordinance" of the City of Milford, Connecticut, as amended.</p>	<p>The Facility would not discharge or emit any of these substances. As to the construction phase, this aspect of the proposal would be best dealt with in the D&amp;M Phase</p>
<p>Section 5.11.6.2: Fire and Explosion Hazards: All activities involving, and all storage of, inflammable and explosive materials shall be protected at any point, with adequate safety devices protecting</p>	<p>The Facility would not involve the storage of any flammable or explosive materials.</p>

against the hazard of fire and explosion and with adequate fire fighting and fire suppression equipment and devices as prescribed by the Fire Chief or Fire Marshal.	
Section 5.11.6.3: Noise: The maximum sound pressure level radiated at the lot or street line by any use or facility subject to these regulations shall not exceed the values tolerable in a specifically affected neighborhood, unless such levels are specifically authorized as an integral part of a Special Permit and Site Plan Approval.	The Facility would not create or emit noise or vibrations, other than minor noise related to the heating and ventilation equipment. Temporary power outages could require the limited use of emergency generators on site and provisions have been made for a permanent, self-contained, on-site diesel generator. The construction and operation of the proposed Facility would have no significant impact on air, water, or noise quality.
Section 5.11.6.4: Direct and Indirect Glare: Any source of illumination shall employ only sources emitting a light of constant intensity and shall be designed, located, erected, and maintained in such manner that glare is not emitted to nearby properties or streets subject to Section 5.2 Exterior Lighting Regulations.	The Facility would not be illuminated or marked with lights.
<b>Section 7.11 Site Plan Approval</b>	<b>Proposed Facility Compliance</b>
A copy of Section 7.1 of the Zoning Regulations is attached hereto as Exhibit 1.	The Applicant will provide additional information if requested by the Council.

RESPECTFULLY SUBMITTED,  
**ARX WIRELESS INFRASTRUCTURE, LLC,**



By: \_\_\_\_\_

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# **EXHIBIT 1**

## **ARTICLE VII PLANNING AND ZONING BOARD**

### **SECTION 7.1 SITE PLAN APPROVAL**

In all cases where these Regulations require Site Plan Approval, no permit shall be issued by the Zoning Enforcement Officer except in conformity with the Site Plan approved by the Planning and Zoning Board.

#### **7.1.1 Site Plan Procedures**

**7.1.1.1 Application:** Each application for a Site Plan Review approval shall be submitted to the City Planner, Assistant City Planner, or other authorized persons as designated by the City Planner; henceforth, designated as Reviewing Officer, on a form prescribed by the Planning and Zoning Board, and shall be accompanied by ten (10) copies of the Site Plan, eight (8) if a Health Department report is not required. The applicant shall have all zoning related plans reviewed by the Reviewing Officer at the Planning and Zoning Board Office prior to the applicant distributing said plans to the various City Departments as required by the Reviewing Officer. If a subsequent review of the application by a City Department reveals the need to revise a plan, such revisions shall be noted on the title block of the revised plan, with a note indicating the nature of the revision; and then be re-circulated through the Reviewing Officer's office prior to proceeding back to the department requiring the revision. When the applicant receives all required department approvals, the Reviewing Officer will then accept an application form and fee, and will determine whether or not such application can be certified, i.e., that the proposed building construction and uses are in conformance with all applicable provisions of these Regulations and those requirements of this Section regarding Site Plan Review.

**7.1.1.2 Acceptance by Board:** The Board shall accept certified applications at the next regular meeting after certification provided the information provided by the applicant under Section 7.1.2 is complete to its satisfaction. In the event any application is not accepted, the applicant shall be notified in writing within 10 days.

**7.1.1.3 Board Action:** In reviewing the application, the Board shall consider the objectives and standards as set forth in Section 7.1.3 herein. The Board shall approve, modify\* and approve or disapprove the Site Plan within 65 days of the date of acceptance of said application, unless an extension of time is granted by the applicant. Failure to act within such time period shall be deemed approval. Any disapproval shall include written findings on any Site Plan element found contrary to either the provisions or intent of these Regulations.

*\*See Section 9.2.3 Variances of Planning & Zoning Board stipulations are prohibited.*

**7.1.1.4** Surety: The Board may require the applicant, as a condition of Site Plan approval, to post satisfactory surety in order to assure completion of proposed improvements not including buildings and compliance with the approved Site Plan and other documents.

**7.1.1.5** Issuance of Zoning Permit: Upon certification of an approved Site Plan by the Board, the applicant shall comply with all applicable provisions of ARTICLE VIII, herein, for the issuance of a zoning permit by the Zoning Enforcement Officer.

**7.1.1.6** Expiration: Any approved Site Plan for which construction has not commenced or which is not otherwise put into effect within a period of one year of the effective date of approval shall become null and void, unless an extension of time is applied for by the applicant and granted by the Board.

**7.1.1.7** Planning and Zoning Board: Amendments: Applications for Site Plan amendments shall be made to the City Planner in the same manner as the original application. *(Effective 8/20/13)*

## **7.1.2 Site Plan Elements**

Applications submitted shall include a description of all proposed uses including all intended operations, equipment and material; and shall be accompanied by a current property survey to A-2 standards prepared by a Connecticut licensed land surveyor, drawn to scale of not less than one inch equals 100 feet in size, not to exceed 24" x 36" and a proposed Site Development Plan based on the current certified survey showing the proposal and all buildings on adjacent lots within 100 feet of the plot lines of the subject lot. In addition to the Survey and Site Development Plan, the application shall also be accompanied by floor and elevation plans for alterations of all existing structures and for proposed structures. All elevations must show location detail of street number to be utilized by the building. Such numbers shall not be located on any door nor shall any number be less than 5 inches tall and must be legible from the street. Signs, specifications for building construction and materials proposed for flood-proofing, where applicable, and any such other plans as may be required to fully present the proposal, including the following information where applicable:

**7.1.2.1** The name and address of owner or owners of land to be developed, the name and address of the applicant, if other than the owner and the name, original signature and seal, originally stamped or embossed on each sheet of the licensed land surveyor, professional engineer or professional architect, licensed in the State of Connecticut, as may be applicable.



**7.1.2.2** The date, true north point and graphic written scales.

**7.1.2.3** A key map of approximately one inch to 400 or 800 feet, showing the existing Zoning Districts and street pattern within 500 feet of the site. The north arrow orientation of the key map shall match the north arrow orientation of the Site Plan.

**7.1.2.4** The locations and names of owners of record of all abutting property and developments.

**7.1.2.5** The purpose, locations, dimensions and areas of all existing and proposed rights-of-way, easements, reservations and open space areas dedicated to or offered for public use or otherwise set aside, both within and adjoining the site.

**7.1.2.6** A complete outline of existing and proposed deed restrictions or covenants applying to the premises.

**7.1.2.7** Existing and proposed elevations based on actual surveys and referenced to USGS datum shall be shown:

- (1) At each lot corner;
- (2) Along each lot line at intervening intervals, if such line is 100 feet or more in length, at each five foot change in elevation; and
- (3) At the approximate location of each foundation corner of all proposed or anticipated principal building or structure. Additional elevations and/or elevations at lesser intervals may be required as deemed necessary or appropriate by the Board.

**7.1.2.8** The location of existing and proposed waterbodies, watercourse, swamps, marshes and wetlands, with the direction of flow and water surface levels, as well as other significant physical features such as wooded areas and rock outcrops, and existing trees equal to or larger than 4” in diameter at breast height on the site and in the public right-of-way, identified by their common name.

**7.1.2.9** The location of the regulatory flood protection elevation, established wetland boundaries and boundaries of other flood-prone area, including the seasonal high water level, apparent high water mark and mean high water mark as appropriate.

**7.1.2.10** Location and design of all existing and proposed flood protection and erosion control works.

**7.1.2.11** Location, design, height and setback lines of all existing and proposed buildings and structures, including but not limited to signs, fences and walls.

**7.1.2.12** Location, design and setback lines of all existing and proposed uses not within a building or structure.

**7.1.2.13** Location and design of all existing and proposed paved areas, sidewalks, streets, curbs, driveways and parking and loading areas (showing the number of stalls provided therewith), with grades, elevations and cross sections, as appropriate.

**7.1.2.14** Location and design of all existing and proposed storm drainage in accordance with the EPA Storm Water Phase II Program regulations, sanitary sewage, and water supply facilities and easements, as well as other underground and above ground utilities, with grades, pipe sizes, elevations, points of discharge and hydrants as appropriate.

**7.1.2.15** Location and design of all required buffer strips, landscaping and screening, final site landscaping and/or grading plans. For plans other than for single family homes, landscape plans should be prepared, signed and sealed by a licensed landscape architect. Planting plans should include a plant list keyed to the plan with the proposed plants listed by their common and botanical names and specified sizes and quantities, with notes about minimum branch height, root condition and other pertinent information.

**7.1.2.16** Location, design and height of external lights and lighted areas, as appropriate.

**7.1.2.17** All Site Plans must show all areas and/or location of the following:

- (1) Outside storage areas or structures.
- (2) Utility transformers.
- (3) Utility meters (free standing or attached to a structure), i.e. electrical, gas, water.

- (4) Telephone/cable television equipment.
- (5) Fuel oil storage facilities.
- (6) Refuse/trash containers of any type.
- (7) Postal facilities.
- (8) Exterior mechanical equipment such as, but not limited to HVAC items. If any or all of the services are not to be provided or are included in a prior approval, a statement to that effect shall be included as a note on the Site Plan.

**7.1.2.18** In the case of uses or facilities requiring approval by any other agency of the State or City, the approval or status of approval of said agency shall be submitted with the application.

**7.1.2.19** Where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development shall be presented for approval.

**7.1.2.20** In order to assist the Board to determine conformity of the Site Plan with the intent and purpose of these regulations, the following information should be submitted:

- (1) Photographs of the site including all adjacent properties as viewed from all public streets as well as adjacent properties.
- (2) Elevation drawings of proposed buildings, landscaping, outdoor storage areas and refuse/trash containers and free-standing signs. The elevation views shall correspond to the site photographs.
- (3) Applications for buildings containing over 5,000 square feet shall include graphics, such as pictures, drawings or digital views, whereby the proposed development is integrated with existing adjacent development.
- (4) All Site Plan Applications shall include a narrative including graphics as necessary which presents information as to the impact of the Site Plan on natural resources as described in the Natural Resource Inventory attached as Appendix C. The Site Plan Application shall specifically address how the proposed project complies with the “Recommendations” section of Appendix C.

**7.1.2.21** Any other information deemed necessary by the Board to determine conformity of the Site Plan with the intent and purpose of these regulations.

In general, except for very minor additions, all development proposals for Site Plan review will include individual sheets:

- (1) Title sheet with locus map.
- (2) Site Plan building size, setbacks, zoning requirements required and proposed.
- (3) Landscaping Lighting Plan-site signage may be included on this sheet.
- (4) Utility/Grading/Contour Plan including catch basins, curbs, paving details if necessary.
- (5) Sediment and erosion control plans if applicable.
- (6) For multiple building projects or multi-tenant facilities, mylar address map, may be provided after receiving Site Plan approval; must be provided before obtaining a zoning permit.

**7.1.3 Site Plan Review:** In approving any Site Plan, the Planning and Zoning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and of the immediate neighborhood in particular, and may attach reasonable conditions and safeguards as a precondition to its approval. The City Planner shall be responsible for circulating the Site Plan submission to all applicable boards, commissions and departments for review and comment, and shall prepare a detailed summary of the issues, concerns and comments generated by these boards, commissions and departments for review and consideration by the Planning and Zoning Board. The Board shall also consider the following general objectives and design criteria:

**7.1.3.1 Zoning Districts:** That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the Zoning District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

**7.1.3.2 Traffic Access:** That proposed traffic access ways are: adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners and similar safety considerations.

**7.1.3.3** Public Safety: That proposed buildings, structures, uses, equipment or material shall be readily accessible for fire and police protection.

**7.1.3.4** Circulation and Parking: That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use, and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking.

**7.1.3.5** Landscaping and Screening: That proposed buildings, structures, uses, recreation areas, and parking, loading and vehicular access areas are reasonably landscaped and/or screened with appropriate vegetation and/or fencing of suitable type, density and height adjacent to residential lots and streets, where appropriate; notwithstanding the procedural provisions of Section 4.1.7 herein.

**7.1.3.6** Illumination: That lighting from the installation of outdoor lighting and illuminated signs shall be designed in accordance with Section 5.2 Exterior Lighting Regulations and Section 5.3 Sign Regulations.

**7.1.3.7** Public Health: That utility systems will be suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the City.

**7.1.3.8** Character and Appearance: That the character and appearance of the proposed buildings, structures, uses and/or outdoor signs will not be detrimental to the character and appearance of the surrounding neighborhood and will not adversely affect the general welfare of the inhabitants of the City.

**7.1.3.9** Surety: The Board may require surety in accordance with Section 7.1.1.4 herein.

**7.1.3.10** Zoning Permit: Upon approval of a Site Plan Review by the Board, the applicant shall comply with all applicable provisions of ARTICLE VIII, herein for the issuance of a Zoning Permit by the Zoning Enforcement Officer.

**7.1.3.11** Effect of Site Plan Review: Any use for which a Site Plan Review has been approved shall be deemed to be a conforming use in the zoning district in which such use is located, as long as all applicable regulations and conditions of approval are met.

**7.1.3.12** Statutory Completion Schedules:

- (1) In the case of any Site Plan approved on or after October 1, 1984, except as provided in paragraph (2) of this subsection, all work in connection with such Site Plan shall be completed within five years after the approval of the plan. The certificate of approval of such Site Plan shall state the date on which such five-year period expires. Failure to complete all work within such five-year period shall result in automatic expiration of the approval of such Site Plan, except in the case of any Site Plan approved on or after October 1, 1989, the Planning and Zoning Board or the Zoning Enforcement Officer approving such Site Plan may grant one or more extensions of such five year period, provided the total extension or extensions shall not exceed ten years from the date such Site Plan is approved. "Work" for purpose of this subsection means all physical improvements required by the approved plan.
  
- (2) In the case of any Site Plan for a project consisting of four hundred or more dwelling units approved on or after June 19, 1987, all work in connection with such Site Plan shall be completed within ten years after the approval of the plan. In the case of any commercial, industrial or retail project having an area equal to or greater than four hundred thousand square feet (400,000) approved on or after October 1, 1988, the Planning and Zoning Board or the Zoning Enforcement Officer approving such Site Plan shall set a date for the completion of all work in connection with such Site Plan, which date shall be not less than five nor more than ten years from the date of approval of such Site Plan, provided such commission, agency or official approving such plan and setting a date for completion which is less than ten years from the date of approval may extend the date of completion for an additional period or periods, not to exceed ten years in the aggregate from the date of the original approval of such Site Plan. The certificate of approval of such Site Plan shall state the date on which such work shall be completed. Failure to complete all work within such period shall result in automatic expiration of the approval of such Site Plan. "Work" for purposes of this subsection means all physical improvements required by the approved plan.

**7.1.3.13** Expiration: Any authorized Site Plan Review for which construction has not commenced or which is not otherwise put into effect within a period of one year, shall become null and void, unless an extension of time is applied for by the applicant and granted by the Board.

**7.1.3.14** Revocation: An authorized Site Plan Review shall be subject to revocation by the Board if any conditions or safeguards imposed by the Board upon land, buildings, structures, or uses for said permits are not strictly adhered to by the applicant and/or owner. However, before the Board may revoke any Site Plan Review, the Board shall hold a public hearing thereon.

**7.1.3.15** Waivers: The Board may waive, subject to appropriate conditions such requirements of this Section 7.1 and standards as set forth in the regulations governing uses requiring Site Plan Review as in its judgment of the special circumstances and conditions relating to a particular application, are not requisite in the interest of the public health, safety and general welfare. When making its determination as to the extent of variation from the standards as set forth in these Regulations, the Board shall take into consideration the prospective character of the use, the interests of the City as a whole, and the purpose and intent of these Regulations.