

DOCKET NO. 507 – Homeland Towers, LLC and Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a wireless telecommunications facility located at 222 Clintonville Road, North Branford, Connecticut. } Connecticut
} Siting
} Council
May 26, 2022

Opinion

On January 27, 2022, Homeland Towers, LLC (HT) and Cellco Partnership d/b/a Verizon Wireless (Cellco), applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 110-foot wireless telecommunications facility at 222 Clintonville Road in North Branford, Connecticut. The purpose of the proposed facility is to provide reliable wireless communications services to the Northford area of the Town of North Branford (Town).

The United States Congress recognized a nationwide need for high quality wireless services through the adoption of the Federal Telecommunications Act of 1996 and directed the Federal Communications Commission (FCC) to establish a market structure for system development and develop technical standards for network operations. The FCC preempts state or local regulation on matters that are exclusively within the jurisdiction and authority of the FCC, including, but not limited to, network operations and radio frequency emissions. Preservation of state or local authority extends only to placement, construction and modifications of telecommunications facilities based on matters not directly regulated by the FCC, such as environmental impacts. The Council’s statutory charge is to balance the need for development of proposed wireless telecommunications facilities with the need to protect the environment.

HT owns and/or operates numerous tower facilities in the state. HT would construct, maintain and own the proposed facility and would be the Certificate Holder. Cellco is licensed by the FCC to provide personal wireless communications service throughout the state and would lease space on the proposed tower for their telecommunications equipment.

Cellco’s network does not have reliable coverage in the Northford area, including but not limited to, the Northford center and portions of State Routes 17, 22 and 150. Cellco provides wireless service to portions of North Branford and the surrounding area from seven existing tower sites within four miles of Northford. None of these existing facilities provides reliable service to the target area.

Cellco would deploy 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 3500 MHz wireless service at the site, all of which transmit voice and data services. The 850 MHz and 3500 MHz bands are designed to carry 5G services.

The site would provide reliable service to 0.9 miles of Route 17, 1.5 miles of Route 22, and 1.6 miles of State Route 150 as well as to the surrounding residential and commercial areas. Although the proposed site provides needed coverage to the Northford area, it cannot cover all of Cellco’s needs in the larger, surrounding area. For example, a one mile coverage gap would remain on Route 150 in Wallingford but this area is beyond Cellco’s objectives for the proposed site.

In 2014, Cellco identified a need and began a search for a facility site in Northford that included locating antennas within the steeple at St. Andrews Church. At that time, the church was not interested in hosting a telecommunications facility and Cellco subsequently abandoned its search.

In 2018 and 2020, HT searched for suitable tower sites. HT investigated 29 potential sites in the Northford area, several of which were Town properties and lands owned by the South Central Connecticut Regional Water Authority. Both the Town and water authority declined to lease space to HT for tower development. Of the private properties, all except the host property were rejected due to deficient coverage to the area, the presence of land constraints such as wetlands, or lack of property owner interest. In addition, Cellco examined collocation at existing towers in the area, but none were able to provide adequate, reliable service to the target area.

Although many sites were examined and many landowners did not respond to HT's solicitation, the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility.

The proposed site consists of either a 110-foot monopole (painted brown) or 110-foot monopine located in the eastern portion of the 7.8-acre residentially-zoned parcel. The property is developed with a residence that is accessed from a driveway extending east from Clintonville Road. The tower would be located within a 4,061 square-foot equipment compound designed to support the equipment of three additional carriers, as well as municipal emergency services equipment. No other wireless carriers expressed an interest to the Council in co-locating on the tower at this time.

Cellco proposes to install 12 panel antennas and 6 remote radio heads installed on t-arm mounts at a tower centerline height of 96 feet above ground level. The Town would install two municipal whip antennas at the top of the tower for public works and emergency service communications, as part of a town wide communication system upgrade to digital technology. Cellco would install equipment cabinets within the compound on a 10-foot by 10-foot concrete pad covered by a canopy and the Town would install radio equipment within a 10-foot by 10-foot lease area. The proposed equipment compound will be surrounded by an eight-foot chain link fence with a 12-foot wide gate that would be locked for security purposes.

In the event an outage of commercial power occurs at the proposed site, Cellco would rely on a 50-kilowatt propane-fueled generator and an associated 500-gallon propane tank that would provide approximately two days of run time before refueling is necessary. Cellco would share its generator with the Town. There is enough space within the compound to accommodate a larger fuel storage tank, therefore, the Council will order the installation of a 1,000-gallon fuel tank to ensure enough backup power during a prolonged outage. Cellco would also provide a battery backup power source for use in the event the generator does not start.

The compound would be accessed by using a portion of the existing driveway and a new 12-foot wide, 795-foot long gravel driveway that extends through lawn and forested areas to the compound. Utilities to the compound would be installed underground along the access road from existing service along Clintonville Road.

The nearest property boundary from the proposed compound and tower is approximately 51 feet and 96 feet, respectively, to the south at 250 Clintonville Road. Thus, the tower setback radius for the proposed tower would extend beyond the boundary of the subject property. HT would design a yield point at the 80-foot level of the tower to ensure the tower setback radius remains within the boundaries of the host parcel. There are approximately 36 residential structures within 1,000 feet of the proposed tower site. The nearest residence is located approximately 253 feet to the north at 61 Pistapaug Road.

The tower site is located on a small hill and development of the site would require 2,450 cubic yards of cut and 400 cubic yards of fill. HT does not anticipate the need for blasting to construct the facility. The proposed facility would be constructed in compliance with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*. Erosion control measures include the application of erosion control blankets, swales/check dams, and erosion and sedimentation barriers such as silt sox. HT would consider using two rows of erosion control barrier adjacent to a spring fed, manmade pond on the site, located in the south-central portion of the parcel.

Development of the site would remove 93 trees with a diameter of six inches or greater at breast height. The Applicant would plant 35 to 40 trees along the access road and around the compound.

The proposed access drive would be 17 feet at its closest point to the pond. In this area, HT would install a culvert within the road to prevent the potential for standing water from being retained on the upgradient side of the road. This area is also at the base of the small hill and is adjacent to the north property line. Due to the narrow upland area between the pond and property line, site disturbance to construct the road/culvert would occur up to the property line. HT stated that reduction in the amount of site disturbance in this area may be possible, therefore, the Council will order HT to re-examine the culvert installation and associated road grading to reduce the amount of disturbance in this area.

The spring fed pond was assessed for the potential to support vernal pool obligate species. Although wood frog was found, the presence of predatory species in the pond and the amount of residential development in the surrounding area, the pond was determined to have a low function as a vernal pool. The development of the site would not substantially affect the use of the pond by vernal pool species.

The site is not located within a DEEP Natural Diversity Database buffer area. The northern long-eared bat (NLEB), a federally-listed Threatened Species and State Endangered Species, is known to occur in the vicinity of the proposed site. However, the proposed site is not located within 150 feet of a known NLEB maternity roost tree or within 0.25-mile of a known hibernaculum. The U.S. Fish and Wildlife Service (USFWS) determined that the proposed facility would not have an impact on the NLEB.

The Indiana bat, a federally-listed Threatened Species, has been historically recorded in the North Branford area. To reduce potential effects on the bat, HT would be willing to adhere to a tree clearing restriction between April 1 and October 1, and thus, the Council will order HT to adhere to this restriction.

Although the proposed facility is not located in proximity to a National Audubon Society designated Important Bird Area, the facility would comply with the USFWS guidelines for minimizing the potential for telecommunications towers to impact bird species.

The host parcel abuts the Northford Historic District to the east, generally located along the main roads east and northeast of the site. The historic district includes 106 historic resources, most of which are houses and associated outbuildings, as well as two churches, a schoolhouse, and a library. The State Historic Preservation Office (SHPO) determined that the proposed project would not have an adverse effect on sites listed on or eligible for listing on the National Register of Historic Places, including, but not limited the historic district, and other historic and archeological sites within a mile of the site, as long as the facility is constructed as non-visible as possible. SHPO recommended a monopole, rather than a monopine, be constructed at the site.

The site is not within a flood zone or an aquifer protection area. A portion of the site is mapped prime farmland soil, but the property owner does not conduct agricultural activities on the parcel. Operation of the facility would comply with DEEP Noise Control Standards.

HT prepared a visual impact assessment of the site utilizing computer modeling supplemented with in-field studies within a two-mile radius of the site. These analyses were used by HT to generate photo-simulations of the proposed tower. Based on HT's visual impact assessment within a two-mile radius of the site (Study Area-8,042 acres), the proposed tower would be visible year-round from approximately 43 acres (<1%) of the Study Area, mostly from agricultural or commercial areas.

For areas within a half-mile of the site, 13 acres would have year-round views of the tower, including but not limited to, from four residences on Clintonville Road, and two residences on Pistapaug Road, where the upper portions of the tower would be visible. Approximately 25-30 residences within a half-mile of the site may be able to view a portion of the tower through deciduous vegetation during winter leaf-off season. Landscaping would be installed around the compound to screen views of the compound from abutting properties.

Most of the resource areas within the Northford Center Historic District would not have year-round views of the tower except for the abutting property to the southeast at 4 Old Post Road, and small segments of Old Post Road approximately 600 feet east of the site. Other areas and roadways within the district may have seasonal views of the tower.

There are no Connecticut blue-blazed or other hiking trails located within two miles of the proposed site. In addition, there are no state or locally designated scenic roads located within two miles of the proposed site.

No public schools or commercial child day care facilities are located within 250 feet of the proposed site.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the cumulative worst-case maximum power density from the radio frequency emissions from the operation of Cellco's and the Town's proposed antennas to be installed on the tower have been calculated to amount to 13.7 % of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, as measured at the base of the tower. This is conservatively based on all antennas of a given sector pointing down to the ground and emitting maximum power. This percentage is below federal standards established for the frequencies used by wireless companies. If federal standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. Regarding potential harm to wildlife from radio emission; this, like the matter of potential hazard to human health, is a matter of federal jurisdiction. The Council's role is to ensure that the tower meets federal permissible exposure limits.

After considering the record in this matter, the Council finds a need for a new tower to provide necessary wireless services for Cellco to an underserved area. The Applicants are proposing either a brown painted monopole or a monopine at the site. Although there are areas with pine trees in proximity to the site, the Council finds that in this case, a brown painted monopole would be just as effective as a monopine when viewed through the trees.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility at the proposed site in the proposed location, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture and

wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the state concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 110-foot brown painted monopole telecommunications facility at the proposed site located at 222 Clintonville Road, North Branford, Connecticut.