

Connecticut Siting Council

APPLICATION OF
THE FIRST TAXING DISTRICT WATER DEPARTMENT
NORWALK, CT



173 ½ WEST ROCKS ROAD
NORWALK, CONNECTICUT

DOCKET NO. _____

MARCH 20, 2020

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3. Legal Notice in *The Hour*
4. Notice to Landowners; List of Abutting Landowners; Certificate of Service
5. Wireless Carriers' Coverage Maps
6. Site Search Summary
7. Visual Assessment and Photo-Simulations
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12. Farmland Soils Map
13. Calculated Radio Frequency Exposure Report
14. FEMA – National Flood Hazard Map
15. Public Information Meeting – Notice and Certificate of Mailing
16. TOWAIR Determination Results

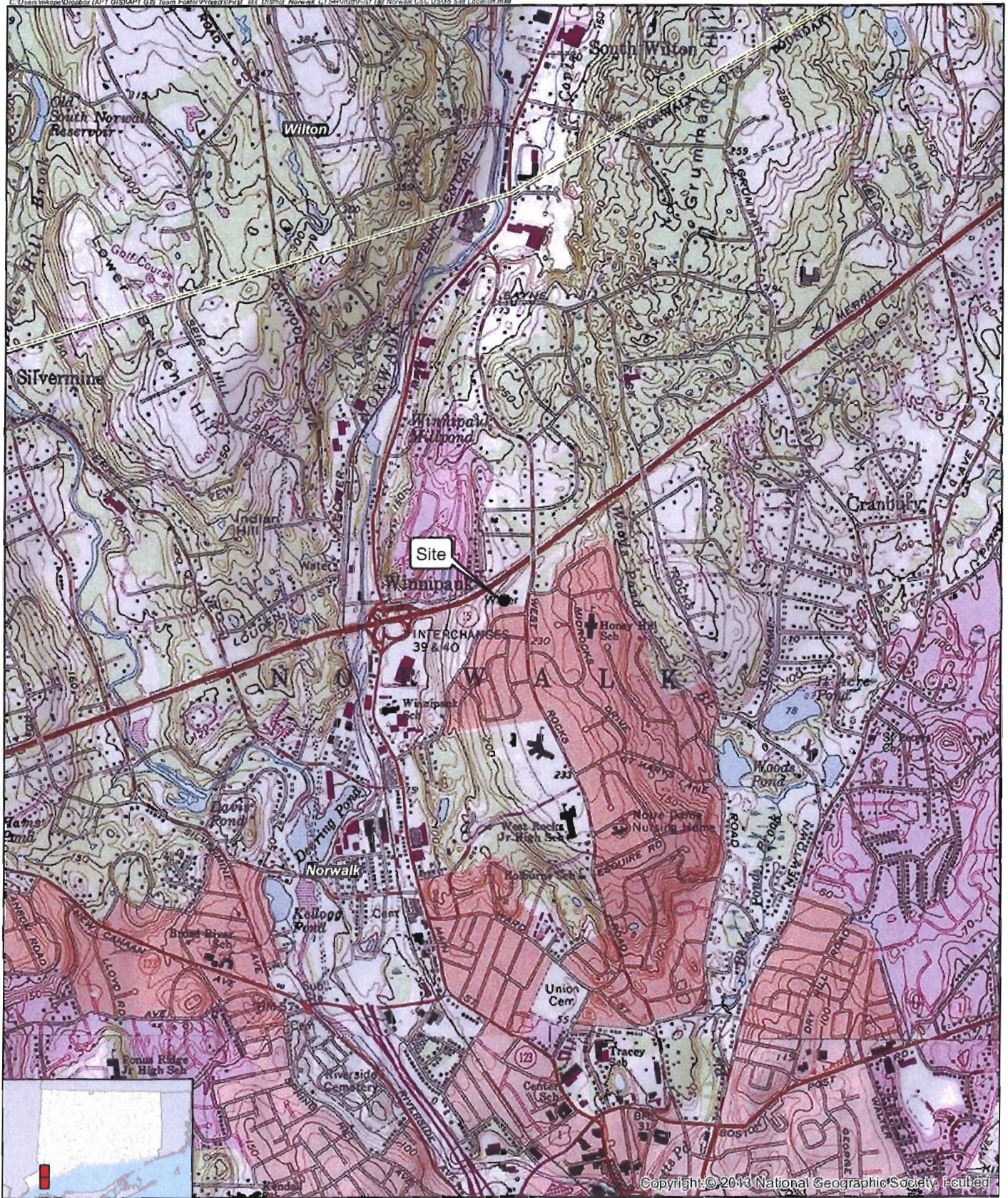
EXECUTIVE SUMMARY

The First Taxing District Water Department of Norwalk (the “FTD” or the “Applicant”) proposes to construct a wireless telecommunications tower and related facility compound on a 1.89-acre parcel at 173½ West Rocks Road in Norwalk, Connecticut (the “Property”). The Property is owned by the FTD and is currently used for water company and wireless telecommunications purposes.

The FTD currently maintains a 100,000 gallon out-of-service water tank in the northeast portion of the Property. Although no longer used for water storage purposes, the existing water tank currently supports wireless telecommunications antennas and related equipment owned and operated by New Cingular Wireless PCS, LLC (“AT&T”), Cellco Partnership d/b/a Verizon Wireless (“Verizon”), T-Mobile Northeast, LLC (“T-Mobile”) and Sprint Spectrum (“Sprint”) (collectively, the “Wireless Carriers”). Equipment associated with the Wireless Carriers antennas is located on the ground near the base of the existing water tank within a fenced compound.

The FTD recently received Norwalk Zoning Commission approval to install a new 500,000 gallon water tank in the central portion of the Property. The FTD also intends to remove the existing 100,000 gallon water tank from the Property and perform certain environmental remediation tasks in the northeast corner of the Property. In an effort to maintain the continuity of wireless service in the area, the FTD intends to build a new wireless telecommunications tower on the Property. The Wireless Carriers have agreed to relocate all existing antennas and associated equipment to the new telecommunications facility.

To accommodate the Wireless Carriers' needs, FTD intends to build a 130-foot tall tower in the central portion of the Property. The Wireless Carriers will install antennas and related equipment on the tower at the 126-foot (AT&T), 116-foot (Verizon), 106-foot (T-Mobile), and 96-foot (Sprint) levels. Radio equipment for each of the Wireless Carriers would be located within a fenced facility compound. A propane-fueled generator and fuel tank may also be located on the Property if needed by the Wireless Carriers. Vehicular access and utilities to the FTD tower site would extend from West Rocks Road.

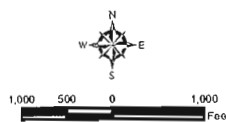


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Legend

- Site
- - - Municipal Boundary

Map Notes:
 Base Map Source: USGS 7.5 Minute Topographic
 Quadrangle Maps, Norwalk North, CT (1975) and
 Norwalk South, CT (1984)
 Map Scale: 1:24,000
 Map Date: February 2020



Site Location Map

Proposed Wireless
 Telecommunications Facility
 First Taxing District of
 The City of Norwalk
 173 1/2 West Rocks Road
 Norwalk, Connecticut





Legend

- Proposed Lease Area
- Proposed Equipment
- Potential Equipment
- Proposed Electrical and Telco Service
- Proposed Gravel Access Drive/Turn-Around Area
- Proposed Equipment Areas
- Proposed Hydropillar Water Reservoir (By Others)
- Proposed Fence (By Others)
- Subject Property
- Approximate Parcel Boundary

Site Schematic

Proposed Wireless Telecommunications Facility
 First Taxing District of
 The City of Norwalk
 173 1/2 West Rocks Road
 Norwalk, Connecticut

Map Notes:
 *Item Not Located Within Mapped Area
 Base Map Source: 2019 Aerial Photograph (CTECO)
 Map Scale: 1 inch = 150 feet
 Map Date: March 2020



**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE: :
: :
APPLICATION OF THE FIRST TAXING : DOCKET NO. ____
DISTRICT WATER DEPARTMENT OF :
NORWALK FOR A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY AND :
PUBLIC NEED FOR THE CONSTRUCTION, :
MAINTENANCE AND OPERATION OF A :
WIRELESS TELECOMMUNICATIONS :
FACILITY AT 173½ WEST ROCKS ROAD IN :
NORWALK, CONNECTICUT : MARCH 20, 2020

**APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

I. INTRODUCTION

A. Authority and Purpose

This Application and the accompanying attachments (collectively, the “Application”) is submitted by The First Taxing District Water Department of Norwalk (the “FTD” or the “Applicant”), pursuant to Chapter 277a, Sections 16-50g *et seq.* of the Connecticut General Statutes (“C.G.S.”), as amended, and Sections 16-50j-1 *et seq.* of the Regulations of Connecticut State Agencies (“R.C.S.A.”), as amended. The Application requests that the Connecticut Siting Council (“Council”) issue a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance, and operation of a wireless telecommunications facility (the “FTD Facility”) on a 1.89-acre parcel at 173½ West Rocks Road in Norwalk, Connecticut (the “Property”). The FTD Facility will consist of a new 130-foot monopole tower within a 3,518 square foot fenced compound. The FTD Facility will support antennas owned and operated by New Cingular Wireless PCS, LLC (“AT&T”), Cellco Partnership d/b/a Verizon

Wireless (“Verizon”), T-Mobile Northeast, LLC (“T-Mobile”) and Sprint Spectrum (“Sprint”) (collectively the “Wireless Carriers”). Equipment associated with the Wireless Carriers’ antennas will be installed within a fenced compound. A propane-fueled generator and fuel tank may also be located on the Property if needed by the Wireless Carriers.

Included in this Application, as Attachment 1 is a factual summary and project plans showing the FTD Facility, its location and other existing and proposed site improvements. This summary, along with the other attachments submitted as part of this Application, contain all of the site-specific information required by statute and the regulations of the Council.

B. The Applicant

The First Taxing District of Norwalk is a municipal water company with an administrative office located at 12 New Canaan Road, Norwalk, CT 06851. AT&T, Verizon, T-Mobile and Sprint are licensed by the Federal Communications Commission (“FCC”) to operate wireless telecommunications systems in the State of Connecticut within the meaning of C.G.S. Section 16-50i(a)(6). Each of the Wireless Carriers has extensive national experience in the development, construction and operation of wireless telecommunications systems and the provision of wireless telecommunications service to the public.

Correspondence and/or communications regarding this Application may be addressed to:

First Taxing District Water Department
12 New Canaan Avenue
P.O. Box 27
Norwalk, CT 06852
Attention: Dominick M. DiGangi, General Manager

A copy of all such correspondence or communications should also be sent to the FTD’s legal counsel:

Robinson & Cole LLP
280 Trumbull Street
Hartford, Connecticut 06103-3597
(860) 275-8200
Attention: Kenneth C. Baldwin, Esq.

C. Application Fee

The estimated total construction cost for the FTD Facility would be less than \$5,000,000. Therefore, pursuant to Section 16-50v-1a(b) of the Regulations of Connecticut State Agencies, an application fee of \$1,250 accompanies this Application in the form of a check payable to the Council.

II. SERVICE AND NOTICE REQUIRED BY C.G.S. SECTION 16-50(b)

Copies of this Application have been mailed to municipal, regional, state and federal officials, pursuant to C.G.S. Section 16-50(b). A certificate of service, along with a list of the officials served with a copy of the Application, is included as Attachment 2.

Notice of the FTD's intent to submit this Application was published on March 12 and March 13, 2020, by the FTD in *The Hour* pursuant to C.G.S. Section 16-50(b). A copy of the legal notice is included in Attachment 3. A copy of an Affidavit of Publication will be forwarded to the Council as soon as it is available.

Attachment 4 contains a certification that notice of FTD's intent to file this Application was sent to each person appearing of record as an owner of land that may be considered to abut the Property in accordance with C.G.S. Section 16-50(b), as well as a list of the property owners to whom such notice was sent and a sample notice letter, including attachments.

**III. STATEMENT OF NEED AND BENEFITS FOR THE PROVISION OF
ADVANCED AND RELIABLE WIRELESS SERVICES**

The purpose of this section is to provide an overview and general description of the

proposed FTD Facility in Norwalk.

A. Federal Law and Policy

In 1996, the United States Congress adopted the federal Telecommunications Act (the “Act”). (Pub. L. No. 104-104, 110 Stat. 56). The Act recognized, among other things, an important nationwide need for high-quality wireless telecommunication services of all varieties. The Act also expressly promotes competition and seeks to reduce federal, state and local government regulation in all aspects of the telecommunications industry in order to foster lower prices for consumers and to encourage the rapid deployment of new and advanced wireless service and technologies.

Because the FCC and the United States Congress have determined that there is a pressing public need for high-quality wireless telecommunications service nationwide, the federal government has preempted the determination of public need by states and municipalities, including the Council, with respect to public need for the service to be provided by the facility described in this Application. In addition, the FCC has promulgated regulations containing technical standards for wireless systems, including design standards, in order to ensure the technical integrity of each system and nationwide compatibility among all systems. State and local regulation of these matters is likewise preempted. The FCC has also exercised its jurisdiction over and preempted state and local regulation with respect to radio frequency emission and interference issues by establishing regulations and requirements in these areas as well.

Recognizing the public safety benefits that enhanced wireless telecommunications networks can provide, the United States Congress also enacted the Wireless Communications and Public Safety Act of 1999 to promote and enhance public safety by making 911 the universal emergency assistance number, furthering the deployment of wireless 911 capabilities and further encouraging

the construction and operation of seamless, ubiquitous and reliable wireless networks. In 2004, Congress enacted the Enhanced 911 (E-911) Act for the specific purpose of enhancing and promoting Homeland Security, public safety and citizen activated emergency response capabilities. These goals and other related responsibilities imposed on wireless service providers can only be satisfied if the Wireless Carriers maintain ubiquitous and reliable wireless networks.

In December of 2009, President Obama issued Presidential Proclamation No. 8460 (74 C.F.R. 234 (2009)), which recognizes the need to protect the nation's "critical infrastructure", including, among others, "cellular phone towers". In 2010, the FCC developed a national broadband policy¹ to ensure that all Americans would have access to broadband capability, whether wired or wireless; to establish the United States as a leader in wireless service innovation; and to establish, in America, the fastest and most extensive wireless network.

In an effort to encourage a more timely review and approval of wireless facility siting applications, the FCC, in 2011, established specific time limits for local and State land use decisions on wireless facilities.² In 2012, Congress passed the Middle Class Tax Relief and Job Creation Act which included a provision (Section 6409) which mandates the approval of certain eligible wireless facility modifications. The provisions of Section 6409 were further clarified in the FCC's October 17, 2014 Report and Order (FCC-14-153) and were specifically designed to accelerate broadband deployment by improving the efficiencies of the wireless siting process.

The FCC's rules permit licensees to modify their systems, including the addition of new cell sites, without prior approval by the FCC, as long as the licensee's authorized service area is not

¹ Connecting America: The National Broadband Plan, Federal Communications Commission (2010).

² FCC Declaratory Ruling WT Docket No. 08-165.

enlarged. As mentioned above, the FTD Facility is a replacement facility and would not enlarge any of the Wireless Carriers' authorized service areas.

B. Public Need and System Design

1. Need for the FTD Facility

As noted above, the Act has pre-empted any state or local determination of public need for wireless services. Pursuant to their respective FCC Licenses, the Wireless Carriers have developed and continue to develop a network of cell sites to serve the demand for enhanced wireless services throughout the nation and more specifically, the State of Connecticut.

The principal need for the proposed FTD Facility is to replace the wireless service currently provided from the existing FTD water tank in the northeast portion of the Property. As discussed further below, the existing water tank will be removed as a part of a site environmental remediation program.

The existing FTD water tank was constructed in 1953 and has been used, to support wireless communications antennas and related equipment continuously since 1992.³ In 2016, the FTD decided to discontinue use of the existing water tank due to the discovery of lead paint and polychlorinated biphenyls on the tank and in the soil beneath the tank. As a part of its environmental remediation plan for the Property, FTD will remove the existing water tank and the contaminated soils beneath the tank from the Property. In order to maintain existing wireless service in the area, FTD agreed to develop a new monopole tower on the Property and allow Wireless Carriers to relocate to the new structure.

³ See Council Petition No. 284.

The new FTD Facility will allow the Wireless Carriers to maintain the same level of service they enjoy today, along portions of the heavily-traveled Merritt Parkway (Route 15), Route 7, Main Street and West Rocks Road, as well as the commercial and residential areas surrounding the Property. (See Attachment 5).⁴

2. System Design and Cell Site Equipment

a. System Design

Wireless systems in general and the proposed FTD Facility, in particular, have been designed and developed to allow the Wireless Carriers to achieve and to maintain high quality, reliable wireless service operating in a coordinated fashion with their surrounding sites. The system design is capable of orderly expansion and is compatible with other wireless systems. The resulting quality of service compares favorably with the quality of service provided by conventional wireline telephone service. The wireless system is designed to assure a true cellular configuration of base transmitters and receivers in order to cover the proposed service area effectively while providing the highest quality of service possible.

b. Cell Site Equipment

Within the facility compound, four (4) 10' x 20' concrete pads for the ground-mounted radio equipment associated with the AT&T, Verizon, T-Mobile and Sprint antennas. Space is available for a fifth concrete pad (10' x 10') if needed for municipal or emergency service purposes.

On the tower, each carrier will install a series of antennas and remote radio heads and fiber

⁴ Coverage maps included in Attachment 5 show coverage from the existing FTD water tank facility, coverage without the existing water tank facility, and coverage from the proposed FTD Facility (monopole) for each Wireless Carrier.

optic and/or coaxial antenna cables, inside the monopole.

Space has been reserved for a propane-fueled generator within the facility compound and a propane fuel tank elsewhere on the Property if a need exists.

3. Technological Alternatives

Pursuant to authorization by the FCC, each of the Wireless Carriers are authorized to provide wireless telecommunications services throughout the State of Connecticut. There are no equally effective technological alternatives to the proposal contained herein. In fact, each wireless system represents state-of-the-art technology offering high-quality service.

C. Site Selection and Tower Sharing

1. Cell Site Selection

The goal of the cell site selection process was to locate a facility in such a manner as to allow the Wireless Carriers to maintain high-quality wireless network service, comparable to that provided by the existing FTD water tank site, while minimizing the environmental impact of such a facility.

The FTD initiated its search for an alternative facility location in January of 2018 and spent the next 16 months working with the Wireless Carriers and the State Historic Preservation Office (“SHPO”) to identify a viable tower location on the Property. The Site Search Summary (Attachment 6) together with the site information contained in Attachment 1 support the FTD’s position that the site selected represents the most feasible and viable alternative of the sites investigated. Additional information about the alternative site search effort is included in both the Visual Impact Analysis (Attachment 7) and Historic Resources Determination (Attachment 11).

2. Tower Sharing

The FTD Facility tower and compound has been designed to be shared by each of the Wireless Carriers, and can accommodate municipal services and local emergency service providers, if a need exists. This type of tower sharing arrangement would reduce, if not eliminate, the need to develop additional towers in this same area in the future.

3. Overall Costs and Benefits

Aside from the limited visual impacts discussed further below, the Applicant believes that there are no significant costs attendant to the construction, maintenance, and operation of the proposed cell site. In fact, the public will benefit substantially from its ability to continue to receive high-quality, reliable wireless service in northeasterly portions of Norwalk.⁵ The FTD Facility would be a part of a communications system that addresses the public need identified by the FCC and the United States Congress for high-quality, competitive mobile and portable wireless service. Moreover, the proposed cell site would be part of a system designed to limit the need for additional cell sites in the future. The overall costs to the Applicant for development of the proposed cell site are set forth in Section III.D. of the Application.

4. Environmental Compatibility

Pursuant to Section 16-50p of the General Statutes, in its review of the Application, the Council is required to find and to determine, among other things, the nature of the probable environmental impact, including a specification of every significant adverse effect, whether alone

⁵ Businesses and individuals across the country have become much more dependent on wireless services especially in emergency situations. The public safety benefits of wireless telephone service are illustrated by the Connecticut State Police Enhanced 911 emergency calling system. The E-911 emergency calling system is available statewide to all wireless telephone users. Numerous other emergency service organizations have turned to wireless telephone service for use during natural disasters and severe storms when wireline service is interrupted or unavailable.

or cumulatively with other effects, on, and conflicting with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish and wildlife.

a. Primary Facility Impact is Visual

The proposed FTD Facility has been designed to meet the public need for high-quality, reliable wireless service while minimizing, to the extent possible, any potential adverse environmental impacts. In part because there are few, if any other adverse impacts, the primary impact of facilities such as this is visual. This visual impact will vary from location to location around a proposed tower site, depending upon factors such as vegetation, topography, the distance of nearby properties from the tower site and the location of buildings and roadways in a “sight line” toward the tower. Attachment 7 contains Visual Assessment & Photo-Simulations (the “Visual Assessment”) prepared by All-Points Technology Corporation (“APT”) for the FTD Facility. The Visual Assessment assesses the visual impact of a tower and compound on the surrounding areas and includes photo-simulations for the Council’s review and consideration.

According to the Visual Assessment, the most prominent views of the tower would occur within one-half mile of the structure, to the south, east and west of the Property. Year-round visibility extends intermittently to areas generally west of the Property. Seasonal visibility would extend to an area to the north and northwest of the Property.

The nearest off-site residence is located at 9 Skyview Lane, approximately 180 feet to the south of the tower. Weather permitting, the Applicant will raise balloons with a diameter of at least three (3) feet at the proposed tower location on the day of the Council’s hearing on this Application, or at a time otherwise specified by the Council.

b. Environmental Reviews and Agency Comments

Section 16-50j of the General Statutes requires the Council to consult with and to solicit comments on the Application from the Commissioners of the Departments of Energy and Environmental Protection, Public Health, Public Utility Regulatory Authority, Economic Development, and Transportation, the Council on Environmental Quality, and the Office of Policy and Management, Energy Division. In addition to the Council's solicitation of comments, the FTD, as a part of its due diligence for compliance with the National Environmental Policy Act ("NEPA") is compiling documentation and comments on the proposed FTD Facility for future submission to the U.S. Department of the Interior, Fish and Wildlife Service ("USFWS"), Environmental and Geographic Information Center of the Connecticut DEEP and the Connecticut Historical Commission, State Historic Preservation Officer ("SHPO").

(1) USFWS & NDDDB Compliance Determination

According to the December 16, 2019 USFWS & NDDDB Compliance Determination prepared by APT, one federally-listed threatened species is known to occur in the vicinity of the Property documented as the *Northern Long-Eared Bat* ("NLEB"). For the reasons discussed in the attached compliance determination, the Applicant submits that the proposed FTD Facility will not adversely affect the NLEB. Likewise, the CTDEEP has confirmed that no documented occurrences of State-Listed Endangered, Threatened and Special Concern Species occur in the vicinity of the Property and, therefore, the development of the proposed wireless telecommunications facility will not have an adverse impact to any State-listed species. (*See Attachment 8*).

(2) Wetlands Inspection

As discussed in more detail in Section III.C.5.d. below, there are no wetlands or

watercourses on the Property and, therefore, no impacts would occur from the development of the proposed facility or access driveway. (See Wetlands Inspection Report – Attachment 9).

(3) Avian Resources Evaluation

The proposed FTD Facility is not proximate to any Important Bird Areas and complies with the USFWS Guidelines for minimizing impacts on birds. FTD, therefore, does not anticipate that the FTD Facility will impact migratory bird species. (See Avian Resources Evaluation – Attachment 10).

(4) State Historic Preservation Officer

According to a January 17, 2020 letter from Catherine Labadia, Deputy State Historic Preservation Officer (“SHPO”), the FTD Facility, described above, will have no adverse effect on sites listed on or eligible for listing on the National Register of Historic Places. This determination was provided after the evaluation of five (5) alternative site locations and the elimination of other alternatives. The Historic Resources Determination, included in Attachment 11), outlines the site search process and the Applicant’s negotiations with the SHPO throughout the process.

(5) Agriculture

Farmland soils suitable for agricultural use includes land that is defined as prime or farmland of Statewide or local importance, based on soil type. It identifies the location and extent of the most suitable land for producing food, feed, fiber, forage, and oilseed crops and is available for these uses.⁶ According to the National Cooperative Soil Survey (U.S. Department of Agriculture, Natural Resources Conservation Service), portions of the Property contain “Prime” Farmland soils. The proposed FTD Facility falls within this area. That said, a majority of the area

⁶ Connecticut Environmental Conditions Online (CTECO Resource Guide) www.cteco.uconn.edu.

mapped as Prime agricultural land is developed with homes, an electric transmission line corridor, the Merritt Parkway and the partially developed FTD Property. Due to the small development footprint associated with the proposed FTD Facility, FTD does not anticipate having a material effect on farmland soils. (See Farmland Soils Map included in Attachment 12).

c. Non-Ionizing Radio Frequency Radiation

The FCC has adopted standards for exposure to Radio Frequency (“RF”) emissions from telecommunications facilities like the one proposed in the Application. To ensure compliance with the applicable standards, C-Squared Systems has prepared a Calculated Radio Frequency Exposure Report (“RF Report”) for the proposed FTD Facility according to the methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65, Edition 97-01 (August 1997) (“OET Bulletin 65”). The RF Report indicates that the maximum permissible exposure level for all of the Wireless Carriers at the FTD Facility would be 26.62% of the FCC’s Standard. Actual RF emissions levels from the proposed facility would be far below these maximum permissible exposure levels. (See Attachment 13).

d. Other Environmental Issues

No sanitary facilities are required for the FTD Facility. The operations at the FTD Facility will not cause any significant air, water, noise or other environmental impacts, or hazard to human health.

Based on agency comments received and field investigations by the FTD project team, the Applicant submits that the development of a telecommunications facility at the Property will have no significant adverse effect on scenic, natural, historic or recreational features, and that none of the potential effects alone or cumulatively with other effects is sufficient reason to deny this

Application.

5. Consistency with Local Land Use Controls

The Council Application Guide for Community Antenna Television and Telecommunication Facilities, as amended in July 2012, requires the inclusion of a narrative summary of the project's consistency with the Municipality's Plan of Conservation and Development (the "Plan"), Zoning Regulations, and Wetland Regulations as well as a description of planned and existing uses of the site location and surrounding properties.

a. Planned and Existing Land Uses

The proposed FTD Facility would be located on an approximately 1.89-acre parcel owned by the FTD. The Property is zoned A-Residence and is used for and will continue to be used for water company purposes. The Property is surrounded by residential areas to the south and east, and an Eversource transmission line corridor and the Merritt Parkway to the north and west.

b. Plan of Conservation and Development

The Norwalk Citywide Plan of Conservation & Development (Dated 2019-2029) (the "Plan"), does not identify commercial telecommunications facilities as a land use consistent or inconsistent with the general planning and conservation principles or policies of the Town. Four (4) copies of the Plan were filed, in bulk, with the Council.

c. Zoning Regulations

According to the Norwalk Zoning Map, the Property is located in an A-Residence zone district. Pursuant to Section 118-330B.2(d) of the Norwalk Zoning Regulations, public utility supply or storage facilities are permitted subject to the approval of a Special Permit. According to Section 118-330B.2(r) of Norwalk Zoning Regulations, commercial communications antennas

are a permitted accessory use when located on a public utility structure. Equipment buildings or structures associated with the antennas must meet the A-Residence setback requirements and be “effectively screened” from adjacent properties. According to Section 118-100 of the Norwalk Zoning Regulations, the definition of Commercial Communications Towers was repealed in 1995.

d. Inland Wetland and Watercourse Regulations

The Norwalk Inland Wetlands and Watercourses Regulations (“Wetland Regulations”) define Regulated Activity as any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses and maintains an upland review area of 50 feet from a wetland boundary; 100 feet of a watercourse; and includes slope in excess of 20% within 50 feet of a wetland or 100 feet of a watercourse. The term “Regulated Area” is defined as the actual wetland or watercourse. Four (4) copies of the Norwalk Wetland Regulations were filed, in bulk, with the Council. APT completed a Wetland Inspection of the Property and determined that there are no wetlands or watercourses on the Property. The nearest wetland area is located more than 900 feet to the west, across the Merritt Parkway. The copy of the Wetland Inspection Report is included in Attachment 9.

The FTD Facility would be located in Flood Zone X, an area of minimal flood hazard. A copy of the National Flood Hazard Layer FIRMette is included in Attachment 14.

6. Local Input

Section 16-50(e) of the Connecticut General Statutes, as amended, requires local input on matters before the Council. On October 31, 2019, the FTD commenced the ninety (90) day

municipal consultation process by submitting technical information about the proposed telecommunications facility to local officials in Norwalk. FTD representatives met with Steve Kleppin, Jessica Casey and Michael Wrinn with the City of Norwalk to discuss the proposal and the Council's application review process. The Norwalk officials asked FTD to host a Public Information Meeting ("PIM") about the tower proposal. The PIM was held on January 2, 2020 at the beginning of a regular meeting of the Norwalk Zoning Commission. At the PIM, the FTD discussed the need to replace the existing wireless telecommunications facility and the Council's application process. One abutting landowner spoke to express concerns for visual impacts, construction-related impacts and RF emissions from the proposed FTD Facility.

Notice of the PIM was published in *The Hour* on December 18, 2019, and was sent to abutting landowners on December 12, 2019 and December 17, 2019.⁷ A list of the abutting landowners who were notified of the PIM, a copy of the abutters' notice letter and a copy of the PIM Legal Notice and a Certificate of Publication is included in Attachment 15.

7. Consultations With State and Federal Officials

Attachments 8, 9, 10, 11, 12, 14 and 16 and Section III.C.7. of the Application describes consultations with state and federal officials regarding the proposed FTD Facility.

a. Federal Communications Commission

The FCC did not review this particular proposal. As discussed above, FCC approval is not required where the authorized service area is not enlarged.

⁷ After sending out notices to abutting landowners, City officials asked to change the start time of the PIM from 7:00 p.m. to 6:30 p.m. The FTD sent a supplemental notice to abutting landowners notifying them of the PIM time change.

b. Federal Aviation Administration (FAA)

APT, on behalf of FTD, completed a TOWAIR Determination Report for the proposed tower site and determined that the proposed FTD Facility would not require FAA marking or lighting. Therefore, no obstruction marking or lighting would be required. A copy of the TOWAIR Summary Report is included in Attachment 16.

c. United States Fish and Wildlife Service

See Section III.C.4.b.(1) above.

d. Connecticut Department of Energy and Environmental Protection

(1) Natural Diversity Data Base

See Section III.C.4.b.(1) above.

(2) Bureau of Air Management

Under normal operating conditions, the equipment installed at a FTD Facility would generate no air emissions. During the loss of commercial power and periodically for maintenance purposes, the Wireless Carriers may utilize emergency backup power. Any backup generator installed at the Property will need to be managed to comply with the “permit by rule” criteria established by the Connecticut Department of Energy and Environmental Protection (“DEEP”) Bureau of Air Management pursuant to R.C.S.A. § 22a-174-3b.

e. Connecticut State Historic Preservation Officer

See Section III.C.4.b.(3) above.

D. Estimated Cost and Schedule

1. Overall Estimated Costs

The total estimated cost of construction for the FTD Facility is approximately \$910,000.00. This estimate includes:

- (1) Tower60,000
- (2) Miscellaneous (including site preparation, access, grading).....250,000
- (3) Cell site radio equipment\$600,000⁸

2. Overall Scheduling

Site preparation and engineering would commence following Council approval of the FTD’s Development and Management (“D&M”) Plan and are expected to be completed within two to four weeks. Equipment installation is expected to take an additional four weeks after installation of the building and installation of the tower. Cell site integration and system testing is expected to require two weeks after equipment installation.

IV. CONCLUSION

Based on the facts contained in this Application, the FTD submits that the establishment of a telecommunications facility at the Property would not have a substantial adverse environmental effect on the Property or the surrounding area. A public need for the Wireless Carriers to maintain high quality reliable wireless service exists in northeasterly portions of Norwalk, as determined by the FCC and the United States Congress. A competitive framework for providing such service has been established by the FCC and the Telecommunications Act of 1996. The FTD submits that the need for the FTD Facility far outweighs any possible environmental effects resulting from the

⁸ Cell site radio equipment costs will be the responsibility of the individual Wireless Carriers.

construction of the proposed cell site.

WHEREFORE, the FTD respectfully requests that the Council grant this Application for a Certificate of Environmental Compatibility and Public Need for the proposed FTD Facility.

Respectfully submitted,

THE FIRST TAXING DISTRICT OF NORWALK

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