

STATE OF CONNECTICUT)

: ss. Southington, Connecticut April 26, 2021

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:

/s/ Melanie A. Bachman

Melanie A. Bachman
Executive Director
Connecticut Siting Council

STATE OF CONNECTICUT)

: ss. Berlin, Connecticut April 26, 2021

COUNTY OF HARTFORD)

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 495 has been forwarded by Certified First Class Return Receipt Requested mail, on April 26, 2021, to all parties and intervenors of record as listed on the attached service list, dated October 21, 2020.

ATTEST:

/s/ Lisa A. Mathews

Lisa A. Mathews
Office Assistant
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> E-mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 Main (860) 275-8200 kbaldwin@rc.com Anthony Befera Principal Engineer-Real Estate/Regulatory Cellco Partnership d/b/a Verizon Wireless 20 Alexander Drive Wallingford, CT 06492 anthony.befera@verizonwireless.com



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

April 26, 2021

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

RE: **DOCKET NO. 495** - 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 telecommunications facility located at 5151 Park Avenue, Fairfield, Connecticut.

Dear Attorney Baldwin:

By its Decision and Order dated April 22, 2021, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a telecommunications facility located at 5151 Park Avenue, Fairfield, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

This final decision has been electronically issued pursuant to Governor Lamont's March 12, 2020 Executive Order No. 7, "Protection of Public Health and Safety During COVID-19 Pandemic and Response" as subsequently extended.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

MAB/RDM/lm

Enclosures (4)

c: Service List dated October 21, 2020
State Documents Librarian (via email)



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CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 495

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance, and operation of a telecommunications facility located at 5151 Park Avenue, Fairfield, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on April 22, 2021.



By order of the Council,

s/Melanie A. Bachman

Melanie A. Bachman, Executive Director

April 22, 2021

This final decision has been electronically issued pursuant to Governor Lamont's March 12, 2020 Executive Order No. 7, "Protection of Public Health and Safety During COVID-19 Pandemic and Response" as subsequently extended.

DOCKET NO. 495 – Cellco Partnership d/b/a Verizon } Connecticut
Wireless application for a Certificate of Environmental }
Compatibility and Public Need for the construction, } Siting
maintenance, and operation of a telecommunications }
facility located at 5151 Park Avenue, Fairfield, } Council
Connecticut.

April 22, 2021

Findings of Fact

Introduction

1. Cellco Partnership d/b/a Verizon Wireless (Cellco or Applicant), in accordance with provisions of Connecticut General Statutes (C.G.S.) §16-50g, et seq, applied to the Connecticut Siting Council (Council) on October 16, 2020 for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 130-foot monopole wireless telecommunications facility on the Sacred Heart University (SHU) Main Campus at 5151 Park Avenue in Fairfield, Connecticut. (Cellco 1, p. i)
2. Cellco is a Delaware Partnership with an administrative office located at 20 Alexander Drive, Wallingford, Connecticut. Cellco is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service in the State of Connecticut. (Cellco 1, p. 2)
3. The party in this proceeding is Cellco. (Transcript 1- January 21, 2021, 2 p.m. [Tr. 1]. p. 5)
4. The purpose of the proposed facility is to replace an existing Cellco facility (Plattsville) located on the roof of Pierre Toussaint Hall, a residential dormitory building in the center of the SHU Main Campus, that will be removed at the request of SHU due to access and security concerns. (Cellco 1, p. 7)
5. Pursuant to C.G.S. §16-50l (b), the Applicant provided public notice of the filing of the application that was published in the Connecticut Post on October 8, and October 9, 2020. (Cellco 1, p. 3)
6. Pursuant to C.G.S. §16-50l (b), notice of the application was provided to all abutting property owners by certified mail. All certified mail receipts from abutting property owners were received. (Cellco 1, pp. 3-4, Attachment 4; Cellco 4, response 1)
7. On October 8, October 15 and 26, 2020, the Applicant provided notice to all federal, state and local officials and agencies listed in C.G.S. §16-50l (b), including the municipalities of Bridgeport, Easton and Trumbull, which are all located within 2,500 feet of the site. (Cellco 1, Attachment 2; Cellco 2)

Procedural Matters

8. On March 10, 2020, Governor Lamont issued a Declaration of Public Health and Civil Preparedness Emergencies, proclaiming a state of emergency throughout the state as a result of the COVID-19 pandemic. (Council Administrative Notice Item No. 52)
9. On March 12, 2020, Governor Lamont issued Executive Order No. (EO) 7 ordering a prohibition of large gatherings, among other orders and directives. (Council Administrative Notice Item No. 52)

10. On March 14, 2020, and as subsequently extended, Governor Lamont issued EO 7B ordering suspension of in-person open meeting requirements of all public agencies under CGS §1-225. The Freedom of Information Act defines “meeting” in relevant part as “any hearing or other proceeding of a public agency.” (Council Administrative Notice Item No. 52, CGS §1-200, et seq. 2019)
11. EO 7B allows public agencies to hold remote meetings provided that:
 - a) The public has the ability to view or listen to each meeting or proceeding in real-time, by telephone, video, or other technology;
 - b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency’s website within seven (7) days of the meeting or proceeding;
 - c) The required notice and agenda for each meeting or proceeding is posted on the agency’s website and shall include information on how the meeting will be conducted and how the public can access it any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency’s website for public inspection prior to, during and after the meeting; and
 - d) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.(Council Administrative Notice Item No. 52)
12. On March 25, 2020 and as subsequently extended, Governor Lamont issued EO 7M allowing for an extension of all statutory and regulatory deadlines of administrative agencies for a period of no longer than 90 days. (Executive Order No. EO 7M)
13. Upon receipt of the application, the Council sent a letter to the Town of Fairfield (Town) and the municipalities of Bridgeport, Easton and Trumbull on October 21, 2020, as notification that the application was received and is being processed, in accordance with C.G.S. §16-50gg. (Record)
14. During a regular Council meeting on December 3, 2020, the application was deemed complete pursuant to Regulations of Connecticut State Agencies (R.C.S.A.) §16-50/-1a and the public hearing schedule was approved by the Council. (Record)
15. Pursuant to Governor Lamont’s EO 7B and C.G.S. §16-50m, the Council published legal notice of the date and time of the public hearing in the Connecticut Post on December 11, 2020. (Record)
16. Pursuant to Governor Lamont’s EO 7B and C.G.S. §16-50m, on December 7, 2020, the Council sent letters to the Town and the municipalities of Bridgeport, Easton and Trumbull to provide notification of the scheduled public hearing and to invite the municipalities to participate. (Record)
17. In compliance with Governor Lamont’s EO 7 prohibition of large gatherings, the Council’s Hearing Notice did not refer to a public field review of the proposed site. (Record)
18. Field reviews are not an integral part of the public hearing process. The purpose of a site visit is an investigative tool to acquaint members of a reviewing commission with the subject property. (Council Administrative Notice Item No. 52)

19. On December 17, 2020, in lieu of an in-person field review of the proposed site, the Council requested that Cellco submit photographic documentation of site-specific features into the record intended to serve as a “virtual” field review of the site. On January 14, 2021, Cellco submitted such information in response to the Council’s interrogatories. (Record; Cellco 7, response 28)
20. On December 30, 2020, the Council held a pre-hearing teleconference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists and filing of pre-hearing interrogatories. Procedures for the remote public hearing via Zoom conferencing were also discussed. (Council Pre-Hearing Conference and remote hearing procedure Memoranda, dated December 23, 2020 and December 30, 2020)
21. On January 5, 2021, in compliance with R.C.S.A. §16-50j-21, the Applicant installed a four-foot by six-foot sign at the proposed entrance to the subject property on Jefferson Street. The sign presented information regarding the project and the Council’s public hearing. (Cellco 6)
22. Pursuant to C.G.S. §16-50m, the Council gave due notice of a remote public hearing to be held on January 21, 2021, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom conferencing. The Council provided information for video/computer access or audio only telephone access. (Council’s Hearing Notice dated December 7, 2020; Tr. 1, p. 1; Transcript 2 - January 21, 2021, 6:30 p.m. [Tr. 2], p. 1)
23. In compliance with Governor Lamont’s EO 7B:
 - a) The public had the ability to view and listen to the remote public hearing in real-time, by computer, smartphone, tablet or telephone;
 - b) The remote public hearing was recorded and transcribed, and such recording and transcript were posted on the Council’s website on January 21, 2021, and February 5, 2021, respectively;
 - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the agency’s website;
 - d) The record of the proceeding is available on the Council’s website for public inspection prior to, during and after the remote public hearing; and
 - e) The Council, parties and intervenors provided their information for identification purposes during the remote public hearing.(Hearing Notice dated December 7, 2020; Tr. 1; Tr. 2; Record)

State Agency Comment

24. Pursuant to C.G.S. § 16-50j (g), on December 7, 2020, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Energy and Environmental Protection (DEEP); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Agriculture (DOAg); Department of Transportation (DOT); Connecticut Airport Authority (CAA); Department of Emergency Services and Public Protection (DESPP); and State Historic Preservation Office (SHPO). (Record)
25. On November 9, 2020, the Council received comments from the DOT’s Bureau of Engineering and Construction. The comments are attached. (Record)

26. On December 9, 2020 the Council received comments from the CAA. The comments are attached. (Record)
27. The following agencies did not respond with comment on the application: DEEP, CEQ, PURA, OPM, DECD, DOAg, DESPP, DPH, and SHPO. (Record)
28. While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies. (*Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)).

Municipal Consultation

29. Cellco's outreach to the Town commenced on October 3, 2018. At that time, Cellco was interested in locating a tower on the SHU West Campus, which is adjacent to an existing United Illuminating substation. The SHU West campus is 0.7 mile south of the proposed site. (Cellco 1, p. 21, Attachment 8; Tr. 1, pp. 42-43)
30. Based on comments from the Town and a local neighborhood group objecting to locating a facility at the SHU West Campus, Cellco decided not to pursue a tower at that location. Cellco subsequently searched for other suitable tower sites and ultimately selected the proposed site. (Cellco 1, p. 21, Attachment 8; Tr. 1, pp. 51-52)
31. Cellco provided copies of the technical report to the Town, and the municipalities of Bridgeport, Easton and Trumbull on December 23, 2019. (Cellco 3)
32. Cellco commenced the municipal consultation for the proposed site on December 23, 2019 by meeting with Town officials. At the meeting, the Town requested that Cellco host a Public Information Meeting (PIM) for area residents. (Cellco 1, pp. 21-22)
33. Cellco held the PIM on February 13, 2020 on the SHU campus. Notice of the PIM was sent to abutting landowners and was published in the Fairfield Citizen. (Cellco 1, pp. 21-22, Attachment 17)
34. The PIM was attended by 10 area neighbors and two Town representatives. At the PIM, the residents suggested several locations for a tower facility. Cellco subsequently examined these locations and included them in the Application Site Search Summary. (Cellco 1, pp. 22-23; Tr. 1, p. 53)
35. Cellco did not receive any comments from the municipalities of Bridgeport, Easton and Trumbull (Cellco 3; Tr. 2, p. 6)
36. The Town Conservation Commission (Conservation Commission) submitted comments to the Council on December 22, 2020 requesting that the project include stormwater detention. (Record)

Public Need for Service

37. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)

38. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states and has established design standards to ensure technical integrity and nationwide compatibility among all systems. Cellco is licensed by the FCC to provide personal wireless communication service to Connecticut. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996; Cellco 1, p. 6)
39. Section 253 of the Telecommunications Act of 1996 prohibits any state or local statute or regulation, or other state or local legal requirement from prohibiting or having the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
40. Section 704 of the Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services and from prohibiting or having the effect of prohibiting the provision of personal wireless services. This section also requires state or local governments to act on applications within a reasonable period of time and to make any denial of an application in writing supported by substantial evidence in a written record. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
41. Section 704 of the Telecommunications Act of 1996 also prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions, which include effects on human health and wildlife, to the extent that such towers and equipment comply with FCC’s regulations concerning such emissions. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
42. Section 706 of the Telecommunications Act of 1996 requires each state commission with regulatory jurisdiction over telecommunications services to encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans, including elementary and secondary schools, by utilizing regulating methods that promote competition in the local telecommunications market and remove barriers to infrastructure investment. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
43. In December 2009, President Barack Obama recognized cell phone towers as critical infrastructure vital to the United States. The Department of Homeland Security, in collaboration with other federal stakeholders, state, local, and tribal governments, and private sector partners, has developed the National Infrastructure Protection Plan (NIPP) to establish a framework for securing resources and maintaining resilience from all hazards during an event or emergency. (Council Administrative Notice Item No. 11–Presidential Proclamation 8460, Critical Infrastructure Protection)
44. In February 2012, Congress adopted the Middle Class Tax Relief and Job Creation Act (also referred to as the Spectrum Act) to advance wireless broadband service for both public safety and commercial users. The Act established the First Responder Network Authority to oversee the construction and operation of a nationwide public safety wireless broadband network. Section 6409 of the Act contributes to the twin goals of commercial and public safety wireless broadband deployment through several measures that promote rapid deployment of the network facilities needed for the provision of broadband wireless services. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012)

45. In June 2012, President Barack Obama issued an Executive Order to accelerate broadband infrastructure deployment declaring that broadband access is a crucial resource essential to the nation's global competitiveness, driving job creation, promoting innovation, expanding markets for American businesses and affording public safety agencies the opportunity for greater levels of effectiveness and interoperability. (Council Administrative Notice Item No. 12 – Presidential Executive Order 13616, Accelerating Broadband Infrastructure Development; Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order)
46. Pursuant to Section 6409(a) of the Spectrum Act, a state or local government may not deny and shall approve any request for collocation, removal or replacement of equipment on an existing wireless tower provided that this does not constitute a substantial change in the physical dimensions of the tower. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012; Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order)
47. According to state policy, if the Council finds that a request for shared use of a facility by a municipality or other person, firm, corporation or public agency is technically, legally, environmentally and economically feasible, and the Council finds that the request for shared use of a facility meets public safety concerns, the Council shall issue an order approving such shared use to avoid the unnecessary proliferation of towers in the state. (Conn. Gen. Stat. §16-50aa)
48. On December 7, 2020, the Council sent correspondence to other telecommunications carriers requesting that carriers interested in locating on the proposed facility in the foreseeable future to notify the Council by January 14, 2021. None of the carriers responded to the Council's solicitation. (Record)
49. T-Mobile contacted Cellco expressing interest in locating at the 120-foot level of the tower. (Tr. 1, pp. 25-26)
50. The Town did not express an interest in using the proposed tower. (Tr. 1, p. 27)
51. The facility is designed to accommodate a minimum of four wireless carriers and emergency communication antennas. The facility would be designed to support a 20-foot extension. (Cellco 1, Attachment 1; Tr. 1, p. 26)

Existing and Proposed Wireless Services

52. Cellco's proposed facility (Plattsville Relo) would replace and improve upon existing coverage provided by the existing Plattsville rooftop facility. The existing Plattsville facility provides service to the SHU campus, Route 15, commercial and residential areas. (Cellco 1, pp. 7-8; Tr. 1, p. 57)
53. Cellco's proposed facility would provide Long Term Evolution (LTE) service in the 700 MHz, 850 MHz, 1900 MHz and 2100 MHz frequencies. Cellco designs its LTE network using a -95 dB Reverse Link Operational Path Loss standard for reliable in-vehicle service and -85 Reverse Link Operational Path Loss standard for reliable in-building service. Cellco 1, p. 9, Attachment 6; Cellco 4, response 14)

54. Proposed wireless service to the surrounding area is presented in the table below:

	700 MHz Service	850 MHz Service	1900 MHz Service	2100 MHz Service
Route 15	2.1 miles	2.1 miles	0.6 miles	0.5 miles
Route 59	1.3 miles	1.3 miles	0.5 mile	0.3 mile
Coverage footprint	4.9 square miles	4.0 square miles	0.7 square miles	0.6 square miles

Refer to Figures 3, 4, & 5. (Cellco 1, p. 9; Cellco 4, response 14)

55. The proposed facility would improve Cellco’s existing 700 MHz service by providing uninterrupted reliable coverage to 1.3 miles of CT State Route 15 (Merritt Parkway) and 1.0 mile of CT State Route 59. Currently the existing rooftop facility only provides limited coverage to these state highways. (Cellco 4, response 15)

56. The proposed site would also provide additional capacity by increasing the number of wireless service frequencies from two to four. The existing Plattsville facility is 200 percent above its capacity limits on the Gamma sector and 100 percent on the Alpha sector. Both sectors primarily serve the SHU campus and portions of the Merritt Parkway. By exceeding capacity limits, the sectors are not able to accommodate all of the customer service demands in that area. (Cellco 1, pp. 7-8; Tr. 1 pp. 39-40, 47-48, 75-77)

57. In addition to coverage and capacity improvements at the Plattsville site, the proposed facility would also provide capacity relief to Cellco’s existing Bridgeport NW 2 CT facility (Gamma sector) and Fairfield South facility (Alpha sector) which are both beyond their current capacity limits. (Cellco 4, response 19)

58. The proposed facility would be capable of offering 5G services once Cellco completes its 5G network build out in this area. (Cellco 4, response 15)

59. Cellco’s proposed facility would interact with surrounding existing facilities as shown in the following table:

Cellco Site Designation	Site Address	Distance/direction from Proposed Site	Structure Type
Fairfield	281 Woodward Ave, Fairfield	2.5 miles southwest	water tank
Trumbull Center	Monitor Hill Road, Trumbull	2.75 miles north	water tank
Trumbull 3 South	158 Edison Road, Trumbull	1.75 miles northeast	tower
North Bridgeport	1330 Chopsey Hill Road, Bridgeport	2.5 mile east	tower
Bridgeport NW	3885 Main Street, Bridgeport	2.0 miles southeast	rooftop
Bridgeport NW 2	3200 Park Ave., Bridgeport	2.0 miles south	building mount
Fairfield South	2228 Black Road Tnpke, Fairfield	2.7 miles south	rooftop
Easton	515 Morehouse Road, Easton	2.2 miles northwest	tower

(Cellco 1, pp. 9-10)

60. In order to maintain the existing level of wireless service offered by the existing Plattsville site, Cellco’s proposed replacement facility cannot be installed at a lower height. The proposed tower is approximately 60 feet lower in ground elevation than the Toussaint Hall building. Antennas installed at 130 feet on the proposed tower would match the overall height of the rooftop antennas, approximately 353 feet above mean sea level. (Cellco 4, response 17; Tr. 1, pp. 40-41)

Site Selection

61. SHU leases rooftop space to Message Center Management (MCM) and MCM subleases space to Cellco as well as to other telecommunication providers. In 2017, SHU indicated MCM's lease would not be extended but it has subsequently granted an extension to January 13, 2022 in order to provide enough time for the carriers located on the rooftop to find suitable location for a replacement facility. (Cellco 1, pp. 7-8Q; Tr. 1, pp. 57-61)
62. Existing facilities surrounding the site would not be able to provide adequate service to the existing coverage footprint. (Cellco 1, pp. 7-8, Attachment 6)
63. Cellco established a search ring for a replacement facility in 2018. It had an approximate radius of one mile and was centered on the SHU campus. SHU initially directed Cellco to examine the feasibility of establishing a new facility on the West Campus. (Cellco 1, Attachment 8; Cellco 4, response 4; Tr. 1, pp. 27-28)
64. Cellco's existing Plattsville facility has been in operation since 1997 and adjacent Cellco facilities were designed around it. Cellco therefore examined locations in proximity to the SHU Campus in order to replicate existing service as much as possible. (Cellco 1, Attachment 8; Tr. 1, pp. 45-47)
65. Besides the proposed site, Cellco investigated 9 other locations on the SHU Main Campus, including 4 locations suggested at the PIM. Locations include three rooftop locations, five new tower locations and a lightpole type facility by an outdoor stadium. The sites were rejected due to land use restrictions, the presence of existing and/or proposed campus infrastructure, interference with campus operations, or in the case of rooftops locations, insufficient height to provide adequate service and planned renovations to buildings. (Cellco 1, Attachment 8, Cellco 4 response 6, response 7, response 8; Tr. 1, pp. 53-54)
66. Cellco investigated 4 potential tower locations and a rooftop location at the SHU West Campus, located approximately 0.5 mile from the Main Campus and adjacent to the Merritt Parkway. Due to the lower ground elevation of the West Campus, these sites were primarily rejected due to deficient coverage. (Cellco 1, Attachment 8; Cellco 4, response 5; Tr. 1, p. 28)
67. Although it is technically possible to provide wireless service to the target service area using small cells, hundreds of small cells would be required due to the large size of the wireless service area and the number of carriers that need to relocate from the Toussaint Hall rooftop. (Tr. 1, pp. 49-50)

Facility Description

68. The proposed site is located in the northwestern portion of a 60.2 acre parcel that is part of the 80.1 acre SHU Main Campus. The parcel is owned by the Bridgeport Roman Catholic Diocesan Corporation. The proposed site location is depicted on Figure 1. A new SHU facilities maintenance building not shown on the site location image was constructed to the northeast of the tower site. (Cellco 1, pp. i-iv, p. 19; Tr. 1, pp. 21-22)
69. The subject property is zoned Residential (R-3) and is used as a developed college campus. (Cellco 1, pp. i-iv)

70. Land use immediately surrounding the subject parcel consists of a golf course to the south and west, commercial and residential use to the east and residential and campus use to the north. (Cellco 1, p. 19)
71. The proposed tower site is located approximately 175 feet south of Jefferson Street, at an elevation of approximately 223 feet above mean sea level (amsl). (Cellco 1, Attachment 1)
72. The proposed facility would consist of a 130-foot monopole within a 50-foot by 80-foot leased area. The tower would be approximately 50 inches wide at the base tapering to 24 inches wide at the top. The tower would be designed to support a minimum of four levels of platform-mounted antennas as well as municipal emergency services antennas. The tower would be designed to be expandable in height by up to 20 feet. (Cellco 1, p. 13, Attachment 1; Tr. 1, pp. 25-26)
73. The monopole would have a grey, galvanized steel finish. (Cellco 4, response 12)
74. Cellco would install 12 panel antennas and 9 remote radio heads on a low-profile platform antenna mount at a centerline height of 130 feet above ground level (agl). The total height of the facility with Cellco's antennas would be 133 feet agl. (Cellco 1, p. 11, Attachment 1)
75. A 50-foot by 50-foot fenced equipment compound would be established at the base of the tower. The size of the equipment compound would be able to accommodate the equipment of Cellco and the two additional major carriers (AT&T and T-Mobile) operating in this area as well as an emergency communications provider. Refer to Figure 2. (Cellco 1, Attachment 1; Tr. 1, pp. 26-27)
76. Cellco would install equipment cabinets and a 30-kilowatt propane fueled emergency backup generator on a concrete pad located within the compound. A 1,000-gallon propane tank would be installed on a separate concrete pad within the compound. (Cellco 1, Attachment 1)
77. The proposed equipment compound would be surrounded by an eight-foot high chain-link fence with a vehicle access gate. (Cellco 1, Attachment 1; Cellco 4, response 11)
78. Access to the site would use an existing 180-foot long paved driveway that extends from Jefferson Street. At the end of the driveway, Cellco would construct a gravel parking area adjacent to the proposed compound. (Cellco 1, Attachment 1)
79. Utilities would extend underground to an existing utility pole located near the existing driveway. (Cellco 1, Attachment 1; Tr. 1, pp. 17-18)
80. The nearest property boundary from the proposed tower is approximately 146 feet to the north, abutting Jefferson Street. (Cellco 1, p. 19, Attachment 1)
81. There are approximately 40 residential structures within 1,000 feet of the proposed tower site. The nearest residence is located approximately 275 feet north of the tower site. (Cellco 1, p. 15)
82. Site preparation and engineering would commence following Council approval of a Development and Management Plan (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 the tower and equipment pads are installed. After the equipment installation, cell site integration and system testing is expected to require about two additional weeks. (Cellco 1, p. 24)

83. The estimated cost of the proposed facility is:

Tower	50,000
Site Development and Utility Installation	200,000
Generator	25,000
Antennas and Equipment	150,000
Total Estimated Costs	\$425,000

(Cellco 1, p. 23)

84. Cellco would recover the costs of its equipment via the price of its services on a national level. (Cellco 4, response 2)

Public Safety

85. The Wireless Communications and Public Safety Act of 1999 (911 Act) was enacted by Congress to promote and enhance public safety by making 9-1-1 the universal emergency assistance number, by furthering deployment of wireless 9-1-1 capabilities, and by encouraging construction and operation of seamless ubiquitous and reliable networks for wireless services. (Council Administrative Notice Item No. 6 - Wireless Communications and Public Safety Act of 1999)

86. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Cellco 1, p. 5)

87. Wireless carriers have voluntarily begun supporting text-to-911 services nationwide in areas where municipal Public Safety Answering Points (PSAP) support text-to-911 technology. Text-to-911 will extend emergency services to those who are deaf, hard of hearing, have a speech disability, or are in situations where a voice call to 911 may be dangerous or impossible. However, even after a carrier upgrades its network, a user's ability to text-to-911 is limited by the ability of the local 911 call center to accept a text message. The FCC does not have the authority to regulate 911 call centers; therefore, it cannot require them to accept text messages. (Council Administrative Notice Item No. 22 – FCC Text-to-911: Quick Facts & FAQs)

88. Cellco's proposed facility would be capable of supporting text-to-911 service. (Cellco 4, response 22)

89. Pursuant to the Warning, Alert and Response Network Act of 2006, "Wireless Emergency Alerts" (WEA) is a public safety system that allows customers who own enabled mobile devices to receive geographically-targeted, text messages alerting them of imminent threats to safety in their area. WEA complements the existing Emergency Alert System that is implemented by the FCC and FEMA at the federal level through broadcasters and other media service providers, including wireless carriers. Cellco's facility would support the WARN alert system. (Council Administrative Notice No. 5 – FCC WARN Act; Cellco 4, response 24)

90. Pursuant to C.G.S. §16-50p(a)(3)(G), the tower would be constructed in accordance with the current governing standard in the State of Connecticut for tower design in accordance with the currently adopted International Building Code. (Cellco 1, Attachment 1; Cellco 4, response 13)

91. The proposed tower would not be an obstruction or hazard to air navigation and would not require obstruction marking or lighting, as determined by an aviation hazard screening tool. The CAA requested that Cellco obtain a formal response from the FAA. (Cellco 1, p. 21, Attachment 18; CAA comments dated December 9, 2020)

92. Cellco's equipment cabinets would be equipped with silent intrusion and system alarms. Cellco would have personnel available on a 24-hour basis to receive and respond to incoming alarms. (Cellco 4, response 11)
93. The tower setback radius* would remain within the boundaries of the subject property. (Cellco 1, Attachment 1) *the horizontal distance equal to the tower height that extends radially from the center of the tower.
94. Noise from facility operation would not be significant. Construction noise is exempt from the DEEP Noise Control Regulations §22a-69-1.8(g), which includes, but is not limited to, "physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property." (R.C.S.A. §22a-69-1.8(g); Cellco 1, p. 18)
95. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of Cellco's proposed antennas is 47.0 percent for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas in a sector would be pointed at the base of the tower and all channels would be operating simultaneously, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower. (Cellco 1, p 18; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

Emergency Backup Power

96. In response to two significant storm events in 2011, Governor Malloy formed a Two Storm Panel (Panel) that was charged with an objective review and evaluation of Connecticut's approach to the prevention, planning and mitigation of impacts associated with emergencies and natural disasters that can reasonably be anticipated to impact the state. (Final Report of the Two Storm Panel, Council Administrative Notice Item No. 48)
97. Consistent with the findings and recommendations of the Panel, and in accordance with C.G.S. §16-50*ll*, the Council, in consultation and coordination with DEEP, DESPP and PURA, studied the feasibility of requiring backup power for telecommunications towers and antennas as the reliability of such telecommunications service is considered to be in the public interest and necessary for the public health and safety. (Council Administrative Notice Item No. 31 – Council Docket No. 432)
98. Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the FCC. At present, no standards for backup power for CMRS providers have been promulgated by the FCC. Every year since 2006, AT&T, Sprint/T-Mobile, and Verizon have certified their compliance with the CTIA Business Continuity/Disaster Recovery Program and the Communications Security, Reliability and Interoperability Council standards and best practices to ensure network reliability during power outages. (Council Administrative Notice Item No. 31 – Council Docket No. 432)

99. For backup power, Cellco proposes a 30-kilowatt propane-fueled generator for its own use. Cellco would also install an approximately 1,000-gallon propane fuel tank to provide approximately five to seven days of run time before it requires refueling. (Cellco 1, p. 10; Tr. 1, p. 11)
100. Cellco would also have a battery backup system integrated into its equipment cabinet in order to avoid a “re-boot” condition during the generator start-up delay period (approx. 5 seconds). The battery backup system alone could provide about four to eight hours of backup power in the event the generator did not start. (Cellco 1, p.8; Cellco 4, response 20; Tr. 1, pp. 68-70)
101. The generator would be remotely tested and monitored periodically to ensure proper operation. (Cellco 1, Attachment 1)
102. According to R.C.S.A. §22a-69-1.8, noise created as a result of, or relating to, an emergency, such as an emergency backup generator, is exempt from the DEEP Noise Control Regulations. (R.C.S.A. §22a-69-1.8)
103. Pursuant to R.C.S.A. §22a-174-3b, the generator would be managed to comply with DEEP’s “permit by rule” criteria. Therefore, the generator would be exempt from general air permit requirements. (R.C.S.A. §22a-174-3b; Cellco 1, Attachment 1)

Environmental Considerations

104. No prime farmland soils would be affected by the Project. (Cellco 1, pp. 17-18)
105. The Merritt Parkway, a National Scenic Byway listed on the National Register of Historic Places, is located approximately 0.2 mile northwest of the site. Cellco has filed project documentation with the State Historic Preservation Office but has not received a formal response to date. (Cellco 1, p.17, Attachment 13; Tr. 1, pp. 34-36)
106. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, *et seq.*, contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, *et seq.*)
107. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a)
108. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41)
109. One wetland, a manmade pond type stormwater basin, is located approximately 23 feet south of the tower site. The basin appears to be associated with an area further south developed with campus buildings and parking areas. The proposed site is located downgradient of the basin and therefore no construction impact to the basin would occur. (Cellco 1, Attachment 11; Tr. 1, p. 62)

110. The proposed compound site is generally level; however, the south end of the compound would be cut into a shallow slope to create a consistent grade. Development of the site would require 580 cubic yards of cut and less than 1 cubic yard of fill. (Cellco 1, Attachment 1; Cellco 4, response 9)
111. The proposed project would be constructed consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*. (Cellco 1, Attachment 1)
112. The Conservation Commission requested that Cellco install stormwater detention of the site. Cello intends to install a gravel parking area and a gravel compound at the end of the existing paved driveway. If the project was approved, Cellco would examine project site drainage and install stormwater detention, if necessary. (Cellco 5, response 30)
113. The site is located in the Federal Emergency Management Agency Zone unshaded zone X, an area outside of the 100-year and 500-year flood zones. (Cellco 1, p. 21)
114. The proposed facility is not located within a DEEP Natural Diversity Database buffer area. (Cellco 1, Attachment 10)
115. Connecticut is within the range of the northern long-eared bat (NLEB), a federally-listed threatened species and state-listed endangered species. There are no known NLEB hibernacula or known maternity roost trees within 0.25 miles and 150-feet, respectively, of the proposed site. Cellco consulted with the U.S. Fish and Wildlife Service and determined that the proposed facility would not have an impact on the NLEB. (Cellco 1, Attachment 10)
116. The site is not located within a state-designated aquifer protection area. (Council Administrative Notice No. 70, DEEP Aquifer Protection Area Maps)
117. The proposed compound is located in a previously disturbed area. One large evergreen tree would be removed at the northeast end of the compound site. (Cellco 1, Attachment 1; Cellco 7; Tr. 1, p. 22)
118. The proposed facility is not located adjacent to an Important Bird Area (IBA), as designated by the National Audubon Society. The nearest IBA to the proposed tower site is the Devil's Den Preserve in Easton, located approximately 4.4 miles to the northwest of the site. (Cellco 1, Attachment 12)
119. The proposed facility would comply with the United States Fish and Wildlife Service guidelines for minimizing the potential for telecommunications towers to impact bird species. (Cellco 1, Attachment 12)
120. Cellco does not anticipate the need to blast in order to construct the site. (Cellco 4, response 10)

Visibility

121. Cellco used a combination of predictive computer model, in-field analysis, and review of various data sources to evaluate the visibility of the proposed facility on both a quantitative and qualitative basis. (Cellco 1, Attachment 9)
122. On January 24, 2020, Cellco conducted an in-field visibility analysis of the proposed tower by attaching a 4-foot by 4-foot flag to a crane that was raised to a height of approximately 134 feet

- agl at the site. An in-field reconnaissance was then performed from publicly accessible locations in the surrounding area to determine where the proposed tower would be visible. (Cellco 1, Attachment 9)
123. Information obtained during the field reconnaissance was incorporated into mapping data layers, including observations of the field reconnaissance, photo-simulation locations, areas that experienced land use changes, and places where the initial modeling was found to over- or under-predict visibility to produce a final predictive viewshed map for areas within a two-mile radius of the site (Study Area). (Cellco 1, Attachment 9)
 124. Based on the final viewshed analysis, the proposed tower would be visible year-round from approximately 26 acres (<1%) within the Study Area (refer to Figure 6A/B). The tower would be seasonally visible (leaf-off conditions) from approximately 49 acres (<1%) of the Study Area. (Cellco 1, Attachment 9)
 125. Generally, year-round and seasonal views of portions of the facility would be limited to areas within an approximate 0.5-mile radius of the site, consisting of a mix of residential and on-campus areas. (Cellco 1, Attachment 9)
 126. Year-round views of the upper 10 to 70-foot portion of the tower would occur from residential areas along Donna Drive and Weeping Willow Lane located 0.1 mile north of the tower site. The upper 10 to 40-foot portion of the tower would also be visible from Jefferson Avenue and Park Avenue within a half-mile of the site. (Cellco 1, Attachment 9; Cellco 4, response 26)
 127. Pursuant to CGS §16-50p(a)(3)(F), no public schools or commercial child day care facilities are located within 250 feet of the site. The nearest school or daycare is the Notre Dame Catholic High School (220 Jefferson Street) located approximately 800 feet northeast of the Site. (Cellco 1, Attachment 9)
 128. The Merritt Parkway, a National Scenic Byway, is located approximately 1,200 feet north of the site. There would be minimal year-round views of the proposed tower from the parkway. (Cellco 1, Attachment 9; Tr. 1, pp. 34-37)
 129. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within one-mile of the site. (Cellco 1, Attachment 9; Council Administrative Notice Item No. 74)
 130. No landscaping around the compound is proposed. The existing access road allows for open views of the compound from a short section of Jefferson Street. To screen views of the compound area from Jefferson Street, Cellco would be willing to install shrubs along the north edge of the parking area. (Cellco 1, Attachment 1; Tr. 1, pp. 22-24)
 131. Cellco would be willing to shift the compound slightly to avoid removing the large evergreen tree at the edge of the proposed compound grading limits. The tree does offer some screening of the tower from on-campus areas. (Cellco 1, Attachment 1; Tr. 1, pp. 19-22)
 132. SHU requested that Cellco consider a monopine design at the site to mitigate views to the surrounding area. Most year-round views are in the 10 to 40 –foot range above treeline. In other select areas, such as the Donna Drive and Weeping Willow Lane areas 0.1 miles north of the site, the monopine would extend for up to 70 feet above treeline, appearing out of place. (Cellco 4, response 12, response 26; Tr. 1, pp. 29-32, 63-64)

133. A monopine design would increase the project cost by \$50,000. (Tr. 1, p. 29)
134. The height above the treeline in some near view locations and the varying nature of cloud cover could limit the effectiveness of a two-tone color scheme. An upper tower finish with a sky blue color would not blend in as well as a tower with a galvanized steel finish. (Tr. 1, pp. 32-33)
135. Installing antennas in a flush-mount configuration on the tower to reduce the visual profile of an antenna platform would limit the number of antennas at each tower level, thus requiring a taller tower to accommodate all of the proposed antennas. (Cellco 4, response 18)

Figure 1: Site Location on Aerial Image



Legend

-  Site
-  Existing Verizon Wireless Plattsville CT Facility
-  Subject Property
-  Municipal Boundary

Map Notes:
Base Map Source: CT ECO 2019 Imagery
Map Scale: 1 inch = 500 feet
Map Date: January 2021



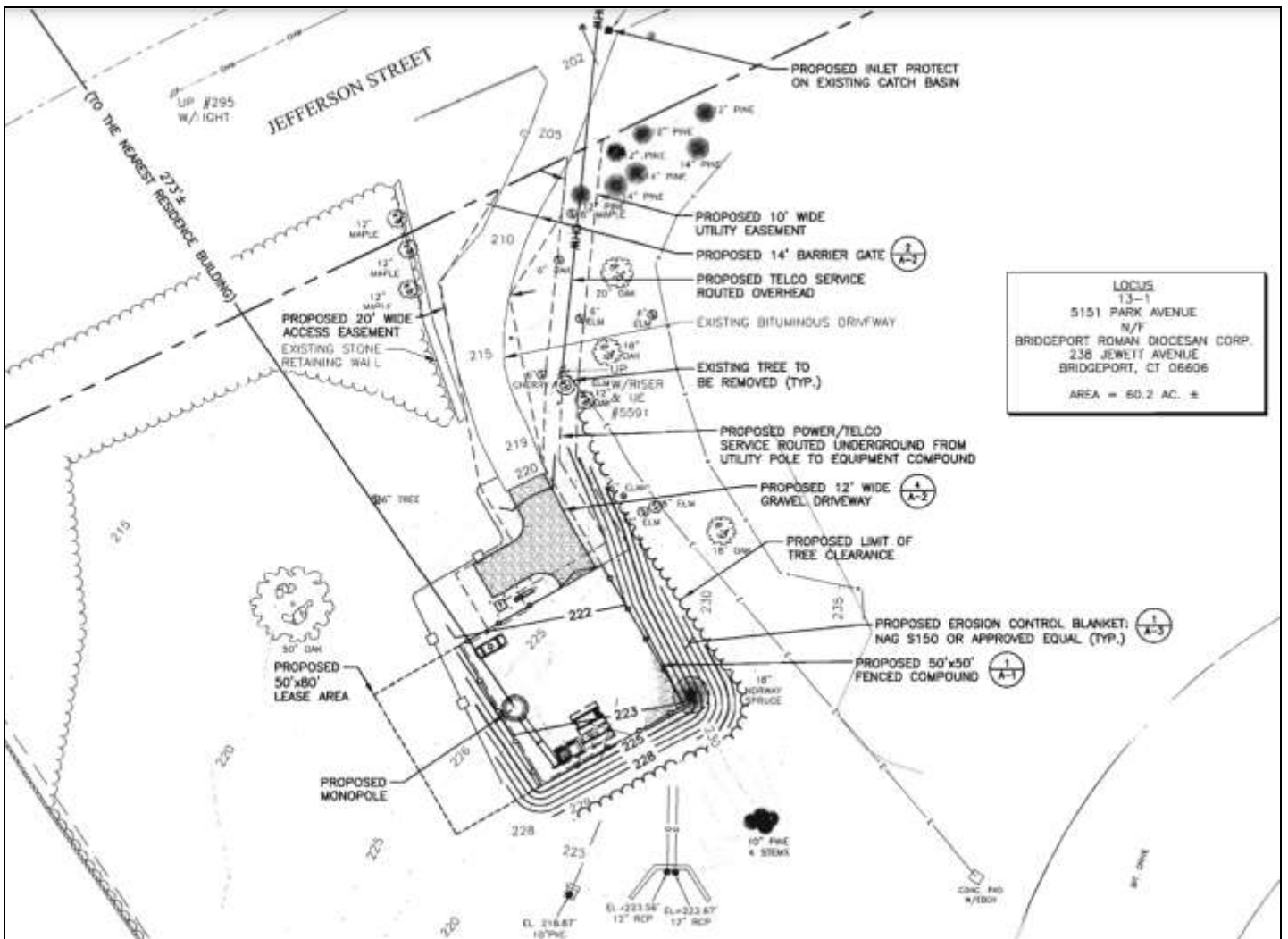
0 300 600 Feet

Site Location Map

Proposed Wireless
Telecommunications Facility
Plattsville RELO CT
5151 Park Avenue
Fairfield, Connecticut

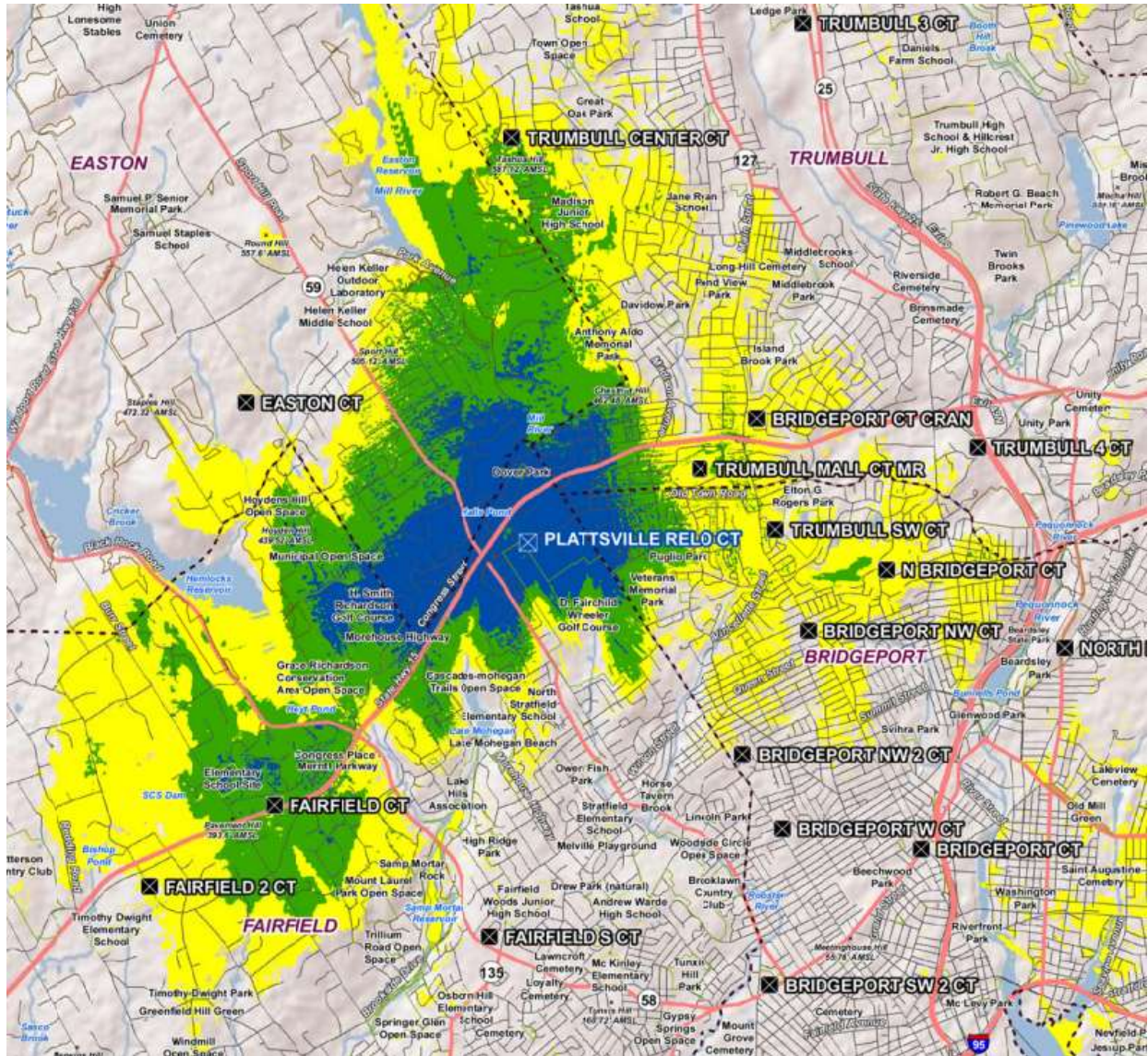


Figure 2: Site Plan



(Cellco 1, Attachment 1)

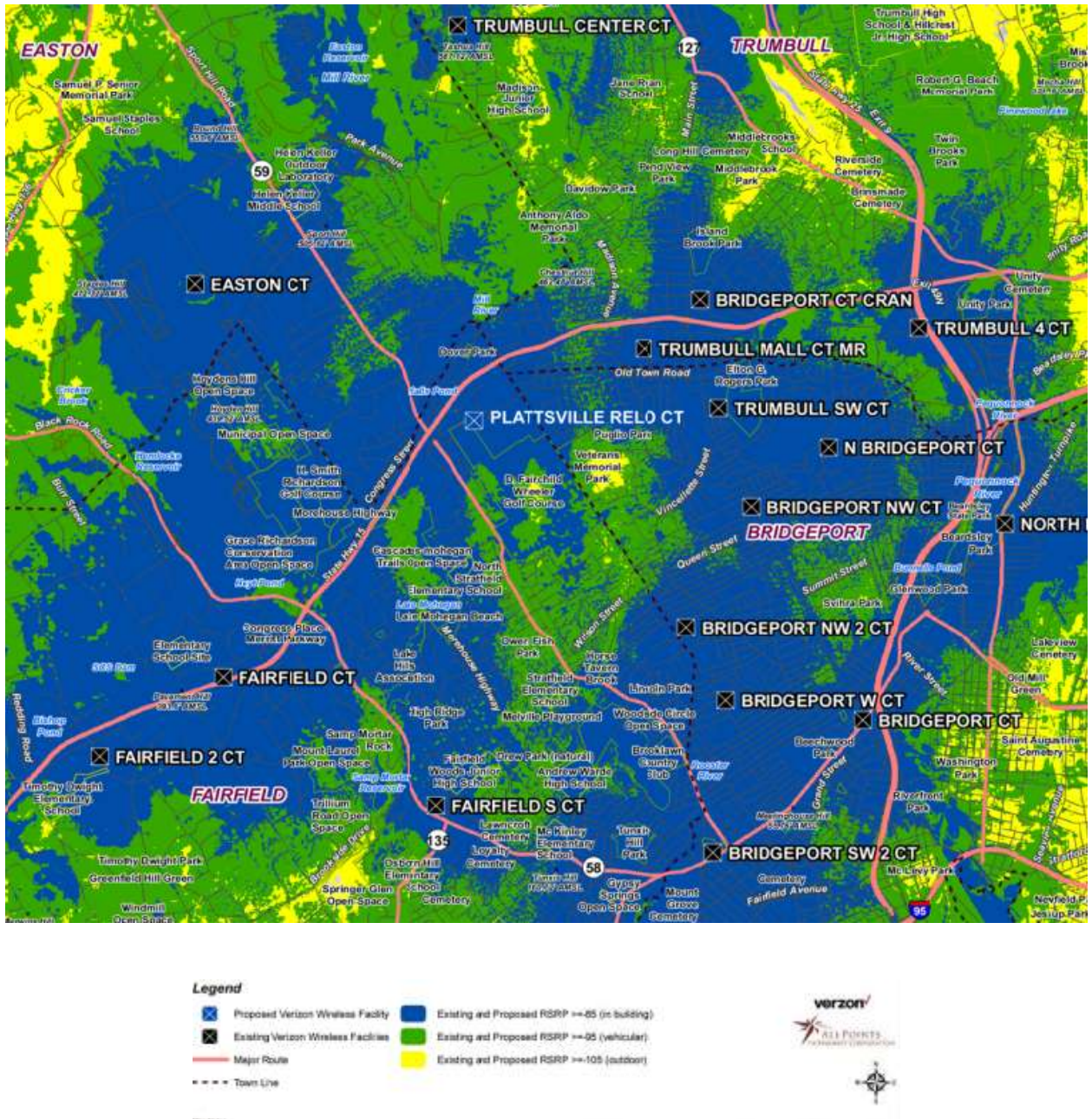
Figure 3: Proposed 700 MHz Coverage from Plattsville RELO



- Legend**
- X Proposed Verizon Wireless Facility
 - Existing and Proposed RSRP >= 85 (in building)
 - X Existing Verizon Wireless Facilities
 - Existing and Proposed RSRP >= 95 (vehicular)
 - Major Route
 - Existing and Proposed RSRP >= 105 (outdoor)
 - - - Town Line

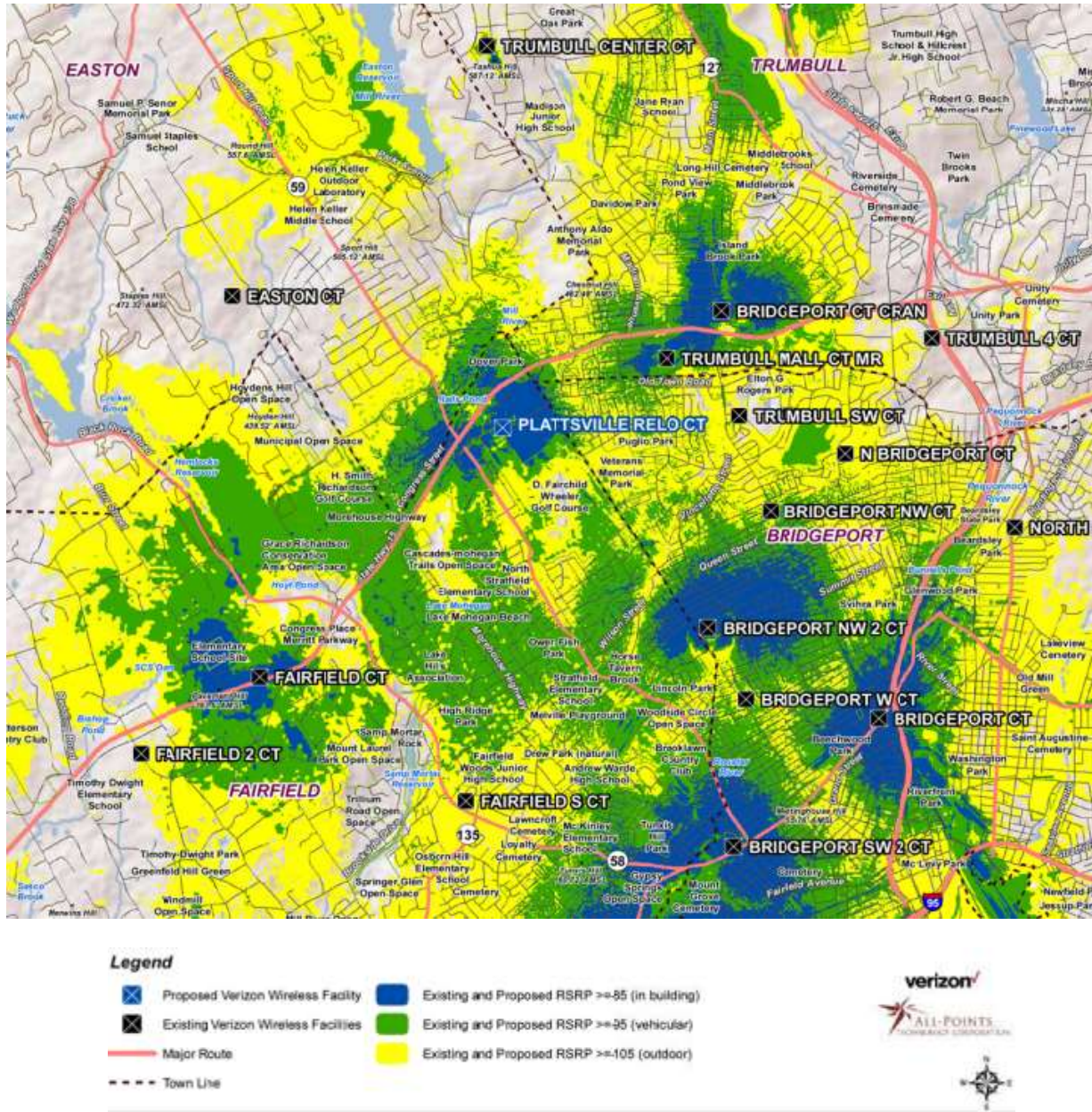


Figure 4: Proposed 700 MHz Coverage from Plattsville RELO with Existing Coverage from Surrounding sites.



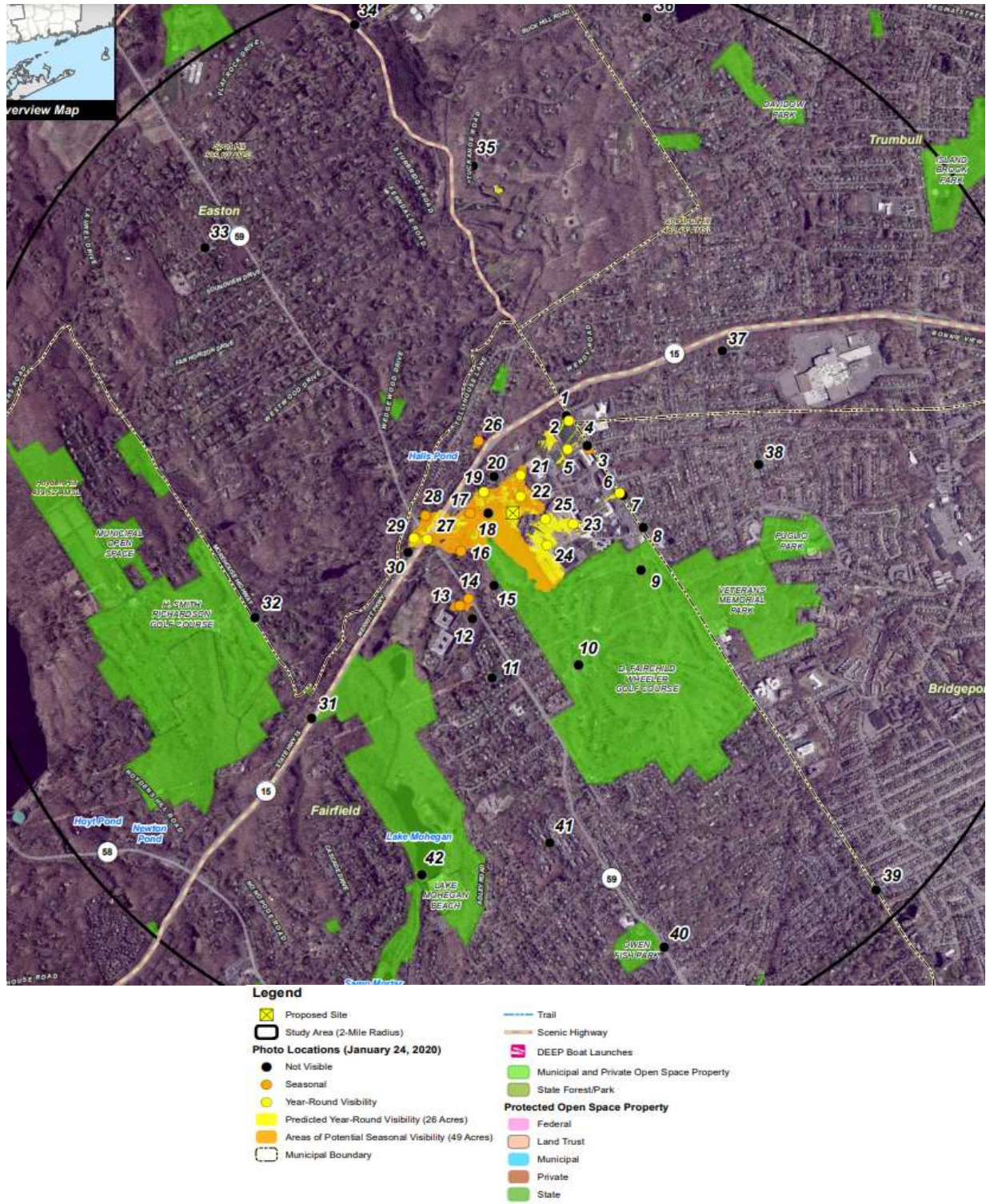
(Cellco 1, Attachment 6)

Figure 5: Proposed 1900 MHz Coverage from Plattsville RELO with Existing Coverage from Surrounding sites



(Cellco 1, Attachment 6)

Figure 6A: Visibility Map (partial)



(Cellco 1, Attachment 9)

Figure 6B: Visibility Map Photolog for photos with visibility

Photo	Location	Orientation	Distance to Site	Visibility Above Tree Line
2	Park Avenue	Southwest	± 0.39 Mile	30'-40'
5	Sacred Heart University Parking Lot - Park Avenue	Southwest	± 0.30 Mile	30'-40'
6	Park Avenue	West	± 0.40 Mile	10'-20'
19	Weeping Willow Lane	Southeast	± 0.13 Mile	60'-70'
21	Donna Drive	Southwest	± 0.14 Mile	20'-30'
22	Donna Drive at Jefferson Street	Southwest	± 361 Feet	10'-20'
23	Sacred Heart University	West	± 0.22 Mile	10'-20'
24	Sacred Heart University	Northwest	± 0.17 Mile	50'-60' (Above Building)
25	Sacred Heart University	West	± 0.12 Mile	20'-30' (Above Building)
27	Easton Turnpike	Northeast	± 0.32 Mile	40'-50'
28	Federal Street	East	± 0.31 Mile	20'-30'
29	Congress Street	Northeast	± 0.37 Mile	20'-30'

(Cellco 1, Attachment 9; Cellco 4, response 26)

ATTACHMENTS

Department of Transportation comments, dated November 9, 2020

Connecticut Airport Authority comments, dated December 9, 2020



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

November 9, 2020

Ms. Melanie Bachman
Acting Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Dear Ms. Bachman:

Subject: Docket 495
Wireless Telecommunications Facility
5151 Park Avenue
Town of Fairfield

The Department of Transportation (CTDOT) has reviewed the above-mentioned Docket and offers the following comments.

- The docket did not specify Best Management Practices for erosion and sedimentation control.
 - It is recommended that appropriate BMP's of the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* be followed throughout the project's life cycle with special attention to environmentally sensitive areas.
- The docket did not discuss stormwater management nor quantified the total disturbed area amount.
 - Will the proposed project require an application submission to DEEP- **General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities** or will the proposed project be required to register with DEEP under the requirements for a **Locally Exempt Project** and comply with all applicable conditions of the general permit under (d) Small Construction in conformance to the **2004 Connecticut Stormwater Quality Manual**?

It is recommended that the applicant provide the pertinent information/plan(s) details to ensure compliance to the aforementioned CT standards.

Should you have any questions, please contact Ms. Latoya Smith, Utility Engineer (Utilities) at Latoya.Smith@ct.gov.



TO: Robert J. Hannon, Connecticut Siting Council
Linda Guliuzza, Connecticut Siting Council
Daniel P. Lynch, Jr., Connecticut Siting Council
John Morissette, Connecticut Siting Council
Michael Harder, Connecticut Siting Council
Edward Edelson, Connecticut Siting Council
Robert Silvestri, Connecticut Siting Council
Executive Director Melanie Bachman, Connecticut Siting Council

FROM: Kevin A. Dillon, A.A.E., Executive Director, Connecticut Airport Authority

DATE: December 9, 2020

RE: Docket No. 495 – 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 telecommunications facility located at 5151 Park Avenue, Fairfield, Connecticut.

Dear Distinguished Members of the Connecticut Siting Council and Executive Director Bachman,

Thank you for the opportunity to provide comments regarding Docket No. 495.

Due to this proposed project's proximity to airport infrastructure, we believe it will be necessary for the proponents to file Form FAA 7460, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration. This is a necessary step so the FAA can determine if the project will result in a hazard to air navigation. While the project proponents appear to have completed some type of preliminary review, we respectfully request that the proponents initiate the formal 7460 process to ensure the safety of aviation in the area.

Please feel free to contact me directly at 860-292-2054 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads 'Kevin A. Dillon'.

Kevin A. Dillon, A.A.E.
Executive Director
Connecticut Airport Authority

DOCKET NO. 495 – Cellco Partnership d/b/a Verizon Wireless } Connecticut
application for a Certificate of Environmental Compatibility and }
Public Need for the construction, maintenance, and operation of a } Siting
telecommunications facility located at 5151 Park Avenue, }
Fairfield, Connecticut. } Council

April 22, 2021

Opinion

On October 16, 2020, 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 130-foot tall wireless telecommunications facility to be located on the Sacred Heart University (SHU) Main Campus at 5151 Park Avenue in Fairfield, Connecticut. The purpose of the proposed facility is to replace an existing Cellco facility located on the roof of a residential dormitory building on the SHU Main Campus that will be removed at the request of SHU.

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.

Cellco's existing facility is on the roof of Pierre Toussaint Hall, located in the center of the SHU Main Campus. The rooftop space is currently managed by Message Center Management (MCM) and also hosts AT&T and T-Mobile. In 2017, SHU notified MCM and the telecommunication carriers that it would not be extending the existing rooftop lease and that the carriers must vacate the roof. SHU subsequently granted an extension to January 2022 so that the telecommunication carriers would have enough time to search for and develop a suitable replacement facility.

Cellco established a search ring for a replacement facility in 2018. SHU initially directed Cellco to examine several locations on the SHU West Campus, located approximately 0.5 miles west of the Main Campus, adjacent to the Merritt Parkway. Cellco ultimately decided the West Campus was not suitable as it did not offer comparable coverage to that of the existing rooftop facility due to a much lower ground elevation. Additionally, the West Campus was adjacent to the Merritt Parkway, a National Scenic Byway and was opposed by a neighborhood group.

Cellco investigated numerous sites at the SHU Main Campus before selecting the proposed site. The other sites included three rooftop locations, five new tower locations and a lightpole type facility by an outdoor stadium. These sites were rejected due to land use restrictions, the presence of existing and/or proposed campus infrastructure, interference with campus operations, or in the case of the rooftops locations, insufficient height to provide adequate service or planned renovations to the buildings.

Cellco's proposed tower facility would provide Long Term Evolution (LTE) service in the 700 MHz, 850 MHz, 1900 MHz and 2100 MHz frequencies and would be capable of transmitting 5G services once Cellco is ready to deploy these services to the area.

The proposed facility would not only replicate the service provided by the rooftop facility, it would also improve Cellco's existing 700 MHz service by providing uninterrupted reliable coverage to 1.3 miles of the Merritt Parkway and 1.0 mile of CT State Route 59. Currently the existing rooftop facility only provides limited coverage to these highways. The proposed site would also provide additional capacity by increasing the number of wireless service frequencies from two to four, enhancing network capacity served by the site and by reducing capacity demands on adjacent Cellco sites, thereby increasing usage of the site and adjacent sites by area customers.

The proposed site is located on the northwestern portion of the SHU Main Campus, adjacent to a campus maintenance building in a previously disturbed, mostly open area currently used to store materials for an unrelated construction project. The site is zoned Residential (R-3).

Cellco would install a 130-foot monopole and an associated 50-foot by 50-foot fenced equipment compound at the site, accessed from an existing 180-foot long paved driveway extending from Jefferson Street. Cellco would construct a gravel parking area adjacent to the proposed compound.

Cellco would install 12 panel antennas and 9 remote radio heads on a low-profile platform antenna mount at a centerline height of 130 feet above ground level (agl). The total height of the facility with Cellco's antennas would be 133 feet agl.

Cellco would install equipment cabinets and a 30-kilowatt propane fueled emergency backup generator on a concrete pad located within the compound. A 1,000-gallon propane tank would be installed on a separate concrete pad within the compound. The emergency generator could provide five to seven days of run time before refueling is required.

Besides Cellco's installation, the tower will be designed to support three additional levels of antennas and municipal emergency services antennas. The tower and foundation would be designed to support a 20-foot extension if there is a need to increase the height of the tower to promote tower sharing in the future. T-Mobile has expressed interest to Cellco in locating at the 120-foot level of the proposed tower.

The tower setback radius remains within the boundaries of the subject property. Thus, no design yield point is necessary. Operation of the proposed facility would comply with DEEP Noise Control Standards.

As for environmental impact, the site is not located within a flood zone, an aquifer protection area, or on mapped prime farmland soils. A DEEP Natural Diversity Database (NDDDB) review indicates the site would not affect any NDDDB listed-species or the Federally-listed northern long-eared bat.

The site is not near any National Audubon Society designated Important Bird Area. The proposed tower would comply with the United States Fish and Wildlife Service guidelines for minimizing the potential for telecommunications towers to impact bird species.

One wetland, a manmade stormwater basin/pond associated with nearby campus buildings and parking areas, is located approximately 23 feet south of the proposed site. No construction impact to the basin would occur as it is located upgradient of the proposed site.

Based on a 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 26 acres (<1%) and seasonally visible (leaf-off conditions) from approximately 49 acres (<1%) of the Study Area.

Generally, year-round and seasonal views of portions of the facility would be limited to areas within an approximate 0.5-mile radius of the site, consisting of a mix of residential and on-campus areas. The most prominent year-round views would be from the Donna Drive and Weeping Willow Lane residential areas approximately 0.1 mile north of the site where the upper 10 to 70 feet of the tower would be visible. A second area of prominent views would occur along Jefferson Avenue and Park Avenue within a half-mile of the site where of the upper 10 to 40 feet of the tower would be visible year-round.

The Merritt Parkway, a National Scenic Byway listed on the National Register of Historic Places, is located approximately 1,200 feet north of the site. There would be minimal year-round views of the proposed tower from the parkway.

No public schools or child day care centers are located within 250 feet of the proposed tower. There are no Connecticut blue-blazed hiking trails located within one mile of the proposed site.

Although SHU requested that Cellco consider a monopine design at the site to mitigate views to the surrounding area, the Council finds that due to some of the prominent views within 0.5 mile of the site, a monopine would appear out of place due to its wide profile, drawing viewers to it rather than blending in with the surroundings. A two-tone color scheme would likewise not be beneficial in reducing views given the height above the tree line in some locations and that a sky blue color on the upper portion of the tower would stand out on cloudy days.

To improve screening of the facility, Cellco indicated that it would be willing to install shrubs along the north edge of the parking area to screen views of the compound from Jefferson Street, and would be willing to shift the compound slightly to avoid removing a large Norway spruce that provides screening from adjacent campus areas. Thus, the Council will order that these screening improvements be included within the Development and Management Plan for the project.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated to amount to 47.0% 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 well 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.

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, 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 130-foot galvanized steel monopole telecommunications facility at the proposed site located at 5151 Park Avenue, Fairfield, Connecticut.

DOCKET NO. 495 – Cellco Partnership d/b/a Verizon Wireless } Connecticut
application for a Certificate of Environmental Compatibility and }
Public Need for the construction, maintenance, and operation of a } Siting
telecommunications facility located at 5151 Park Avenue, }
Fairfield, Connecticut. } Council

April 22, 2021

Decision and Order

Pursuant to Connecticut General Statutes §16-50p, and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a telecommunications facility, 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 the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes §16-50k, be issued to Cellco Partnership d/b/a Verizon Wireless, hereinafter referred to as the Certificate Holder, for a telecommunications facility located at 5151 Park Avenue, Fairfield, Connecticut.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole at a height of 130 feet above ground level to provide the proposed wireless services, sufficient to accommodate the antennas of Cellco Partnership d/b/a Verizon Wireless, and other entities, both public and private. The height of the tower may be extended after the date of this Decision and Order pursuant to regulations of the Federal Communications Commission.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) final site plan(s) for development of the facility that employ the governing standard in the State of Connecticut for tower design in accordance with the currently adopted International Building Code and include specifications for the tower, tower foundation, antennas and equipment compound including, but not limited to, fence design, tower finish/color, landscaping, ground equipment, access road, utility installation and emergency backup generator;
 - b) the compound shall be shifted slightly to avoid removal of a Norway Spruce depicted on the site plans;
 - c) shrubs shall be installed along the north edge of the compound parking area;
 - d) construction plans for site clearing, grading, landscaping, water drainage and stormwater control, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended; and
 - e) construction schedule including hours and days of the week for construction activities.

3. Removal of the Pierre Toussaint Hall facility within six months of the commencement of site operation of the 5151 Park Avenue facility. The Certificate Holder may submit a written request to the Council for an extension of time to complete decommissioning, if necessary.
4. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
5. Upon the establishment of any new federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
6. The Certificate Holder shall provide the Council with a copy of necessary permits from any other state or federal agency with concurrent jurisdiction prior to the commencement of construction.
7. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
8. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower 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 Final 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 Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
9. Any request for extension of the time period referred to in Condition 8 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Fairfield.
10. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council within 90 days from the one year period of cessation of service. The Certificate Holder may submit a written request to the Council for an extension of the 90 day period not later than 60 days prior to the expiration of the 90 day period.
11. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.

12. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.
13. The Certificate Holder 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.
14. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility. If construction has not been completed in accordance with Condition 7 of this Decision and Order at the time the Certificate is requested to be transferred, a certified letter from a wireless telecommunications carrier with a firm commitment to install associated wireless equipment at the facility upon completion of construction shall also be provided.
15. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
16. If the Certificate Holder 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 Certificate Holder within 30 days of the sale and/or transfer.
17. This Certificate may be surrendered by the Certificate Holder upon written notification and acknowledgment by the Council.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed in the Service List, dated October 21, 2020, and notice of issuance published in the Connecticut Post.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 495** – 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 telecommunications facility located at 5151 Park Avenue, Fairfield, Connecticut, and voted as follows to approve the proposed site:

<u>Council Members</u>	<u>Vote Cast</u>
<u>/s/ John Morissette</u> John Morissette, Presiding Officer	Yes
<u>/s/ Quat Nguyen</u> Chairman Marissa Paslick Gillett Designee: Quat Nguyen	Yes
<u>/s/ Robert Hannon</u> Commissioner Katie Dykes Designee: Robert Hannon	Yes
<u>/s/ Edward Edelson</u> Edward Edelson	Yes
<u>/s/ Michael Harder</u> Michael Harder	Yes
<u>/s/ Daniel P. Lynch, Jr.</u> Daniel P. Lynch, Jr.	Yes
<u>/s/ Robert Silvestri</u> Robert Silvestri	Yes
<u>/s/ Louanne Cooley</u> Louanne Cooley	Abstain

This final decision has been electronically issued pursuant to Governor Lamont’s March 12, 2020 Executive Order No. 7, “Protection of Public Health and Safety During COVID-19 Pandemic and Response” as subsequently extended.

Dated at New Britain, Connecticut, April 22, 2021.



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

April 26, 2021

TO: Classified/Legal Supervisor
495210426
The Connecticut Post
410 State Street
Bridgeport, CT 06604-4560
legals@hearstmedia.com

FROM: Lisa A. Mathews, Office Assistant *lm*

RE: **DOCKET NO. 495** - 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 telecommunications facility located at 5151 Park Avenue, Fairfield, Connecticut.

Please publish the attached legal notice for one day on the first day possible from receipt of this notice.

Please send an affidavit of publication and invoice to my attention.

Thank you.

LM



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NOTICE

Pursuant to General Statutes § 16-50p (a), the Connecticut Siting Council (Council) announces that, on April 22, 2021, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Cellco Partnership d/b/a Verizon Wireless for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 5151 Park Avenue, Fairfield, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.