

<p>DOCKET NO. 495A - Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located 5151 Park Avenue, Fairfield, Connecticut. Reopening of this Certificate based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).</p>	<p>} Connecticut } Siting } Council June 9, 2022</p>
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Opinion

Introduction

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 wireless telecommunications facility to be located in the northwestern portion of the Sacred Heart University (SHU) Main Campus at 5151 Park Avenue in Fairfield, Connecticut (Docket 495). The purpose of the Docket 495 facility was to replace an existing Cellco facility located on the roof of Pierre Toussaint Hall, a residential dormitory, that was to be removed at the request of SHU due to access and security concerns.

At a public meeting held on April 26, 2021, the Council issued a Certificate to Cellco, finding that the construction, maintenance and operation of the proposed facility located in the northwestern portion of the SHU campus in Docket 495 (Certificated Facility) would not have a substantial adverse environmental effect.

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.

On November 8, 2021, Cellco, New Cingular Wireless, LLC (AT&T) and T-Mobile Northeast, LLC (T-Mobile), submitted a joint petition to the Council for a declaratory ruling for the proposed installation of a 125-foot temporary tower adjacent to the Valentine Health and Recreation Hall on the SHU campus, approximately 700 feet southeast of the Certificated Facility location, due to the removal of the existing telecommunications equipment from the Pierre Toussaint Hall roof in January 2022 (Petition 1470).

Petition 1470 referenced Cellco’s future intent, in coordination with SHU, to submit a Motion to Reopen Docket 495 for the proposed relocation of the Certificated Facility from the approved site in the northwest corner of the SHU campus to a proposed site in the southeast corner of the SHU campus, adjacent to the William H. Pitt Health and Recreation (Pitt) Center. On December 20, 2021, the Council issued a Declaratory Ruling for the installation of the temporary facility.

Motion to Reopen

On February 11, 2022, pursuant to C.G.S §4-181a(b), Cellco filed a Motion to Reopen and Modify the Council's April 22, 2021 final decision to issue a Certificate to Cellco for the wireless telecommunications facility in Docket 495 (Motion to Reopen) based on changed conditions. The Motion to Reopen proposed a new site adjacent to the Pitt Center and SHU football field, approximately 1,350 feet southeast of the Certificated Facility location for the construction, maintenance and operation of a wireless telecommunications facility (Relocated Facility). The Motion to Reopen presented changed conditions and proposed a modified design for the Relocated Facility. On February 24, 2022, the Council granted Cellco's Motion to Reopen and held a public hearing on March 31, 2022.

Changed Conditions

Cellco's Motion to Reopen included several changed conditions from the Certificated Facility to the proposed Relocated Facility, including, but not limited to, the following:

- a) Subsequent to the Council's approval of the Certificated Facility, SHU met with neighbors and Town officials regarding potential alternative tower locations on the SHU campus.
- b) The Relocated Facility is approximately 1,350 feet southeast of the approved Certificated Facility;
- c) The Relocated Facility is proposed as a 100-foot tall, three-pole faux bell tower telecommunications facility;
- d) The Relocated Facility would include a new building to provide space for telecommunication carriers' equipment and storage space for SHU;
- e) The Relocated Facility has no residences within 1,000 feet of the site compared to 40 residences within 1,000 feet of the Certificated Facility; and,
- f) The Relocated Facility would not be visible above the tree line from any residence within 0.25 mile of the site compared to several residences with views of the upper 10 to 70 feet of the Certificated Facility within 0.1 mile of that site.

Proposed Relocated Facility

The proposed Relocated Facility is in the southwestern portion the SHU Main Campus, in an area with mobile storage containers at the edge of a driveway that services the Pitt Center. The proposed tower would consist of a 100-foot tall, three-pole telecommunications facility. The three-pole structure was initially designed as a faux bell tower with an SHU logo printed on fiberglass panels, but based on comments from area neighbors and the Town of Fairfield Planning Director, the bell and SHU logo were removed from the design at the request of SHU.

The facility would provide both Cellco and AT&T, an intervenor to the proceeding, both Long Term Evolution (LTE) services and 5G services. Although T-Mobile did not intervene in the proceeding, it would submit a request for tower sharing with the Council to collocate its equipment at the facility. Cellco, AT&T and T-Mobile are located on the existing temporary facility which would be removed once the Relocated Facility is constructed and operational. In Docket 495, the Council found and determined a public need for a facility in this area to replace service, and improve upon, service to the SHU campus and surrounding areas that was previously provided from the decommissioned rooftop facility.

The proposed Relocated Facility is a three-pole tower, arranged in a triangle so that the poles are 18 feet apart, designed to support four levels of antennas using a mix of interior flush mounted antennas and exterior platform mounted antennas. The upper portion of each pole could accommodate three interior flush-mount antennas at the 95-foot and 85-foot levels, concealed within a fiberglass casing approximately

55-inches in diameter. Two antenna platforms would be installed at the 77-foot and 67-foot levels of the tower, concealed by fiberglass panels (18 feet tall by 16 wide).

Cellco would install two interior flush mounted antennas at the 95-foot level of each pole and 8 antennas and 12 remote radio heads on an antenna platform at a centerline height of 68.5 feet. AT&T would install 12 panel antennas and 12 remote radio head/units on an antenna platform at a centerline height of 76.7 feet. T-Mobile is anticipated to locate at the 85-foot level of the tower.

Cellco would install a two-story, 1,245 square foot building at the base of the tower to house telecommunication equipment and to provide storage space for SHU. The building would have brick veneer to match the adjacent Pitt Center. Cellco's radio equipment would be installed within a ground floor room of the building. AT&T and T-Mobile's equipment would be located in separate rooms on the second level of the building, accessed by an exterior steel stairway. The building and tower would be accessed by existing driveways.

In the event an outage of commercial power occurs, all three carriers would rely on a 100-kW diesel-fueled emergency generator and an associated 192-gallon fuel tank. The capacity of the tank would be sufficient to provide emergency power for up to 24-hours. To increase the runtime of the generator before refueling is necessary, the Council will order a fuel tank that could provide a minimum three days of backup power. In addition to the generator, Cellco and AT&T would have battery packs that could provide emergency power for a limited time, up to four hours depending on the type of battery installed. The telecommunications building would also have exterior ports that would facilitate a single portable generator for each carrier in the event the shared generator failed to start.

An underground telco fiber line would be installed from the new building to existing service on Jefferson Street, extending along the south and west property lines for a distance of approximately 2,000 feet.

No exterior lighting of the structure or the associated building is proposed. Exterior motion lights would be installed on the building at entry doors and storage area garage doors. Operation of the proposed facility would comply with DEEP Noise Control Standards.

The tower setback radius extends onto the abutting property (Fairchild Wheeler Golf Course) to the southeast by approximately 55 feet; however, the three-pole structure would be supported by structural cross arms (behind the fiberglass panels) to enhance stability and designed in accordance with current standards and applicable building codes rendering a yield point unnecessary.

The site is not located within a flood zone, an aquifer protection area, or on mapped prime farmland soils. Installation of the telco fiber line would occur within 27 feet of a wetland that consists of a manmade, pond type stormwater basin.

A DEEP Natural Diversity Database (NDDB) review indicates the site would not affect any NDDB listed-species. 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 (USFWS) guidelines for minimizing the potential for telecommunications towers to impact bird species.

Installation of the telco fiber line along the west property boundary would require the removal of 15 trees, mostly within a wooded area south of Jefferson Street. Although the Federally-listed northern long-eared bat (NLEB) occurs throughout Connecticut and uses wooded areas in the spring and summer, the USFWS has determined the Project would not affect NLEB. Additionally, the trees that would be removed are adjacent to disturbed areas and campus activity, which is suboptimal habitat for NLEB.

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 25 acres (<1%) and seasonally visible (leaf-off conditions) from approximately 126 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, mostly from the SHU campus and the abutting Fairchild Wheeler Golf Course. Year-round visibility of the upper portion of the tower would also occur from areas along and east of Park Avenue, including several residences, approximately 0.35 miles east-northeast of the site and across from the campus.

A residential area is located along Autumn Ridge Road, approximately 0.2 miles west of the site. Residences on the east side of the street abut the Fairchild Wheeler Golf Course property. The golf course has wooded areas of varying density in the sight line between the residences and the proposed tower. Some seasonal views of the upper portion of the tower through the trees are expected in this area. The tower would not be visible above the tree line in this area.

During the proceeding, the color of the three-pole structure was changed from white to a light gray color so that it would be as inconspicuous as possible when viewed through the trees. SHU was not interested in installing a monopine, monopole or modified stadium light pole at or near the Relocated Facility site.

The Relocated Facility would not be visible from the Merritt Parkway, a National Scenic Byway listed on the National Register of Historic Places. 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.

The setting of the Relocated Facility adjacent to the athletic field lends itself to the initial faux bell tower design as it would complement existing campus uses. Subsequent modifications to the tower based on community concerns, including the removal of the bell, SHU logo and white tower color, and the reduction of the fiberglass panel height, has reduced its initial appeal as a creatively designed stealth tower.

Although the Council finds that the proposed Relocated Facility, as it was initially designed as a faux bell tower, would be sufficiently screened from adjacent neighborhoods by existing vegetation, in the interest of providing needed wireless service to the area, and the lack of location and design options that are acceptable to SHU, the Council will order the proposed Relocated Facility to be constructed as a three-pole structure without the bell and SHU logo, with a light gray color and a reduced profile for the fiberglass panels.

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 79.6% 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 Relocated 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 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 three-pole, 100-foot telecommunications facility at the Relocated Facility site, in accordance with the facility design proposed in Cellco's April 8, 2022 Late-Filed Exhibit, at 5151 Park Avenue, Fairfield, Connecticut.