



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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VIA ELECTRONIC MAIL & CERTIFIED MAIL

December 20, 2021

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

RE: **PETITION NO. 1470** – Cellco Partnership d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC and T-Mobile Northeast, LLC joint petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a temporary telecommunications facility and associated equipment located at Sacred Heart University, 5151 Park Avenue, Fairfield, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on December 16, 2021, the Connecticut Siting Council (Council) considered and ruled that the above-referenced proposal would not have a substantial adverse environmental effect, and pursuant to Connecticut General Statutes § 16-50k, would not require a Certificate of Environmental Compatibility and Public Need with the following conditions:

1. Approval of any project changes be delegated to Council staff;
2. Install erosion/sedimentation controls consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control* prior to site disturbance;
3. Approval of the installation of this temporary facility is valid for two years from the date of this decision;
4. Unless otherwise approved by the Council, if the temporary facility authorized herein is not fully constructed within six months from the date of the mailing of the Council's decision, this decision shall be void, and the facility owner/operator shall dismantle the facility 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 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 facility owner/operator shall provide written notice to the Executive Director of any schedule changes as soon as is practicable;
5. Any request for extension of the time period to fully construct the facility shall be filed with the Council not later than 60 days prior to the expiration date of this decision and shall be served on all parties and intervenors, if applicable, and the Town of Fairfield;
6. Within 45 days after completion of construction, the Council shall be notified in writing that construction has been completed;
7. Any nonfunctioning antenna and associated antenna mounting equipment on this facility owned and operated by the Petitioner shall be removed within 60 days of the date the antenna ceased to function;

8. The facility owner/operator 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;
9. If the facility ceases to provide wireless services for a period of one year the Petitioners 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 Petitioners 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; and
10. This Declaratory Ruling may be transferred or partially transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. 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 facility within 30 days of the sale and/or transfer. Both the facility owner/operator/transferor and the transferee shall provide the Council with 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.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition dated November 8, 2021 and additional information received on November 24, 2021.

Enclosed for your information is a copy of the staff report on this project.

Sincerely,



Melanie A. Bachman
Executive Director

MAB/RDM/lm

Enclosure: Staff Report dated December 16, 2021

c: Service List dated December 3, 2021
The Honorable Brenda L. Kupchick, First Selectwoman, Town of Fairfield
(firstselectmanffld@fairfieldct.org)



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Petition No. 1470

Cellco Partnership d/b/a Verizon Wireless, New Cingular Wireless and T-Mobile Northeast Shared Temporary Replacement Facility Sacred Heart University, 5151 Park Avenue, Fairfield, Connecticut

Staff Report
December 16, 2021

Introduction

On November 8, 2021, the Connecticut Siting Council (Council) received a joint petition from Cellco Partnership d/b/a Verizon Wireless (Cellco), New Cingular Wireless, LLC (AT&T) and T-Mobile Northeast, LLC (T-Mobile), collectively, "Petitioners," for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a 125-foot temporary tower adjacent to the Valentine Health and Recreation Hall at Sacred Heart University (SHU), 5151 Park Avenue in Fairfield, Connecticut (Joint Petition).

The temporary tower would replace Petitioners' existing non-tower antenna arrays located on the roof of Pierre Toussaint Hall, a residential dormitory building in the center of the SHU campus. Due to access and security concerns, SHU requested removal of the existing non-tower antenna arrays on or before January 13, 2022. The temporary replacement facility is necessary to maintain continuity of service while Cellco completes construction of the permanent replacement facility at the SHU campus that was certificated by the Council on April 22, 2021 in Docket No. 495 (Certificated Facility).

Notice was provided by Petitioners to the Town of Fairfield (Town), the Town of Easton and the City of Bridgeport (within 2,500 feet of the proposed temporary facility site), SHU (the subject property owner), and abutting property owners on or about November 8, 2021. On November 9, 2021, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the municipality to contact the Council with any questions or comments by December 8, 2021. On November 15, 2021, the Town submitted correspondence in support of the proposed temporary tower installation for public safety reasons. No other comments were received by the Council or by the Petitioners.

On November 10, 2021, AT&T requested intervenor status. During a meeting held on December 2, 2021, the Council granted intervenor status to AT&T.

On November 17, 2021, the Council issued interrogatories to the Petitioners. The Petitioners responded to the Council's interrogatories on November 24, 2021.

Existing Non-Tower Antenna Arrays

SHU entered into a rooftop license agreement with Message Center Management, who subleases space on the roof of Pierre Toussaint Hall to Petitioners. The height of the Pierre Toussaint Hall roof is 56 feet above ground level (agl). Petitioners' existing non-tower antenna arrays on the roof of Pierre Toussaint Hall are located at 61 feet (AT&T), 68 feet (T-Mobile) and 70 feet (Cellco) agl.

The SHU campus is an 80.1-acre residentially zoned parcel. Land use immediately surrounding the campus includes a golf course to the south and west, commercial and residential use to the east, and residential and

college campus use to the north. The existing non-tower antenna arrays provide service to the SHU campus, the Merritt Parkway and surrounding commercial and residential areas.

Certificated Facility

On October 16, 2020, Cellco submitted an application to the Council for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a 130-foot monopole wireless telecommunications facility in the northwestern portion of the SHU campus (Docket No. 495). The purpose of the proposed facility was to replace the existing Cellco non-tower antenna arrays on the roof of Pierre Toussaint Hall. On April 22, 2021, the Council issued Cellco a Certificate for the facility (Certificated Facility).

Cellco planned to install 12 panel antennas and 9 remote radio heads on a low-profile platform antenna mount at a centerline height of 130 feet agl on the Certificated Facility. During the Docket No. 495 proceeding, T-Mobile expressed an interest in locating at the 120-foot level of the Certificated Facility.

In the Joint Petition, Cellco describes its intent, in coordination with SHU, to submit a motion to reopen Docket No. 495 for the proposed relocation of the Certificated Facility from the approved site in the northwest corner of the campus to a proposed site in the southeast corner of the campus. The proposed relocation site for the Certificated Facility is adjacent to the Pitt Center and SHU football field, approximately 1,350 feet southeast of the approved site.¹ Similar to the Certificated Facility, the relocated permanent replacement facility would be designed to support all Petitioners' antennas and associated equipment.

Proposed Temporary Facility

The proposed temporary facility would consist of a 125-foot ballast-mounted monopole and associated equipment located approximately 700 feet southeast of the Certificated Facility location along the western boundary of the SHU campus. The proposed temporary facility would be located in an open area adjacent to the Valentine Health and Recreation Center.

Cellco would install 6 panel antennas and 9 remote radio heads on an antenna platform at a centerline height of 121 feet agl on the proposed temporary facility. T-Mobile would install 6 panel antennas and 9 remote radio heads on a sector frame at a centerline height of 110 feet agl. AT&T would install 6 panel antennas and 6 remote radio heads on an antenna platform at a centerline height of 90 feet agl.

A 2,456 square foot, L-shaped fenced equipment compound would be established within a 2,456 square foot lease area. The temporary tower would be installed adjacent to the northwest corner of the building. Petitioners would install associated equipment on the ground behind the Valentine Health and Recreation Center on 12-foot by 16-foot concrete pads within the compound. The compound would be enclosed by an 8-foot high chain link fence. Due to steep terrain in the compound location, a five-foot high block retaining wall would be installed along the north, west and south sides to establish a level compound area.

Access to the temporary facility would be from existing paved roadways within the SHU campus extending 2,578 feet from the access drive off Jefferson Street.

¹ This site location alternative was rejected by SHU during the Docket No. 495 proceeding due to interference with existing uses in and around the Pitt Center and the SHU football field.

Telephone (telco) service would be installed overhead from existing service on Jefferson Street to a new utility pole at the northwest corner of the SHU parcel. From the new pole, telco service would be installed within a steel conduit anchored to the ground within a five-foot wide utility easement that extends along the western parcel boundary to the compound. Utilizing the ground anchor design avoids 4,335 square feet of ground disturbance associated with excavation to install underground utilities within the easement. Electric service would extend north within existing conduit extending from the Valentine Health and Recreation Center to the compound area.

Although the Petition site plans depict an extension of the utility easement south of the compound site to the potential permanent relocation site for the Certificated Facility, no utilities would be installed in this area as part of this petition.

The total cost to install the proposed temporary facility is approximately \$380,000.

Public Safety

The ballast foundation and 125-foot monopole would be installed in accordance with the American National Standards Institute "Structural Standards for Steel Antenna Towers and Antenna Support Structures" Revision H. A Professional Engineer duly licensed in the State of Connecticut has certified that the proposed ballasted monopole would be structurally adequate to support the proposed loading. The ballast foundation consists of 72 concrete blocks installed within a 12-sector, 24.5-foot diameter metal frame.

The temporary facility would not be an aviation hazard and would not require notification to the Federal Aviation Administration. Operation of the temporary facility and associated equipment is expected to comply with applicable noise standards at the property lines.

AT&T intends to install a battery cabinet that will provide approximately 3 hours of backup power to the proposed temporary facility. Neither T-Mobile nor Celco intend to install any type of backup power at the proposed temporary facility.

The cumulative maximum worst-case power density for the general public would be 43.29% of the applicable limit.

Environmental

The proposed compound and access drive are located within an open area adjacent to a building and parking lot. No trees would be removed to develop the site. One wetland, a manmade, pond-type stormwater basin, is located approximately 520 feet northwest of the temporary tower site. Development of the proposed compound and utility connections would not have an impact on the wetland.

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.

The site is not located within a state-designated aquifer protection area nor is it within a Connecticut Department of Energy and Environmental Protection mapped Natural Diversity Database area.

Installation of the temporary facility would require minor grading for development of the compound. The total area of disturbance associated with the development of the compound is 4,066 square feet.

The site is located within a college campus adjacent to a building, campus infrastructure and a wooded area. The nearest off-site and off-campus residence is located approximately 850 feet to the southwest of the proposed temporary facility, beyond a wooded area. Notre Dame Catholic High School is located 0.2 miles to the north.

The temporary monopole would be visible on the SHU campus and to some areas within ½-mile of the site, mostly from within portions of the Fairchild Wheeler Golf Course to the southeast. Views are not anticipated from residential properties to the north, east or west. Notre Dame Catholic High School may experience some visibility of the temporary facility from exterior locations.

Facility Construction

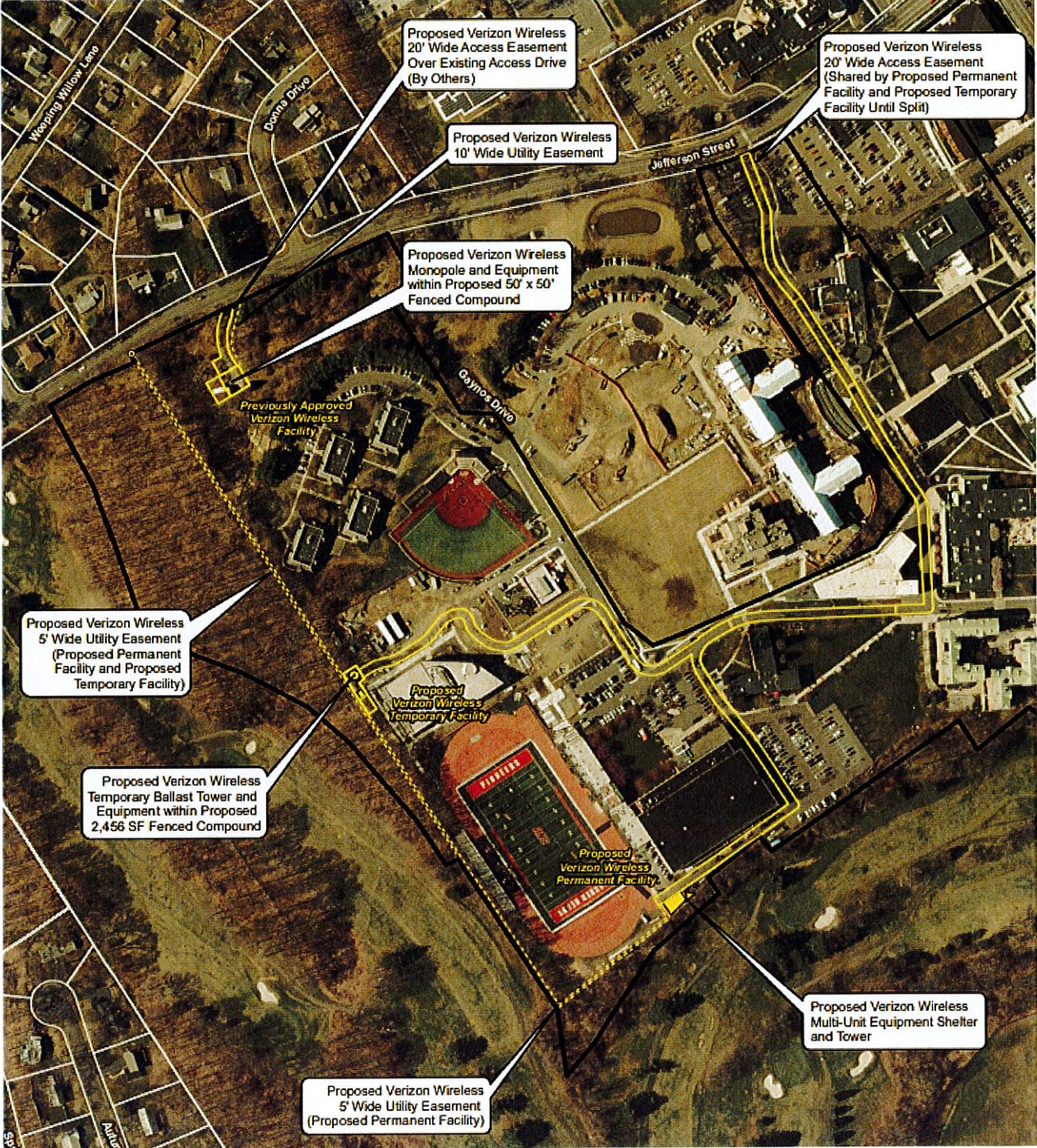
Petitioners would install the ballast tower immediately after the Council's approval. Construction access to install the proposed temporary facility and telephone service route will be from existing on-campus parking areas and driveways. Construction is expected to take 4-6 weeks and will be completed during SHU's winter break.

Petitioners anticipate that the temporary tower would remain in place for 12-18 months, until the Certificated Facility, or potential alternate permanent replacement facility, is approved and constructed, at which time the temporary facility would be decommissioned.

Conclusion

If approved, staff recommends the following conditions:

- 1) Approval of any project changes be delegated to Council staff; and
- 2) Install erosion/sedimentation controls consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control* prior to site disturbance.



Location of the Certificated Facility, proposed temporary facility and potential future permanent replacement facility location.



PROPOSED

PHOTO	LOCATION (TEMPORARY TOWER)	ORIENTATION	DISTANCE TO SITE	VISIBILITY
2	SACRED HEART UNIVERSITY - WILLIAM H. PITT HEALTH AND RECREATION CENTER	NORTHWEST	+/- 0.15 MILE	VISIBLE

Photo-simulation of temporary tower from the Pitt Center.