

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.	} Connecticut Siting Council
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April 1, 2021

DRAFT 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 sub-station. 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 converge to 1.3 miles of Route 15 and 1.0 mile of 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 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 offer 5G services. (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 numerous small cells, the actual number of small cells necessary would be significant due to the large size of the service area to be covered 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 wireless carrier 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)
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 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 three wireless carriers and 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 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 radius would remain within the boundaries of the subject property. (Cellco 1, Attachment 1)
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. §16-50ll, 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 (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 0.5 mile north 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

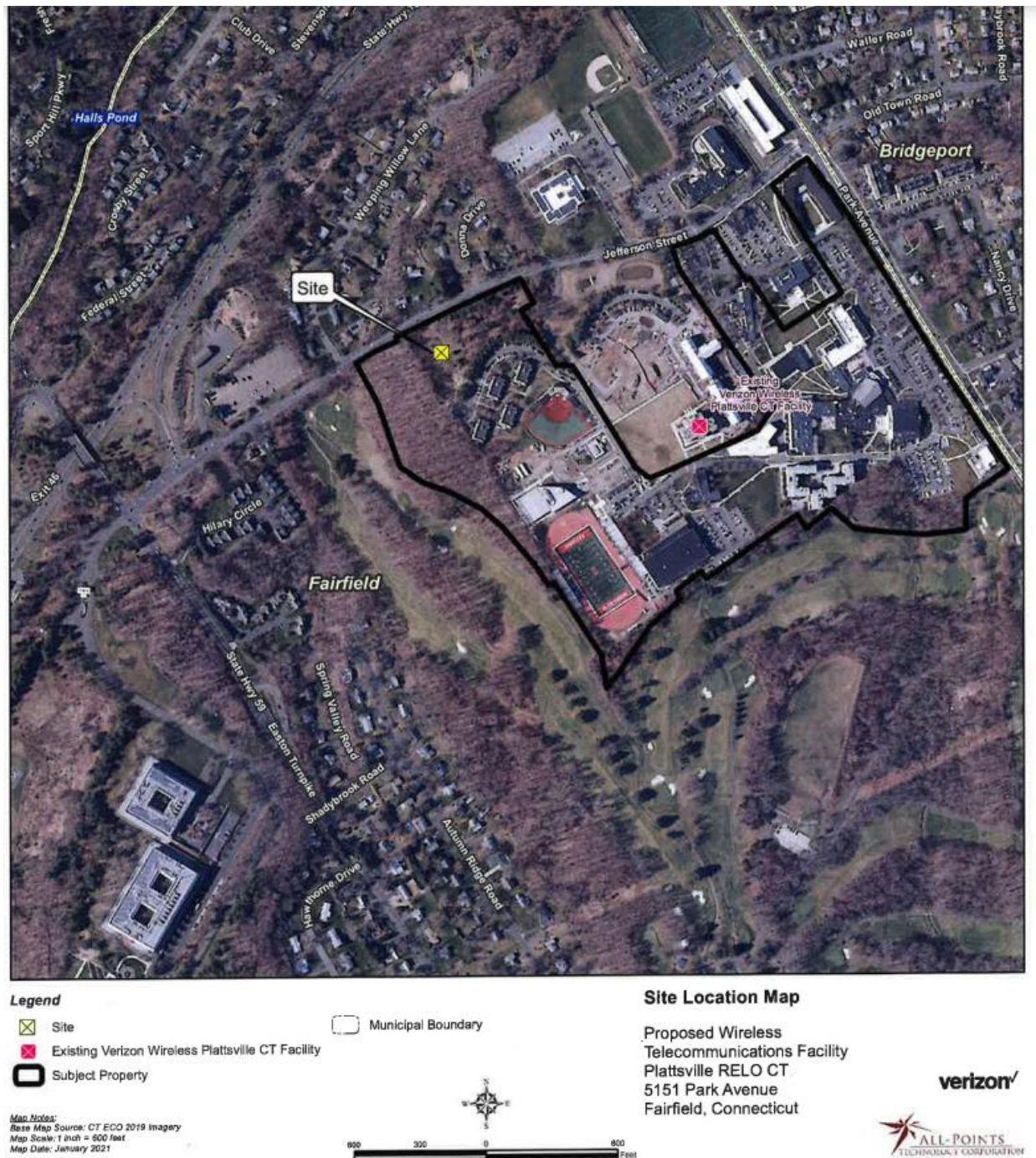
121. Cellco used a combination of predictive computer model, in-field analysis, and review of various data sources to evaluate the visibility of the proposed facility on both a quantitative and qualitative basis. (Cellco 1, Attachment 9)

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 0.1-0.2 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 (CT State Route 15), 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 0.1-0.2 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)

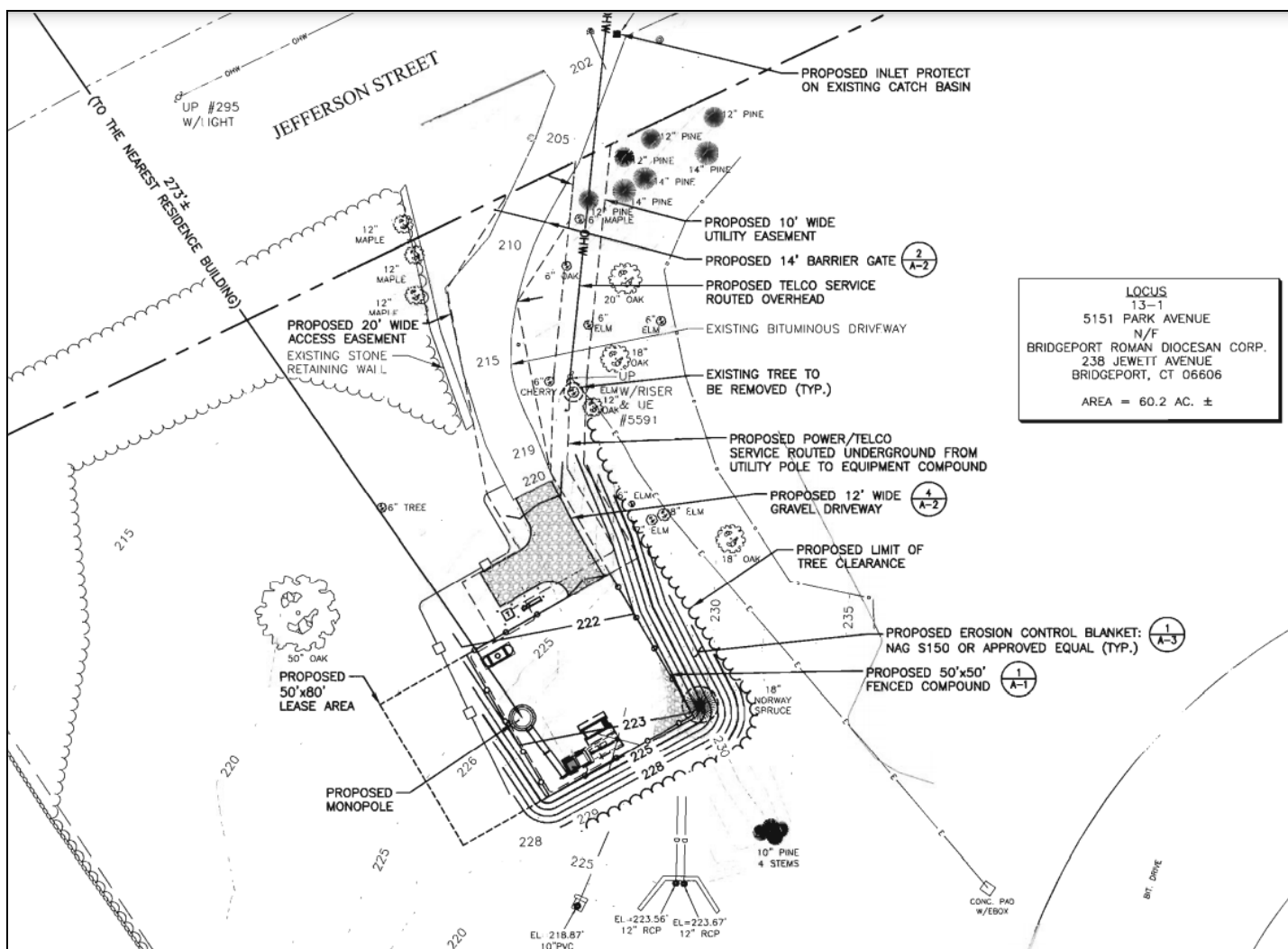
133. A monopine design would increase the project cost by \$50,000. (Tr. 1, p. 29)
134. The height above the treeline in some near view locations and the varying nature of cloud cover could limit the effectiveness of a two-tone color scheme. An upper tower finish with a sky blue color would not blend 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



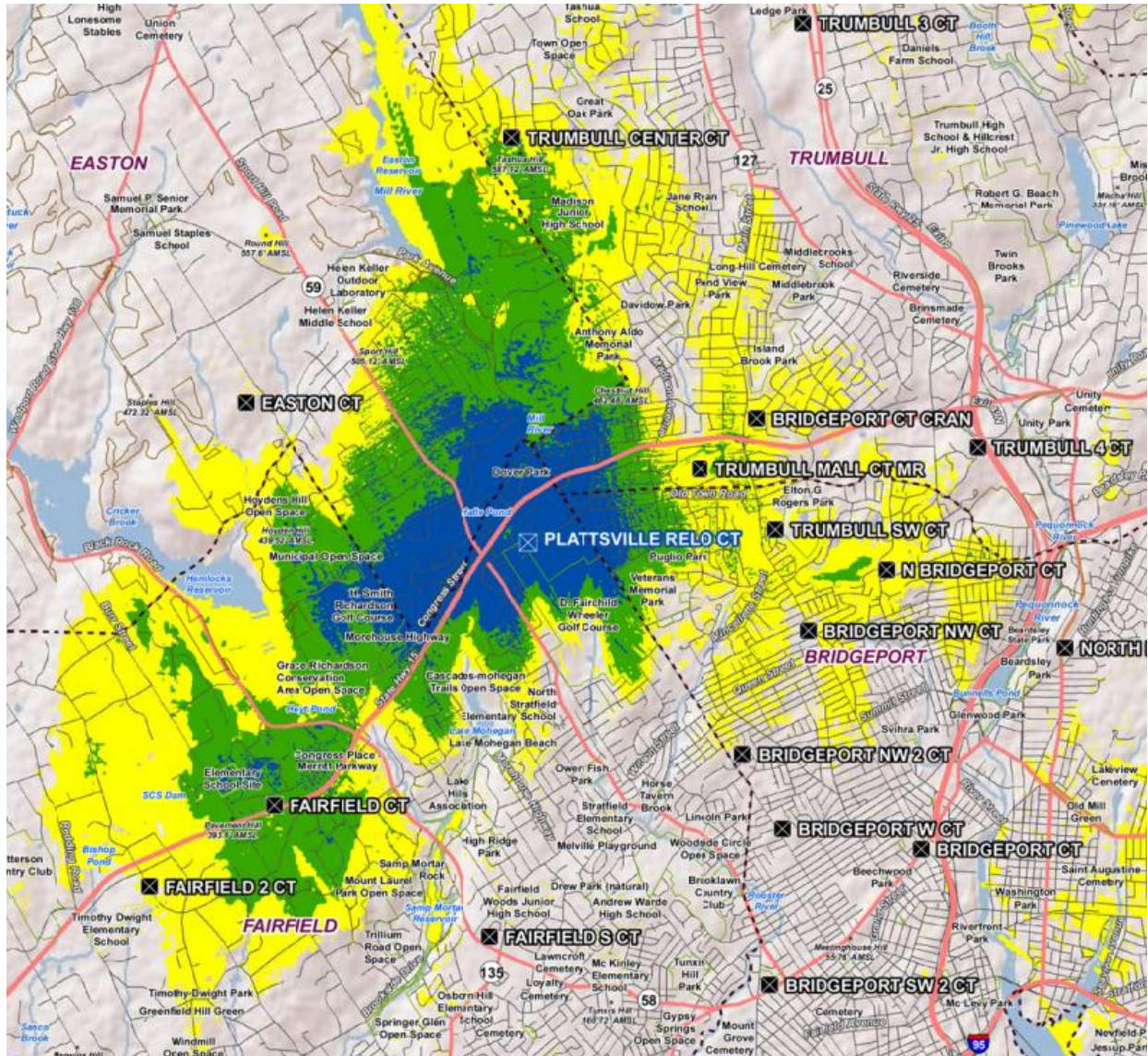
(Cellco 1, Attachment 1)

Figure 2: Site Plan



(Cellco 1, Attachment 1)

Figure 3: Proposed 700 MHz Coverage from Plattsville RELO



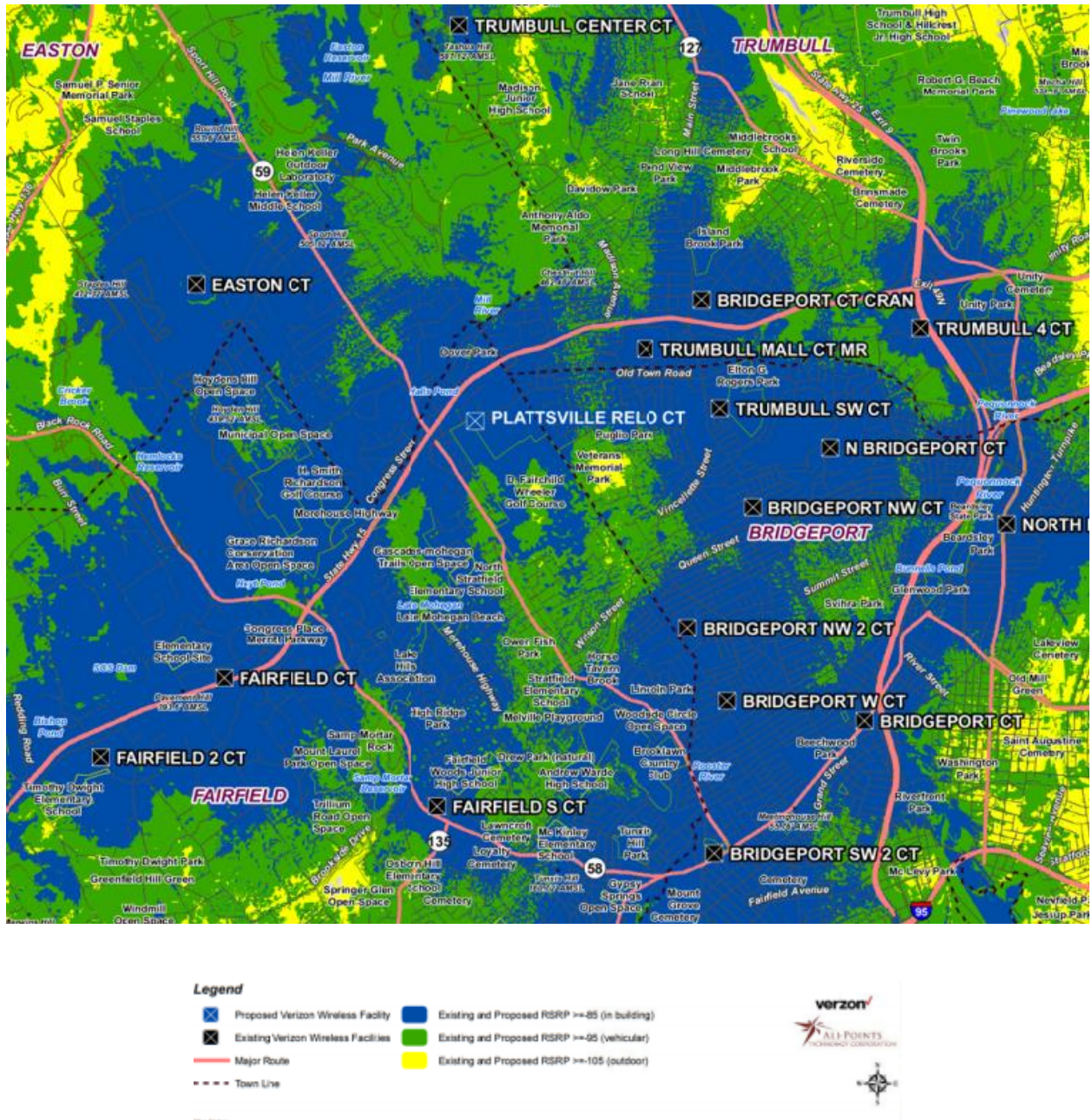
Legend

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

MapSource

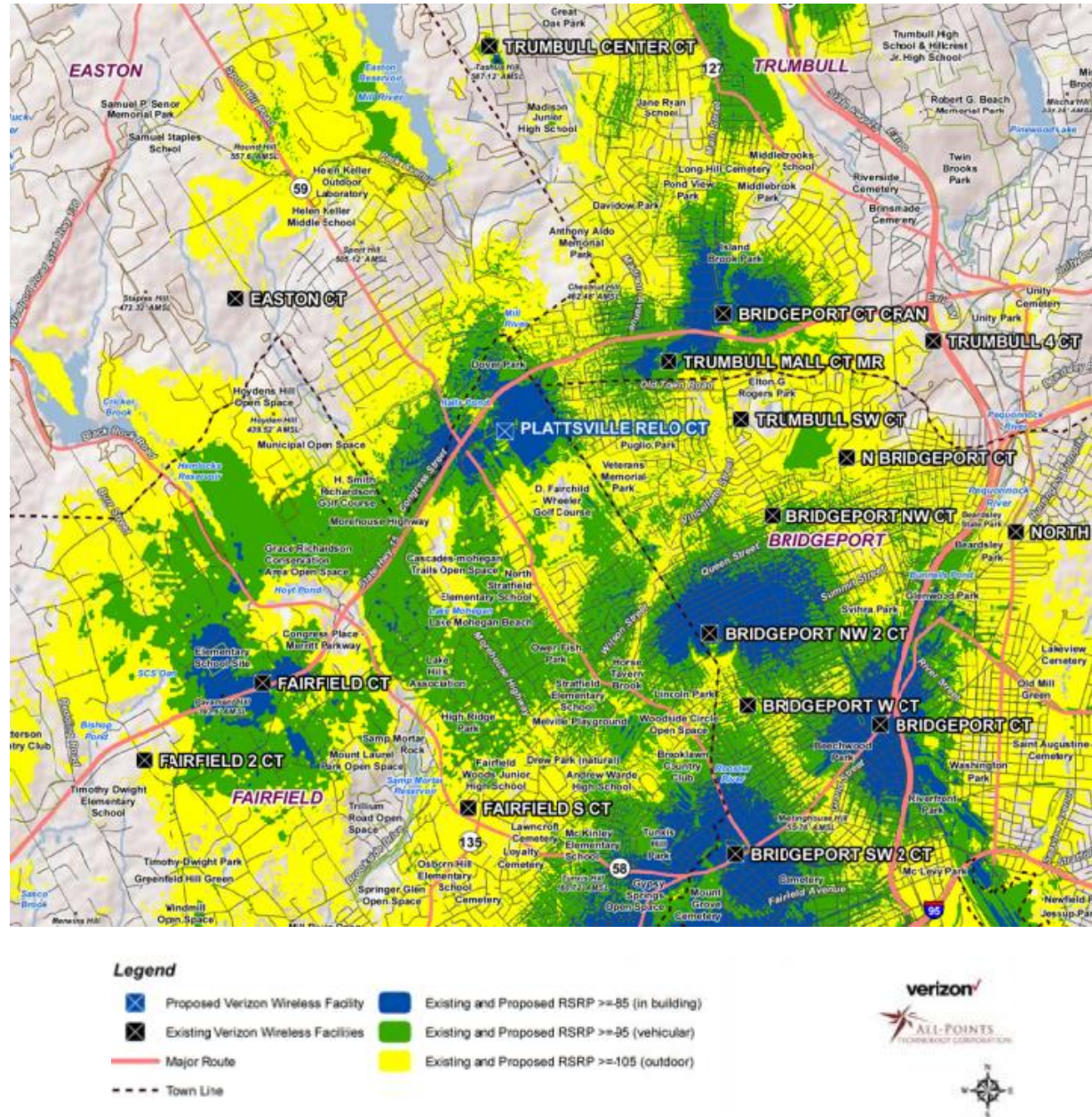


Figure 4: Proposed 700 MHz Coverage from Plattsville RELO with Existing Coverage from Surrounding sites.



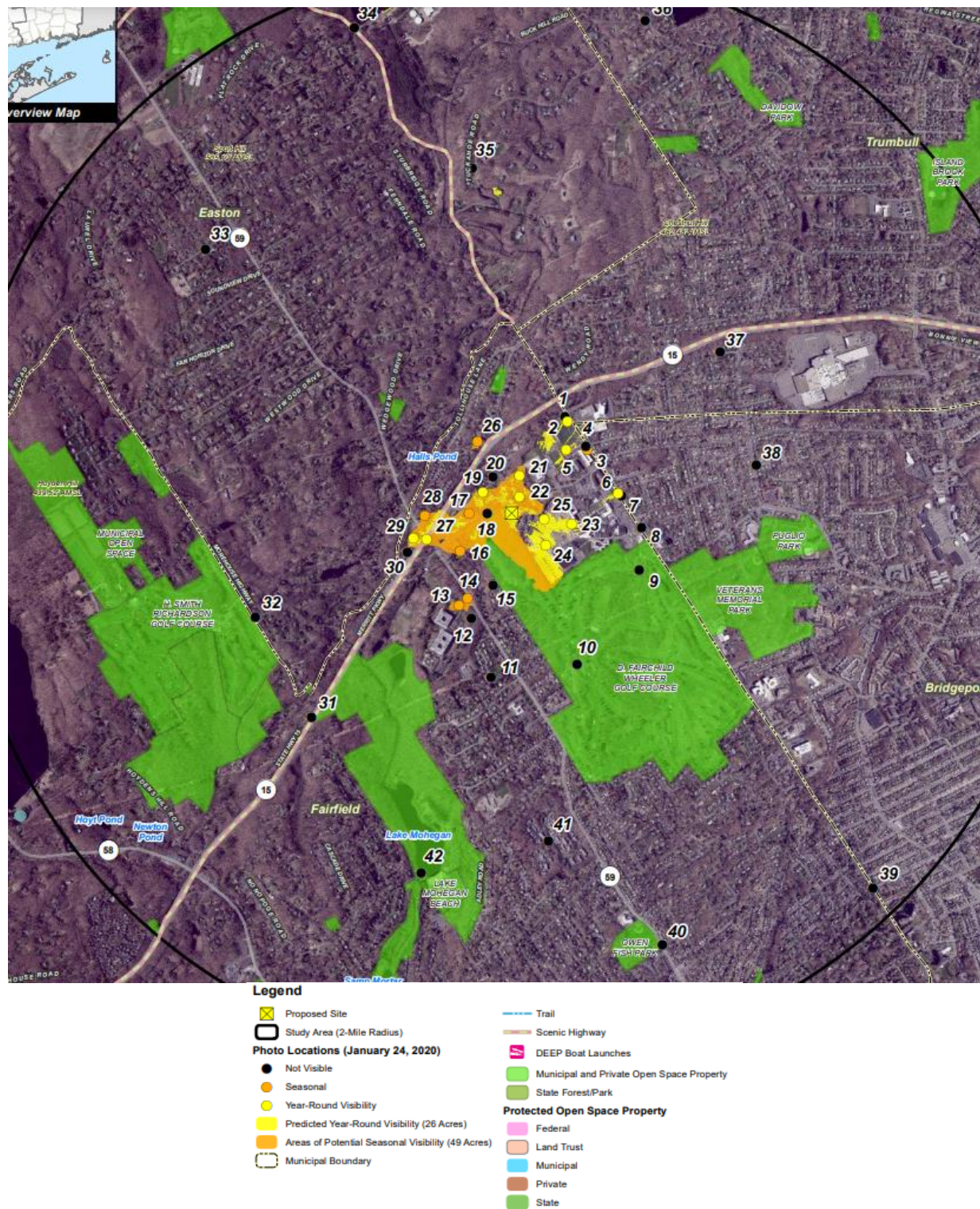
(Cellco 1, Attachment 6)

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 will 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,

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