DOCKET NO. 494 - 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 south of Chestnut Hill Road at the intersection with Grilley Road and Lyman Road (Parcel No. 101-1-5B), Wolcott, Connecticut.	}	Connecticut Siting Council

May 14, 2021

DRAFT Opinion

On September 2, 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 120-foot tall wireless telecommunications facility to be located in the Town of Wolcott (Town), Connecticut. The purpose of the facility is to provide improved wireless voice and data services in the southwest portions of Wolcott and northeast portions of Waterbury. Cellco is experiencing gaps in reliable wireless service and signal level deficiencies along portions of Route 69 and to the north, east and west of the proposed facility. New Cingular Wireless PCS, LLC (AT&T) is experiencing a coverage deficiency along Lyman Road and Woodgaite Drive and the neighboring business/retail areas in Wolcott that it seeks to address via its co-location on this facility.

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 established a search ring for its proposed facility in 2015 and found that no existing towers or other sufficiently tall structures within that search area (or even within a 4-mile radius) would satisfy Cellco's wireless service needs. Cellco investigated a total of four raw land sites. Two were rejected because the landowner was not interested in leasing space for a tower, and one was rejected because an agreement on land lease terms could not be reached. Thus, the proposed site was selected.

Cellco's proposed facility would provide wireless service via 700 MHz, 850 MHz, 1900 MHz, and 2100 MHz frequencies. Cellco's initial deployment plan for the facility does not include the installation of 5G technology; however, certain frequencies may be reused for 5G services in the future.

Cellco's existing Waterbury facility (Alpha sector), Wolcott facility (Gamma sector) and Wolcott North facility (Beta sector) are currently operating at or near their current capacity limits which results in a significant reduction in reliable wireless service in the area. The proposed facility would improve Cellco's level of reliable service in the area.

AT&T's proposed co-location would provide wireless service via its 700 MHz, 850 MHz, PCS, AWS, and WCS bands. AT&T's proposed co-location would be provisioned to provide 5G service at 850 MHz.

AT&T's neighboring site CT1005 to the south-southwest is currently fully loaded and exhausted with respect to capacity. AT&T's co-location on the proposed tower would off-load capacity from CT1005.

Cellco proposes to construct a 120-foot monopole and associated equipment compound in the eastern-central portion of an approximately 10.17-acre parcel owned by PAL Properties LLC. The subject property is zoned Industrial District and is currently vacant and undeveloped with remnants of an old stone structure in the northeast corner of the property. The tower would be located within a 50-foot by 50-foot compound surrounded by a six-foot tall chain link fence with barbed wire on top.

The tower setback radius extends beyond the property boundary by approximately 14 feet. The Council will require that Cellco design a yield point on the tower to ensure that the tower setback radius remains within the boundaries of the subject property.

Cellco would install 12 panel antennas and 12 remote radio heads (RRHs) on a low-profile platform mount at the 116-foot level of the tower. AT&T would install six panel antennas and 12 RRHs on a sector frame mount at the 105-foot level of the tower.

Cellco would install its equipment cabinet and a 25-kilowatt propane-fueled backup generator under an ice canopy within the northeast portion of the compound. AT&T would install an approximately 8-foot tall walk-in equipment cabinet and a 15-kW propane-fueled backup generator on a steel platform within the southwest portion of the compound. Two 500-gallon propane tanks (i.e. one for Cellco and one for AT&T) would installed within the compound to supply the backup generators.

Access to the proposed site compound would be via a new 12-foot wide by about 850-foot long curved gravel drive extending from Chestnut Hill Road to the tower compound.

The site is located outside of the 100-year and 500-year flood zones. The site is not located within a state-designated aquifer protection area.

The total tree clearing area to develop the project would be approximately 1.11 acres. The total tree clearing areas within core and edge forests associated with the project would be 0.35-acre and 0.59-acre, respectively. The project development would represent a de minimis habitat reduction to core forest, and it would not be expected to adversely impact forest interior species.

The facility compound would not be located on Prime Farmland Soils. The access drive and utility route would impact approximately 0.30-acre of Prime Farmland Soils or about 32 percent of the 0.95-acre of Prime Farmland Soils on the subject property.

The proposed facility is not located within a DEEP Natural Diversity Database buffer area. Cellco consulted with the U.S. Fish and Wildlife Service (USFWS) regarding the northern long-eared bat, a federally-listed threatened species and state-listed endangered species. USFWS did not respond within 30 days of the date of the Cellco's letter; therefore, Cellco satisfied its responsibilities under Section 7(a)(2) of the Endangered Species Act. Additionally, there are no known NLEB hibernacula or known maternity roost trees within 0.25 mile and 150 feet, respectively, of the proposed site.

The proposed facility is not located near an Important Bird Area, as designated by the National Audubon Society. In addition, the proposed facility will comply with the USFWS guidelines for minimizing the potential for telecommunications towers to impact bird species.

There is one wetland area located on the property. Wetland 1 is a narrow forested hillside seep wetland system in the northern portion of the subject property. Wetland 1 extends from the eastern property boundary northward towards Chestnut Hill Road in the northwest corner of the property. The access drive would cross Wetland 1 and result in about 2,797 square feet of direct impacts.

The proposed wetland crossing cannot be avoided because the access drive could only reach the compound from the street by crossing Wetland 1. The access road crossing has been designed to minimize impacts by locating the crossing at a narrow portion of Wetland 1. With the proposed permanent wetland impact area,

the project is eligible under the U.S. Army Corps of Engineers (ACOE) Connecticut General Permit Program as a self-verification notification form process.

The wetland crossing design would convey flows under the gravel access road via three 24-inch diameter high density polyethylene (HDPE) pipes. However, the Council recommends that an open bottom box culvert design be considered for the wetland crossing in lieu of the three-pipe design.

Within the southern portion of Wetland 1, on an off-site parcel directly to the east, there is a small vernal pool contained within an abandoned well that supports permanent inundation. No work would be performed within the 100-foot Vernal Pool Envelope. Post-construction, the development area of the 100-foot to 750-foot Critical Terrestrial Habitat would increase from 11.4 percent to 13.9 percent. The project would be consistent with the 2015 U.S. Army Corps of Engineers Vernal Pool Best Management Practices.

The proposed project would be constructed consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control* and the *2004 Connecticut Stormwater Quality Manual*. Cellco would also implement a Wetland and Vernal Pool Protection Plan (WVPPP) to protect wetland resources and vernal pool habitat. The Council will require that the final WVPPP and a spill prevention plan, as appropriate, be included in the Development and Management (D&M) Plan.

Based on a visual assessment within a two-mile radius of the site (Study Area-8,042 acres), the proposed tower would be visible year-round from approximately 93 acres (1.2%) and seasonally visible (i.e. under leaf-off conditions) from approximately 44 acres (0.55%) of the Study Area. Of the 93-acre year-round visibility, approximately 60 acres would be located over Chestnut Hill Reservoir.

Generally, year-round views of the tower may be experienced intermittently at distances ranging from 0.5-mile to 1.5-miles away, typically in areas of higher elevations. Direct lines of view from areas south of the site are limited due to the presence of Chestnut Hill and large tracts of wooded, undeveloped land. Spot views of the facility would extend to the west into Waterbury at distances ranging from approximately 0.38-mile to 1.44-miles from the site. During leaf-off conditions, additional visibility would extend approximately 0.50-mile to the north of the site.

An existing vegetative buffer would remain between the access road and the abutting properties. An old well or building foundation is located immediately east of the access drive. The access drive would be visible from the abutting property to the east. While the visibility is not expected to be substantial, the Council will require Cellco to implement a screening plan and/or minimize tree removal between the access drive and existing well/building foundation in the D&M Plan.

No sites located on the National or State Register of Historic Places are located within a 0.5-mile radius of the tower site.

There are no state or locally-designated scenic roads located within the two miles of the proposed tower.

No public schools or child day care facilities are located within 250 feet of the proposed tower.

There are no Connecticut blue-blazed hiking trails within two miles of the proposed tower.

No landscaping is proposed around the compound because existing vegetation would remain around all sides of the compound.

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 Cellco's and AT&T's antennas proposed to be installed on the tower have been calculated to amount to 20.2% of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, taking into account a 10-dB off-beam pattern loss. This is conservatively based on all antennas of a given sector 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 120-foot monopole telecommunications facility at the proposed site located at Parcel No. 104-1-5B, south of Chestnut Hill Road in Wolcott, Connecticut.