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| DOCKET NO. 479 - Tarpon Towers II, LLC and 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 380 Horace Street, Bridgeport, Connecticut. | } } } | Connecticut Siting Council |
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March 29, 2018

Opinion

On September 25, 2017, Tarpon Towers II, LLC (Tarpon) and Cellco Partnership d/b/a Verizon Wireless (Cellco) (collectively, the Applicant) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of wireless telecommunications facility to be located in the City of Bridgeport, Connecticut. The purpose of the proposed facility is to improve wireless voice and data service along portions of Route 1 and Route 127 in Bridgeport and Stratford. The proposed facility would also provide capacity relief to Cellco’s existing East Bridgeport Relo, Bridgeport Washington Park and North Bridgeport 2 cell sites which are currently operating beyond their respective capacity limits.

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 Bridgeport East facility on June 4, 2013. The search ring was centered at the subject property and had a radius of approximately 0.8 miles. However, there are no other existing towers (that Cellco is not already co-located on) or other sufficiently tall structures available within Cellco’s search area. Thus, Cellco investigated available vacant land sites for a new tower. Of six sites reviewed by Cellco, three were rejected because the property owner was not interested in leasing space for a tower, one was rejected because of wetland issues, one was rejected because of current development and a restrictive easement, and one was selected – the proposed site at 380 Horace Street.

Cellco proposes to construct a 90-foot monopole and associated equipment compound at 380 Horace Street in the northwestern portion of this 13.7-acre property owned by MDL Realty LLC. The subject property is zoned Light Industrial (I-L) and is currently used for manufacturing purposes. Cellco would install 12 panel antennas and nine remote radio heads on a triangular antenna platform at a centerline height of 90 feet above ground level (agl). Cellco would install its equipment on a 16-foot by 9-foot 4-inch elevated steel platform with a canopy roof on top.

Cellco’s radio frequency propagation modeling demonstrated a need to provide wireless service to several existing service gaps in the area and has presented a need to offload capacity from adjacent sites created by high volumes of customer data traffic. At the proposed site, Cellco would deploy 700 MHz, 1900 MHz and 2100 MHz services and reserve the 850 MHz for future capacity demand.

Cellco would need an antenna height of 90 feet at the proposed site to meet wireless service objectives.

The tower would be designed to support the antennas of two additional carriers (and municipal emergency services antennas) and a 20-foot extension if additional tower height is needed in this location for additional carriers. The City of Bridgeport has not expressed an interest in co-locating on the tower at this time, and no other wireless carriers have expressed a firm interest in co-locating on the tower at this time. The tower radius extends beyond the property boundary 37 feet to the south. Thus, the Council will require that the Applicant design the tower with a yield point.

Cellco would utilize an existing paved driveway and parking area on an adjacent parcel for a total distance of approximately 226 feet. Upgrades to the existing access would not be expected to be necessary. Electric and telco utilities would be installed underground from the tower site to Horace Street, generally following the existing access drive route. The natural gas line would also follow the same route, subject to confirmation from the natural gas utility. The final details of the utility connections will be included in the Development and Management Plan (D&M Plan).

In the event an outage of commercial power occurs, Cellco would rely on a 25-kilowatt natural gas-fueled generator. Barring a breakdown, maintenance shutdown, natural gas service interruption, or DEEP limits on annual runtime hours, the natural gas generator's runtime would be essentially unlimited because the fuel is pipeline supplied. Cellco would also have a battery backup system to provide uninterrupted power and avoid a "reboot" condition. The battery backup system alone could provide about six to eight hours of backup power.

The proposed equipment compound would be surrounded by an eight-foot high chain-link fence. However, the Council is concerned about the rocky outcropping located directly to the east of the proposed compound. Thus, the Council will require the Applicant to rotate the compound about 90 degrees so that it is oriented in an approximately north-south configuration to avoid the rocky outcropping, minimize the need for blasting or chipping, and protect the foundation of the nearest residence to the west. The Council notes that, while chipping is preferable for rock that cannot be reasonably avoided, should blasting be required, the Council will require that a blasting plan be developed in consultation with the fire marshal and filed as part of the D&M Plan.

The CT blue-blazed Housatonic Trail is located approximately 0.5 mile northwest of the proposed tower site. The East Coast Greenway is located approximately 1.8 miles south of the proposed tower site. However, the proposed facility would not be expected to be visible from either trail system.

The proposed tower would be visible year-round from approximately 41 acres within a two-mile radius of the site (8,042 acres). The tower would be seasonally visible from approximately 40 additional acres within a two-mile radius of the site. Generally, year-round views of portions of the facility would be limited to the subject property and its immediate vicinity (or roughly a 0.25 mile radius). Near-range views within 0.1 mile of the proposed facility would offer an opportunity to see a majority of the length of the monopole. With few exceptions, views from distances beyond 0.1 mile would be limited to upper portions of the monopole. The Applicant is considering installing evergreen plantings west of the proposed compound for screening. Such landscaping plan could be included in the D&M Plan.

According to the Connecticut Department of Energy and Environmental Protection, no negative impacts to State-listed species are expected to result from the proposed project.

The northern long-eared bat (NLEB), a federally-listed Threatened Species (also a state-listed endangered species), and the red knot, a federally-listed Threatened Species, may occur in the vicinity

of the subject property. The proposed project may affect, but is not likely to adversely affect, the NLEB. There is no suitable red knot habitat located on or in the vicinity of the subject property.

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 U.S. Fish and Wildlife Service guidelines for minimizing the potential for telecommunications towers to impact bird species.

The nearest wetland on the subject property is located approximately 500 feet to the southeast. This on-site wetland extends north onto Remington Woods, an approximately 420-acre property formerly owned by Remington Arms Company. Such property is surrounded by a chain-link fence and is not open to the public. The nearest off-site wetland is located approximately 150 feet east of the proposed facility. The Applicant viewed this off-site wetland from the property line and found that there appears to be a potential cryptic vernal pool associated with the western end of this wetland at a distance of approximately 150 feet from the proposed facility. Provided that erosion and sedimentation controls are installed in accordance with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control* (2002 E&S Guidelines), no likely adverse impacts to nearby wetlands would be associated with the proposed project. With a Vernal Pool Protection Plan (VPPP), the proposed project would not result in a likely adverse impact to nearby vernal pool resources. Accordingly, the Council will require that the final details of the erosion and sedimentation controls consistent with the 2002 E&S Guidelines and also a VPPP be provided in the D&M Plan.

The State Historic Preservation Office (SHPO) found that the proposed project would not have an adverse effect on sites eligible for listing as contributing resources to a potential National Register of Historic Places District with the recommendations that the tower, antennas, and equipment be designed to minimize visibility and unused equipment be removed from the tower within 90 days after six months of being unused. The Council notes that the proposed tower height (which at 90 feet is considered relatively low for this type of facility) minimizes overall year-round visibility, which is restricted to an area within 0.25 miles or less of the site. The urban nature of the area around the proposed wireless facility, which is characterized by industrial uses, multi-story structures and existing utility infrastructure, combined with the proposed facility's low height would help minimize visibility.

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 by Council staff to amount to 75.4% of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, as measured at the base of the tower. This is conservatively based on all antennas of a given sector pointing down to the ground and emitting maximum power. This percentage is well below federal standards established for the frequencies used by wireless companies. If federal standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. Regarding potential harm to wildlife from radio emission; this, like the matter of potential hazard to human health, is a matter of federal jurisdiction. The Council's role is to ensure that the tower meets federal permissible exposure limits.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility at the proposed site, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture and wildlife are not disproportionate either alone or cumulatively with other effects when

compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 90-foot galvanized steel monopole telecommunications facility at the proposed site located at 380 Horace Street, Bridgeport, Connecticut.