

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 89 SHELTON AVENUE. Special Permit for wireless telecommunications facility.
(Owner: New Haven Business Center LLC; Applicant: Sandy Carter of Cellco Partnership; Agent: Kenneth Baldwin of Robinson & Cole LLC).

REPORT: 1492-07

ACTION: Approval

Submission: SP Hearing Application. SPR Application Packet including DATA, CSPR, SITE, and NARRATIVE forms, full set of drawings. Fee is \$270.00, check received on April 17, 2014. Site Plan drawings dated March 26, 2014, Received on April 17, 2014.

PROJECT SUMMARY:

- **Project:** Telecommunications Facility – Cellco Partnership dba Verizon Wireless
- **Address:** 89 Shelton Avenue
- **Site Size:** 99,577 sf, (2.29 acres)
- **Zone:** (IH) Heavy Industrial
- **Parking:** n/a
- **Owner:** New Haven Business Center LLC **Phone:** 203-498-000
- **Applicant:** Sandy Carter/Verizon Wireless **Phone:** 860-803-8219
- **Agent:** Kenneth Baldwin, Esq **Phone:** 860-275-8299
- **Engineer:** Centek Engineering Inc. **Phone:** 203-488-0580
- **City Lead:** City Plan Dept. **Phone:** 203-946-6379

BACKGROUND

Cellco Partnership DBA/ Verizon Wireless proposes to establish a wireless communications facility on the roof of the five story industrial building located at 89 Shelton Avenue in New Haven. The building was built as part of the large Winchester factory complex, but has been re-purposed for mixed uses. The location is within the Winchester Repeating Arms National Register Historic District. The building is known as, and is owned by the New Haven Business Center, LLC.

Current site conditions: The site is an existing roof top. There are two existing T-Mobile antennas on the roof already which are located about midway between the new location on the rear half of the roof; they are designed to look like cylindrical smokestacks.

Proposed Activity: The proposed activity consists of installing 12 panel antennas on two roof projections; one is an elevator penthouse, the other a stair tower. The building is a long narrow one, with its short face to the street (Shelton Ave.) The antennas are proposed to be located on the back half of the building, away from the street. The building backs up to the Farmington Canal Heritage Trail, but is over a hundred feet from it. The top of the building parapet is at approximately 72 ft., the top of the two roof projections are slightly higher: the elevator penthouse is at 88.8 ft., and the stair tower is at approximately 81.8 feet. The antennas will be fastened to the side of the two projections and will not exceed them in height. They will be painted to match the surface of the structures, brick in the case of the stair tower, and metal panels in the case of the elevator penthouse.

PUBLIC HEARING: The applicant's representatives presented the application; there was no public testimony in favor or against the proposal.

SPECIAL PERMIT

Section 64 of the New Haven Zoning Ordinance states:

Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the **use** of land and **structures** and the bulk and location of **structures** in relation to the land are substantially uniform. It is recognized, however, that there are certain **uses** and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such **uses** and features upon neighboring **uses** and the surrounding area, compared with the public need for them at particular locations. Such **uses** and features are therefore treated as special permits.

Special Permit Criteria	Comments
a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.	<i>The applicant explained the need for the new antennas; their coverage maps were included in the application materials.</i>
b. <i>Ordinance compliance.</i> The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the commission.	<i>The application illustrates compliance with the NHZO.</i>
c. <i>Comprehensive Plan of Conservation and Development.</i> The Commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.	<i>The SP is required when antennas are located in a National Register Historic District. The antennas do not project above the portions of the building they are affixed to and will be painted to match the back ground materials.</i>
d. <i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.	<i>The antennas will be mounted on a building. The surrounding area is generally level.</i>
e. <i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage,	<i>The antennas are silent. Ancillary equipment is located on the roof and enclosed in cabinets. A calculation of Radio frequency emissions was submitted with the application, concluding that RF exposure levels will be well below maximum levels outlined by the FCC in the OET Bulletin 65 Ed. 97-01. There are no residences in the building or</i>

transportation or disposal, or similar conditions.	<i>abutting it on either side. The nearest residences are across the Shelton Ave.</i>
f. <i>Historic preservation.</i>	<i>The antennas do not project above the portions of the building they are affixed to and will be painted to match the back ground materials. It may not even be possible to see them from the ground because of the building height and the parapet.</i>
g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access, and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.	<i>See above</i>
h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.	<i>There is no obvious impact to property values.</i>
i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.	<i>There is no traffic impact.</i>

CONDITIONS OF APPROVAL:

The criteria for a Special Permit under §64 and §46(a) of the New Haven Zoning have been met by the applicant and the Commission therefor recommends approval.

ADOPTED: May 21, 2014
Edward Mattison
Chair

ATTEST:


Karyn M. Gilvarg, AIA
Executive Director