

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: **89 SHELTON AVENUE.** Special Permit for replacement of nine (9) antennas and six (6) remote radio heads (“RRHs”) on an existing wireless telecommunications facility on the roof of an industrial building in an IH zone. (Owner: New Haven Business Center LLC; Applicant: Cellco Partnership d/b/a Verizon Wireless c/o Kenneth C. Baldwin, Esq., Robinson & Cole LLP; Owner: Kenneth C. Baldwin, Esq. of Robinson & Cole LLP)

REPORT: **1580-02**

ACTION: Approval with Conditions

Submission: Special Permit Application Packet including SPECIAL PERMIT and DATA forms. NARRATIVE attached. Application fee: \$250. Received December 16, 2020.

- Authorization letter from property owner. Dated August 18, 2020. Received December 16, 2020.
- Project Description. Not dated. Received December 16, 2020.
- Application drawings. 6 sheets received December 16, 2020.
 - T-1: Title Sheet. Received December 16, 2020.
 - C-1: Site Layout. Received December 16, 2020.
 - A-1: Partial Roof Plan & Antenna Plans. Received December 16, 2020.
 - A-2: Elevations. Received December 16, 2020.
 - A-3: Antenna Configurations. Received December 16, 2020.
 - A-4: Antenna & Equipment Specifications. Received December 16, 2020.

BACKGROUND

Per the City of New Haven zoning regulations Sections 49 and 64, Kenneth C. Baldwin, Esq. for Robinson & Cole LLP has applied for a Special Permit to modify the existing rooftop telecommunications facility at 89 Shelton Street. This facility was originally approved by the City Plan Commission in 2006, CPC Report No. 1389-01, and has been subject of several modification applications over the last several years.

Current site conditions: The existing facility consists of twelve (12) panel-type antennas (three (3) sectors of four (4) antennas each) and remote radio heads (“RRHs”) on the roof of the building. Eight (8) antennas are attached to the façade of an elevator penthouse in the west-central portion of the roof and four (4) antennas are attached to the façade of the stairwell penthouse on the southwesterly corner of the roof. Equipment associated with the antennas and RHHs is located inside the existing building.

Proposed Activity: The proposed modifications involve the replacement of nine (9) of the existing antennas with new antennas on the same elevator and stairwell penthouse facades. The applicant also proposes to replace nine (9) existing remote radio heads (“RRHs”) with twelve (12) newer model RRHs behind its antennas. All new antennas and RRHs will be painted to match the façade of the existing penthouses. These upgrades are intended to provide downtown New Haven customers with enhanced wireless voice and data services.

PUBLIC HEARING

A public hearing was held on February 17, 2021. A recording of the hearing, CPC meeting 1581, is available from the City Plan Department.

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
<p>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.</p>	<p><i>The Special Permit application establishes the applicant's eligibility because all Ordinance requirements are met.</i></p>
<p>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.</p>	<p><i>The proposed use is consistent with the uses in the IH zone.</i></p>
<p>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.</p>	<p><i>The proposed antennas are not an active use and do not seem to conflict with or inhibit further development of the planned industrial use of the area.</i></p>
<p>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.</p>	<p><i>The site is fully occupied by the building on which the antennas will sit; no natural features are present.</i></p>
<p>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, transportation or disposal, or similar conditions.</p>	<p><i>No hazardous materials will be stored on-site. No vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare is expected. Once installed, the antenna will not generate any traffic or storage requirements.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>N/A No historic structures on site</i></p>


<p>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.</p>	<p><i>Due to the building's height, placement of the equipment on the rooftop, and the use of paint to match the building façade, very little visual impact is anticipated from the street. There will be no visible changes from the existing antennas and RRH's on the site.</i></p>
<p>h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>	<p><i>The antennas are replacing existing antennas or and installed RRH's adjacent to existing RRH's that have been on-site for at least a decade; there should be no impact to property values due to this.</i></p>
<p>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.</p>	<p><i>The antennas will not generate any additional traffic.</i></p>

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §49 of the New Haven Zoning Ordinance for regulation of wireless communications are as follows:

1. An original signed copy of this decision/report shall be recorded on the City's Land Records. Proof of such recording (volume and page number) shall be provided to the City Plan Department, prior to issuance of permit for installation.
2. Cellco Partnership d/b/a Verizon Wireless (or its successor) shall submit to the Zoning Administrator annually during the month of January an affidavit that the facility is in active use as a wireless site and shall certify that such use will continue for the coming calendar year.
3. If this wireless site becomes inactive for six consecutive months in any calendar year or part of any calendar year, the service facility owner shall remove it. This removal shall occur within ninety days of the end of such six-month period. Upon removal, the site shall be restored to its previous appearance.

ADOPTED: February 17, 2021
Ed Mattison
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department