

## NEW HAVEN CITY PLAN COMMISSION ACTION

**RE:** 744-750 CONGRESS AVENUE, Special Permit for a new Rooftop Telecommunications Facility in a BA Zone (Property Owner: K & G Holdings, LLC; Applicant: Clear Wireless, LLC).  
**REPORT:** 1444-13  
**ADVICE:** Approval with Conditions

### BACKGROUND

Clear Wireless seeks a Special Permit for a new Rooftop Telecommunications Facility in a BA Zone.

### PLANNING CONSIDERATIONS

The subject parcel is listed on the New Haven Historic Resources Inventory as item 209. It is described as an example of the type of commercial building with tenement housing that once lined Congress Avenue. This particular building was once the home of J. Millers Meat Market in the 1870's with the business on the ground floor and the proprietor's apartment above.

Architecturally the building is further described as having an overhanging roof with a bracketed cornice. The six bays are arranged in pairs with small attic windows between each group. The ground floor consists of a wide fascia of vertical board and siding over two smaller storefronts. The center of the building has paired entries leading to the upper floors.

The telecommunications plan consists of replacing an existing central wooden penthouse with a gable roof with radio frequency transparent screening material, then locating the three antennas and two dishes behind the screening. The 10'x10' equipment cabinet will be located in the attic, out of view.

The roof plan shows the antennas/dishes located dead center in an area measuring 7' x 4'. Setbacks from the roof edge are 21'-6" and 25'-6", both well beyond the 10' requirement. The elevations show the screening to be 7' in height. The height of the existing penthouse is not given but it appears from the photo simulations to be a little smaller than the proposed screening.

Photo simulations show the existing and proposed "looks" of the building. Location 2, at the intersection of Congress and West Street, about 90 yards southwest is instructive in that it shows the new screening to be less visually intrusive than what presently exists. The existing penthouse is a dark brownish color whereas the building is a light grey. The screening is shown to be painted the same color as the building, lessening the visual impact. As one approaches the building the penthouse/screening is less noticeable due to its setback from the edge.

The site was selected because it affords reliable coverage for one mile along both Congress and Columbus Avenue's. Radio frequency maps show the existing and planned coverage areas with the proposed installation filling in a gap in larger area.

The Commission is very sensitive to telecommunications installations on historic buildings. In this case the proposed screening minimizes visual effects better than the existing penthouse because it is painted to blend into both the building and background. The design will be modified to resemble the existing historic cupola. Also, the proposal does not introduce a rooftop element where none previously existed; a penthouse is currently in place.

**Public Hearing:** The public hearing was attended by Attorney Jennifer Herz representing Clear Wireless. Commissioners agreed that the screening material should be modified to resemble the existing penthouse cupola. No one spoke either in favor or in opposition to the application.

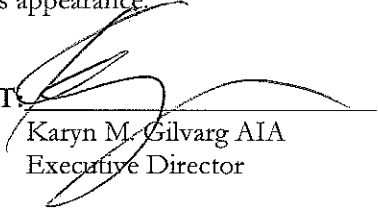
### ACTION

The Commission finds the installation respects the historic nature of the building because it does not introduce an element not already present, and the screening is painted to blend into both the building and the background. The site was chosen to fill a substantial gap in wireless coverage; this should obviate the need to place another antenna in the immediate area.

For these reasons the Commission approves with conditions:

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. The screening shall be altered to resemble the existing cupola, to the satisfaction of the City Plan Department, and painted a color that matches the building.
3. There shall be no advertising of any sort allowed on any Wireless Telecommunications Facility visible to the public.
4. 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:** September 22, 2010  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg AIA  
Executive Director