

CONNECTICUT SITING COUNCIL
DOCKET NO. 502

IN THE MATTER OF:

APPLICATION OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A WIRELESS TELECOMMUNICATIONS FACILITY IN
WOODBIDGE, CONNECTICUT

APPLICANT'S POST-HEARING BRIEF

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EXECUTIVE SUMMARY

On July 13, 2021, Cellco Partnership d/b/a Verizon Wireless (“Cellco”) filed an application (“Application”) with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Capability and Public Need (“Certificate”) to construct a wireless telecommunications facility on a 6.01-acre parcel at 118 Newton Road in Woodbridge, Connecticut (the “Property”). The Property is owned by Michael Soufrine, Trustee for the Soufrine Family Trust (the “Owner”) and is used for residential purposes.

Proposed Site

Cellco proposes to construct a 100-foot tall “monopole” telecommunications tower within a 50’ x 50’ fenced facility compound (100’ x 100’ leased area) in the westerly portion of the Property (the “Facility”). Cellco would install its antennas at the top of the tower. The top of Cellco’s antennas would extend to a height of 104 feet above ground level (“AGL”). Equipment associated with the antennas, a propane-fueled backup generator and 500-gallon propane fuel tank would be installed within the Facility compound area. Access to the Facility would extend from Soundview Drive over a new gravel driveway to the compound area.

During the course of the Docket No. 502 proceeding and evidentiary hearing, the Council and Cellco explored a number of plan modifications, all designed to reduce the impact the Facility may have on residential parcels around the Property. For example, the Council asked Cellco to consider relocating the tower compound to the north and east, to a location equidistant from the Property boundaries. The Council also asked Cellco to consider installing a tower disguised as a pine tree rather than a traditional monopole. Finally, Cellco was asked to consider constructing the permeant access drive to the Facility from Newton Road rather than Soundview

Drive. Cellco was amenable to these proposed modifications as each would significantly help reduce the impact the Facility may have on adjacent property owners.

Public Need

The record contains ample evidence to support a finding by the Council that there is a “need” for the Facility. The Facility is needed to fill significant gaps in reliable wireless service, improve network capacity and improve overall network performance in northern and central portions of Woodbridge. These existing service deficiencies occur principally along portions of Routes 63 and 67 and in the area around where these two State highways intersect, and, to a lesser extent along portions of Routes 69, 313 and 114 in Woodbridge¹.

Cellco’s original search ring for the Facility was established in 2014. At that time the ring was centered on the intersection of Routes 63 and 67. Cellco was unable to identify and lease any potential cell site locations that would satisfy its wireless service objectives in this area. Development Plans for the Facility were put on hold in 2015. The project was reactivated in 2016. Due to the lack of viable candidates from the 2014 site search, the 2016 Woodbridge North 2 search ring was shifted a short distance to the southwest and the search for a tower site continued. In July of 2020, Cellco entered into a lease the Property Owner for the development of the Facility at the Property.

Parties and Intervenors

The Council granted Party status in this proceeding to the Town and intervenor status to Ochsner Place LLC, the owner of an adjoining parcel to the north of the Property and a separate group of individuals identified as the Woodbridge Newton Neighborhood Environmental Trust

¹ The need for improvements in wireless service in the area around the Property was also acknowledged by Michele Greengarden, a member of Ochsner Place LLC, an adjoining property owner at 15 Soundview Drive.

("WNNET"). WNNET's members include one adjoining property owner, a non-owner resident of another adjoining parcel and five other property owners who live between 0.2 and 0.6 miles of the Facility.

Alternative Facility Locations Considered

From the start of the pre-application municipal consultation process, to the date the Application was filed with the Council, Cellco was asked to investigate at least twenty-five (25) alternative tower sites throughout Woodbridge and the adjacent towns of Ansonia and Bethany. The members of Ochsner Place LLC and WNNET opposed the location of any tower at the Property but supported the development of a tower of between 120 feet and 150 feet tall on Town-owned property at either 4 or 15 Meetinghouse Lane. Both Town-owned parcels are approximately one mile to the south of the Property, are adjacent to residential and recreational land uses and are located in or adjacent to the Woodbridge Green Historic District, a district on the National Register of Historic Places. Neither of these alternatives would satisfy Cellco's wireless service objectives.

Nature of Probable Impacts

The record contains ample evidence to support a finding by the Council that the Facility would not have a significant adverse impact on the environment of the Property or the surrounding area. Cellco has presented evidence that the location and development of the Facility will have no effect on historic resources or historic districts in Woodbridge; will not adversely impact federal or State listed, threatened or endangered species or State species of special concern; will not have any direct or indirect impact on wetlands, watercourses and/or vernal pools; will not be considered to be an obstruction or hazard to air navigation and, therefore, will not require any FAA marking or

lighting; and will operate well within safety limits established by the FCC for radio frequency emissions.

Public Input

On July 17, 2020, Cellco representatives commenced the ninety (90) day municipal consultation process. First Selectwoman Beth Heller received a copy of Cellco's Technical Report summarizing Cellco's plans to establish a telecommunications facility at the Property. Cellco hosted a public information meeting on October 22, 2020, to discuss the tower proposal and the history of the Woodbridge North 2 Facility. Notice of the public information meeting was published in the *New Haven Register* and sent to abutting landowners for the Property. Between October 22, 2020 and May 13, 2021, the date the Application was filed with the Council, Cellco investigated at least twenty-five (25) alternative tower locations offered by the Town, Ochsner Place LLC and other residents. Members of the public participated in the Council's public hearing. Ochsner Place LLC and WNNET participated directly in the Council's evidentiary hearings on July 13, 2021, August 31, 2021, September 21, 2021, and October 19, 2021.

Conclusion

The evidence in the Docket No. 502 record demonstrates that there is a need for the Facility at the Property and that the environmental impacts associated with the Facility would be minimal.

I. INTRODUCTION

On May 13, 2021, Cellco Partnership d/b/a Verizon Wireless (“Cellco” or “Applicant”) filed with the Connecticut Siting Council (“Council”) an application (the “Application”) for a certificate of environmental compatibility and public need (“Certificate”), pursuant to Sections 16-50g *et seq.* of the Connecticut General Statutes (“Conn. Gen. Stat.”), for the construction, maintenance and operation of a wireless telecommunications facility (the “Facility”) in the westerly portion of an approximately 6.01-acre parcel at 118 Newton Road in Woodbridge, Connecticut (the “Property”). The Property is owned by Michael Soufrine, Trustee and is used for residential purposes. (Cellco Exhibit 1 (“Cellco 1”). The Facility is needed in order for Cellco to fill existing gaps in reliable wireless service and provide network capacity relief in northerly portions of Woodbridge. (Cellco 1, pp. 6-7, Tab 1, Tab 6).

II. PROCEDURAL BACKGROUND

On July 13, 2021, the Council conducted an evidentiary hearing and an evening public hearing on the Application (July 13, 2021 Transcript (“Tr. 1”), pp. 4 and 110-115). The evidentiary hearing was continued to August 31, 2021 (August 31, 2021 Transcript (“Tr. 2”), p. 4); September 29, 2021 (September 29, 2021 Transcript (“Tr. 3”), p. 4); and October 19, 2021 (October 19, 2021 Transcript (“Tr. 4”), p. 4).

This Post-Hearing Brief is filed on behalf of the Applicant pursuant to Section 16-50j-31 of the Regulations of Connecticut State Agencies (“R.C.S.A.”). The brief evaluates the Application in light of the Council’s review criteria, as set forth in Section 16-50p of the Connecticut General Statutes and addresses other issues raised throughout the course of this proceeding.

III. FACTUAL BACKGROUND

A. Pre-Application History

Cellco is licensed to provide wireless services throughout Connecticut. Cellco currently provides wireless service in Woodbridge from nine (9) existing macro-cell sites identified as the Woodbridge East, Woodbridge North, Woodbridge South 2, Westville West, Westville, Hamden, Hamden Relo, Bethany, and Ansonia East cell sites and three (3) small cell sites identified as the Hamden SC09, Hamden SC10 and Hamden SC12 cell sites. (Cellco 1, pp. 6-7, Tab 6).

Coverage plots and Network Drive Data from the Facility reveal the presence of significant gaps in reliable wireless service in the area around the Property. A CW Drive Test was also performed by Cellco which demonstrated that these gaps will be filled, in large part, by service from the proposed Facility. (Cellco 1, pp. 6-7, Tab 6; Cellco 4, Q22; Cellco 9, Q17, Attachment 2; Tr. 1 p. 25).

Of the twelve (12) existing wireless facilities that provide service in Woodbridge today, only two (2) are physically located in the Town of Woodbridge itself. These existing macro-cell facilities cannot satisfy Cellco's need for additional wireless service described in the Application. (Cellco 1, pp. 6-9, Tab 6; Cellco 4, Q22, Exhibit 4; Tr. 1 pp. 25-26).

As a part of its regular site search process, Cellco regularly investigates the use of existing towers and other non-tower structures, when available, as an alternative to building a new tower. No existing towers or non-tower structures of suitable height exist in the area around the Property. The closest existing tower is the Town Police Department tower located at 4 Meetinghouse Lane, approximately one (1) mile to the south of the Property. Cellco determined that the use of this existing tower (even increasing the height of the existing tower to 120 feet) would not satisfy its wireless service objectives. (Cellco 1, pp. 8-9, Tab 8; Cellco 4, Q5-Q11; Cellco 7, Q39; Cellco 9,

Q1; Tr. 1 p. 62).

Initially, Cellco determined that it could satisfy its wireless service objectives at the Property with a tower height of 140 feet. Due to concerns raised by Town officials and residents and property owners in the Town, Cellco agreed to reduce the height of the proposed tower to 100 feet. This 40-foot height reduction would impact Cellco's ability to provide service in the area particularly along portions of Route 67 to the north and west of the Property. This remaining coverage gap could be filled by a small cell facility that Cellco would be willing to pursue.² (Cellco 4, Q11, Q21; Tr. 1 pp. 61-62; Tr. 3 pp. 89-90).

B. Local Contacts

On July 17, 2020, Cellco representatives commenced the ninety (90) day municipal consultation process and provided the Town with copies of technical information summarizing Cellco's plans to establish the Facility. For ten (10) months thereafter, Cellco, Town officials and local residents discussed the Facility proposal and explored alternative tower locations.

At the Town's request, Cellco hosted a Virtual Public Information Meeting ("VPIM") on October 22, 2020 and presented information on the Facility. Notice of the VPIM was published in the *New Haven Register* and was sent to abutting landowners of the Property. (Cellco 1, pp. 20-21, Tab 4, Tab 16).

C. Tower Sharing

Cellco will design the Facility and compound to be shared by a minimum of three (3) additional wireless carriers and municipal emergency service entities, if a need exists. This type of tower sharing arrangement would reduce, if not eliminate, the need for a new tower in the area in

² Small cell facilities attached to the existing electric distribution infrastructure may be approved through the Public Utilities Regulatory Authority's pole attachment process as outlined in Section 16-234 of the General Statutes.

the future. (Cellco 1, p. 13; Tr. 1 pp. 74-75).

D. The Facility Proposal

The Facility would consist of a 100-foot self-supporting monopole tower. Vehicular access to the site would extend from Soundview Drive over a new gravel access driveway.³

Utilities would extend from existing service along Soundview Drive underground to the Facility compound. Cellco would install antennas at the top of the tower, equipment cabinets, a propane-fueled back-up generator and a 500-gallon propane fuel tank within the secure facility compound near the base of the tower. (Cellco 1, pp. iii, 7-9, Tab 1; Cellco 8).

IV. THE APPLICATION SATISFIES THE CRITERIA OF CONN. GEN. STAT. § 16-50p FOR ISSUANCE OF A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

Section 16-50p of the Public Utility Environmental Standards Act (“PUESA”), Conn. Gen. Stat. § 16-50g *et seq.*, sets forth the criteria for Council decisions in Certificate proceedings and states, in pertinent part:

In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine: (A) . . . a public need for the facility and the basis of the need; (B) The nature of the probable environmental impact . . . including a specification of every significant adverse effect . . . whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish . . . and wildlife; (C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application

³ Cellco would be willing to access the proposed tower site directly from Newton Road to reduce potential impacts on the residents along Soundview Drive. Cellco would need its landlord’s permission before modifying its proposed site access driveway.

Conn. Gen. Stat. § 16-50p(a).

Under Section 16-50p, the Applicant must satisfy two key criteria in order for the Application to be granted and for a Certificate to issue. First, the Applicant must demonstrate that there is a “public need for the facility.” Conn. Gen. Stat. § 16-50p(a)(3)(A). Second, the Applicant must identify “the nature of the probable environmental impact” of the Facility⁴ through review of the numerous elements specified in Conn. Gen. Stat. § 16-50p(a)(3)(B), and then demonstrate that these impacts “are not sufficient reason to deny the application.” Conn. Gen. Stat. § 16-50p(a)(3)(C). The evidence in the record for this docket establishes that the above criteria have been satisfied and that the Applicant is entitled to a Certificate.

A. A Public Need Exists for the Facility

As noted in the Application, the FCC in its Report and Order released on May 4, 1981 (FCC Docket No. 79-318) recognized a public need on a national basis for technical improvement, wide area coverage, high quality and a degree of competition in mobile telephone service. The Federal Telecommunications Act of 1996 (the “Telecommunications Act”) emphasized and expanded on these aspects of the FCC’s 1981 decision. (Pub. L. No. 104-104, 140 Stat. 56). Among other things, the Telecommunications Act recognized an important nationwide public need for high quality personal wireless telecommunications services of all varieties. The Telecommunications Act also expressly promotes competition and seeks to reduce regulation in all aspects of the telecommunications industry in order to foster lower prices for consumers and to encourage the rapid deployment of new telecommunications technologies. (Council Adm. Notice 4).

⁴ The Council’s project evaluation criteria do not include the consideration of property values. (Tr. 1, p. 7).

In 2009, President Obama issued Presidential Proclamation 8460, in which “cellular phone towers” were identified as critical infrastructure vital to national security. (Council Adm. Notice 11). The same year, the United States Congress directed the FCC to develop a national broadband plan to ensure that every American has access to (wireless) broadband capability. The FCC released Connecting America: The National Broadband Plan (the “Broadband Plan”) a year later, which recognized broadband as a “foundation for economic growth, job creation, global competitiveness and a better way of life.” One of the Plan’s goals for 2020 is for the United States to “lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.” (Council Adm. Notice 18).

The Facility would be part of Cellco’s expanding wireless telecommunications network envisioned by the Telecommunications Act and the Broadband Plan and has been developed to help meet these nationwide goals. In particular, Cellco’s system has been designed, and the cell site proposed in this Application has been selected, to maximize the geographical coverage, improve network capacity and improve the overall quality of wireless service to allow for the efficient and reliable use of Cellco’s network. (Cellco 1, pp. 6-7; Tr. 3 p. 107). Cellco holds licenses to provide wireless services in New Haven County, and throughout the State of Connecticut. (Cellco 1, Tab 5).

The record contains ample, written evidence and extensive testimony from Cellco’s Network Design Engineer that placing antennas at a height of 100 feet AGL at the Facility would allow Cellco to satisfy a vast majority of its wireless service objectives in the area and provide high-quality reliable wireless service in northerly portions of Woodbridge where it does not exist today. (Cellco 1, pp. 6-7, Tab 6; Cellco 4, Q21; Tr. 1 pp. 62-63, 75-76; Tr. 3 p. 107; Tr. 4 pp. 51-52).

These objectives are two-fold. First, the Facility will fill existing gaps in wireless “coverage” in the area around the Property. As a secondary benefit, the Facility will provide capacity relief to those antenna sectors of Cellco’s adjacent cell sites that are directed toward the Facility. Coverage plots included in the Application illustrate clearly the Cellco customers living, working and traveling through northerly portions of Woodbridge are underserved in all of Cellco’s operating frequencies. Even in its 700 MHz frequency range, Cellco’s most robust operating frequency, areas around the Property experience signal levels less than or equal to -105 RSRP, a signal strength characterized as unreliable for customers in a vehicle or in a building. (Cellco 1, pp. 6-7, Tab 6; Cellco 4, Q20; Cellco 9, Q16, Attachment 2; Tr. 1 pp. 24-29; Tr. 2 pp. 40).

The signal strength levels depicted on these coverage plots were verified by Cellco’s Drive Test data. This drive test depicts Cellco’s actual signal strength along the State highways in northern Woodbridge. (Cellco 4, Q22, Exhibit 4; Tr. 1 pp. 25-26). Signal levels along Routes 63 and 67 in the area near the Facility range between -108 and -140 RSRP, signal levels described as unreliable or unusable. (Tr. 1 pp. 24-26; Tr. 3 pp. 103-104).

Cellco has also presented the Council with ample evidence and testimony that demonstrates that the Facility described in the Application will resolve these poor service problems. In its response to WNNET’s Interrogatories, Cellco submitted CW Drive Test (CW Test)⁵ results. (Cellco 9, Q17, Attachment 2). The CW Test map provided measures the actual limits of coverage achievable from the proposed Facility and measures the signal levels from the test transmitter along area roadways. The CW Test map in the record demonstrates definitively that, with the exception of a short stretch along Route 67 to the north of the Property, the Facility will satisfy Cellco’s

⁵ To prepare the CW Test, Cellco used a crane to raise a test transmitter to a height of 100 feet AGL at the Facility location and transmitted a signal in Cellco’s 700 MHz and 2100 MHz frequency ranges.

wireless service objectives in northern Woodbridge. The remaining coverage gap along Route 67 north of the Facility can be served by a small cell facility attached to an existing utility pole in the area.⁶ (Cellco 9, Q17, Attachment 2; Tr. 2 pp. 41-43, 59-62, 68, 70; Tr. 4 pp. 36-37).

B. Nature of Probable Impacts

The second step in the statutory review procedure addresses the probable environmental impacts of the Facility. Cellco submits that, based on the statutory factors listed below, the Facility will not have a significant adverse effect on the environment.

1. Natural Environment and Ecological Balance

The proposed development of the Facility by the Council has eliminated, to the extent possible, impacts on the natural environment. The Facility improvements would be located within a 50' x 50' fenced compound and 100' x 100' leased area. Access to the Facility would extend from Soundview Drive over a new gravel driveway from the Soundview Drive cul de sac to the Facility. Topography in this area slopes gently down from Soundview Drive to the south. No trees will need to be removed to construct the access driveway and only three (3) trees would need to be removed to construct the Facility compound. (Cellco 1 pp. 7-10, Tab 1; Tr. 1 p. 63; Tr. 2 pp. 64-65; Tr. 4 pp. 61-62).

2. Public Health and Safety

Cellco has considered several factors in determining that the nature and extent of potential public health and safety impacts resulting from installation of the Facility would be minimal or nonexistent.

⁶ As discussed at length during the evidentiary hearing, Cellco would have preferred to install its antennas at a height of 140 feet AGL at the Property. At 140 feet, the small gap in service along Route 67 would disappear. The reduction of the tower height from 140 feet to 100 feet to address neighborhood concerns demonstrates Cellco's willingness to work with the community to develop the least impactful solution to resolve its wireless service problems.

First, the potential for the Facility tower to fall does not pose an unreasonable risk to health and safety. The approved tower would be designed and built to meet the appropriate standards for structures and development of this kind. The closest off-site residence is located 360 feet to the south of the Facility. (Cellco 1, p. 15; Tr. 2 pp. 48-49). An alternative Facility location equidistant from all surrounding Property lines would further reduce impacts on these adjacent parcels.

Second, worst-case potential public exposure to Radio Frequency (“RF”) emissions from the Facility would be well below the FCC Safety Standards. (Cellco 1, pp. 17-18, Tab 1, p. 8, Tab 14).

Overall, the nature and extent of potential, adverse public health and safety impacts resulting from construction and installation of the Facility would be minimal or nonexistent. The public safety benefits, however, would be substantial. No evidence to refute these conclusions was presented to the Council.

3. Scenic Values

Cellco submitted a Visibility Analysis prepared by All-Points Technology Corporation (“APT”) as a part of the Application for the tower at the Facility location. Prior to preparing its report, APT conducted a balloon float and field reconnaissance to obtain photographs for use in the Visibility Analysis. (Cellco 1, Tab 9; Tr. 2 pp. 34-37). APT determined that top portions of the 100-foot monopole tower at the Property may be visible above the tree canopy from approximately 11 acres or 0.136 percent of the two-mile radius (8,042 acre) study area. Year-round visibility of the Facility is generally limited to locations with 0.25 miles or less of the Property. Areas where seasonal views are anticipated comprise approximately 47 additional acres. (Cellco 1, pp. 14-15, Tab 9; Cellco 4, Q34-Q35; Tr. 1 pp. 52, 76-80; Tr. 3 pp. 108, 129-130). Shifting the

tower to the northeast, to a location on the Property equidistant from all Property lines would reduce visual impacts from adjacent parcels, particularly to the north. (Cellco 8, Q4, Attachment 2; Tr. 2 pp. 33-34; Tr. 3 p. 108; Tr. 4 pp. 57, 60).

To further address concerns for visual effects associated with the Facility, Cellco would also be willing to install a tower disguised as a pine tree as discussed during the Council's evidentiary hearing. This stealth tower design alternative would further reduce the visual impact of the Facility in the area and from adjacent parcels. (Cellco 4, Q36; Cellco 7, Q43, Attachment 2; Tr. 1 pp. 42-44, 52; Tr. 2 pp. 31-34)

4. Historical Values

Cellco prepared a Preliminary Historic Resources Determination for the Facility. There are no historic resources within a half mile of the Property.⁷ (Cellco 1, Tab 12).

5. Recreational Values

There are no recreational activities or facilities on the Property that would be adversely impacted by development of the Facility. (Cellco 1, p. 18, Tab 9).

6. Forests and Parks

There is no State or local forests or parks that will be adversely impacted as the Facility. (Cellco 1, Tab 9).

No evidence to refute these conclusions was presented to the Council.

⁷ While not the subject of the Docket No. 502 Application, Ochsner Place LLC and WNNET advocated for the development of a taller tower one mile to the south, at either 4 Meetinghouse Lane (120' tower) or 15 Meetinghouse Lane (140' or 150' tower). The parcel at 4 Meetinghouse Lane is located within the Woodbridge Green Historic District. The parcel at 15 Meetinghouse Lane is immediately adjacent to the Woodbridge Green Historic District. (Cellco 11, 9/14/21 LFE Response No. 2).

7. Air and Water Quality

a. Air Quality.

Under normal operating conditions, the Cellco equipment at the Facility would generate no air emissions. During power outage events and periodically for maintenance purposes, Cellco would utilize a diesel-fueled generator to provide emergency back-up power. Cellco's back-up generator will be managed to comply with the "permit by rule" criteria established by the Connecticut Department of Energy and Environmental Protection ("DEEP") Bureau of Air Management pursuant to R.C.S.A. § 22a-174-3b. (Cellco 1, pp. 22-23).

b. Water Quality.

The Facility would not utilize water, nor would it discharge substances into any surface water, groundwater, or public or private waste water disposal system. Dean Gustafson, Professional Soil Scientist with APT, conducted a field investigation and completed a Wetlands Inspection Report for the Facility. According to this evaluation, the closest wetland area is located approximately 830 feet to the south of the start of the Facility. In the Wetlands Evaluation, Mr. Gustafson concludes that the Facility will have no temporary or permanent impacts to wetlands and watercourses. (Cellco 1, p. 20, Tab 1, Tab 11; Tr. 3 pp. 110-111). No evidence to refute these conclusions was presented to the Council.

8. Fish and Wildlife

According to the U.S. Department of Interior, Fish and Wildlife Service ("USFWS") Compliance Determination, the Northern Long-Eared Bat, a federally-listed species may occur in the area around the Property. The unrefuted evidence in the record, however, demonstrates that the Northern Long-Eared Bat will not be impacted by the Facility. Likewise, there are no State-listed species located within 0.25 miles of the Facility. (Cellco 1, p. 16, Tab 10; Tr. 3 p. 111).

9. Prime Farmland

As discussed in the Application, the Property and all of the surrounding developed parcels are designated Prime Farmland soils. The Facility will not have a substantial impact on the soils. (Cellco 1, p. 17).

C. The Application Should Be Approved Because The Benefits Of The Facility Outweigh Any Potential Impacts

Following a determination of the probable environmental impacts of the Facility site, Conn. Gen. Stat. § 16-50p requires that the Applicant demonstrate why these impacts “are not sufficient reason to deny the Application.” Conn. Gen. Stat. § 16-50p(a)(3). The record establishes that the impacts associated with the proposal would be limited and outweighed by the benefits to the public from the Facility and, therefore, requires that the Council approve the Application.

As discussed above, the only potential adverse impact from the proposed tower involves “scenic values.” As the record overwhelmingly demonstrates, the Facility would have minimal impacts on scenic values in the area. (Cellco 1, Tab 9). These limited aesthetic impacts are outweighed by the public benefit derived from the establishment of the Facility. Unlike many other types of development, telecommunications facilities do not cause indirect environmental impacts, such as increased traffic and related pollution. The limited aesthetic and environmental impacts of the Facility can be further mitigated by the sharing of the proposed tower. Cellco intends to design the tower so that it could be shared by other wireless carriers, and the Town, or local emergency service providers, if a need exists. (Cellco 1, p. 12; Tr. 1 pp. 74-76).

In sum, the potential environmental impacts from the Facility would be minimal when considered against the benefits to the public. These impacts are insufficient to deny the Application. The site, therefore, satisfies the criteria for a Certificate pursuant to Conn. Gen. Stat. §

16-50p, and the Applicant's request for a Certificate should be granted.

V. CONCLUSION

Based on the overwhelming evidence in the record, the Applicant has established that there is a need for the Facility and that the environmental impacts associated with the Application would be limited and outweighed by the benefits to the public from the Facility and, therefore, requires that the Council approve the Application. Therefore, the Council should approve the Application as submitted.

Respectfully submitted,
CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS

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CERTIFICATION OF SERVICE

I hereby certify that on this 18th day of November 2021, a copy of the foregoing was sent via electronic mail to the following:

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A handwritten signature in black ink, appearing to read "Kenneth C. Baldwin". The signature is fluid and cursive, with a long horizontal stroke at the end.

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