

Connecticut Siting Council

APPLICATION OF TARPON TOWERS III, LLC
AND
CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS



1021-1041 SOUTH MAIN STREET
CHESHIRE, CONNECTICUT

DOCKET NO. _____

MARCH 13, 2024

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EXECUTIVE SUMMARY

Tarpon Towers III, LLC (“Tarpon”), in cooperation with Cellco Partnership d/b/a Verizon Wireless (“Cellco”) (collectively the “Applicant”), proposes to construct a telecommunications tower and related facility in the westerly portion on an approximately 6.7-acre parcel at 1021-1041 South Main Street in Cheshire, Connecticut (the “Property”). Cellco refers to this facility as its Cheshire DT cell site (the “Cheshire DT Facility”). The Property is owned by Cheshire Station LLC and is used for commercial purposes.

The primary purpose of the Cheshire DT Facility is to provide capacity relief to Cellco’s existing Cheshire Facility (Beta sector antennas) which currently provides service to portions of Route 10 and the surrounding commercial and residential areas around the Property. To address Cellco’s needs for service improvements, Tarpon plans to construct a 94-foot monopole tower within a 20’ x 86’ compound in the westerly portion of the Property. Cellco will install antennas and remote radio heads at the top of the tower, at a centerline height of 90 feet above ground level (“AGL”). Cellco’s antennas will not extend above the top of the tower.

Equipment associated with the Cheshire DT Facility will be installed on the ground near the base of the tower within the fenced compound. Cellco’s equipment will consist of equipment and battery cabinets, and a diesel-fueled backup generator. Vehicular access to the facility compound would extend from South Main Street over and through the existing commercial parking area. Utility service will extend from existing service along King Road, to an existing utility pole adjacent to the parking lot, north of the proposed facility compound.

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

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| IN RE: | : | |
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| APPLICATION OF TARPON TOWERS III, LLC FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A WIRELESS TELECOMMUNICATIONS FACILITY AT 1021-1041 SOUTH MAIN STREET, CHESHIRE, CONNECTICUT | : | DOCKET NO. ____ |
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| | : | MARCH 13, 2024 |

**APPLICATION FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

I. INTRODUCTION

A. Authority and Purpose

This Application and the accompanying attachments (the “Application”) is submitted by Tarpon Towers III, LLC (“Tarpon”), in cooperation with Cellco Partnership d/b/a Verizon Wireless (“Cellco”) (collectively the “Applicant”), pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes (“C.G.S.”), as amended, and Sections 16-50j-1 et seq. of the Regulations of Connecticut State Agencies (“R.C.S.A.”), as amended. The Application requests that the Connecticut Siting Council (“Council”) issue a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance, and operation of a wireless telecommunications facility on an approximately 6.7 acre parcel at 1021-1041 South Main Street in Cheshire, Connecticut (the “Property”). This site is identified throughout the Application as Cellco’s “Cheshire DT Facility”. If approved, the Council Certificate would be issued to and held by Tarpon.

The Property is owned by Cheshire Station LLC and is used for commercial (retail shopping center) purposes. The proposed Cheshire DT Facility would be located in the westerly portion of the Property. At this location, Tarpon would construct a 94-foot self-supporting monopole tower within a 20' x 86' facility compound. Cellco would install up to twelve (12) panel-type antennas and twelve (12) remote radio heads ("RRHs") on a platform at the 90-foot level on the tower. Cellco's antennas would not extend above the top of the tower. Equipment associated with Cellco's antennas, including radio and battery cabinets and a 50-kW diesel-fueled generator would be installed on concrete pads in the southerly portion of the compound. Vehicular access to the Cheshire DT Facility would extend from South Main Street over an existing paved driveway and parking lot associated with the retail/commercial development, a distance of approximately 740 feet. Utilities will extend from service along King Road and an existing utility pole in the northwest corner of the Property.

Included in this Application, as Attachment 1, is a site evaluation report and project plans for the proposed Cheshire DT Facility. This information, along with the other attachments submitted as part of this Application, contain all the site-specific information required by statute and the regulations of the Council.

B. The Applicant

Tarpon Towers III, LLC is a Delaware limited liability company with offices at 8916 77th Terrace East, Suite 103, Lakewood Ranch, FL 34202. Tarpon has developed numerous telecommunications facilities in Connecticut and across the country. Tarpon will construct, own and maintain the proposed Cheshire DT Facility and, if approved, would hold the Council Certificate.

Cellco is a Delaware Partnership with an administrative office located at 20 Alexander Drive, Wallingford, CT 06492. Cellco is licensed by the Federal Communications Commission (“FCC”) to operate a wireless telecommunications system in the State of Connecticut within the meaning of C.G.S. Section 16-50i(a)(6). Cellco has extensive national experience in the development, construction and operation of wireless telecommunications facilities and systems and the provision of wireless telecommunications service to the public. Operation of the wireless telecommunications systems and related activities are Cellco’s sole business in the State of Connecticut.

Correspondence and/or communications regarding this Application may be addressed to:

Tarpon Towers III, LLC
8916 77th Terrace East, Suite 103
Lakewood Ranch, FL 34202
Attention: Brett Buggeln

Cellco Partnership d/b/a Verizon Wireless
20 Alexander Drive
Wallingford, CT 06492
Attention: Elizabeth Glidden

A copy of all such correspondence or communications should also be sent to:

Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
(860) 275-8200
Attention: Kenneth C. Baldwin, Esq.

C. Application Fee

The estimated total construction cost for the Cheshire DT Facility would be less than \$5,000,000. Therefore, pursuant to Section 16-50v-1a(b) of the Regulations of Connecticut State Agencies, an application fee of \$1,250 accompanies this Application in the form of a check payable to the Council.

II. SERVICE AND NOTICE REQUIRED BY C.G.S. SECTION 16-50(b)

Copies of this Application have been sent to municipal, regional, state and federal officials, pursuant to C.G.S. Section 16-50(b). A certificate of service, along with a list of the officials served with a copy of the Application, is included as Attachment 2.

Notice of the Applicant's intent to submit this Application was published on March 7 and 8, 2024, in the *Record Journal* pursuant to C.G.S. Section 16-50(b). A copy of the legal notice is included as Attachment 3. An Affidavit of Publication from the *Record Journal* will be forwarded to the Council as soon as it is available.

Attachment 4 contains a certification that notice of the Applicant's intent to file this application was sent to each person appearing of record as an owner of land that may be considered to abut the Property in accordance with C.G.S. Section 16-50(b), as well as a list of the landowners to whom such notice was sent and a sample notice letter.

III. STATEMENT OF NEED AND BENEFITS FOR THE PROVISION OF ADVANCED AND RELIABLE WIRELESS SERVICES INFORMATION

The purpose of this section is to provide an overview and general description of the proposed Cheshire DT Facility.

A. Federal Policy

In 1996, the United States Congress adopted the federal Telecommunications Act (the "Act"). (Pub. L. No. 104-104, 110 Stat. 56). The Act recognized, among other things, an important nationwide need for high-quality wireless telecommunication services of all varieties. The Act also expressly promotes competition and seeks to reduce federal, state and local government regulation in all aspects of the telecommunications industry, including facility siting, to foster lower prices for consumers and to encourage the rapid deployment of new and advanced wireless service and technologies.

Because the FCC and the United States Congress have determined that there is a pressing public need for high-quality wireless telecommunications service nationwide, the federal government has preempted the determination of public need by state and municipal authorities, including the Council, with respect to public need for the service to be provided by the facility described in this Application. In addition, the FCC has promulgated regulations containing technical standards for wireless systems, including design standards, to ensure the technical integrity of each system and nationwide compatibility among all systems. State and local regulation of these matters is likewise preempted. The FCC has also exercised its jurisdiction over and preempted state and local regulation with respect to radio frequency emission and interference issues by establishing regulations and requirements in these areas as well.

Pursuant to FCC authorizations, Cellco has constructed and currently operates a wireless system throughout Connecticut. This system, together with Cellco's system throughout its New England and nationwide markets, has been designed and constructed to operate as one integrated, contiguous system, consistent with Cellco's business policy of developing compatibility and continuity of service on a regional and national basis.

Recognizing the public safety benefits that enhanced wireless telecommunications networks can provide, the United States Congress also enacted the Wireless Communications and Public Safety Act of 1999 to promote and enhance public safety by making 911 the universal emergency assistance number, furthering the deployment of wireless 911 capabilities and further encouraging the construction and operation of seamless, ubiquitous and reliable wireless networks. In 2004, Congress enacted the Enhanced 911 Act for the specific purpose of enhancing and promoting Tarpon Security, public safety and citizen activated emergency response capabilities. These goals and other related responsibilities imposed on wireless service providers can only be satisfied if

Cellco maintains a ubiquitous and reliable wireless network.

In December of 2009, President Obama issued President Proclamation No. 8460 (74 C.F.R. 234 (2009)), which recognizes the need to protect the nation’s “critical infrastructure”, including, among others, “cellular phone towers”. In 2010, the FCC developed a national broadband policy¹ to ensure that all Americans would have access to broadband capability, whether wired or wireless; to establish the United States as a leader in wireless service innovation; and to establish, in America, the fastest and most extensive wireless network. To encourage a timely review and approval of wireless facility siting applications, the FCC, in 2011, established specific time limits for local and State land use decisions on wireless facilities.²

In 2012, Congress passed the Middle Class Tax Relief and Job Creation Act which included a provision specifically designed to accelerate broadband deployment by improving the efficiencies of the wireless facility siting process.

Included as Attachment 5 are copies of Cellco’s FCC licenses for its wireless service in New Haven County, Connecticut. The FCC’s rules permit a licensee to modify its system, including the addition of new cell sites, without prior approval by the FCC, if, by doing so, the licensee’s authorized service area is not enlarged. The addition of the Cheshire DT Facility would not enlarge Cellco’s authorized service area.

B. Public Need and System Design

1. Need for the Cheshire DT Facility

As noted above, the Act has pre-empted any state or local determination of public need for wireless services. In New Haven County, Cellco holds FCC Licenses to provide wireless

¹ Connecting America: The National Broadband Plan, Federal Communications Commission (2010).

² FCC Declaratory Ruling WT Docket No. 08-165.

services in the 700 MHz, 850 MHz, 1900 MHz, and 2100 MHz frequency ranges. Pursuant to its FCC Licenses, Cellco has developed and continues to develop a network of cell sites to serve the demand for enhanced wireless services throughout the State of Connecticut and nationwide.

Currently, Cellco provides wireless service in southeast Cheshire from its existing Cheshire Facility, and, to a lesser extent, from its Hamden North 2 and Oakdale facilities. Plots showing existing wireless service in the area are included in Attachment 6. The Cheshire DT Facility has been designed primarily, to provide capacity relief to portions of Route 10 and the surrounding commercial and residential areas around the Property. Wireless service along Route 10 and in the commercial and residential areas around the Property today is provided by Cellco's existing Cheshire Facility, Beta sector low-band (700/850 MHz) antennas only. The existing Cheshire Facility is located nearly 1.5 miles to the northwest of the Property. Cellco's mid-band frequencies (1900/2100 MHz) from the existing Cheshire Facility, do not extend far enough to the southeast to reach the area of concern, around the Property.

As a result, the Cheshire Facility Beta sector low-band antennas (700 MHz and 850 MHz) are carrying significantly more traffic than they are designed to carry, impacting the user experience and the reliability of Cellco's service in and around the Property (e.g., dropped calls; ineffective attempts; slow data speeds, etc.). By off-loading the Cheshire Facility Beta sector traffic, Cellco's low-band frequencies at the proposed Cheshire DT Facility will better serve the busy southeast Cheshire area. If the proposed Cheshire DT Facility is approved and built, Cellco would "down-tilt" the Cheshire Facility Beta sector antennas so that they serve only those customers nearer to the Cheshire Facility site. Doing so would result in coverage gaps opening up along Route 10 and the area surrounding the Property, which would then be filled by the proposed Cheshire DT Facility.

2. Cell Site Information

As mentioned above, Tarpon intends to construct a 94-foot self-supporting monopole tower within a 20-foot x 86-foot facility compound in the westerly portion of the Property. The tower would be setback approximately 239 feet from northern Property boundary; 536 feet from the eastern property boundary; 218 feet from the southern property boundary and 85 feet from the western property boundary. Cellco would install antennas and RRHs on a platform at the 90-foot level on the tower. Equipment associated with Cellco's antennas will be located near the base of the tower within a fenced compound, including radio and battery cabinets and a 50-kW diesel-fueled generator. Cellco's equipment cabinet would house radio receiving, transmitting, switching, processing and performance monitoring equipment. The battery system and backup generator will provide backup power to Cheshire DT Facility if commercial power is interrupted. Once the site is operational, Cellco personnel will visit the cell site only when needed for maintenance. All systems are monitored remotely at Cellco's Mobile Telephone Switching Office ("MTSO").

3. Cellular System Equipment

The key elements of the cellular system are Cellco's two MTSOs located in Windsor and Wallingford and the various connector cell sites around the state. The major electronic components of each cell site are radio frequency transmission and receiving equipment and cell site controller equipment. This equipment can expand in modules to meet system growth needs. The cell site equipment primarily provides for message control on the calling channels; call set-up and supervision; radio frequency equipment control; internal diagnostics; response to remote and local test demand; data from the wireless units in both directions and on all channels; scan receiver control; transmission of power control commands rescanning of all timing and commands and voice

channel assignment.

Cellco intends to install eight (8) panel-type transmit/receive antennas consisting of four (4) model JAHH-45C-R3B; two (2) model MT6413-77A antennas; and two (2) model CCCI MBA3R-K4A antennas. Cellco will also install a total of twelve (12) remote radio heads behind its antennas, two (2) HYBRIFLEX™ fiber optic antenna cables and one (1) GPS antenna. Backup power to the Cheshire DT Facility will be provided by an onsite battery cabinet and a 50-kW diesel-fueled generator. Specifications for Cellco's antennas, RRHs, antenna cables and generator are included in Attachment 7.

4. Technological Alternatives

Pursuant to its FCC licenses, Cellco is authorized to provide wireless telecommunications services throughout the State of Connecticut. Cellco submits that there are no equally effective technological alternatives that would allow Cellco to provide its wireless service to the area than those described in this Application. In fact, Cellco's wireless system represents state-of-the-art technology offering high-quality wireless service.

C. Site Selection and Tower Sharing

1. Cell Site Selection

The goal in selecting cell sites, like the one described above, is to locate a facility in such a manner as to allow for the development and operation of a high-quality wireless system with the least overall environmental impact. Cellco has determined that the proposed Cheshire DT Facility location satisfies this goal and will help resolve a portion of Cellco's wireless service (capacity) problems in southeast Cheshire.

The methodology of cell site selection for a wireless system generally limits the search for possible locations to a specific site search area or ring established by the carrier's Radio Frequency

Design Engineers. In any search area, Cellco first examines the availability and use of existing towers or other sufficiently tall structures that might help satisfy the wireless service objectives. Cellco currently maintains five (5) macro-cell sites and two (2) small cell wireless facilities within approximately three (3) miles of the proposed Cheshire DT Facility. Cellco's existing Cheshire, Cheshire East, Oakdale, Hamden North 2 macro cells and Cheshire SC 02 small cells will interact, in some fashion with the proposed Cheshire DT Facility. See Attachment 6. The use of existing, non-tower structures in an area, when available are also considered as an alternative to building a new tower. No existing non-tower structures of suitable height exist in the area.

Cellco initiated its site search process and investigated a total of eight (8) possible candidates for a cell site for the reasons described in the Site Search Summary (Attachment 8). Cellco determined that an antenna centerline height of 90 feet at the Property would satisfy its wireless service objectives in the area. Cellco negotiated and ultimately entered into a Lease Agreement for the use of the Property in September 2023. More recently, Cellco entered into a Build to Suit Agreement with Tarpon. If the proposed Cheshire DT Facility is approved, the current lease agreement will be assigned to Tarpon. Tarpon will hold the Certificate, and own and maintain the tower site. The Site Search Summary together with the site information contained in Attachment 1 support the Applicant's position that the site selected represents the most feasible alternative of the sites investigated.

2. Tower Sharing

Tarpon and Cellco would design the proposed tower and compound to be shared by additional wireless carriers, the Town and any emergency services entities interested in the site. This type of tower sharing arrangement will reduce, if not eliminate, the need for additional tower sites in the same area in the future.

3. Overall Costs and Benefits

Aside from the limited visual impacts discussed further below, the Applicant believes that there are no significant costs attendant to the construction, maintenance, and operation of the proposed cell site. In fact, the public will benefit substantially from its increased ability to receive high-quality, reliable wireless services throughout significant portions of Cheshire. The Cheshire DT Facility would be a part of a communications system that addresses the public need identified by the FCC and the United States Congress for high-quality, competitive wireless service. Moreover, the proposed cell site would be part of a system designed to limit the need for additional cell sites in the future. The overall costs for development of the proposed facility are set forth in Section III.D. of the Application.

4. Environmental Compatibility

Pursuant to Section 16-50p of the General Statutes, in its review of the Application, the Council is required to find and to determine, among other things, the nature of the probable environmental impact, and determine if those impacts, whether alone or cumulatively with other effects, 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.

a. Primary Facility Impact is Visual

The wireless system of which the proposed Cheshire DT Facility would be a part has been designed to meet the public need for high-quality, reliable wireless service while minimizing, to the extent possible, any potential adverse environmental impacts. In part because there are few, if any other adverse impacts, the primary impact of facilities such as this is visual. This visual impact will vary from location to location around a proposed tower, depending upon factors such as vegetation,

topography, the distance of nearby properties from the tower and the location of buildings and roadways in a “sight line” toward the tower. Similarly, visual impact of a tower facility can be further reduced through the proper use of alternative tower structures; so-called “stealth or disguised installations.” Where appropriate, telecommunications towers camouflaged as trees, for example, could help to further reduce visual impacts associated with these structures. To assess these impacts, a Visibility Analysis for the Cheshire DT Facility was prepared by All-Points Technology Corporation, P.C. and is included in Attachment 9. The Visibility Analysis assesses the overall visual impact of the proposed 94-foot monopole tower on the surrounding areas and includes photographic simulations for the Council’s review and consideration.

According to the Visibility Analysis, areas where some portion of the proposed tower would be visible above the surrounding tree canopy (year-round) comprise approximately five (5) acres or 0.062% of the two-mile radius (8,042 acre) study area. The Cheshire DT Facility tower may be visible through the trees (so called “seasonal visibility”) from an additional 71 acres (0.88% of the two-mile radius area).

There are seventy-five (75) residences within 1,000 feet of the Cheshire DT Facility. The closest single-family residence is located approximately 168 feet to the west at 1041 King Road, owned by Edward F. Czepiga III and Kaitlyn Czepiga.

b. Environmental Reviews and Agency Comments

Section 16-50j of the General Statutes requires the Council to consult with and to solicit comments on the Application from the Commissioners of the Departments of Energy and Environmental Protection, Public Health, Public Utilities Regulatory Authority, Economic Development, and Transportation, the Council on Environmental Quality, and the Office of Policy and Management, Energy Division. In addition to the Council’s solicitation of comments, Cellco

and Tarpon, as a part of the National Environmental Policy Act (“NEPA”) Checklist, solicits comments on the proposed cell site from the U.S. Department of the Interior, Fish and Wildlife Service (“USFWS”), the Connecticut Department of Energy Environmental Protection (“DEEP”) and the Connecticut Historical Commission, State Historic Preservation Officer (“SHPO”). Information on the USFWS and DEEP reviews regarding impacts on known populations of Federal or State Endangered, Threatened or Special Concern Species occurring at the proposed site are discussed in the Natural Resources Review Update included in Attachments 10.

(1) USFWS & NDDDB Compliance

According to the September 5, 2023 USFWS & NDDDB Compliance determination prepared by APT, one federally-listed threatened endangered species is known to occur in the vicinity of the Property documented as the *Northern Long-Eared Bat* (“NLEB”). For the reasons discussed in the compliance determination, the proposed Cheshire DT Facility will not adversely affect the NLEB.

The proposed Cheshire DT Facility would also comply with the USFWS recommended guidelines for reducing impacts to migratory birds. Finally, no known areas of State-listed species exist on the most recent DEEP/NDDDB maps in the location of the proposed cell site. (*See Attachment 10*).

(2) Wetlands Delineation Report

As discussed in Section III.C.5.d. below, the development of the Cheshire DT Facility will have no direct impact on wetlands or water courses, the closest of which is located approximately 750 feet to the east of the proposed Cheshire DT Facility compound. Tarpon will comply with the Connecticut Guidelines for Soil Erosion and Sedimentation Control and employ best management practices (BMPs) (i.e. silt fencing; wattles; other erosion controls) so that construction and operation of the proposed Cheshire DT Facility will minimize the occurrences of secondary and indirect

wetland impacts. A copy of the Wetlands Inspection Report is included in Attachment 11.

(3) State Historic Preservation Officer

According to a Preliminary Historic Resources Determination prepared by APT for the Cheshire DT Facility there are no historic or cultural resources located within one-half mile of the proposed Cheshire DT Facility. A copy of the Preliminary Historic Resources Determination is included in Attachment 12. As a part of its obligation to comply with the Nation Environmental Policy Act (NEPA) Cellco will be submitting the required documentation to the State Historic Preservation Office (SHPO) if the facility is approved by the Council.

(4) Agriculture

Farmland soils suitable for agricultural use includes land that is defined as prime or farmland of Statewide or local importance, based on soil type. It identifies the location and extent of the most suitable land for producing food, feed, fiber, forage, and oilseed crops and is available for these uses.³ According to the National Cooperative Soil Survey (U.S. Department of Agriculture, Natural Resources Conservation Service), no Prime Farmland Soils or Statewide Important Farmland Soils occur on the Property. (See Farmland Soils Map, included in Attachment 13).

c. Far Field RF Exposure Calculation

The FCC has adopted a standard for exposure to Radio Frequency (“RF”) emissions from telecommunications facilities like those proposed in this Application. To ensure compliance with the applicable standards, Cellco’s RF Engineers performed an RF emissions calculation for the proposed cell site utilizing a Far Field formula according to the methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65, Edition 97-01 (August 1997) (“OET

³ Connecticut Environmental Conditions Online (CTECO Resource Guide) www.cteco.uconn.edu.

Bulletin 65”) and more recent Council guidance. The calculation indicates that the maximum permissible exposure level for all of Cellco’s frequencies would be 2.8% the FCC’s Standard. (See Attachment 14). Actual RF emissions levels from the proposed facility would be far below these “worst-case” calculations.

d. Other Environmental Issues

No sanitary facilities are required for the Cheshire DT Facility. The operations at the proposed Cheshire DT Facility will not cause any significant air, water, noise or other environmental impacts, or hazard to human health.

Based on agency comments received and field investigations by the project team, the Applicant submits that the Cheshire DT Facility will have no significant adverse effect on scenic, natural, historic or recreational features, and that none of the potential effects alone or cumulatively with other effects is sufficient reason to deny this Application.

5. Consistency with Local Land Use Controls

The Council Application Guide for Community Antenna Television and Telecommunication Facilities, as amended in July 2012, requires the inclusion of a narrative summary of the project’s consistency with the Town’s Plan of Conservation and Development (the “Plan”), Zoning Regulations and wetland Regulations, as well as a description of planned and existing uses of the site location and surrounding properties.

a. Planned and Existing Land Uses

The proposed Cheshire DT Facility is located on an approximately 6.7 acre parcel owned by Cheshire Station LLC. The Property is located in the Town’s C-3 Commercial zone district and is used for commercial/retail purposes.

b. Plan of Conservation and Development

The Town of Cheshire’s 2016 Plan of Conservation & Development (the “Plan”), effective July 1, 2016, does not identify telecommunications facilities as a land use consistent or inconsistent with the general planning and conservation principles or policies of the Town.

c. Zoning Regulations

According to the Town’s Zoning Map, the Property is in the C-3 Commercial zone. Section 80.3.1 of the Town’s Zoning Regulations defines “Tower” as “a mount structure (whether freestanding or attached to a building or other structure) that is designed or used to support one or more antennas. “Facility” or “Wireless Telecommunication Facility” is defined by Section 80.3.1 of the Zoning Regulations as “all facilities (including mounts, towers, antennas, associated equipment, and other appurtenances designed or used to provide wireless telecommunication services”. Wireless Telecommunication Facilities may not exceed 150 feet in height if the applicant demonstrates that the additional height is necessary to accommodate co-location or to meet the coverage requirements of the applicant’s wireless telecommunication system. Wireless Telecommunications Facilities are permitted in all zones subject to the issuance of a Special Permit by the Planning and Zoning Commission (“PZC”) except in the Interchange Zone where such facilities would be permitted on an existing structure by Special Permit. The proposed Cheshire DT tower site is not located on a scenic road or on a parcel within a Historic District.

d. Inland Wetland and Watercourse Regulations

The Cheshire Inland Wetlands and Watercourses Commission (“IWWC”) Regulations (the “IWWC Regulations”) define Regulated Activity as any operation within, or use of, a wetland or watercourse involving removal or deposition of materials, or any obstruction,

construction, alteration or pollution of such wetlands or watercourses. The closest wetland area to the Cheshire DT Facility compound is approximately 770 feet to the east. Four (4) copies of the Cheshire IWWC Regulations were filed, in bulk, with the Council.

In accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Council for Soil and Water Conservation, adequate and appropriate soil erosion and sedimentation control measures will be established and maintained throughout the cell site construction period. In addition, the Applicant will employ appropriate construction best management practices to ensure that no pollutants would be discharged to any nearby watercourse or wetland areas or to area groundwater during the construction process.

According to the National Flood Hazard Layer FIRMap, the proposed Cheshire DT Facility would be located in Flood Zone X, an area outside the 500-year flood zone. A copy of the FIRMap is also included in Attachment 15.

6. Local Input

Section 16-50I(e) of the Connecticut General Statutes, as amended, requires local input on matters before the Council. On December 11, 2023, Tarpon sent a Technical Report regarding the proposed facility to Sean Kimball, Cheshire's Town Manager, Michael Glidden, the Town Planner, Peter Talbot, Chair at Large for the Cheshire Town Council and Earl Kurtz, Chair of the Cheshire PZC and IWWC, formally commencing the ninety (90) day municipal consultation process with the Town. The Technical Report summarized the Applicant's plans to establish a telecommunications facility at the Property, discuss Cellco's need for improved service in Cheshire and the potential environmental effects associated with the Cheshire DT Facility. The Applicant did not receive any comments or communications from Town officials. Four (4) copies of the Technical Report were submitted in bulk with the Council.

7. **Consultations With State and Federal Officials**

Attachments 10, 11, 12, 13, 15 and 16 and Section III.C. of the Application describes consultations with state and federal officials regarding the proposed Cheshire DT Facility.

a. **Federal Communications Commission**

FCC approval of a particular tower site is not required where the authorized service area of the licensed carrier is not enlarged. The FCC did not, therefore, review this particular proposal.

b. **Federal Aviation Administration**

According to the Federal Airways & Airspace Summary Report included in Attachment 16, an FAA Form 7460-1 notice is not required for the proposed Cheshire DT Facility tower as the tower would not constitute hazard to air navigation. Therefore, no FAA marking or lighting of the proposed tower is required.

c. **United States Fish and Wildlife Service**

See Section III.C.4.b.(1) above.

d. **Connecticut Department of Energy and Environmental Protection**

(1) **Environmental and Geographic Information Center**

See Section III.C.4.b.(1) above.

(2) **Bureau of Air Management**

Under normal operating conditions, Cellco's equipment at the Cheshire DT 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 backup power. Cellco's backup 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, and therefore is exempt from general air permit

requirements.

e. Connecticut State Historic Preservation Officer

See Section III.C.4.b.(3) above.

D. Estimated Cost and Schedule

1. Overall Estimated Costs

The total estimated cost of construction for the Cheshire DT Facility is \$775,000. This estimate includes:

Tarpon Towers, LLC

| | |
|--|-----------|
| (1) Tower and foundation costs of approximately | \$150,000 |
| (2) Site development costs of approximately | 120,000 |
| (3) Utility and Facility installation costs of approximately | 70,000 |
| Subtotal – Tarpon Towers III, LLC | 340,000 |

Cellco Partnership d/b/a Verizon Wireless

| | |
|--|-----------|
| (1) Cell site radio equipment costs of approximately | \$300,000 |
| (2) Antenna and coax costs of approximately | 95,000 |
| (3) Power systems costs of approximately | 40,000 |
| Subtotal – Cellco Partnership d/b/a Verizon Wireless | 435,000 |

2. Overall Scheduling

Site preparation and engineering would commence following Council approval of the Development and Maintenance (“D&M”) Plan and are expected to be completed within two to four weeks. Due to the delivery schedules of the manufacturers, installation of the platform and installation of the tower are expected to take an additional two to four weeks. Equipment installation is expected to take an additional two weeks after installation of the platform and

installation of the tower. Cell site integration and system testing is expected to require two weeks after equipment installation.

IV. CONCLUSION

Based on the facts contained in this Application, the Applicant submits that the establishment of the Cheshire DT Facility will not have a substantial adverse environmental effect. A public need exists for high quality reliable wireless service in southeast Cheshire, as determined by the FCC and the United States Congress, and a competitive framework for providing such service has been established by the FCC and the Telecommunications Act of 1996. Cellco submits that the need for these services, in general, and the Cheshire DT Facility, in particular, far outweighs any possible environmental effects resulting from the construction of the proposed cell site.

WHEREFORE, Tarpon respectfully requests that the Council approve this Application for a Certificate of Environmental Compatibility and Public Need for the proposed Cheshire DT Facility.

Respectfully submitted,

TARPON TOWERS III, LLC AND
CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS

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