

July 12, 2024

*Via Electronic and U.S. Mail*

Melanie Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: Docket No. 521 – Tarpon Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 1021-1041 South Main Street, Cheshire, Connecticut.**

**Letter in Lieu of Post Hearing Brief**

Dear Attorney Bachman:

On behalf of Tarpon Towers III, LLC (“Tarpon”) and Cellco Partnership d/b/a Verizon Wireless (“Cellco”) (collectively the “Applicant”), please accept this letter in lieu of a Post-Hearing Brief, in support of the above-referenced application for the construction, operation and maintenance of a new wireless telecommunications facility in Cheshire, Connecticut.

On March 13, 2024, Tarpon and Cellco filed an application with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Capability and Public Need (the “Application”) to construct a wireless telecommunications facility (the “Cheshire DT Facility” or “Facility”) in the westerly portion of a 6.7-acre parcel at 1021-1041 South Main Street in Cheshire, Connecticut (the “Property”). The Property is owned by Cheshire Station LLC (the “Property Owner”) and is used for commercial purposes. The proposed Cheshire DT Facility would provide Cellco customers and emergency service providers with improved wireless services in southeast Cheshire.

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## **Facility Description**

In accordance with its Land Lease Agreement with the Property Owner, Tarpon proposes to construct, own and maintain a 94-foot-tall monopole tower within a 20' x 86' facility compound in the westerly portion of the existing commercial parking lot on the Property. Access to the Facility compound would extend from South Main Street over a portion of the shopping center's existing access driveway and parking area, along the north side of the Big Y building to the Facility compound.

Cellco proposes to install antennas and remote radio heads on an antenna platform at the top of the tower. Cellco's antennas would be installed at a centerline height of 90 feet above ground level. Cellco's radio equipment, a backup battery cabinet and a 50-kW diesel fueled back-up generator would be installed on a concrete pad, beneath a canopy structure, in the northeast corner of the compound.

## **Public Need**

The unrefuted evidence in the Docket No. 521 record reveals that there is a significant need for improved wireless service in southeast portions of Cheshire. Currently, Cellco's wireless services in southeast Cheshire is provide by the Beta sector antennas on its existing Cheshire CT cell site, located approximately 1.5 miles to the northwest of the proposed Cheshire DT Facility.<sup>1</sup> These Beta Sector antennas are currently carrying significantly more "traffic" than they are designed to handle, impacting the customer's user experience and reliability of service. Adding the new Cheshire DT tower to the network will help to offload traffic from the Cheshire CT – Beta Sector antennas and will allow Cellco to provide more reliable service in the area.

Today, Cellco measures the "user-experience" based on data speeds available to a customer and has set five (5) Mbps (Megabits/second) as its reliability standard. Evidence in the record shows a high number of customer connections during peak daytime hours (6 AM to 6 PM) and data speeds well below the 5 Mbps reliability standard, in the area around the proposed Cheshire DT Facility. More than 50% of these customer connections in southeast Cheshire come from the Cheshire CT Beta sector antenna. The proposed Cheshire DT Facility will effectively off-load the congested Cheshire CT Beta Sector antennas (700 and 850 MHz) and provide improved wireless service to southeast Cheshire for the foreseeable future.

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<sup>1</sup> Cellco's Beta sector low band (700 and 850 MHz) frequency antennas, currently extend service into southeast Cheshire, to the area around the proposed Cheshire DT Facility. The Cheshire CT site's high band (1900 and 2100 MHz) Beta sector antennas to not extend into southeast Cheshire.

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## **Nature of Probable Environmental Impacts**

The record also contains ample evidence to support a finding by the Council that the Cheshire DT Facility would not have a significant adverse impact on the environment at the Property or the surrounding area. The Applicant has presented evidence that the location and development of the Cheshire DT Facility, in a portion of the existing paved, commercial parking lot, will not adversely impact federal or State listed, threatened or endangered species or State species of special concern; will not impact migratory birds; will not adversely impact prime farmland soils; will not have any direct impact on any wetlands or watercourses on or near the cell site; will not impact historic or cultural resources; 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. No evidence to the contrary exists in the Docket No. 521 record.

The proposed tower will maintain adequate setbacks from property boundaries (85 feet to the west; 218 feet to the south; 174 feet to the north; and 536 feet to the east) and therefore, will have minimal impacts on adjoining parcels. The closest residence to the tower is 168 feet to the west, a residential parcel at 1041 King Road.

## **Visual Impacts**

Generally speaking, the primary impact of any telecommunications facility is visual. The overall area where some portion of the proposed Cheshire DT Facility tower may be visible year-round (above the tree line), is conservatively estimated to be approximately five (5) acres (0.62% of the 8,042-acre study area). Seasonal views, through intervening trees and branches are anticipated to occur within an area of approximately 255 additional acres (a total of 0.88% of the 8,042-acre study area). The Applicant respectfully submits, that the overall visual impacts of the 90-foot tower at the Property will be insignificant.

That said, Tarpon explored and responded to Council questions about certain alternative tower designs that might reduce the overall visual effect of the proposed 94-foot tower. A “monopine” or tree tower design may provide some limited benefits on visibility but would add significantly to project costs. A tree tower typically costs three times that of a conventional monopole tower and is more costly to maintain. Installation of a tree tower would also present certain challenges to colocation by other carriers or the Town, and would make it difficult to extend the tower in the future, if such a need exists. A more reasonable alternative, discussed at the hearing, was to paint the upper portion of the tower, so that it would blend in with the trees to the west of the Property, between the tower site and the nearest residences.

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## Local Input

In accordance with Section 16-50l(e) of the Connecticut General Statutes, the Applicant commenced the ninety (90) day municipal consultation process for the proposed Cheshire DT Facility on December 11, 2023. Sean Kimball, the Town Manager, Peter Talbot, Chair at Large of the Town Council, Earl Kurtz, Chair of the Planning and Zoning Commission (“PZC”) and Inland Wetlands and Watercourses Commission (“IWWC”) and Michael Glidden, the Town Planner all received a copy of a Technical Report, containing information on Tarpon’s plans to establish a telecommunications facility at the Property, the Council’s review and approval process, and the municipalities’ role in that process.

In addition, in accordance with Section 16-50l(b) of the General Statutes, full copies of the Application package were sent to the numerous municipal officials including the Town Manager, Town Planner and Chair of the PZC and IWWC. Neither Tarpon nor Cellco received any comments or communications from the Town at any time prior to the submission of the Application or during the course of the Docket No. 521 proceeding.

## Conclusion

The unrefuted evidence in the record clearly demonstrates that there is a need for the proposed Cheshire DT Facility and that the improved service from the proposed tower will provide a significant benefit to the Cheshire community and emergency service providers in the area. The record also demonstrates that the environmental impacts associated with the proposed Cheshire DT Facility would not be substantial and that any impacts are outweighed by the benefits the Facility will offer to the public.

Sincerely,



Kenneth C. Baldwin