

Connecticut Siting Council

APPLICATION OF:

THE TOWERS LLC



**MILFORD EAST
425 OLD TAVERN ROAD
ORANGE, CONNECTICUT**

DOCKET NO. _____

JUNE 25, 2024

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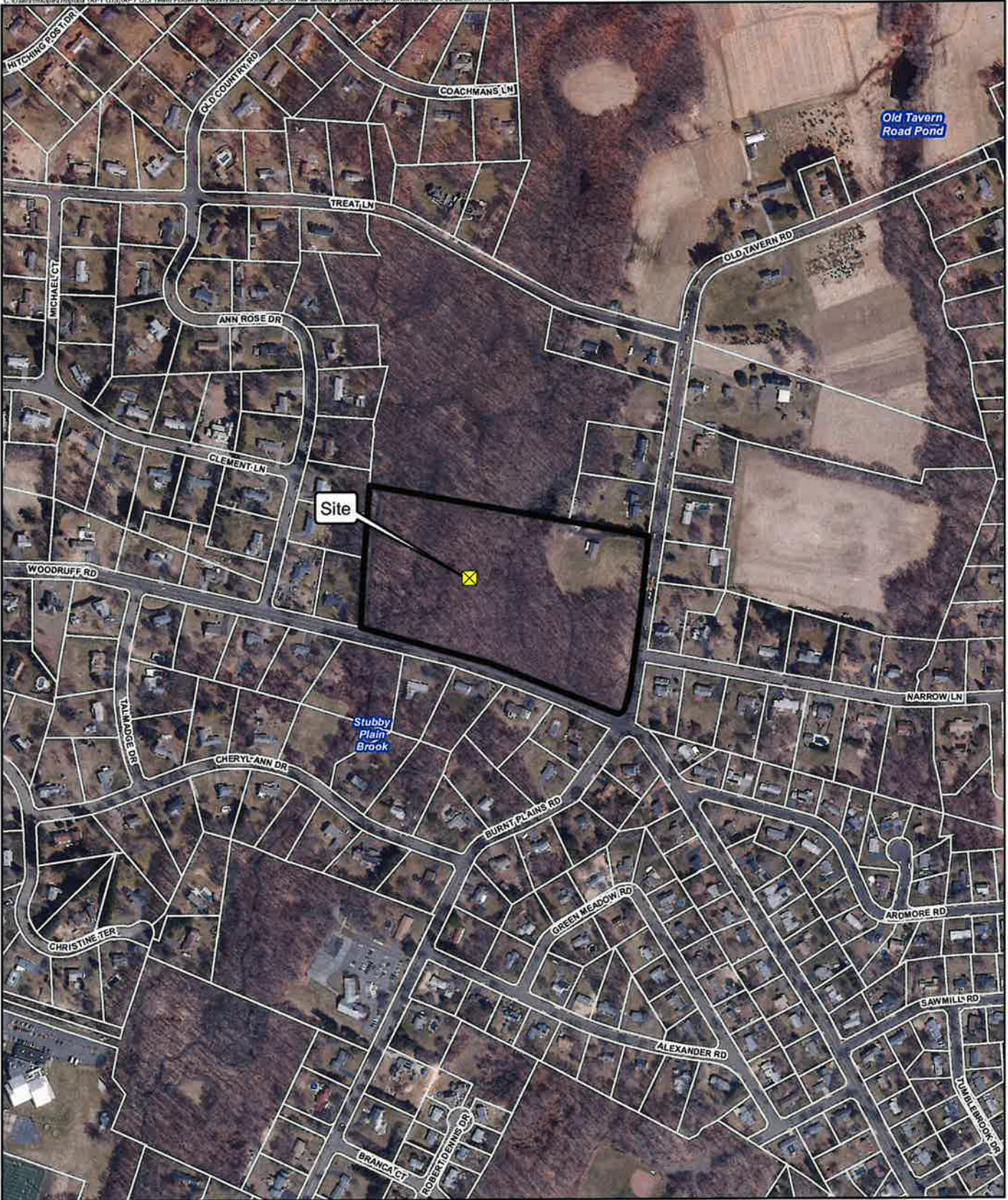
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EXECUTIVE SUMMARY




The Towers LLC, a joint venture between Vertical Bridge REIT, LLC (“VBR”) and Cellco Partnership d/b/a Verizon Wireless (“Cellco”) (collectively the “Applicant”) proposes to construct a wireless telecommunications facility in the westerly portion of a 12-acre parcel at 425 Old Tavern Road in Orange, Connecticut (the “Property”). The Property is owned by Frederick A. Knight. Cellco refers to this cell site as its “Milford East Facility”.¹ The Milford East Facility will provide improved wireless voice and data coverage and enhanced network capacity in southern portions of the Town of Orange (“Orange”) and northern portions of the City of Milford (“Milford”), Connecticut where reliable wireless service is either lacking or non-existent today.

To resolve the wireless service problems in this area, the Applicant proposes to construct a 120-foot-tall monopole tower within a 35’ x 90’ fenced compound (40’ x 110’ leased area) in the western portion of the Property. Cellco would install nine (9) panel-type antennas and six (6) remote radio heads on an antenna-mounting platform at the top of the tower. Equipment associated with Cellco’s antenna, a propane-fueled back-up generator and a 1,000-gallon propane fuel tank would be located within a fenced facility compound. Vehicular access to the Milford East Facility would extend from Woodruff Road along a new gravel access driveway to the proposed cell site. Utilities would also extend from existing utility service on Woodruff Road.

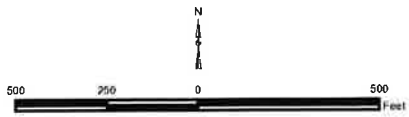
¹ This site was also previously identified as Cellco’s “Orange South Facility” in the Technical Report filed with public officials in Orange and Milford.



Legend

-  Site
-  Subject Property
-  Approximate Parcel Boundary

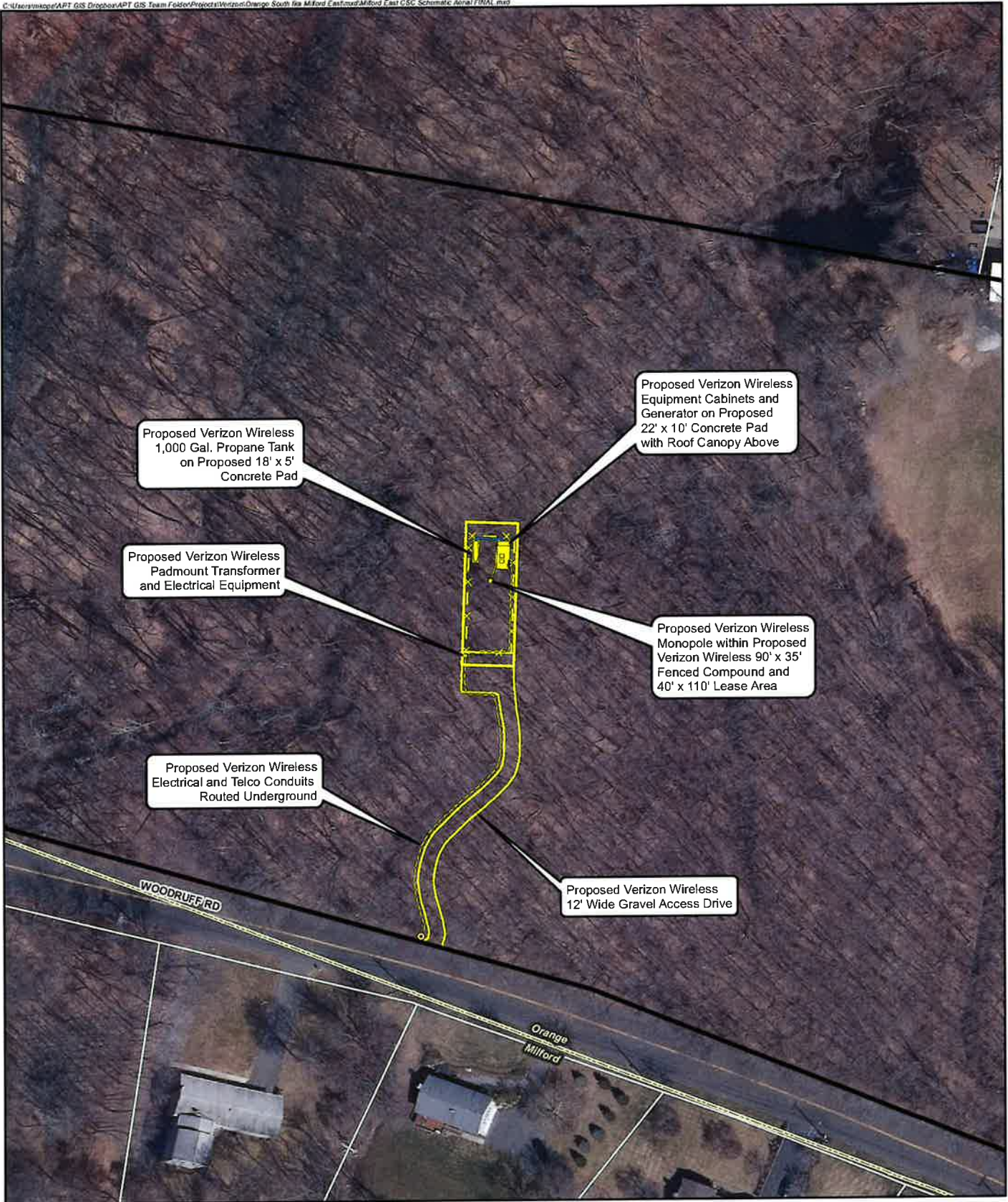
Map Notes:
 Base Map Source: CT ECO 2019 Imagery
 Map Scale: 1 inch = 500 feet
 Map Date: March 2023



Site Location Map

Proposed Wireless
 Telecommunications Facility
 Orange South CT
 425 Old Tavern Road
 Orange, Connecticut





Legend

- Proposed Verizon Wireless Lease Area
- Proposed Verizon Wireless Equipment Compound
- Proposed Verizon Wireless Equipment
- Proposed Verizon Wireless Access Drive
- Proposed Verizon Conduit
- Proposed Verizon Wireless Gas Line
- Existing Utility Pole (By Others)
- Subject Property
- Approximate Parcel Boundary

Map Notes:
 Base Map Source: 2019 CT ECO Imagery
 Map Scale: 1 inch = 100 feet
 Map Date: May 2024



Site Schematic

Proposed Wireless Telecommunications Facility
 Milford East CT
 425 Old Tavern Road
 Orange, Connecticut



**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE: :
 :
APPLICATION OF THE TOWERS LLC : **DOCKET NO. ____**
FOR A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY AND :
PUBLIC NEED FOR THE CONSTRUCTION, :
MAINTENANCE AND OPERATION OF A :
WIRELESS TELECOMMUNICATIONS :
FACILITY AT 425 OLD TAVERN ROAD IN :
ORANGE, CONNECTICUT :
 : **JUNE 25, 2024**

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

I. INTRODUCTION

A. Authority and Purpose

This Application and the accompanying attachments (collectively, the “Application”) is submitted by The Towers LLC (“The Towers”), a joint venture between Vertical Bridge REIT, LLC (“VBR”) and 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 at 425 Old Tavern Road in Orange, Connecticut (collectively the “Property”). Cellco identifies this cell site as its “Milford East Facility”. The proposed Milford East Facility will consist of a 120-foot monopole tower in the westerly portion of the Property. Cellco would

install antennas and remote radio heads on an antenna platform at the top (117-foot antenna centerline height) of the tower. The tower, Cellco's equipment cabinets, a 50-kilowatt ("kW") propane-fueled generator and a 1,000-gallon propane fuel tank will be installed within a 35' x 90' secure fenced compound (40' x 110' leased area).

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

B. The Applicant

The Towers is a Delaware limited liability company and a joint venture between VBR and Cellco. If the Facility is approved by the Council, The Towers will hold the Council Certificate and be responsible for the construction, maintenance and operation of the Milford East Facility.

VBR is a Delaware limited liability company with offices at 750 Park of Commerce Drive, Boca Raton, Florida 33787. VBR is the largest private owner and operator of wireless communications infrastructure in the United States.

Cellco is a Delaware Partnership with offices 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 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:

The Towers, LLC c/o
Vertical Bridge REIT, LLC
750 Park of Commerce Drive
Boca Raton, Florida 33787
Attention: AJ DeSantis, Project Manager - Development

Cellco Partnership d/b/a Verizon Wireless
20 Alexander Drive
Wallingford, Connecticut 06492
Attention: Elizabeth Glidden, Real Estate Regulatory Specialist

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

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

C. Application Fee

The estimated total construction cost for the Milford East 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(l)(b)

Copies of this Application have been mailed to municipal, regional, state and federal officials, pursuant to C.G.S. Section 16-50(l)(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 Cellco's intent to submit this Application was published on June 20 and June 21, 2024, by the Applicant in the New Haven Register pursuant to C.G.S. Section 16-50(l)(b). A copy of the legal notice is included in Attachment 3. A copy of an Affidavit of Publication will be

forwarded to the Council as soon as it is available.

Attachment 4 contains a certification that notice of Cellco'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 property owners to whom such notice was sent and a sample notice letter, including attachments.

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

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

A. Federal Policy

In 1996, the United States Congress adopted the federal Telecommunications Act (the "Act"). (Pub. L. No. 104-104, 140 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 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 states and municipalities, 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 requirement 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 national 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 (E-911) Act for the specific purpose of enhancing and promoting Homeland 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 Presidential 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 policy² to 1) ensure that all Americans would have access to broadband capability, whether wired or wireless, 2) establish the United States as a leader in wireless service innovation,

² Connecting America: The National Broadband Plan, Federal Communications Commission (2010).

and 3) establish, in America, the fastest and most extensive wireless network. In an effort to encourage a more 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.³

In 2012, Congress passed the Middle-Class Tax Relief and Job Creation Act which included a provision (Section 6409) which mandates the approval of certain eligible wireless facility modifications. The provisions of Section 6409 were further clarified in the FCC's October 17, 2014 Report and Order (FCC-14-153) and again on June 9, 2020 (FCC-20-75) and were specifically designed to accelerate broadband deployment by improving wireless siting policies.

Included as Attachment 5 is a copy of the FCC's authorizations issued to Cellco for its wireless services in 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, as long as the licensee's authorized service area is not enlarged. The proposed Milford East Facility would not enlarge Cellco's authorized service area.

B. Public Need and System Design

1. Need for the Milford East Facility

As noted above, the Act has pre-empted any state or local determination of public need for wireless services. In Connecticut, Cellco holds FCC Licenses to provide wireless services and intends to deploy its 700 MHz, 850 MHz, 1900 MHz, 2100 MHz, and 5G (3700 MHz) frequencies at the Milford East Facility. 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 nation and more specifically, the State of Connecticut.

Cellco currently provides wireless service in and around the Property from seven (7)

³ FCC Declaratory Ruling WT Docket No. 08-165.

existing macro-cell facilities (Milford NE, Forest Heights Relo, Old Gate, Milford S II, Orange 4, Orange 1 and Orange 3) and five (5) small cell facilities (Milford SC 22, Milford SC 23, Milford SC 25, Milford 4 SC 1-UI Pole and Milford SC 4).

Cellco's coverage plots showing the extent of wireless service in the area around the proposed Milford East facility reveal significant areas in southern Orange and northern Milford where reliable service (service levels greater than or equal to Negative 95 dBm RSRP) is lacking in all of Cellco's operating frequencies. Little or no wireless service currently exists in Cellco's 1900 MHz and 2100 MHz and 5G (3700 MHz) frequencies. These wireless service deficiencies exist particularly along portions of Woodruff Road, Orange Avenue, Ridge Road, Old Tavern Road, Burnt Plains Road and local roadways in the area surrounding the Property. Coverage plots showing Cellco's "existing" wireless service along the Orange/Milford town boundary from existing wireless facilities alone and with the addition of the proposed Milford East Facility are included in Attachment 6.

2. Proposed Cell Site Information

The proposed Milford East Facility would be located in the westerly portion of an approximately 12-acre parcel at 425 Old Tavern Road. The Property is owned by Frederick A. Knight. The Property is used, in part, for residential purposes by the owner. At this site, the Applicant would construct a 120-foot self-supporting monopole telecommunications tower within a 35' x 90' fenced compound (40' x 110' leased area). Cellco would install up to nine (9) panel-type antennas and six (6) remote radio heads on an antenna platform at the top of the tower. Equipment associated with Cellco's antennas, including equipment and battery cabinets and a 50-kW propane-fueled backup generator will be installed on a concrete pad, under a steel canopy structure within the fenced compound. A 1,000-gallon propane fuel tank would also be

located within the fenced compound. Cellco’s equipment cabinet would house radio receiving, transmitting, switching, processing and performance monitoring equipment. The back-up battery system and generator will allow the facility to remain operational when commercial power to the facility is interrupted. The Milford East Facility would remain unstaffed, except as required for maintenance. Once the cell site is operational, Cellco technicians will visit the cell site periodically for maintenance purposes. Cellco’s back-up generator is exercised once a month for approximately 20-30 minutes, and always during daytime hours.

Vehicular access to the proposed cell site would extend from Woodruff Road along a new gravel access driveway to the proposed cell site. Utilities would extend from existing utility service on Woodruff Road.

Cellco will deploy its 700 MHz, 850 MHz, 1900 MHz 2100 MHz and 5G (3700 MHz) wireless services at the Milford East Facility. The proposed Milford East Facility would provide wireless service as described below:

Street Name	700 MHz coverage in mi		850 MHz coverage in mi		1900 MHz coverage in mi		2100 MHz coverage in mi		3700 MHz coverage in mi	
	RSRP - 85 dBm	RSRP - 95 dBm	RSRP - 85 dBm	RSRP - 95 dBm	RSRP - 85 dBm	RSRP - 95 dBm	RSRP - 85 dBm	RSRP - 95 dBm	RSRP - 85 dBm	RSRP - 95 dBm
Woodruff Road	1.07	1.35	0.93	1.345	0.6	1	0.55	0.95	1	1.35
Orange Avenue	0.5	1.15	0.5	1.1	0.1	0.4	0.05	0.35	0.45	0.75
Ridge Road	0.2	1	0.2	0.95	0	0.3	0	0.25	0.2	0.65
Burnt Plains Road	0.45	0.75	0.45	0.7	0.2	0.45	0.15	0.4	0.45	0.75
Overall Coverage Footprint	0.45 Sq Mi	0.75 Sq Mi	0.45 Sq Mi	0.7 Sq Mi	0.23 Sq Mi	0.45 Sq Mi	0.17 Sq Mi	0.4 Sq Mi	0.97 Sq Mi	3.11 Sq Mi

Cellco's existing surrounding cell sites that will interact with the proposed Milford East Facility include: *Orange 1 CT* – antennas on a monopole at 525 Orange Center Road in Orange, located approximately 1.5 miles northeast of the proposed Milford East Facility; *Milford S II CT* – antennas on a monopole at 185 Research Drive in Milford, located approximately 1.6 miles southeast of the proposed Milford East Facility; *Milford CT SC4* – a small cell antenna mounted to a utility pole at 1270 Boston Post Road in Milford, located approximately 1.2 miles south of the proposed Milford East Facility; *Old Gate CT*- antennas on a monopole at 311 Old Gate Road in Milford, located 1.6 miles southeast of the proposed Milford East Facility; *Milford NE CT* – antennas on a monopole at 528 Wheelers Farm Road in Milford, located approximately 2.2 miles west of the proposed Milford East Facility; *Milford 4 CT SC1* – a small cell antenna mounted to a utility pole at 804 Boston Post Road in Milford, located approximately 1.8 miles southwest of the proposed Milford East Facility; *Milford SC22 CT* – a small cell antenna mounted to a utility pole at 200 Walnut Street in Milford, located approximately 1.8 miles southwest of the proposed Milford East Facility; *Milford SC25 CT* – a small cell antenna mounted to a utility pole at Meadow Street in Milford, located approximately 2.0 miles southwest of the proposed Milford East Facility; *Milford SC23 CT* – a small cell antenna mounted to a utility pole at West River Street in Milford, located approximately 1.7 miles southwest of the proposed Milford East Facility; *Orange 4 CT* – antennas on a monopole at 100 South Orange Center Road in Orange, located approximately 1.3 miles east of the proposed Milford East Facility; *Orange 3 CT* – antennas on a monopole at 700 Grassy Hill Road in Orange, located approximately 2.1 miles north of the proposed Milford East Facility; and *Forest Heights Relo CT* – antennas on a monopole at 1063 Boston Post Road in Milford, located approximately 1.6 miles south of the proposed Milford East Facility.

3. System Design and Cell Site Equipment

a. System Design

Cellco's wireless system in general and the proposed Milford East Facility, in particular, have been designed and developed to allow Cellco to achieve and to maintain high quality, reliable wireless service. The system design is capable of orderly expansion and is compatible with other wireless systems. The resulting quality of service compares favorably with the quality of service provided by conventional wireline telephone service. The wireless system is designed to assure a true cellular configuration of base transmitters and receivers in order to cover the proposed service area effectively while providing the highest quality of service possible.

Mobile telephone switching offices ("MTSOs") in Windsor and Wallingford are interconnected and operate Cellco's wireless systems in Connecticut as a single network, offering the subscriber uninterrupted use of the system while traveling throughout the State. This network is further interconnected with the local exchange company and long-distance carrier networks.

Cellco has designed its wireless system in conformity with applicable standards and constraints for wireless systems. Cellco's system is also designed to minimize the need for additional cell sites in the absence of additional demand or unforeseen circumstances.

b. Cell Site Equipment

The key elements of the cellular system are the 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 is capable of expanding in modules to meet system growth needs. The cell site equipment primarily provides for: message control on the calling channel; call setup and supervision; radio frequency equipment control; internal diagnostics; response to remote and local

test commands; data from the mobile or portable unit 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.

In addition to the ground-mounted radio equipment, Cellco intends to install nine (9) panel-type transmit/receive antennas; six (6) RRHs; two (2) HYBRIFLEX™ fiber optic antenna cables; and a GPS antenna. Back-up power to the Milford East Facility will be provided by a back-up battery system and a 50-kW propane-fueled generator. Specifications for Cellco's antennas, RRHs, antenna cables and generator are included in Attachment 7.

4. Technological Alternatives

Pursuant to authorization by the FCC, Cellco is authorized to provide wireless telecommunications services throughout the State of Connecticut. Cellco submits that there are no equally effective technological alternatives to the proposal contained herein. In fact, Cellco's wireless system represents state-of-the-art technology offering high-quality service. Cellco is aware of no viable and currently available alternatives to its system design for carriers licensed by the FCC.

C. Site Selection and Tower Sharing

1. Cell Site Selection

Cellco's goal in selecting cell sites, like the ones described above, is to locate a facility in such a manner as to allow it to build and to operate a high-quality wireless system with the least environmental impact. Cellco has determined that the proposed Milford East Facility would satisfy this goal and provide high-quality reliable wireless service along portions of Woodruff Road, Burnt Plains Road, Orange Avenue, Old Tavern Road and other local roads in the area, as well as residential areas around the Property.

The methodology of cell site selection for a wireless system generally limits the search for possible locations to a specific site search area established by Cellco's Radio Frequency (RF) Engineers and network designers. In any search area, Cellco first examines the use of existing towers or other sufficiently tall structures that might help satisfy its coverage objectives. A list of existing towers or other non-tower structures considered is described above and included in Attachment 8. Cellco currently shares each of these existing towers, in the area around the Milford East Facility location. These existing sites are identified on the coverage maps included in Attachment 6 and are listed above. The adjacent cell sites cannot, however, satisfy the wireless service objectives for the Milford East Facility search area.

Cellco also regularly investigates the use of existing, non-tower structures in an area, when available, as an alternative to building a new tower. No such non-tower structures of suitable height were available in of the area around the Property.

Cellco initiated a site search process for the Milford East cell site in March of 2020. The Site Search Summary (Attachment 8) together with the site information contained in Attachment 1 support Cellco's position that the site selected represents the most feasible alternative of the sites investigated.

2. Tower Sharing

The Applicant will design the proposed tower and facility compound to be shared by multiple wireless carriers, the Town, and local emergency service providers, if a need exists. The tower itself could also be designed to be extended up to 20 feet in accordance with past requests from the Council. This type of tower sharing arrangement would reduce, if not eliminate, the need for these other carriers or municipal entities to develop a separate tower in this same area in the future. As of the date of this filing, no other wireless carrier nor or municipal or emergency service

entity has expressed any interest in the Milford East Facility.

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 service in Orange and Milford, Connecticut.⁴ The Milford East 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 mobile and portable 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 to the Applicant for development of the proposed cell site 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, including a specification of every significant adverse effect, whether alone or cumulatively with other effects, on, and conflicting 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 Milford East Facility would be a part has been

⁴ Businesses and individuals across the country have become much more dependent on wireless services especially in emergency situations. The public safety benefits of wireless telephone service are illustrated by the Connecticut State Police Enhanced 911 emergency calling system. The E-911 emergency calling system is available statewide to all wireless telephone users. Numerous other emergency service organizations have turned to wireless telephone service for use during natural disasters and severe storms when wireline service is interrupted or unavailable.

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 site, 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 use of alternative tower structures; so-called “stealth installations” in appropriate circumstances. Attachment 9 contains a Visibility Analysis prepared by All-Points Technology Corporation (“APT”) for the Milford East Facility. The Visibility Analysis assesses the visual impact of the tower on the surrounding areas and includes photo simulations for the Council’s review and consideration.

According to the Visibility Analysis, seasonal visibility accounts for most of the visibility of the tower. Areas where the monopole tower would be visible above the tree canopy (“year round views”) comprise approximately 8 acres or 0.1% of the two-mile radius (8,042 acre) study area. Areas of seasonal views (including views through trees in the winter months) would comprise approximately 252 additional acres. Together, the areas where year-round and seasonal views of the tower represent an area that is 3.2% of the two-mile radius study area.

There are thirty-two (32) residences within 1,000 feet of the Milford East Facility. The closest off-site residence is located at 450 Woodruff Road, approximately 440 feet to the south and is owned by Christian Haight. There are no schools or commercial day care facilities located within 250 feet of the proposed Milford East Facility.

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 Utility 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, the Applicant, as a part of the National Environmental Policy Act ("NEPA") Checklist, solicits comments on the proposed Milford East Facility from the U.S. Department of the Interior, Fish and Wildlife Service ("USFWS"), Environmental and Geographic Information Center of the Connecticut Department of Energy Environmental Protection ("DEEP") and the Connecticut Historical Commission, State Historic Preservation Officer ("SHPO").

(1) USFWS & NDDDB Reviews

According to the USFWS & NDDDB Compliance Determination prepared by APT, one 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, Cellco submits that the proposed Milford East Facility will not adversely affect the NLEB.

The proposed Milford East Facility would also comply with the USFWS recommended guidelines for reducing impacts to migratory birds. Finally, no known areas of State-listed species are currently depicted on or within approximately 0.57 miles of the most recent DEEP/NDDDB maps of the Property. (See Attachment 10).

(2) Wetlands Inspection Report

As discussed in Section III.C.5.d. below, there are two wetland areas on the Property proximate to the proposed facility compound. The proposed facility has been designed and located

so as to maintain a 37-foot setback from both Wetland 1 and Wetland 2 and avoid any direct impacts on these wetland areas. The facility design, including the long and narrow compound, also help to maximize the buffer. As discussed in the Wetland Impact Analysis, APT has developed and the Applicant will incorporate into its final plans, a wetland buffer enhancement plan to further reduce impacts on these wetland areas. (See Wetlands Inspection Report – Attachment 11).

(3) State Historic Preservation Officer

According to a Preliminary Historic Resources Determination prepared by APT for the Milford East Facility, there are no historic resources listed on or eligible for listing on the National Register of Historic Places located within one-half mile of the proposed Milford East Facility. Further, no state-registered sites are located proximate to the Property. (See Attachment 12).

(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.⁵ According to the National Cooperative Soil Survey (U.S. Department of Agriculture, Natural Resources Conservation Service), only the far eastern portion of the Property (containing approximately 3.2 acres) is designated Prime Farmland Soils. (See Farmland Soils Map included in Attachment 13). The proposed Milford East Facility will not impact these Prime Farmland Soils.

c. Radio Frequency Emissions

The FCC has adopted standards for exposure to Radio Frequency (“RF”) emissions from telecommunications facilities like those proposed in the Application. To ensure compliance with

⁵ Connecticut Environmental Conditions Online (CTECO Resource Guide) www.cteco.uconn.edu.

the applicable standards, Cellco has performed a Far Field RF Exposure Analysis (“Far Field Analysis”) for the proposed Milford East Facility according to the methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65, Edition 97-01 (August 1997) (“OET Bulletin 65”). The calculation is a conservative, worst-case approximation for RF emissions at the accessible points around the antennas, and assumes that all antennas are transmitting simultaneously, on all channels, at full power. Even under these absolute worst-case conditions, the calculations indicate that the maximum permissible exposure level for Cellco’s antennas at the proposed Milford East Facility would remain well below (20.3%) the FCC’s Standard. Actual RF emissions levels from the proposed facility would be far below these “worst-case” calculations. A Far Field Analysis is included in Attachment 14.

d. Other Environmental Issues

No sanitary facilities are required for the Milford East Facility. The operations at the Milford East 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 Cellco project team, the Applicant submits that the proposed Milford East 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 Municipality’s Plan of Conservation and Development (the “Plan”), Zoning Regulations, and Wetlands 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 Milford East Facility would be located in the westerly, undeveloped portion of an approximately 12-acre parcel owned by Frederick A. Knight. The Property is zoned Residential and is used for residential purposes. The Property is surrounded by developed residential parcels, open space and agricultural property.

b. Plan of Conservation and Development

The Town of Orange Plan of Conservation & Development (the “Plan”), adopted on June 27, 2015, does not identify telecommunications facilities as a land use consistent or inconsistent with the general planning and conservation principles or policies of the Town. The Plan recognizes, however, that the availability of reasonable wireless communications services is important to the overall quality of life in the community. (See Chapter 14: Utility Infrastructure the Plan). In addition, the Plan anticipates that there will be growing interest in “backfilling” between existing cellular towers to improve overall service availability in certain areas and to avoid capacity constraints due to increased demands. The Plan states that Orange “will seek to balance the demand for wireless services and the public safety benefits with the visual and other impacts of new installations.” The Plan lists three policies related to continuing to improve communications, including a policy seeking to balance the demand for wireless service and the public safety benefits with the visual and other impacts of new communications installations. Four (4) copies of the Plan were filed, in bulk, with the Council.

c. Zoning Regulations

According to the Orange GIS and Property Data, the Property is located in the Town’s Residential zone. According to Article XVI of the Orange Zoning Regulations, wireless

telecommunication sites, facilities and services may be permitted by special use permit provided specific requirements and criteria are met. The Orange Zoning Regulations state that telecommunications facilities shall be located in a manner to most effectively comply with the following location preferences: on Town of Orange owned land or buildings, on existing structures, on existing or approved towers, on new towers located on property occupied by one or more existing towers, in alternative towers structures in industrial districts, on new towers in industrial districts, on alternative tower structures in commercial districts, on new towers in commercial districts, on alternative tower structures in the Business Office Park District or Office Park District, on new towers located in the Business Office Park District or Office Park District, on alternative tower structures located in the residential district, on new towers in the residential district. *See Zoning Regulations Section 363-154.* The regulations require wireless telecommunications sites located in a Residence district to be located on a lot that has at least 200 feet of lot frontage; has at least 80,000 square feet minimum lot area per tower; is a maximum height of 199 feet including the antenna and other appurtenances; is located a minimum distance from any property line equal to 125% of the proposed tower height; and requires the lot coverage area of all buildings for wireless telecommunication services to not exceed 100 square feet for each antenna located on a tower. *See Zoning Regulations Section 363-157.* The Zoning Regulations also require investigation of alternative sites and explanation of why a location in a more preferential location is not feasible; towers are required to be of alternative tower or monopole design; located more than 200 feet from an existing dwelling; discourage lighting of the structure shall be a non contrasting; color of blue or gray or other unobtrusive color; allow for joint use of tower; telecommunication equipment building in a residential zone must be made to look like a residential building with a pitched roof; require

planting of trees and other vegetation to screen a tower and any equipment buildings from view from nearby residences and roads, and require removal of the proposed facility when it is no longer in use. *See* Zoning Regulations Section 363-159 through 383-161. The proposed tower is setback 270 feet from the northern property line, 657 feet from the eastern property line, 270 feet from the southern property line and 400 feet from the western property line and is generally compliant with these zoning regulations.

d. Inland Wetlands and Watercourses Regulations

The Orange Inland Wetlands and Watercourses Regulations (“Wetlands Regulations”) define Regulated Activity as any operation or use of a wetland or watercourse, involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses. (*See* Section 381-6 of the Wetlands Regulations). Four (4) copies of the Orange Wetlands Regulations were filed, in bulk, with the Council. APT completed a thorough wetlands investigation to assess and evaluate potential impacts of the proposed facility. A copy of a Wetlands Inspection Report is included in Attachment 11. As mentioned in the Wetlands Inspection Report, the closest wetland area to the tower site is approximately 37 feet to the east and west of the facility compound.

According to the Federal Emergency Management Agency Flood Insurance Rate Map (“FIRM”), the Milford East Facility would be located in (un-shaded) Flood Zone X, an area of minimal flooding, outside the 100-year and 500-year flood zones. A copy of the National Flood Hazard Layer FIRMette map is also included in Attachment 15.

6. Local Input

Section 16-50(e) of the Connecticut General Statutes, as amended, requires local input on matters before the Council. On September 20, 2023, Cellco representatives commenced the ninety

(90) day municipal consultation process by submitting technical information about the proposed facility to municipal officials in the Town of Orange and City of Milford. This technical information, summarized Cellco's plans to establish a new telecommunications facility at the Property. No municipal representatives contacted Cellco or its representatives during the 90 day municipal consultation period or prior to the filing of this Application. Four (4) copies of Cellco's Technical Report were filed in bulk with the Council.

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

Attachments 10, 11, 12, 13, 15 and 16 and Section III.C.7. of the Application describes consultations with state and federal officials regarding the proposed Milford East Facility.

a. **Federal Communications Commission**

The FCC did not review this particular tower proposal. As discussed above, FCC approval is not required where the authorized service area is not enlarged.

b. **Federal Aviation Administration (FAA)**

Cellco completed a Federal Airways & Airspace Analysis, consistent with FAA Regulations Part 77 Sub-Part C Obstruction Analysis Report, for the proposed Milford East Facility to determine if the proposed tower would constitute an obstruction or hazard to air navigation. This analysis has confirmed, pursuant to FAA standards and guidelines, that the proposed tower would not constitute an obstruction or hazard to air navigation. Therefore, no obstruction marking, or lighting would be required. A copy of the Federal Airways & Airspace Analysis report is included in Attachment 16.

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

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

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

(1) **Natural Diversity Data Base**

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

(2) **Bureau of Air Management**

Under normal operating conditions, Cellco’s equipment at the Milford East Facility would generate no air emissions. During the loss of commercial power and periodically for maintenance purposes, Cellco would utilize a propane-fueled generator to provide emergency back-up power to the proposed cell site. 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.

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 Milford South Facility is \$830,000. This estimate includes:

Vertical Bridge REIT, LLC

(1) Tower and foundation costs of approximately	\$160,000
(2) Site development costs of approximately	120,000
(3) Utility and Facility installation costs of approximately	70,000
Subtotal – Vertical Bridge REIT, LLC	350,000

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
(4)	Equipment costs of approximately	45,000
	Subtotal – Cellco Partnership d/b/a Verizon Wireless	480,000

2. Overall Scheduling

Site preparation and engineering would commence following Council approval of Cellco’s Development and Maintenance (“D&M”) Plan and are expected to be completed within two to four weeks. Equipment installation is expected to take an additional four weeks after installation of the building 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, Cellco submits that the establishment of the Milford East Facility will not have any substantial adverse environmental effects. A public need exists for high quality reliable wireless service in the Town 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 far outweighs any possible environmental effects resulting from the construction of the proposed cell site.

WHEREFORE, Cellco respectfully requests that the Council grant this Application for a Certificate of Environmental Compatibility and Public Need for the proposed Milford East Facility.

Respectfully submitted,

THE TOWERS LLC

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.

By: _____

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