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December 4, 2020

VIA HAND DELIVERY

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

**Re: Application for Certificate of Environmental Compatibility and Public Need
for a proposed monopole wireless telecommunications facility at 800
Prospect Hill Road, Windsor, Connecticut**

Dear Attorney Bachman:

This office represents Tarpon Towers II, LLC (“Tarpon”). On behalf of Tarpon, I have enclosed an original and twenty (20) copies of the above-mentioned application for a Certificate of Environmental Compatibility and Public Need as well as the filing fee related thereto. I have also enclosed a bulk filing, which includes twenty (20) copies of the Technical Report and four (4) copies of the Town of Windsor Zoning Regulations, Inland Wetland and Watercourses Regulations, Plan of Conservation and Development, and Official Zoning Map.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jesse A. Langer', is written over a light blue horizontal line.

Jesse A. Langer

Enclosures

3080418



**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**RE: APPLICATION OF TARPON TOWERS II, LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 800 PROSPECT HILL ROAD IN
THE TOWN OF WINDSOR, CONNECTICUT**

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

December 4, 2020

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EXECUTIVE SUMMARY

Tarpon Towers II, LLC (“Tarpon”) seeks to construct, maintain and operate a wireless telecommunications facility (“Facility”) on real property commonly known as 800 Prospect Hill Road, Windsor, Connecticut (“Property”). The Property is an approximate 5.76 acre parcel, consisting of one lot and located within an Industrial Zone. The Property is developed and currently hosts four office or industrial buildings with associated parking and loading areas.

The proposed Facility would consist of a 135 foot monopole structure, with a lightning rod attached as the highest appurtenance. The monopole would host an antenna array belonging to T-Mobile Northeast LLC, a subsidiary of T-Mobile USA Inc. *d.b.a.* T-Mobile, mounted to the monopole at centerline of approximately 130 feet above grade level. The monopole structure would sit within a 2,304 (48 x 48) square foot fenced compound, located in the northern portion of the Property. The proposed Facility would provide reliable wireless communications services to local roads and areas along the Day Hill Road Corridor, between Route 187 and Interstate 91, in the Town of Windsor.

Related equipment cabinets would be placed nearby within the leased area. The equipment would be surrounded by an eight foot high chain link fence. Access to the proposed monopole structure would be across an existing bituminous drive. Utility connections would extend underground from Prospect Hill Road. Please see Figures 1 and 2 below, which depict the site location and an aerial of existing conditions, respectively.

Figure 1 – Site Location

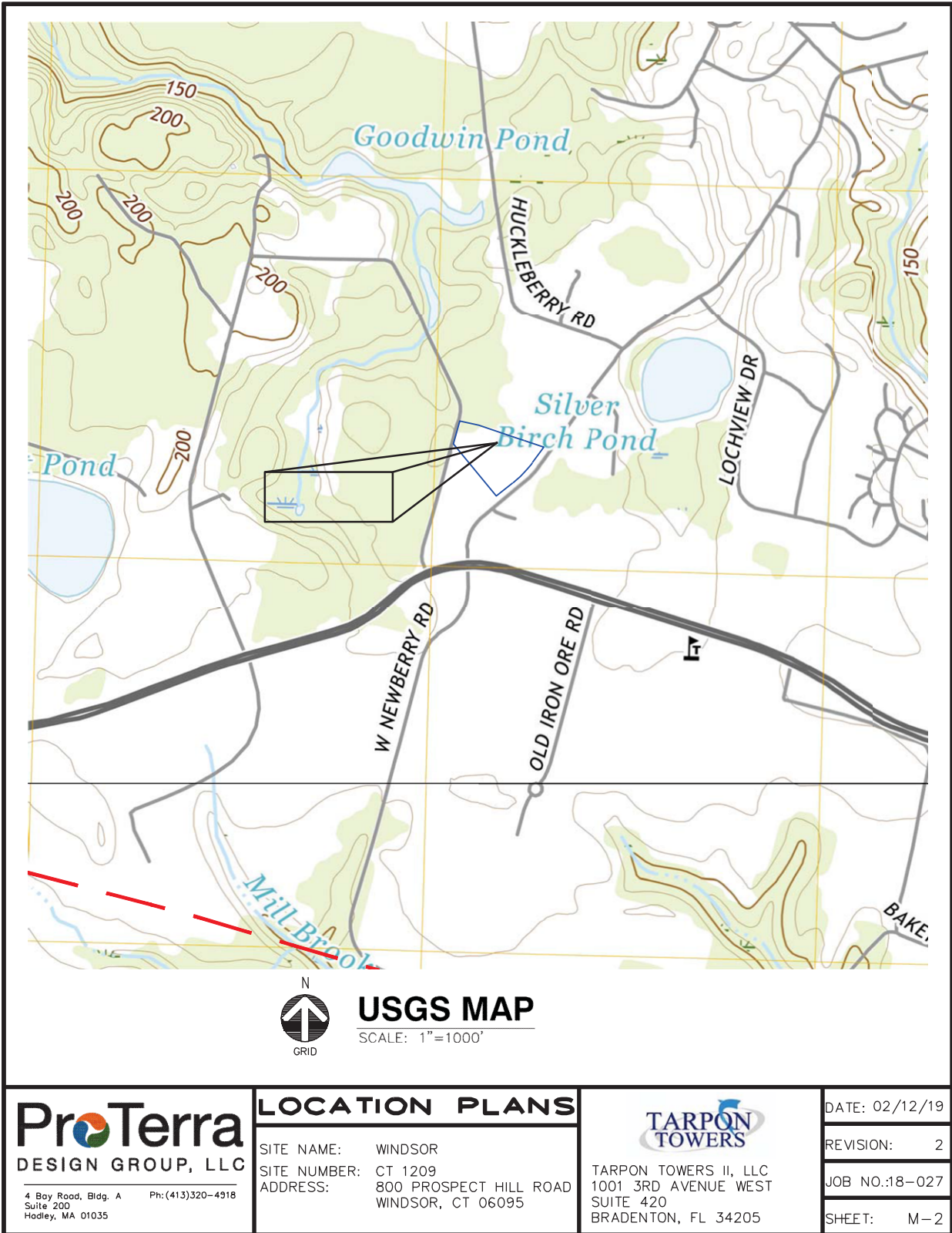
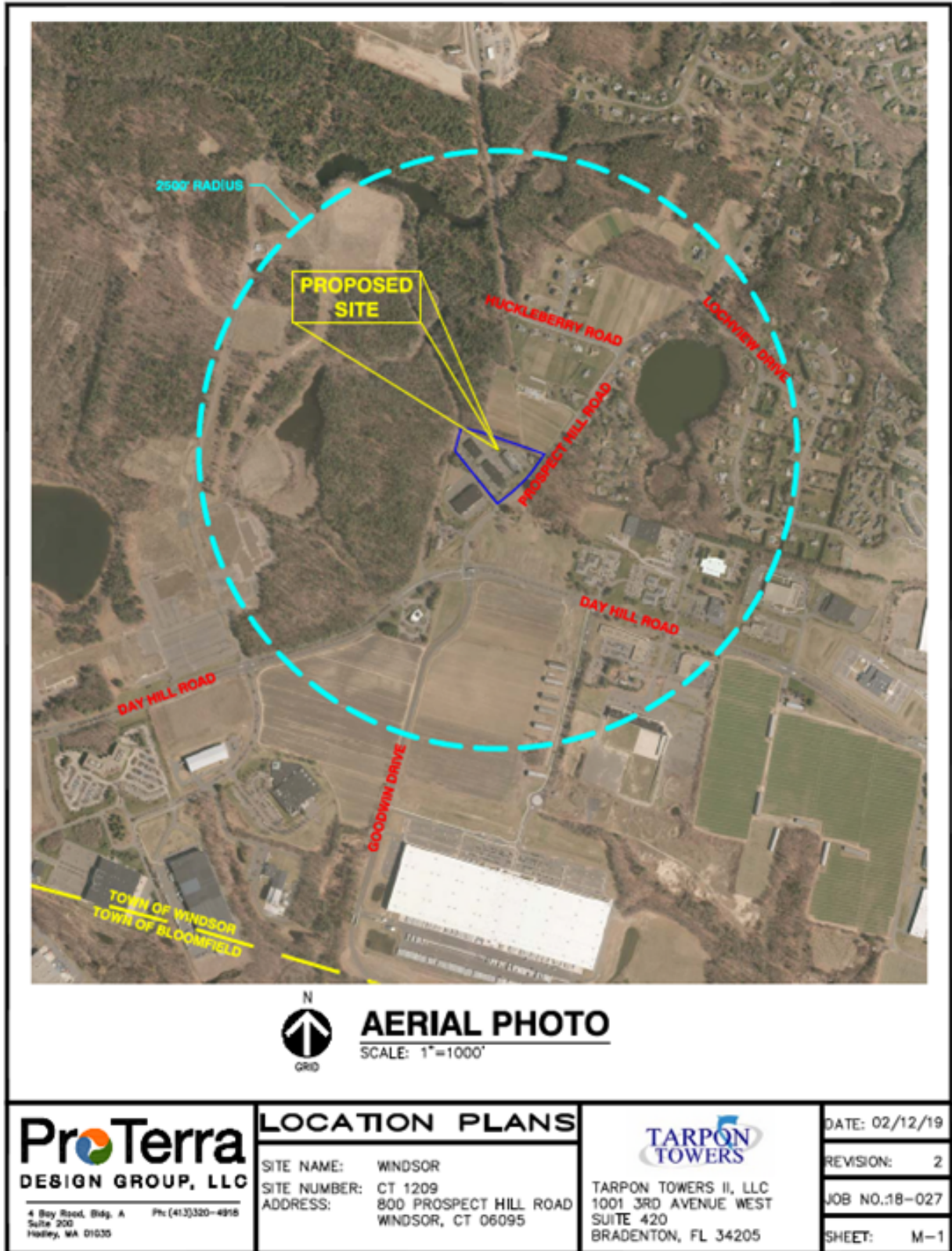


Figure 2 – Aerial Photo



**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

DOCKET NO. _____

**APPLICATION OF TARPON TOWERS II,
LLC FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE
AND OPERATION OF A
TELECOMMUNICATIONS FACILITY
AT 800 PROSPECT HILL ROAD IN THE
TOWN OF WINDSOR, CONNECTICUT**

December 4, 2020

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

I. INTRODUCTION

A. Authority and Purpose

In accordance with General Statutes § 16-50g *et seq.* and § 16-50j-1 *et seq.* of the Regulations of Connecticut State Agencies, Tarpon Towers II, LLC (“Tarpon”), hereby submits this Application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) to the Connecticut Siting Council (“Council”) for the construction, maintenance and operation of a wireless telecommunications facility (“Facility”) on real property commonly known as 800 Prospect Hill Road, Windsor, Connecticut (“Property”).

The Facility would consist of a 135 foot monopole structure, with a lightning rod attached as the highest appurtenance. The monopole would host an antenna array belonging to T-Mobile Northeast LLC, a subsidiary of T-Mobile USA Inc. *d.b.a.* T-Mobile (“T-Mobile”), mounted to the monopole at centerline of approximately 130 feet above grade level (“AGL”). The monopole structure would sit within a 2,304 (48 x 48) square foot fenced compound, located in the northern portion of the Property. Related equipment cabinets would be placed nearby within the leased

area. The site plan, topographic site map and aerial of the proposed Facility are appended hereto as Attachment 1.

B. The Applicant

Tarpon is a limited liability company organized under the laws of the State of Delaware. It has a business address of 8916 77th Terrace East, Suite 103, Lakewood Ranch, Florida, 34202. Tarpon provides deployment, acquisition and funding for wireless telecommunications facilities throughout the United States, including Connecticut. Communications concerning this Application for a Certificate should be addressed to the attorneys for Tarpon as follows:

Updike, Kelly & Spellacy, P.C.
8 Frontage Road
East Haven, CT 06512
Telephone: (203) 786-8317
Attention: Jesse A. Langer, Esq.

C. Application Fee

The estimated total construction cost for the Facility would be less than \$5,000,000. In accordance with § 16-50v-1a(b) of the Regulations of Connecticut State Agencies, a check made payable to the Council in the amount of \$1,250 accompanies this Application.

D. Compliance with General Statutes § 16-50r

Tarpon is not engaged in generating electric power in the State of Connecticut; therefore, the proposed Facility is not subject to General Statutes § 16-50r. The Facility has not been identified in any annual forecast reports and, thus, is not subject to General Statutes § 16-50r(c).

II. SERVICE AND NOTICE REQUIRED BY GENERAL STATUTES § 16-50l(b)

Pursuant to General Statutes § 16-50l(b), Tarpon sent copies of this Application to municipal, regional, State and Federal agencies and officials. A certificate of service, along with a list of the agencies and officials served with a copy of the Application, is appended hereto as

Attachment 2. Tarpon has also published notice of its intent to file this Application on two separate occasions in the *Hartford Courant* in accordance with § 16-50l(b). Copies of the legal notices and certificate of publication are appended hereto as Attachment 3. Furthermore, in compliance with § 16-50l(b), Tarpon sent notices to each person appearing of record as the owner of real property abutting the Property. Certification of such notice, a sample notice letter, and a list of all property owners to whom the notice was mailed are appended hereto as Attachment 4.

III. STATEMENT OF NEED AND BENEFITS

A. Overview

In amending the Communications Act of 1934 with the Telecommunications Act of 1996, the United States Congress recognized the important public need for high quality telecommunications services throughout the United States. The purpose of the Telecommunications Act of 1996 (“Act”) was to “provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans.” H.R. Conf. Rep. No. 104-458, 206, 104th Cong., Sess. 1 (1996).

Congress preserved state and local authority over the siting of telecommunications facilities. 47 U.S.C. § 332(c)(7)(A). That authority, however, is limited in that state and local agencies cannot unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of wireless services. 47 U.S.C. § 332(c)(7)(B)(I) and (II). State and local authorities also cannot promulgate legal requirements that prohibit or have the effect of prohibiting the provision of wireless services. Additionally, state and local authorities cannot regulate or deny an application for the “placement, construction, and modification of [telecommunications facilities] on the basis of the environmental effects of radio

frequency emissions to the extent that such facilities comply with the [Federal Communications Commission’s] regulations governing such emissions.” 47 U.S.C. § 332(c)(7)(B)(iv).

Recent rulings by the Federal Communications Commission (“FCC”) underscore the need to accelerate rapid deployment of wireless services. The FCC has recognized that the “[d]emand for wireless capacity is booming: more consumers are accessing mobile broadband every year . . . [b]ut our ability to meet this demand depends on the infrastructure that supports the services.” FCC Order 14-153, p. 2, ¶ 2. The FCC has taken steps to facilitate the need for additional wireless sites to address capacity issues. *Id.* The FCC’s rulings reflect its “ongoing commitment to promote wireless infrastructure deployment, with the goal of facilitating robust wireless coverage for consumers everywhere.” *Id.*, p. 3, ¶ 4.

Consumers increasingly rely on and use their mobile broadband services and the volume of data has increased multifold. *Id.*, p. 4, ¶ 7. “As the demand for wireless capacity surges, [the FCC] must take steps to ensure that the networks underlying wireless services can bear the load. . . . America’s growing demand for wireless broadband will require the deployment of large numbers of new or improved wireless facilities.” (Emphasis added.) *Id.*, p. 5, ¶ 8.

The FCC recently issued two declaratory rulings to assist in the deployment of wireless facilities. First, FCC Order 18-133, which took effect on January 14, 2019, implemented several changes, including additional streamlined timeframes in which municipalities must rule on requests for wireless facilities. The FCC recognized, as it did in FCC Order 14-153, the import and reach of the Act to secure equal access to telecommunication technologies at lower prices, but with higher quality services. FCC Order 18-133, p. 2, ¶ 14. Second, FCC Order 20-75, effective June 10, 2020, provided further clarification on the FCC’s rules in its continued efforts to facilitate

the streamlined deployment of wireless services, including 5G networks, whether by small cell deployment or macro towers. FCC Order 20-75, pp. 1-3, ¶¶ 1-4.

B. Statement of Need

The Facility is an integral component of T-Mobile's network, specifically to the local roads and areas along the Day Hill Road Corridor, between Route 187 and Interstate 91, in the Town of Windsor ("Town"). This area is largely underserved and would include much needed service such as In-Building Residential (IBR) coverage improvements in the area of Day Hill Road, Huckleberry Lane and Iron Ore Road. The proposed Facility would also provide capacity relief to existing sectors on T-Mobile facilities CTHA068A and CT11227D. These existing T-Mobile sites presently cover the aforementioned area below T-Mobile's minimum signal level for reliable IBR coverage. The proposed Facility would increase user experience, including data rates and call quality, as well as provide additional capacity in this area and connect reliably to Emergency 911 services. T-Mobile needs the Facility, in conjunction with other existing telecommunications facilities in the Town, to provide reliable services to the public. The propagation plots, appended hereto as Attachment 5, depict T-Mobile's need for the Facility.

C. Statement of Benefits

As highlighted in Part III.A, *supra*, the usage of wireless services is ubiquitous. The public's demand for traditional cellular telephone services has evolved to include expectations of seamless service, wherever the public is, stationary or not, and readily available access to the internet as well as the ability to send and receive voice, text, image and video through their wireless devices continuously. The ever increasing availability and enhanced sophistication of wireless services has led the public to use their wireless devices as their primary form of communication

for both personal and business needs. The proposed Facility would allow T-Mobile, and other future carriers, to provide these benefits to the public.

Additionally, to help provide the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (“911 Act”). The purpose of the legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. In enacting the 911 Act, Congress recognized that networks capable of rapid, efficient deployment of emergency services would enable faster delivery of emergency care, resulting in reduced fatalities and severity of injuries. With each year since the passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill or injured individuals such as motorists, hikers and boaters.

As an outgrowth of the 911 Act, the FCC mandated that wireless carriers provide enhanced 911 services (“E911”) as part of their communications networks. These services ultimately allow 911 public safety dispatchers to identify a wireless caller’s location within several hundred feet. The Facility would become an integral component of T-Mobile’s E911 network in this area of the State. As other wireless carriers expand their service in the Town through the Facility, E911 services would experience additional improvement.

D. Technological Alternatives

There are no other feasible alternatives to the macro site proposed in this Application. Distributed antenna systems (DAS), repeaters, small cells and other types of transmitting technologies are not a suitable means by which to provide service within the sizeable coverage gap presented in this Application. The Facility is a necessary component of T-Mobile’s network, and would also allow other wireless carriers to provide services in this area of the Town.

IV. SITE SELECTION AND TOWER SHARING

Generally, carriers licensed by the FCC investigate prospective sites in an area based upon the needs of its wireless network and infrastructure. A carrier, such as T-Mobile, chooses a target area central to the area in which it has identified coverage and/or capacity needs after extensive research of that area. The area targeted is the geographical location where the installation of a site would likely address the identified coverage or capacity need based on general radio frequency engineering and system design standards. The goal is to locate sites that will remedy coverage or capacity issues, cause the least environmental impact and avoid the unnecessary proliferation of towers.

As a general matter, site acquisition personnel study the area in and near the search area to determine whether any suitable structures exist. If a structure of appropriate height and structural capabilities cannot be found, then site acquisition personnel focus on industrial and commercial areas, or other areas that comport to local zoning ordinances that have appropriate environmental and land use characteristics. The list of potential locations is limited by the willingness of property owners to make their properties available for a telecommunications facility. Radio frequency (“RF”) engineers study potentially suitable and available locations to determine whether those locations will meet the technical requirements for a telecommunications facility. The list of possible alternative sites may be further narrowed by potential environmental effects and benefits. The weight given to relevant factors varies for each search, depending on the nature of the area and the availability of potential sites.

Representatives of Tarpon, experienced in the development of wireless infrastructure, collaborated with representatives of T-Mobile to determine if there was a site within the search area that was more suitable than the Property. Based upon a comprehensive review of the

surrounding area, Tarpon did not find a site that would be more suitable than the Property. The nearest telecommunications facilities are already in use by T-Mobile. A map of existing facilities within a four mile radius of the proposed Facility is appended hereto as Attachment 6. There are no other structures that T-Mobile could use to alleviate the existing coverage gap. The Property is well suited to host the proposed Facility because:

- The Property is located in an area zoned for industrial uses;
- The Property is developed and the existing buildings would provide additional shielding of the equipment compound and lower portions of the Facility.
- The Property does not host any wetlands or watercourses, and the nearest wetlands are approximately 971 feet to the northwest on a separate property, with an intervening paved service road located on an adjacent parcel; and
- The construction of the Facility would require the removal of three trees, which are located within close proximity of an existing building on the Property. A copy of the Tree Inventory Letter is appended hereto as Attachment 7.

None of the other parcels reviewed were more suitable than the Property. In addition to the suitability of the Property from an environmental impact perspective, the Property would enable T-Mobile to address its coverage gap and provide capacity relief in this area of the Town. A site selection narrative and a map of rejected sites are appended hereto as Attachment 8.

The proposed Facility is designed to accommodate T-Mobile and three wireless providers. The Facility could also accommodate the Town or local emergency service providers should a need exist. *See* Attachment 1. The design of the proposed Facility comports with the public policy to “avoid the unnecessary proliferation of towers” as set forth in General Statutes § 16-50aa.

V. FACILITY DESIGN

The proposed Facility would consist of a 2,304 (48 x 48) square foot fenced compound. The Facility would be located in the northern portion of the Property, an approximate 5.76 acre

parcel, consisting of one lot and located at 800 Prospect Hill Road in the Town.¹ The Property is developed and currently hosts four office or industrial buildings with associated parking and loading areas. The Facility would include a 135 foot monopole structure, with a lightning rod attached as the highest appurtenance. T-Mobile's antenna array would be mounted at approximately 130 feet AGL. The antenna array would consist of three sectors, with three antennas per sector, and one microwave dish.

Related equipment cabinets would be placed nearby within the leased area. The equipment would be surrounded by an eight foot high chain link fence. Access to the proposed tower would be across an existing bituminous drive. Utility connections would extend underground from Prospect Hill Road. The Facility is designed to host three additional wireless providers and emergency services as needed.

VI. ENVIRONMENTAL COMPATIBILITY

In accordance with General Statutes § 16-50p, the Council is required to find and determine, among other things, the probable environmental impact of the Facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife. As set forth in this Application, the Facility would not have a substantial adverse environmental effect. Tarpon engaged All-Points Technology Corporation, P.C. ("All-Points") to perform a comprehensive environmental review of the Facility and Virtual Site Simulations, LLC ("VSS") to assess the potential visual impact of the proposed Facility.

¹ A redacted version of Tarpon's lease is appended hereto as Attachment 20.

A. Visibility

The visual impact of the Facility would vary from different locations around the Facility depending on factors such as topography, vegetation and distance from the Facility, as well as the location of structures around the Facility. A Viewshed Analysis Report, including viewshed maps and photo-simulations of the views of the Facility, prepared by VSS, is appended hereto as Attachment 9.

As part of its visibility analysis, VSS conducted a field verification on March 3, 2019, during leaf-off conditions, which included a balloon float during favorable weather conditions (sunny skies and calm winds). The balloon float consisted of a red, three-foot diameter, helium filled balloon tethered to a string height of 135 feet AGL at the site of the Facility.

The topography and vegetation within a two mile radius of the proposed Facility (“Study Area”) serve to minimize the potential visual impact of the proposed Facility. Only 6 percent of the Study Area would have year round views of portions of the Facility. The majority of those views (70 percent) are within the agricultural, commercial and industrial areas to the south of the proposed Facility. There are some small pockets of visibility to residences within .35 miles of the proposed Facility, largely confined to those within .20 miles of the proposed Facility. Most of the limited year round views would be of the uppermost portion of the proposed Facility.

An additional .39 percent (eight acres) of the Study Area would have seasonal (leaf-off) views of the proposed Facility. These seasonal views would occur primarily along the edges of the year-round views with some small pockets of seasonal visibility scattered within the residential area to the west. These views can be characterized as distant and obscured by existing tree mast.

General Statutes § 16-50l(g)(1) requires an applicant to include in its Technical Report to the host municipality “the location of all schools near the proposed facility, an analysis of the

potential aesthetic impacts of the facility on said schools, as well as a discussion of efforts or measures to be taken to mitigate such aesthetic impacts” VSS engaged in such an assessment and determined that there are no schools located within the Study Area. The closest school is the Metropolitan Learning Center, which would not have any views of the proposed Facility. See Attachment 9.

Weather permitting, Tarpon will raise a balloon with a diameter of at least three feet at the location of the proposed Facility on the day of the Council’s first hearing session on this Application, or at a time otherwise specified by the Council.

B. State and Federal Agency Comments

Section 16-50j-74(14) of the Regulations of Connecticut State Agencies requires the applicant to provide a listing of all agencies with which reviews were conducted concerning the proposed Facility, including a copy of all positions or decisions taken by those agencies concerning the proposed Facility. In compliance with the Council’s regulations, Tarpon submitted a request for review of and comment on the proposed Facility to the following State agencies: the Connecticut Department of Energy and Environmental Protection (“DEEP”) and the State Historic Preservation Office as a component of the Department of Economic & Community Development (“SHPO”). Tarpon also consulted with the following federal agencies: United States Fish and Wildlife Service (“USFW”), the Federal Aviation Administration (“FAA”) and the FCC.

1. DEEP Natural Diversity Database Review

All-Points consulted with DEEP for a review of the proposed Facility under the DEEP Natural Diversity Database (“NDDB”). The DEEP issued a determination letter indicating that the Eastern Box Turtle and the Eastern Hognose Snake are located within the vicinity of the

proposed Facility.² Accordingly, the DEEP recommended that Tarpon implement certain protection strategies, primarily related to construction, to protect these species of special concern. If the Council approves this Facility, Tarpon would incorporate these protection strategies into its Development and Management Plan (“D&M Plan”). A Copy of All-Point’s NDDB Compliance Determination, including the DEEP determination letter is appended hereto as Attachment 10.³

2. SHPO Consultation

On February 6, 2019, the SHPO determined that the proposed Facility “will have no adverse effect to sites listed on or eligible for listing on the National Register of Historic Places” under the following conditions: (1) the antennas, cables and associated equipment will be designed and painted to match adjacent materials and installed as non-visibly as possible and (2) antennas, cables and associated equipment not in use for six consecutive months will be removed within ninety days of the end of such six month period. Tarpon would incorporate these conditions into its D&M Plan in the event the Council approves the Facility. A copy of the SHPO determination is appended hereto as Attachment 11.

3. USFW Consultation

The USFW consultation revealed that the northern long-eared bat (“NLEB”) is known to occur in the vicinity of the proposed Facility. As a result of this preliminary finding, All-Points consulted with the DEEP, which confirmed that there are no known occupied maternity roost trees within 150 feet of the proposed Facility or known NLEB hibernaculum within one-quarter mile of

² Although there are no known locations of state-listed species depicted at the location of the proposed Facility, the Property is located approximately 0.06 miles southeast of an NDDB buffer area.

³ The DEEP has updated its NDDB publicly-available mapping since All-Points completed its NEPA review. There were no substantive changes to the vicinity of the proposed Facility. However, the NDDB determination letter, dated January 8, 2019, has a sunset date of January 8, 2021. As such, Tarpon is in the process of consulting with the DEEP to confirm the original findings and secure an extension to its determination. A copy of the agency’s final determination will be provided to the Council upon receipt.

the proposed Facility. The nearest NLEB habitat resource is located approximately 4.6 miles to the northwest in East Granby. As required by federal law, All-Points submitted this information to the USFW and did not receive a response. This lack of response constitutes a determination from the USFW that the proposed Facility would have no effect on NLEB. See Attachment 10, which includes the USFW Compliance Determination prepared by All-Points.

4. FAA Consultation

The proposed Facility would not constitute a hazard to air navigation and otherwise require any additional measures or authorizations from the FAA. A Copy of the FAA Determination and Extension is appended hereto as Attachment 12.

5. Other Environmental Factors

The Facility would be unmanned, requiring infrequent monthly maintenance visits by each carrier that typically last approximately one hour in duration. T-Mobile would monitor its equipment at the Facility, which would be monitored twenty-four hours a day, seven days a week from a remote location. The Facility would not require a water supply or wastewater utilities. The Facility would not require outdoor storage or solid waste receptacles and the Facility would not create or emit any smoke, gas, dust or other air contaminants, noise, odors or vibrations. In the event of a temporary power outage, the Facility would be equipped with a generator hook-up for the limited use of a portable 25 kW diesel generator. The portable generator would comply with all applicable DEEP regulations.

All-Points evaluated the Facility pursuant to the FCC's regulations implementing the National Environmental Policy Act of 1969 ("NEPA"). The Property is not designated as a wilderness area and is not located in any areas identified as a wildlife preserve or in a USFW National Wildlife Refuge. There are no National Parks, National Forests, National Parkways or

Scenic Rivers, State Forest, State Designated Scenic Rivers or State Gamelands located in the vicinity of the proposed Facility. Furthermore, according to the site survey and field investigations by All-Points, the Facility would not impact any federal or state regulated wetlands or watercourses. A copy of All-Point's NEPA Review Summary is appended hereto as Attachment 13.⁴ Additionally, the situs of the Facility is not located within a floodplain. A copy of the Flood Insurance Rate Map is appended hereto as Attachment 14.

All-Points also performed a desktop avian assessment, which documented the proximity of the proposed Facility to avian resource areas and the Facility's compliance with the guidelines recommended by the USFW. All-Points determined that the proposed Facility would not impact any migratory bird species. Most notably, the Facility would comply with the USFW guidelines because the height would be below 199 feet, would not include guy wires and would not require lighting. A copy of the Avian Assessment Report is appended hereto as Attachment 15.

Based upon Tarpon' thorough review of the proposed Facility and its potential impact on the environment in accordance with the dictates and spirit of the NEPA, the Facility is categorically excluded from any requirement for further environmental review by the FCC and no permit is required by the FCC prior to construction of the proposed Facility. Ultimately, the construction, maintenance and operation of the proposed Facility would have no significant adverse effect on the State's natural environment, ecological balance, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife.

⁴ On behalf of Tarpon, All-Points fulfilled the FCC's NEPA requirements in February 2019. There is no sunset date for compliance with NEPA, provided that there are no changes or new listings with respect to the FCC NEPA categories. All-Points reviewed the information pertinent to the NEPA categories and confirmed that no such changes or new listings have occurred since February 2019. Of primary importance to the Council, there are no new listings to the National Register of Historic Places.

C. Radio Frequency/Power Density

The FCC has adopted a standard for exposure to RF emissions from telecommunications facilities similar to the proposed Facility. These standards are set forth in a bulletin published by the FCC, specifically the FCC's Office of Engineering and Technology Bulletin No. 65, Edition 97-01 (August 1997) ("OET Bulletin 65"). Tarpon had a maximum density calculation performed with the assumption that all of T-Mobile's antennas are operating simultaneously at full power. Under this worst case assumption, the RF power density of T-Mobile's antennas would not exceed 10.69 percent of the FCC's standard as set forth in the OET Bulletin 65. A copy of the Radio Frequency Emissions Analysis Report is appended hereto as Attachment 16.

VII. CONSISTENCY WITH MUNICIPAL LAND USE REGULATIONS

Section 16-50j-74(6) of the Regulations of Connecticut State Agencies and § V(R)(2) of the Council's Application Guide, as amended in July, 2012, require an applicant for a Certificate to provide a description of the zoning classification of the site of the Facility and the surrounding areas, and a narrative summary of the consistency of the proposed Facility with the host municipality's regulations and plans. This section addresses the Town's Plan of Conservation and Development ("Plan"), the Town's zoning regulations ("Zoning Regulations"), the Town's inland wetlands and watercourses regulations ("Inland Wetlands Regulations"), the Town's zoning classification of the site and surrounding areas, as well as Tarpon's consultation with the Town. Tarpon submitted a bulk filing with the Council contemporaneously with this Application, which included four copies of the following: (1) the Plan; (2) Zoning Regulations; (3) Inland Wetlands Regulations; (4) Subdivision Regulations; and (5) Zoning Maps.

A. Planned and Existing Land Uses

The Property is located in an “Industrial Zone,” which “is intended to provide suitable, well-designed industrial areas” Windsor Zoning Regs., § 8.0. The Property is developed and currently hosts four office or industrial buildings with associated parking and loading areas. The areas within the vicinity of the proposed Facility are zoned for industrial to the south and west, as well as agricultural and residential to the north and east. Tarpon is not aware of any plans by the Town to change or amend the existing or surrounding land uses.

B. The Plan

The Town’s Plan addresses its communications infrastructure, which includes “wires, cables, towers and facilities needed to support voice, television, and data services (*i.e.*, land line and internet phones, Internet access, cable television, and wireless phones). Plan, ch. 13, p. 13-9. The Plan recognizes that its communications infrastructure has less of a “direct impact on the location and intensity of development, but [its] availability and adequacy impact [the Town’s] competitiveness in attracting and retaining businesses and residents.” *Id.*, p. 13-1. Accordingly, the Plan emphasizes the need for the Town to “focus . . . on ensuring that latest, fastest, and most reliable services are available in Windsor.” *Id.*, p. 13-9. The Plan further provides that most wireless networks “continue to upgrade their voice and data capacity as new technology and growing demand require.” *Id.*, p. 13-10. The Plan also acknowledges the Council’s exclusive jurisdiction over facilities like that proposed in this Application. *Id.*

C. The Zoning Regulations

Section 14.2.16 of the Zoning Regulations addresses wireless telecommunications facilities. *See* Bulk Filing, Windsor Zoning Regs., § 14.2.16. Section 14.2.16 expressly acknowledges the Council’s exclusive jurisdiction over the type of Facility proposed in this

Application. *Id.*, § 14.2.16(A). The first three location preferences relate to existing buildings or structures. *Id.*, § 14.2.16(C)(1)(b)(i)-(iii). The fourth preference refers to “non-sensitive areas”; *id.*, § 14.2.16(C)(1)(b)(iv); which means, for purposes of siting a “tower,”⁵ areas not categorized as “sensitive.” *Id.*, § 2.2. The Zoning Regulations define “sensitive” to mean, for the purposes of siting a “tower,” “historic areas,⁶ residential areas,⁷ other areas,⁸ and streets.”⁹ *Id.* The final preference is in “sensitive areas with mitigation.” *Id.*, § 14.2.16(C)(1)(b)(v). The proposed Facility would be located in a “non-sensitive area.” *See Attachment 1.*

The following table provides a comparison of the proposed Facility with the requirements set forth in the Zoning Regulations.

Section	Requirement	Proposed Facility
§ 14.2.16(C)(2)(a)	All utilities serving the facility shall be underground	Utility connections would extend underground from Prospect Hill Road.

⁵ “Tower” means “[a] structure or antenna mount intended to support antennas or wind generators including self-supporting lattice, guyed and monopole towers.”

⁶ “Historic Area” means, for the purpose of siting a “tower,” Windsor’s Historic District as defined by the Town’s Ordinance, properties listed on the National Register of Historic Places, or areas within 250 of such district or property.

⁷ “Residential Area” means, for the purpose of siting a “tower,” “areas located in, or within 250 feet of, a Residential Zone.”

⁸ “Other Areas” means for the purposes of siting a “tower,” the “Windsor Center, its Fringe Areas, and the Wilson Study Area (south of Putnam Highway), as depicted in the Plan of Conservation and Development . . . and Special Flood Hazard Areas or within 250 feet of Special Flood Hazard Areas along the Farmington or Connecticut Rivers.”

⁹ “Street” means “[a]ny public or private roadway located within a right-of-way designed, maintained, and used as a public thoroughfare in accordance with the Connecticut General Statutes and the Town of Windsor Code of Ordinances, or recorded in the office of the Town Clerk if constructed and accepted before the passage of state and local regulations.”

<p>§ 14.2.16(C)(2)(b)(i)</p>	<p>The compound shall be large enough to accommodate the required equipment, access drive and parking for all carriers anticipated</p>	<p>The leased area can accommodate the base equipment for four carriers and municipal emergency services equipment, if necessary. Access is available over an existing bituminous drive and sufficient parking is available for the infrequent maintenance and repair visits by the carriers.</p>
<p>§ 14.2.16(C)(2)(b)(ii)</p>	<p>A screening and landscaping area at least 20 feet wide around the outside of the security fence perimeter or the area around the smallest rectangle that can encompass all tower base equipment if no fencing is required. This area shall be landscaped to screen the tower base equipment or security fence from view.</p>	<p>The compound would be protected by a security fence. The view of the compound and security fence would be largely shielded from the road and surrounding properties by the existing buildings on site and mature vegetation.</p>
<p>§ 14.2.16(C)(2)(c)</p>	<p>A tower proposed as a ground - mounted facility shall have at least the fall zone distance from any abutting property.</p>	<p>The monopole is well beyond its fall zone from the property boundary to the east, west and south. The monopole would be located approximately ninety-three feet from the northern boundary. The property abutting to the north is used for agricultural purposes and there are no residential dwellings proximate to the fall zone.</p>

<p>§ 14.2.16(C)(2)(d)</p>	<p>Tower base equipment structures, cabinets, and fencing of ground -mounted facilities shall not be located within any required yard.</p>	<p>The tower base equipment would not be located within any yard requirement. The minimum yard requirements for an industrial district are as follows: front – fifty feet; side – thirty-five feet; rear – thirty-five feet. The closest point would be the property line to the north, which would be sixty-five feet from the edge of the equipment compound.</p>
<p>§ 14.2.16(C)(3)(a)</p>	<p>Unless otherwise specifically approved by the Commission, all towers proposed under this Section shall be monopoles.</p>	<p>The proposed Facility would be a monopole.</p>
<p>§ 14.2.16(C)(3)(b)</p>	<p>Unless required by the FAA or otherwise specifically approved by the Commission, the color of towers and other visible facility equipment shall be a non-contrasting blue or gray.</p>	<p>The monopole would be a non-contrasting gray or a color as directed by the Council.</p>
<p>§ 14.2.16(C)(3)(c)</p>	<p>Unless required by the FAA, no lights shall be permitted on any facility above 14 feet of the surrounding grade.</p>	<p>The Facility would not be lighted.</p>
<p>§ 14.2.16(C)(3)(d)</p>	<p>No signs other than those for safety or security directly involving the operation of the facility shall be permitted.</p>	<p>The Facility would not include any signage other than that required by the FCC.</p>

<p>§ 14.2.16(C)(3)(e)</p>	<p>To minimize tower proliferation, towers shall be designed structurally to adequately carry the weight, load/stress, and height to permit at least three additional co-locators including a municipal antenna, unless specifically waived by the Commission. To achieve this, the tower may be designed for incremental height expansion.</p>	<p>The Facility would be designed to accommodate four wireless carriers.</p>
<p>§ 14.2.16(C)(3)(f)</p>	<p>The maximum size of a tower-mounted dish antenna shall be 3 feet in diameter. The maximum size of a panel antenna shall be 2 feet by 6 feet (for ground or roof-mounted dish antennas, see Sections 4.4.11, 4.5.9, and 14.2.5B).</p>	<p>The proposed dish would not exceed three feet in diameter.</p>

D. The Inland Wetlands Regulations

The Town’s Inland Wetlands Regulations regulate certain activities conducted in or adjacent to “wetlands” and “watercourses” as defined therein. Regulated activities include the “removal or deposition of material, or any obstruction, construction, alteration or pollution” of a wetland or watercourse. *See* Bulk Filing, Wetlands Regulations, § 2.1(ii). The Town further defines “regulated activity” to include “any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of stormwater on the land within 150 feet measured horizontally from the boundary of any wetland or watercourse” *Id.*

There are no wetlands or watercourses on the Property. The nearest wetlands area to the Facility is approximately 971 feet to the northwest on a separate property, with an intervening paved service road located on an adjacent parcel. Because of the distance from the proposed Facility to the nearest wetlands area, All-Points concluded that the proposed Facility would not have a direct or indirect impact on any wetlands area or watercourse. Additionally, there are no Aquifer Protection Areas in the Town.¹⁰ A copy of a wetlands report prepared by All-Points is appended hereto as Attachment 17.

E. Municipal Consultation

General Statutes § 16-50/(g) requires an applicant to consult with the municipality in which the Facility would be located, and with any adjoining municipality having a boundary of 2,500 feet from the proposed Facility, concerning the proposed Facility and possible alternative sites of the Facility. On November 6, 2014, Tarpon submitted a technical report concerning the proposed Facility to the Honorable Mayor, Donald S. Trinks, copying the Planning & Zoning Commission and the Inland Wetlands and Watercourses Commission. An additional copy was supplied thereafter to the Town Manager, Peter P. Souza. The technical report, a copy of which is included in the bulk filing with this Application, included the specifics about the Property, the Facility, the site selection process and the possible environmental impact of the Facility pursuant to § 16-50/(e), as amended. There are no municipalities within 2,500 feet of the proposed Facility. A copy of the cover letter submitted with the technical report is appended hereto as Attachment 18.

The Town requested that Tarpon participate in a public informational meeting. On January 30, 2020, representatives of Tarpon made a presentation to the public concerning the proposed

¹⁰ The DEEP does not include any mapping of Towns without an Aquifer Protection Area. Please see https://www.ct.gov/deep///cwp/view.asp?q=322248&deepNav_GID=1654.

Facility and answered questions posed by the public after due notice. A copy of the public notice, the publisher's certificate and a sample abutters letter is appended hereto as Attachment 19.

VIII. ESTIMATED COST AND SCHEDULE

Section 16-50j-74 (11) and (12) of the Regulations of Connecticut State Agencies require the applicant for a Certificate to provide a statement of the estimated cost and schedule for proposed Facility.

A. Overall Estimated Cost

The total estimated cost of construction for the Facility is \$257,000. This estimate includes:

1. Foundation: \$50,000
2. Tower: \$60,000
3. Site Development Costs: \$109,000
4. Utility Installation Costs: \$38,000

The estimate excludes the installation of T-Mobile's equipment.

B. Overall Scheduling

Tarpon would commence site preparation and engineering immediately following the Council's approval of Tarpon's D&M Plan. Tarpon anticipates that it would take approximately twelve weeks to install the monopole structure as well as T-Mobile's antennas and associated equipment. Facility integration and system testing would likely require an additional two weeks after the completion of construction.

IX. CONCLUSION

This Application demonstrates that a public need exists for the proposed Facility and that the Facility would not have any substantial adverse environmental effects. A public need exists for improved wireless services in the Town. The public need for the Facility far outweighs any

potential environmental effects resulting from the construction, maintenance and operation of the Facility.

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

Respectfully submitted by,

TARPON TOWERS II, LLC



By: _____

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