

CONNECTICUT SITING COUNCIL
DOCKET NO. 455

IN THE MATTER OF:

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

APPLICANT'S POST-HEARING BRIEF

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EXECUTIVE SUMMARY

On December 30, 2014, Cellco Partnership d/b/a Verizon Wireless (“Cellco”) filed an application (“Application”) with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Capability and Public Need (“Certificate”) to construct a wireless telecommunications facility on an approximately 27-acre parcel at 99 East Street in Southington, Connecticut (the “Property”). The Property is owned by the Town of Southington (“Town”). The southerly portion of the Property is used as the Town’s leaf composting facility. The proposed wireless facility is needed to replace a portion of the wireless service that will be lost when Cellco decommissions its existing Meriden cell site, located on West Peak in Meriden, and will provide additional coverage in southerly portions of the Town, particularly along portions of Route 120. The proposed facility will interact with Cellco’s existing cell sites in Southington, Meriden, New Britain, Plainville and Berlin, Connecticut.

Facility Description

Cellco proposes to construct an 90-foot monopole tower disguised as a pine tree in the central portion of the Property. Cellco would install twelve (12) panel-type antennas at a centerline height of 80 feet above ground level (“AGL”). The 90-foot level of the tower would be reserved for future use by the Town. Faux branches on the tree tower would extend above the top of the tower to an overall height of approximately 97 feet AGL. Cellco would also install a 12’ x 30’ shelter on the ground near the base of the tower to house its radio equipment and a propane-fueled back-up generator. The tower, equipment shelter and a 1,000 gallon propane fuel tank will be located within a 50’ x 50’ leased area and fenced compound (the “East Street

Facility”). Access to the East Street Facility would extend from East Street over an existing dirt and gravel driveway used to access the compost facility, a distance of approximately 600 feet, then over a new gravel driveway extension, a distance of approximately 160 feet to the facility compound.

Public Need

Due to concerns for interference and overall conformance with network service objectives in the area, Cellco intends to decommission its existing Meriden cell site, located on West Peak in Meriden, in the near future. Due to its high ground elevation, the Meriden (West Peak) cell site provides wireless service in a manner inconsistent with current RF engineering practices and interferes with several of Cellco’s surrounding cell sites. Wireless service from the Meriden (West Peak) facility will be replaced by two new facilities; a recently approved water tank installation at 528 Johnson Avenue in Meriden and the proposed East Street facility. The proposed East Street Facility will also provide wireless service to southerly portions of the Town between Cellco’s existing Milldale, Southington 2, Southington, Southington North, New Britain 2, New Britain 4, Plainville 3, Berlin/Kensington and Berlin 3 cell sites.

The proposed East Street Facility will provide reliable wireless service to a 3.10 mile portion of Route 120 (Meriden Avenue), and an overall area of 11.92 square miles at 700 MHz frequencies; a 3.0 mile portion of Route 120 (Meriden Avenue), and an overall area of 13.3 square miles at 850 MHz frequencies; a 2.6 mile portion of Route 120 (Meriden Avenue), and an overall area of 7.3 square miles at 1900 MHz frequencies; and a 2.75 mile portion of Route 120 (Meriden Avenue), and an overall area of 5.63 square miles at 2100 MHz frequencies.

Nature of Probable Impacts

The record contains ample evidence to support a finding by the Council that the East Street Facility would not have a significant adverse impact on the environment. Cellco has presented evidence that the location and development of the East Street Facility will have no effect on historic resources in the area; will not adversely impact federal or State listed, threatened or endangered species or State species of special concern; will not have any direct or indirect impact on wetlands, watercourses and/or vernal pools on the Property or near the cell site; 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.

Cellco believes that due to its setting and surroundings, the proposal to install a tree tower at the Property is appropriate and eliminates the visual impacts of the tower on surrounding residential areas. The overall area where some portion of the proposed tree tower would be visible year round (above the tree line), is conservatively estimated to be approximately 30 acres, approximately 0.37 percent of the 8,042 acre study area. The areas of potential year-round visibility are generally limited to select locations within ¼ mile of the cell site. Areas where seasonal views are anticipated comprise an additional 67 acres. There are approximately forty (40) single family residences within 1,000 feet of the East Street Facility. The closest residence is located approximately 450 feet to the southeast at 163 East Street.

Public Input

Cellco commenced its local input process by meeting with Town officials on July 9, 2014, and provide them with copies of technical information summarizing Cellco's plans to establish the

East Street Facility. At the request of the Town, Cellco hosted a Public Information Meeting on September 18, 2014. Notice of this meeting was sent to all abutting land owners and was published in the Southington Observer.

Conclusion

The unrefuted evidence in the record clearly demonstrates that there is a need for the proposed East Street Facility and that the environmental impacts from the proposed facility location would be minimal.

I. INTRODUCTION

On December 30, 2014, Cellco Partnership d/b/a Verizon Wireless (“Cellco” or “Applicant”) filed with the Connecticut Siting Council (“Council”) an application (the “Application”) for a certificate of environmental compatibility and public need (“Certificate”), pursuant to Sections 16-50g et seq. of the Connecticut General Statutes (“Conn. Gen. Stat.”), for the construction, maintenance and operation of a wireless telecommunications facility (the “East Street Facility”) on an approximately 27 acre parcel at 99 East Street in Southington, Connecticut (the “Property”). The Property is owned by the Town of Southington (“Town”) and used, in part, as a leaf composting facility. (Cellco Exhibit 1 (“Cellco 1”); March 19, 2015 Site Visit). The proposed East Street Facility will replace a portion of the wireless service lost when Cellco decommissions its existing Meriden cell site located on West Peak in Meriden and will provide enhanced wireless service to the southerly portions of the Town. The West Peak facility was established in 1988, maintains a ground elevation of more than 1600 feet above mean sea level (“AMSL”) and does not fit into Cellco’s current network design parameters for the provision of reliable wireless service. (Cellco 1, pp. 6-7, Tab 1).

II. PROCEDURAL BACKGROUND

On March 19, 2015, the Council conducted an evidentiary hearing and an evening public hearing on the Application (April 29, 2014 Transcript (“Tr. 1”)). Prior to the evidentiary hearing, at 2:00 p.m. the Council conducted a site visit at the Property. Between the hours of approximately 8:00 a.m. and 6:00 p.m. on March 19, 2015, Cellco caused a red balloon to be flown as prescribed by the Council. (Tr. 1, pp. 12-13).

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

III. FACTUAL BACKGROUND

A. Pre-Application History

Cellco is licensed to provide wireless services in the 700 MHz, 850 MHz, 1900 MHz and 2100 MHz frequency ranges throughout Connecticut. Since 1988, Cellco has provided wireless service in southerly portions of Southington, in part, from its Meriden (West Peak) cell site. At West Peak, Cellco antennas are located on a tower at a ground elevation of more than 1,600 feet AMSL. The Meriden cell site is currently interfering with service from several of Cellco’s surrounding cell sites. Cellco has, therefore, decided to decommission its Meriden facility. Cellco’s proposed East Street Facility is one of two cell sites that Cellco intends to deploy to replace the service from its Meriden (West Peak) cell site.¹ The East Street Facility will also provide enhanced wireless service to significant portions of the Town, particularly along portions of Route 120, and in the surrounding residential areas and will interact with existing cell sites in Southington, Plainville, New Britain, Meriden and Berlin. (Cellco 1, pp. 6-7, Tab 6; Tr. 1, p. 10).

As a first step in its site search process, Cellco investigates whether there are existing towers or non-tower structures of suitable height in an area that can be used to satisfy its wireless

¹ The second new cell site designed to replace service that will be lost when the Meriden cell site is decommissioned, is a recently approved water tank location at 528 Johnson Avenue in Meriden. (Cellco 1, p. 7).

service objectives in an area. Cellco maintains two (2) existing towers and one roof-top facility within approximately three (3) miles of the East Street Facility location. These sites along with others in the area will interact with the proposed East Street Facility. (Cellco 1, Tab 6). These adjacent sites cannot, however, satisfy Cellco's need for additional wireless in southern portions of Southington. 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 existing non-tower structures of suitable height exist or were available for lease in the area.² If a new tower must be constructed, Cellco attempts to identify sites where the construction of a tower would not be inconsistent with area land uses and where the visual impact of the facility could be reduced to the greatest extent possible. (Cellco 1, pp. 11-15, Tab 8 and Tab 9). After investigating and evaluating seven (7) different properties, Cellco selected the Town parcel at 99 East Street to present to the Council. Cellco determined that an antenna centerline height of 80 feet AGL at this location would satisfy its wireless service objectives and that the site selected represents the most feasible alternative of the sites investigated.

B. Local Contacts

On July 9, 2014, Cellco representatives met with Southington's Deputy Town Manager and Town Attorney Mark Sciota and Planning Director Robert A. Phillips, to commence the ninety (90) day municipal consultation process. Messrs. Sciota and Phillips received copies of Cellco's technical information summarizing its plans to establish a telecommunications facility at the Property (the "Technical Report"). At this meeting, Cellco discussed, in detail, the aspects of the proposed East Street Facility, the need for wireless service improvements in southerly portions of

² During the course of the public hearing, Cellco also investigated and rejected the use of an existing AM Radio tower located at 440 Old Turnpike Road. (Tr. 1, pp. 103-104).

Southington and the Connecticut Siting Council application process. At the Town's request, Cellco hosted a Public Information Meeting ("PIM") at Southington Town Hall on September 18, 2014. Notice of the PIM was sent to abutting landowners and published in the *Southington Observer* weekly newspaper. (Cellco 1, pp. 19-20).

C. Tower Sharing

Cellco will design the facility tower and compound to be shared by other wireless carriers. As previously mentioned, the Town has reserved the 90-foot level on the tower for use by its municipal and emergency service providers, if a need exists. 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 carriers have expressed any interest in the East Street Facility. (Cellco 1, pp. 12-13, Tab 17; Tr. 1, pp. 18, 23-25, 27, 55-56).

D. The East Street Facility Proposal

The East Street Facility would be located within a 50' x 50' fenced compound and leased area in the westerly portion of an approximately 27 acre parcel at 99 East Street, owned by the Town of Southington. At this location, Cellco would construct an 90-foot self-supporting monopole tower disguised as a pine tree. Faux branches at the top of the tower will extend to a height of approximately 97 feet AGL. Cellco would install twelve (12) panel-type antennas at the 80-foot level. Vehicular access to the site would extend from East Street over an existing dirt and gravel driveway servicing the Town's composting facility a distance of approximately 600 feet, then over a short gravel driveway extension an additional distance of 160 feet. Utilities will extend underground from existing service along East Street along the east side of the Property to

the facility compound. (Cellco 1, pp. iii, 7-8, Tab 1).

Cellco would install a 12' x 30' single-story shelter near the base of the tower to house its receiving, transmitting, switching, processing and performance monitoring equipment and the required heating and cooling equipment. A propane-fueled back-up generator would also be installed in a segregated room inside the shelter for use during power outages and periodically for maintenance purposes. (Tr. 1, p. 39). The tower, equipment shelter and 1000 gallon propane tank would be surrounded by an 8-foot high security fence and gate. Cellco's equipment shelter would be equipped with a silent intrusion and system alarms and will be monitored on a 24-hour basis to receive and to respond to incoming alarms or other technical problems. (Cellco 1, pp. 7-8, Tab 1).

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

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

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

Conn. Gen. Stat. § 16-50p(a).

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

A. A Public Need Exists for a East Street Facility

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

In 2009, President Obama issued Presidential Proclamation 8460, in which “cellular phone towers” were identified as critical infrastructure vital to national security. (Council Adm. Notice

11). The same year, the United States Congress directed the FCC to develop a national broadband plan to ensure that every American has access to (wireless) broadband capability. The FCC released Connecting America: The National Broadband Plan (the “Broadband Plan”) a year later, which recognized broadband as a “foundation for economic growth, job creation, global competitiveness and a better way of life.” One of the Plan’s goals for 2020 is for the United States to “lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.” (Council Adm. Notice 19).

The proposed East Street Facility would be part of Cellco’s expanding wireless telecommunications network envisioned by the Telecommunications Act and the Broadband Plan and has been developed to help meet these nationwide goals. In particular, Cellco’s system has been designed, and the cell site proposed in this Application has been selected, so as to maximize the geographical coverage, improve network capacity and improve the overall quality of wireless service to allow for the efficient and reliable use of Cellco’s network. (Cellco 1, pp. 6-7). As the Council is aware, Cellco holds licenses to provide wireless services in the 700 MHz, 850 MHz, 1900 MHz and 2100 MHz frequency ranges in Hartford County, and throughout the State of Connecticut. (Cellco 1, Tab 5; Cellco 4, Q. 9; Tr. 1, p. 70).

The record contains ample, written evidence and testimony that an antenna height of 80 feet AGL at the East Street Facility would allow Cellco to satisfy its wireless service objectives in the area and continue to provide high-quality reliable wireless service in southerly portions of the Town. (Cellco 1, pp. 6-7, Tab 6).

B. Nature of Probable Impacts

The second step in the statutory review procedure addresses the probable environmental

impacts of the East Street Facility and particularly the following factors:

1. Natural Environment and Ecological Balance

The proposed development of the East Street Facility has eliminated, to the extent possible, impacts on the natural environment. All facility improvements would be located within a 50' x 50' leased area and fenced compound, previously cleared and used for agricultural purposes today. Access to the tower site would extend from East Street over an existing dirt and gravel driveway used to service the Town's composting facility, a distance of approximately 600 feet, then over a 160 foot gravel driveway extension to the facility compound. Only four (4) trees will need to be removed and minimal grading would be required for construction of the tower, site compound and gravel access drive. (Cellco 1, Tab 1). Overall, East Street Facility development would have a negligible impact on the physical environment of the Property. No evidence to refute this conclusion was presented to the Council.

2. Public Health and Safety

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

First, the potential for the facility tower to fall does not pose an unreasonable risk to health and safety. The approved tower would be designed and built to meet Electronic Industries Association standards. The closest residence is located approximately 450 feet to the southeast of the proposed town site at 163 East Street. (Cellco 1, Tab 1).

Second, worst-case potential public exposure to Radio Frequency ("RF") emissions from the proposed facility would be well below the FCC Safety Standards. (Cellco 1, pp. 16-17, Tab 1, p. 8, Tab 13).

If approved, the Cellco will design the facility tower and compound to be shared by other wireless carriers, and the Town's emergency service providers, if a need exists. This type of tower sharing arrangement would reduce, if not eliminate, the need for other carriers or municipal entities to develop a separate tower in this same area in the future. (Cellco 1, pp. 12-13).

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

3. Scenic Values

As noted in the Application, the primary impact of any tower is visual. Cellco's site search methodology, described in the Site Search Summary, is designed in large part to minimize such visual impacts. As discussed above, wherever feasible, Cellco avoids construction of a new tower by first attempting to identify use and existing towers or other tall non-tower structures in or near a particular search area. Cellco currently shares two (2) existing towers (Southington and Milldale) and maintains one roof-top facility (Southington 2), all within approximately three (3) miles of the East Street Facility location. These sites and several others in Southington, Plainville, New Britain and Berlin will interact with the proposed East Street Facility. However, these adjacent sites cannot satisfy Cellco's need for wireless service in and near the designated East Street 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 existing non-tower structures of suitable height exist or were available for lease. (Cellco 1, pp. 11-12, Tab 6, Tab 8).

If it determines that a new tower must be constructed, Cellco attempts to identify sites where the construction of a tower would not be inconsistent with area land uses and where the visual impact of the site may be reduced to the greatest extent possible. Cellco explored the use of seven (7) possible alternative sites in Southington and selected the Property as a suitable location for its East Street Facility to present to the Council. (Cellco 1, Tab 8).

Cellco submitted a Visibility Analysis prepared by All-Points Technology Corporation (“APT”) as a part of the Application. Prior to preparing its report, APT conducted a balloon float and field reconnaissance to obtain photographs for use in the Visibility Analysis. This APT work was completed in September of 2014, when leaves were on the trees. In an effort to address more recent concerns of the State Historic Preservation Office, additional photo-simulations were prepared in February 2015 so that the full extent of visual impact (during leaf-off conditions) could be evaluated. (Cellco 1, Tab 9; Cellco 6).

APT determined that top portions of the tree tower would be visible above the tree canopy from approximately 30 acres or 0.37 percent of the 8,042 acre study area. Year-round visibility of the East Street Facility is generally limited to select areas within ¼ mile of the Property. Areas where seasonal views are anticipated comprise approximately 67 additional acres, generally occurring in the vicinity of the Town’s composting facility and some residential areas to the south and west. (Cellco 1, pp. 14-15, Tab 9; Cellco 6).

4. Historical Values

As it does with all of its tower proposals, prior to filing the Application with the Council, Cellco requested that the State Historic Preservation Office (“SHPO”) of the Connecticut Historical Commission (the “Commission”) review the proposed facility and provide a written response. As

part of its review, Cellco identified one (1) historic resource, a colonial style house at 391 Bellview Avenue within ½ mile of the proposed tower site. In a letter dated November 18, 2014, Cellco's consultant determined that the proposed tower would not impact the character or integrity of this resource. The SHPO concurred with this determination on December 22, 2014 by issuing a "no adverse effect" determination. Attached to that determination, however, was a condition that requires Cellco to build a "monopole" tower rather than the tree tower proposed. (Cellco 6). Cellco spent the next two and a half months in discussions with the SHPO in an effort to remove this condition and allow for the installation of a tree tower. In the end, based on its review of all of the information submitted by Cellco, the SHPO determined that the proposed tree tower would have no adverse effect on historic resources listed on or eligible for listing on the National Register of Historic Places. (Cellco 1; Cellco 6; Cellco 8; Tr. 1, pp. 58-63).

5. Recreational Values

There are no recreational activities or facilities on the Property that would be adversely impacted by development of the East Street Facility. According to the Visibility Analysis prepared by APT, while there are formal trail systems along West Peak approximately 1-½ miles from the Property, the proposed tree tower would not be visible from these locations. (Cellco 1, Tab 9; Cellco 4, Q. 14).

6. Forests and Parks

There is no State or local forests or park land that will be adversely impacted as the proposed East Street Facility tower. (Cellco 1, Tab 9). No evidence to refute this conclusion was presented to the Council.

7. Air and Water Quality

a. Air Quality.

Under normal operating conditions, the Cellco equipment at the East Street Facility would generate no air emissions. During power outage events and periodically for maintenance purposes, Cellco would utilize a propane-fueled generator to provide emergency back-up power. Cellco's back-up generator will be managed to comply with the "permit by rule" criteria established by the Connecticut Department of Energy and Environmental Protection ("DEEP") Bureau of Air Management pursuant to R.C.S.A. § 22a-174-3b, and therefore is exempt from general air permit requirements. (Cellco 1, p. 21).

b. Water Quality.

The proposed East Street Facility would not utilize water, nor would it discharge substances into any surface water, groundwater, or public or private waste water disposal system. Dean Gustafson, Professional Soil Scientist with APT, conducted a field investigation and completed a Wetlands & Vernal Pool Evaluation for the East Street Facility. According to this evaluation, the closest wetland area to the tower is located approximately 113 feet northeast of the proposed tower site and related compound clearing limits. In the Wetlands Evaluation, Mr. Gustafson concludes that the East Street Facility will have no temporary or permanent direct impact to wetlands and watercourses, and no direct physical impact on any vernal pools located on the Property. (Cellco 1, pp. 18-19, Tab 1, Tab 14; Tr. 1, pp. 62-65). No evidence to refute these conclusions was presented to the Council.

8. Fish and Wildlife

As a part of its National Environmental Policy Act ("NEPA") Checklist, Cellco received comments on the East Street Facility from the U.S. Department of Interior, Fish and Wildlife

Service (“USFWS”) and the Connecticut Department of Energy and Environmental Protection (“DEEP”). The USFWS has determined that there are no federally-listed or proposed, threatened or endangered species or critical habitat known to occur in Southington. (Cellco 1 pp. 15-16, Tab 10). According to the DEEP, there is one State Special Concern Species, the *Spotted Turtle*, which may occur in the vicinity of the East Street Facility location. Cellco has developed a protective measures program to avoid unintentional mortality of this turtle species during construction. With adherence to these guidelines, Cellco does not anticipate any adverse impacts on this species. (Cellco 1, p. 16; Tab 11; Tr. 1, pp. 43-47, 67-69).

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

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

As discussed above, the only potential adverse impact from the proposed tower involves “scenic values.” As the record overwhelmingly demonstrates, the East Street Facility would have minimal impacts on scenic values in the area. (Cellco 1, Tab 9). These limited aesthetic impacts may be, and in this case are, outweighed by the public benefit derived from the establishment of the facility. Unlike many other types of development, telecommunications facilities do not cause indirect environmental impacts, such as increased traffic and related pollution. The limited aesthetic and environmental impacts of either alternative site can be further mitigated by the sharing

of the facility. Cellco intends to design the tower so that it could be shared by other wireless carriers, and the Town, or local emergency service providers, if a need exists. (Cellco 1, pp. 12-13).

In sum, the potential environmental impacts from the East Street Facility would be minimal when considered against the benefits to the public. These impacts are insufficient to deny the Application. The site, therefore, satisfies the criteria for a Certificate pursuant to Conn. Gen. Stat. § 16-50p, and the Applicant's request for a Certificate should be granted.

V. CONCLUSION

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

Respectfully submitted,
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