

**CONNECTICUT SITING COUNCIL**  
**DOCKET NO. 456**

IN THE MATTER OF:

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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  
PLYMOUTH, CONNECTICUT

APPLICANT'S POST-HEARING BRIEF

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## EXECUTIVE SUMMARY

In 1993, the Connecticut Siting Council (“Council”) approved an application by Litchfield County Cellular, Inc. to construct a 180-foot telecommunications tower on property at 42 South Street in Plymouth (Docket No. 156). The South Street tower, known as Cellco Partnership d/b/a Verizon Wireless’ (“Cellco”) Plymouth West Facility, and related facility improvements, the Council’s Docket No. 156 Certificate, and the underlying leases were all transferred to Cellco in 2008 as part of its acquisition of the Alltel Communications FCC license and all of Alltel’s tower sites in Litchfield County, Connecticut.

On February 13, 2015, Cellco filed an application (“Application”) with Council for a Certificate of Environmental Capability and Public Need (“Certificate”) to construct a wireless telecommunications facility (the “Plymouth West Relo Facility”) on an approximately 12.4-acre parcel at 33 Keegan Road in Plymouth, Connecticut (the “Property”). The Plymouth West Relo Facility would replace Cellco’s existing Plymouth West Facility and continue to provide enhanced wireless telecommunications services in western portions of Plymouth, particularly along portions of Route 262, Route 6, and in the surrounding areas.

### Facility Description

Cellco proposes to construct a monopole tower not taller than 140 feet above ground level (“AGL”) on the westerly portion of the Property, which is currently vacant and wooded. Cellco would install twelve (12) panel-type antennas and nine (9) remote radio heads (“RRH”) on a low profile platform. The top of Cellco’s antennas would extend approximately three (3) feet above the top of the tower. 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 diesel-fueled back-up generator. The tower and equipment shelter will be located within a 50' x 50' fenced compound and a 100' x 100' leased area. Access to the tower site would extend from Keegan Road over a new 12-foot access driveway, a distance of approximately 470 feet.

**Public Need**

The proposed Plymouth West Relo Facility will provide reliable wireless service to a 2.05 mile portion of Route 262, a 1.46 mile portion of Route 6 and an overall area of 19.92 square miles at 700 MHz frequencies; a 1.96 mile portion of Route 262, a 1.40 mile portion of Route 6 and an overall area of 12.91 square miles at 850 MHz frequencies; a 1.89 mile portion of Route 262, a 1.38 mile portion of Route 6 and an overall area of 6.69 square miles at 1900 MHz frequencies; and a 1.44 mile portion of Route 262, a 1.19 mile portion of Route 6 and an overall area of 5.67 square miles at 210 MHz frequencies. Cellco's proposed Plymouth West Relo Facility would interact with four (4) existing telecommunications facilities in the towns of Plymouth and Thomaston.

### **Nature of Probable Impacts**

The record contains ample evidence to support a finding by the Council that the Plymouth West Relo Facility would not have a significant adverse impact on the environment at the Property or the surrounding area. Cellco has presented evidence that the location and development of the Plymouth West Relo Facility will have no effect on historic or archeological 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 impact on wetlands 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.

Generally, the primary impact of any telecommunications facility is visual. The overall area where some portion of the proposed Plymouth West Relo Facility tower may be visible year round (above the tree line), is conservatively estimated to be approximately 65 acres, approximately 0.8 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. Seasonal views are anticipated to occur in some locations within a 284 acre area around the tower site. There are approximately eleven (11) residences within 1,000 feet of the Plymouth West Relo Facility. The closest off-site residence is located approximately 215 feet to the south at 41 Keegan Road, which is owned by Cellco's landlord, Steven A. Westall.

### **Public Input**

Cellco commenced its local input process by meeting with Town officials on May 15, 2014, and provided them with copies of technical information summarizing Cellco's plans to establish the

Plymouth West Relo Facility. Cellco representatives appeared before the Plymouth Planning and Zoning Commission at a special meeting of July 17, 2014 to discuss the Plymouth West Relo Facility.

**Conclusion**

The overwhelming evidence in the record clearly demonstrates that there is a need to maintain and relocate the Plymouth West Facility and that the environmental impacts associated with the proposed relocation would be limited and outweighed by the benefits to the public from the proposed Plymouth West Relo Facility.

## **I. INTRODUCTION**

On February 13, 2015, 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 “Plymouth West Relo Facility”) on an approximately 12.4 acre parcel at 33 Keegan Road in Plymouth, Connecticut (the “Property”). (Cellco Exhibit 1 (“Cellco 1”)). The proposed Plymouth West Relo Facility would replace the wireless service currently provided by the 42 South Street cell site in Plymouth (the “Plymouth West Facility”) and will provide enhanced wireless service to the western portions of the Town.

## **II. PROCEDURAL BACKGROUND**

On April 21, 2015, the Council conducted an evidentiary hearing and an evening public hearing on the Application (April 21, 2015 Transcript (“Tr. 1” and “Tr. 2,” respectively)). 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 April 21, 2015, Cellco caused a red balloon to be flown as prescribed by the Council. (Admin. Record; Cellco 1, p. 15).

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 2008, Cellco has provided wireless service to westerly portions of Plymouth, in part, from its existing Plymouth West Facility. However, in 2011, the lessor's interest in Cellco's ground leases<sup>1</sup> for the Plymouth West Facility was sold by the Property owner to AP Wireless Investments, LLC ("AP Wireless"). Since 2013, Cellco has been exploring, with AP Wireless, ways to reduce its rent for the two existing ground leases and the annual rent increases currently in place. On several occasions since that time, Cellco notified AP Wireless that it would relocate its Plymouth West tower site if the terms for the ground leases could not be renegotiated. All such efforts have failed. (Cellco 1, p. 7; Tr. 1, pp. 31-32, 48-50). The Plymouth West Relo Facility will replace the Plymouth West Facility and provide coverage in western portions of Plymouth, particularly along portions of Routes 262 and 6, and will interact with existing cell sites in Thomaston and Plymouth. (Cellco 1, pp. 7-9, Tab 6).

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 service objectives in an area. Cellco maintains four (4) existing towers within approximately three (3) miles of the Plymouth West Relo Facility location. These sites along with others in the area will interact with the proposed Plymouth West Relo Facility. (Cellco 1, p. 8, Tab 8). These adjacent sites cannot, however, satisfy Cellco's need for wireless service improvements in western portions

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<sup>1</sup> Cellco maintains two ground leases for the existing Plymouth West cell site. One ground lease encompasses the area occupied by the tower and MetroPCS equipment space. The second ground lease encompasses the area Cellco uses for its shelter. The additional ground lease was established to accommodate Cellco's larger equipment shelter.



of Plymouth. 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. 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 four (4) different properties, Cellco selected the parcel at 33 Keegan Road to present to the Council. Cellco determined that an antenna centerline height of 140 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.<sup>2</sup>

B. Local Contacts

On May 15, 2014, Cellco representatives met with Margus Laan, Director of Planning and Economic Development, and Charles Wiegert, Interim Director of Public Works, as designees for Mayor David Merchant, to commence the ninety (90) day municipal consultation process. Messrs. Laan and Wiegert 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 issues relating to the existing 42 South Street facility, aspects of the proposed Plymouth West Relo Facility, the site location being considered, the need for wireless service improvements in western Plymouth and the Connecticut Siting Council application process. Cellco representatives also appeared before the Plymouth Planning and Zoning Commission

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<sup>2</sup> Depending on the final grade of the tower compound, the actual tower height could be less than 140 feet AGL. The overall tower height of the tower and antennas, above mean sea level ("AMSL"), will, however, remain the same (approximately 966 AMSL). (Cellco 1, Tab 1; Tr. 1, pp. 30-31; Tr. 2, pp. 8-9) (noting the ultimate antenna centerline height may be closer to 130 feet above finished grade of the compound).

(“PZC”) at a special meeting of July 17, 2014, to discuss the Plymouth West Relo Facility. The PZC asked Cellco to consider relocating the tower, from its original location, to satisfy the town’s property line setback requirements from the adjacent parcel to the north at 23 Keegan Road. The tower is setback 168 feet from the northern Property boundary and satisfies the Town’s setback requirement. (Cellco 1, pp. 20-21).

C. Tower Sharing

Cellco will design the facility tower and compound to be shared by other wireless carriers, and the Town, or local 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. Metro PCS, a tenant on the existing 42 South Street tower, and AT&T will share the proposed Plymouth West Relo Facility. The existing ground leases at the 42 South Street facility do not maintain adequate space for a new AT&T shelter and/or municipal emergency service equipment. (Cellco 1, pp. 12-13, Tab 17; Cellco 3, Q. 11; Tr. 1, pp. 33-36, 38-40).

D. The Plymouth West Relo Facility Proposal

The Plymouth West Relo Facility would be located within a 50’ x 50’ fenced compound and leased area in the westerly portion of an approximately 12.4 acre parcel at 33 Keegan Road, owned by Steven A. Westall. At this location, Cellco would construct a self-supporting monopole tower not taller than 140 feet AGL. Cellco would install twelve (12) panel-type antennas and nine (9) remote radio heads (“RRHs”) on a low profile platform at the 140-foot level. Vehicular access to the site would extend from Keegan Road over a new 12-foot access

driveway to the cell site, a distance of approximately 470 feet.<sup>3</sup> Utilities will extend from existing service along Keegan Road. (Cellco 1, p. 2, Tab 1).

Cellco would install a 12' x 30' equipment 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 diesel-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. (Cellco 1, pp. 2, 8, Tab 1). The tower and equipment shelter 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, p. 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

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<sup>3</sup> In the Application, the length of the proposed access driveway is identified as approximately 525 feet. After discussion at the April 21, 2015 hearing, the site access driveway was redesigned to reduce its length and the overall impact on the Property. (Tr. 2, pp. 17-22). An alternative driveway plan was submitted to the Council on May 8, 2015. Cellco proposes to include the revised driveway layout plans and provide the Council with additional drainage analyses associated with this new driveway design as part of the Development and Management Plan if the Docket No. 456 application is approved.

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 and the basis of the need.” 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 Plymouth West Relo 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 Federal Telecommunications Act of 1996 (the “Act”) recognized, among other things, an important nationwide need for high-quality wireless telecommunication services of all varieties. The Act also expressly promotes competition and seeks to reduce federal, state and local government regulation in all aspects of the telecommunications industry, including facility siting, in order to foster lower prices for consumers and to encourage the rapid deployment of new and advance wireless service and 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 Plymouth West Relo 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 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, p. 9; Tr. 1, pp. 38-39, 71-72). 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 Litchfield County, and throughout the State of Connecticut. (Cellco 1, Tab 5; Cellco 3, Q. 4).

The record contains ample, written evidence and testimony that an antenna height of 140 feet AGL at the Plymouth West Relo Facility would allow Cellco to satisfy its wireless service objectives in the area and continue to provide high-quality reliable wireless service in westerly portions of the Town. (Cellco 1, pp. 7-9, Tab 6).

B. Nature of Probable Impacts

The second step in the statutory review procedure addresses the probable environmental impacts of the Plymouth West Relo Facility and particularly the following factors:

1. Natural Environment and Ecological Balance

The proposed development of the Plymouth West Relo Facility has eliminated, to the extent possible, impacts on the natural environment. All facility improvements would be located within a 100' x 100' leased area and fenced compound. Access to the tower site would extend from Keegan Road over a new 12-foot wide gravel driveway, a distance of approximately 470 feet. Tree clearing and grading would be required for construction of the tower, site compound and gravel access drive, but the overall impact initially proposed in the Application has been reduced by the May 8, 2015 revised driveway access plan. The remaining Property would remain unchanged by the construction and operation of the cell site. (Cellco 1, Tab 1). Overall, Plymouth West Relo 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 Plymouth West Relo 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 off-site residence is located approximately 215 feet to the south of the proposed town site at 41 Keegan Road. (Cellco 1, p. 14, 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, p. 17, Tab 1, p. 8).

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 Plymouth West Relo 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 four (4) existing towers (Thomaston South, Thomaston Center, Plymouth, and Plymouth NW), all within approximately three (3) miles of the Plymouth West Relo location. These sites will interact with the proposed Plymouth West Relo Facility. However, these adjacent sites cannot satisfy Cellco’s need for wireless service in and near the designated Plymouth West Relo 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.<sup>4</sup> Cellco explored the use of four (4) possible alternative sites in Plymouth and Thomaston and selected the Property as a suitable location for its Plymouth West Relo 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.<sup>5</sup> This APT work was completed in December of 2014, when leaves were not on the trees. (Cellco 1, Tab 9).

APT determined that top portions of the tree tower would be visible above the tree canopy from approximately 65 acres or 0.8 percent of the 8,042 acre study area. Year-round visibility of the Plymouth West Relo Facility is generally limited to select areas within ¼ mile of the Property. Areas where seasonal views are anticipated comprise approximately 284 acres around the tower site. (Cellco 1, p. 14, Tab 9).

#### 4. Historical Values

There are no historic resources within ½ mile of the proposed Plymouth West Relo Facility. Regardless, Cellco filed a request for State Historic Preservation Office (“SHPO”) review of this tower proposal. On October 14, 2014, SHPO determined that “the proposed undertaking ...

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<sup>4</sup> While not the focus of the Visibility Analysis, there is one additional “visual” benefit of the new Plymouth West Relo Facility tower that cannot be ignored. Once the proposed tower at the Property is approved and constructed, Cellco will remove the existing 180-foot tower from the 42 South Street parcel, eliminating all views of that existing structure.

<sup>5</sup> At the request of the Property owner, Cellco has included, in its Visibility Analysis, several photosimulations of a “monopine tower” for the Council’s review and consideration. (Tr. 1, pp. 26-27, 71).



will have no adverse effect to contributing resources eligible for listing or listed on the National Register of Historic Places District”. (Cellco 1, pp. 16-17, Tab 14). No evidence to refute this conclusion was presented to the Council.

#### 5. Recreational Values

There are no recreational activities or facilities on the Property that would be adversely impacted by development of the Plymouth West Relo Facility. According to the Visibility Analysis prepared by APT, the CT-blue blazed Mattatuck Trail is approximately 0.86 miles south at its nearest point to the Property and the Plymouth Land Trust is approximately 0.68 miles to the north. No views would be achieved from portions of either the Mattatuck Trail or the Plymouth Land Trust trails system. (Cellco 1, Tab 9).

#### 6. Forests and Parks

There is no State or local forests or park land that will be adversely impacted as the proposed Plymouth West Relo 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 Plymouth West Relo Facility would generate no air emissions. During power outage events and periodically for maintenance purposes, Cellco would utilize a diesel-fueled generator to provide emergency 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. 22).

b. Water Quality.

The proposed Plymouth West Relo Facility would not utilize water, nor would it discharge substances into any surface water, groundwater, or public or private waste water disposal system. Matthew Gustafson, Registered Soil Scientist with APT, and Dean Gustafson, Professional Soil Scientist with APT, conducted a field investigation and completed a Wetlands Investigation report for the Plymouth West Relo Facility. According to this evaluation, the closest wetland area to the tower is located approximately 130 feet west of the site access drive entrance, west of Keegan Road. In the Wetlands Investigation, Mr. Gustafson concludes that the Plymouth West Relo Facility will have no direct impact to wetlands in the area. (Cellco 1, pp. 19-20, Tab 1, Tab 13). 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 Plymouth West Relo 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 the vicinity of the Plymouth West Relo Facility. (Cellco 1 pp. 15-16, Tab 10). According to the DEEP, there are three State Special Concern Species, the *Eastern Box Turtle*, the *Wood Turtle*, and the *Whippoorwill*, which may occur in the vicinity of the Plymouth West Relo Facility location. Cellco has developed a protective measures program to avoid unintentional mortality of these turtle species during construction. The proposed project will protect the *Whippoorwill* by agreeing to accept a seasonal restrictive period for construction during the species’ nesting period. With adherence to these guidelines, Cellco does not anticipate any adverse impacts on these species. (Cellco 1, p. 16, Tab

11; Cellco 5; Cellco 6; Tr. 1, pp. 76 -77).

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 Plymouth West Relo 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 Plymouth West Relo 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 the 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 Plymouth West Relo 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 Plymouth West Relo 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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WIRELESS

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