

CONNECTICUT SITING COUNCIL
DOCKET NO. 477

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
CANTERBURY, CONNECTICUT

APPLICANT'S POST-HEARING BRIEF

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TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY.....	1
Facility Description.....	1
Public Need.....	1
Nature of Probable Impacts.....	2
Visibility	2
Public Input.....	3
Conclusion	3
I. INTRODUCTION.....	4
II. PROCEDURAL BACKGROUND.....	4
III. FACTUAL BACKGROUND	5
A. Pre-Application History	5
B. Local Contacts.....	6
C. Tower Sharing.....	6
D. The Canterbury South Facility Proposal	7
IV. THE APPLICATION SATISFIES THE CRITERIA OF CONN. GEN. STAT. § 16-50P FOR ISSUANCE OF A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED.....	7
A. A Public Need Exists for a Canterbury South Facility	8
B. The Nature of Probable Environmental Impacts are not Sufficient Reasons to Deny the Application.....	10
1. Natural Environment and Ecological Balance	10
2. Public Health and Safety.....	11
3. Scenic Values.....	12
4. Historical Values.....	13
5. Recreational Values	14
6. Forests and Parks	14
7. Agriculture	14
8. Air and Water Quality.....	14
9. Fish and Wildlife.....	16

TABLE OF CONTENTS

(continued)

	Page
C. The Application Should Be Approved Because The Benefits Of The Proposed Facility Outweigh Any Potential Impacts	16
V. CONCLUSION	17

EXECUTIVE SUMMARY

On August 23, 2017, 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 a 41.83-acre parcel at 46 Cemetery Road in Canterbury, Connecticut (the “Property”). The Property is owned by Nicholas Holowaty II (the “Owner”). The cell site is identified as Cellco’s “Canterbury South Facility”.

Facility Description

Cellco proposes to construct a 160-foot monopole tower in the southwest corner of the Property. Cellco would install nine (9) panel-type antennas at a centerline height of 160 feet above ground level (“AGL”). Equipment associated with the antennas and a 20 kW diesel-fueled back-up generator will be mounted on a steel platform with a canopy roof structure installed on the ground near the base of the tower. All of the Canterbury South Facility improvements would be located within a 50’ x 50’ fenced compound and 80’ x 125’ leased area. Vehicular access to the Canterbury South Facility would extend from Cemetery Road over a portion of the Owner’s existing paved driveway serving the Owner’s residential parcel, a distance of approximately 1,020 feet then over a new gravel driveway extension an additional distance of approximately 650 feet.

Public Need

The proposed Canterbury South Facility is needed to fill significant gaps in wireless service in southerly portions of Canterbury, and portions of the surrounding towns of Scotland,

Sprague, Lisbon, Griswold and Plainfield, Connecticut.

Nature of Probable Impacts

The construction, maintenance and operation of the Canterbury South Facility would not have a significant adverse impact on the environment. Cellco has presented evidence in this docket that the location and development of the Canterbury South Facility will have no effect on historic properties 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 proposed cell site; will not require any FAA marking or lighting; and will operate well within Maximum Permissible Exposure (MPE) limits established by the FCC for radio frequency emissions.

Visibility

The overall areas where the proposed tower would be visible above the tree canopy comprise approximately 119 acres, or 1.5 percent of the two-mile radius (8,042 acre) study area. Year-round visibility of the proposed tower is limited to locations on the Property and areas within approximately 0.57 miles of the cell site. Open agricultural fields and water bodies (Cranberry Lake) will allow for some additional open views of the tower from the north. Areas where seasonal views are anticipated comprise approximately 202 additional acres. Visual impacts of the Canterbury South Facility are limited to a certain extent due to topography and dense tree cover in the area surrounding the Property.

There are no off-site residences within 1,000 feet of the Canterbury South Facility. The closest off-site residence is located at 40 Cemetery Road, approximately 1,250 feet to the east of the tower site. The Canterbury South Facility is not within 250 feet of any school or commercial

daycare facility.

Public Input

On November 21, 2016, Cellco representatives met with Canterbury Town officials to commence the ninety (90) day municipal consultation process. The Town received copies of technical information summarizing Cellco's plans to establish a telecommunications facility as described above. At the request of the Town, Cellco hosted a Public Information Meeting ("PIM") on April 6, 2017. At this meeting, Cellco discussed, in detail, the aspects of the proposed Canterbury South Facility, the need for improved wireless service and the Connecticut Siting Council application process. Notice of the PIM was sent to abutting property owners and was published in *The Bulletin*.

Conclusion

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

I. INTRODUCTION

On August 23, 2017, 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 “Canterbury South Facility”) on a 41.83-acre parcel at 46 Cemetery Road in Canterbury, Connecticut (the “Property”). The Property is owned by Nicholas Holowaty II. (Cellco Exhibit 1 (“Cellco 1”); December 12, 2017 Council Site Visit). The Canterbury South Facility is needed to fill significant gaps in wireless service in southerly portions of Canterbury as well as portions of the Towns of Scotland, Sprague, Lisbon, Griswold and Plainfield, Connecticut. (Cellco 1, p. 6, Tab 1 and Tab 6).

II. PROCEDURAL BACKGROUND

On December 12, 2017, the Council conducted an evidentiary hearing and an evening public hearing on the Application (collectively the December 12, 2017 Hearing Transcript (“Tr.”) pp. 4-6, 85-89). Prior to the evidentiary hearing, at 2:00 p.m. the Council conducted a site visit to the Property. On the day of the site visit, Cellco flew a balloon to simulate the height of the tower as prescribed by the Council. A red balloon was aloft between 7:00 a.m. and 4:00 p.m. during the Council’s site visit. (Cellco 1, p. 13; December 12, 2017 Site Visit).

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 in Canterbury and throughout Connecticut. Cellco currently provides wireless service in Canterbury from seven (7) existing facilities identified as Cellco's Baltic, Lisbon, Jewett City, Plainfield South, Canterbury, Hampton and Scotland cell sites. (Cellco 1, p. 8, Tab 6). Cellco also recently received Council approval of a new cell site it calls Canterbury West. Canterbury West will provide wireless service to the northwesterly portions of the Town, an area that would not be served by the proposed Canterbury South Facility.¹ (Tr. pp. 34-35). Plots showing the extent of reliable wireless service in Canterbury and the surrounding Towns reveal significant "coverage gaps" throughout southerly portions of Canterbury and along portions of Routes 14 and 169 as well as local roads in the area in all of Cellco's operating frequencies.

These existing and approved cell sites cannot, however, satisfy Cellco's need for additional wireless service in southern portions of Canterbury. Most, if not all of these coverage gaps would, however, be filled by service from the proposed Canterbury South Facility. (Cellco 1, Tab 6).

Before proposing to build a new tower, Cellco investigates the use of existing, non-tower structures in an area as an alternative to building a new tower. No existing non-tower structures of suitable height exist in the area around the proposed Canterbury South Facility. If a new tower

¹ Cellco's Canterbury West Facility was approved by the Council in Petition No. 1315 on August 17, 2017.

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. 10-11 and 12-13, Tab 6, Tab 8 and Tab 9). Following its site search effort, Cellco selected the Property at 46 Cemetery Road to present to the Council. Cellco determined that an antenna centerline height of 160 feet AGL at this location would satisfy its wireless service objectives.

B. Local Contacts

On November 21, 2016, Cellco representatives met with Canterbury's First Selectman, Roy Piper and Land Use Director, Melissa Gil to commence the ninety (90) day municipal consultation process. Mr. Piper and Ms. Gil received copies of technical information summarizing Cellco's plans to establish a telecommunications facility as described above. At the request of the Town, Cellco hosted a Public Information Meeting ("PIM") at the Canterbury Town Hall on April 6, 2017. At this meeting, Cellco discussed, in detail, the aspects of the proposed Canterbury South Facility, the need for wireless service in Canterbury and the Connecticut Siting Council application process. Notice of the PIM was sent to nine (9) adjoining property owners and, on March 22, 2017, was published in the *Turnpike Buyer*. (Cellco 1, p. 20, Tab 16). Following the PIM, Cellco performed a second "balloon float" for the benefit of the adjoining property owners. (Tr. p. 68).

C. Tower Sharing

Cellco will design the Canterbury South Facility tower and compound to be shared by other wireless carriers as well as local and for regional emergency service providers. 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. Cellco would design the tower

and its foundation for an extension of the tower, up to 20 feet to accommodate future tenants. (Cellco 1, pp. 11-12).

D. The Canterbury South Facility Proposal

The Canterbury South Facility would be located within a 50' x 50' fenced compound (80' x 125' leased area) in the southwest portion of an approximately 41.83-acre parcel at 46 Cemetery Road in Canterbury. At this location, Cellco would construct an 160-foot self-supporting monopole tower. Cellco would install nine (9) panel-type antennas at the 160-foot level on the tower. Vehicular access to the site compound would extend from Cemetery Road over the owner's existing paved driveway a distance of approximately 1,020 feet, then over a new gravel driveway extension an additional 650 feet to the cell site. Electric service will extend from an existing transformer adjacent to the owner's garage. Telephone service will extend from existing Utility Pole No. 689, along Cemetery Road adjacent to the owner's existing utility service. (Cellco 1, pp. iii, 7-8, Tab 1; Cellco 7).

Cellco would install a steel equipment platform and canopy structure on the ground near the base of the tower to support its radio equipment and a 20 kW diesel-fueled back-up generator. The tower and equipment platform would be located in the southeast portion of the 50' x 50' fenced compound. Cellco's equipment 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. 7-9, 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 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 Canterbury South 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. (Cellco 1, pp. 3-6; 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. (Cellco 1, p. 5; 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.” (Cellco 1, pp. 3-6; Council Adm. Notice 18).

The proposed Canterbury South 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 FCC licenses to provide wireless services in the 700 MHz, 850 MHz, 1900 MHz and 2100 MHz frequency ranges in Tolland County, and throughout the State of Connecticut. (Cellco 1, Tab 5).

The record contains ample, written evidence and testimony that Cellco's antennas at a height of 160 feet AGL at the Canterbury South Facility would allow Cellco to satisfy its wireless service objectives in southern portions of Canterbury and in the surrounding Towns of Scotland, Sprague, Lisbon, Griswold and Plainfield. (Cellco 1, p. 6, Tab 6).

The proposed Canterbury South Facility would provide reliable wireless service to significant portions of southern Canterbury and along portions of Routes 14 and 169, as well as local roads in the area. The Canterbury South Facility will maintain an overall coverage footprint of 47.98 square miles at 700 MHz; 39 square miles at 850 MHz; and 13.97 square miles at 2100 MHz. (Cellco 1, pp. 7-8, Tab 6).

B. The Nature of Probable Environmental Impacts are not Sufficient Reasons to Deny the Application

The Docket No. 477 record demonstrates that the probable environmental impacts of the Canterbury South Facility are not sufficient reason to deny the Certificate Application.

1. Natural Environment and Ecological Balance

The proposed development of the Canterbury South Facility has eliminated, to the extent possible, impacts on the natural environment. All facility improvements would be located within a 50' x 50' fenced compound, previously cleared and used by the Owner. Access to the tower site would extend from Cemetery Road over the owner's existing paved and gravel driveway, a distance of approximately 1,020 feet then over a new gravel driveway extension, an additional distance of 650 feet. No trees will need to be removed and minimal grading would be required

for construction of the facility compound.² (Cellco 1, pp. 1-2, Tab 1; Cellco 7). Overall, the Canterbury South 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 Canterbury South 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 Telecommunications Industry Association (TIA) standards. The closest off-site residence is located approximately 1,250 feet to the east of the proposed tower site. (Cellco 1, p. 13, 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 14).

If approved, the Cellco will design the facility tower and compound to be shared by other wireless carriers, if a need exists and/or emergency service communications providers. This type of tower sharing arrangement would reduce, if not eliminate, the need for other carriers or emergency service entities to develop a separate tower in this same area in the future. (Cellco 1, p. 11; Tr. pp. 71-72).

² As discussed at the evidentiary hearing, Cellco is agreeable to modifying the grade within the facility compound so that overland stormwater flows would be directed to the north and away from the off-site wetlands area to the southwest of the compound to avoid any potential impact to this closest wetland resource. These modifications would be incorporated into the project’s Development and Management Plan, if the docket is approved by the Council. (Tr. pp. 41-42 and 53-54).

Overall, the nature and extent of potential, adverse public health and safety impacts resulting from construction and installation of the Canterbury South 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 seven (7) existing towers, all within approximately eight (8) miles of the proposed Canterbury South Facility. Each of these existing cell sites will interact with the proposed Canterbury South Facility. (Cellco 1, pp. 10-11, Tab 8; Tr. pp. 44-46). However, these adjacent sites cannot satisfy Cellco's need for wireless service in and near the designated Canterbury South Facility search area. Cellco also regularly investigates the use of existing, non-tower structures in an area, when available, as an alternative to building a new tower. No such non-tower structures of suitable height exist or were available for lease. (Cellco 1, pp. 10-11, Tab 6 and 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 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 two (2)

balloon floats and extensive field reconnaissance to obtain photographs for use in the Visibility Analysis.³ APT presented photo documentation from 25 locations around the proposed cell site. (Cellco 1, Tab 9). APT determined that top portions of the tower would be visible above the tree canopy from approximately 119 acres or 1.5 percent of the two-mile radius (8,042 acre) study area. Unobstructed views of the top portion of the tower, above the tree canopy would occur from Cemetery Road and from property along the north side of Cranberry Lake. (Cellco 1, pp. 12-13, Tab 9; Tr. pp. 74-75). Views of the tower from the south, however, are screened by natural vegetation in the area. (Cellco 1, p. iii, Tab 9). Year-round visibility of the Canterbury South Facility is generally limited to locations on the Property and within the immediate vicinity (within approximately 0.58 miles) of the tower site. Areas where seasonal views are anticipated comprise approximately 202 additional acres. Overall, the proposed Canterbury South Facility will, therefore, have no significant visual effect on the surrounding community. (Cellco 1, pp. 12-13, Tab 9; Tr. pp. 74-75). Finally, there are no schools or commercial daycare facilities located within 250 feet of the facility. (Cellco 1, Tab 9).

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. In a letter dated October 5, 2017, the SHPO determined that the proposed Canterbury South Facility would have no adverse effect on sites listed on or eligible for listing on the National Register of Historic Places. (Cellco 3).

³ Following the Public Information Meeting on April 6, 2017, APT conducted a second balloon float for the benefit of the neighbors near the subject parcel. (Tr. pp. 67-68).

5. Recreational Values

There are no recreational activities or facilities on the Property or in the vicinity of the Property that would be adversely impacted by development of the Canterbury South Facility. (Cellco 1, Tab 1 and Tab 9).

6. Forests and Parks

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

7. Agriculture

Eastern and northern portions of the Property contain “Prime” and “State-Wide Important” farmland soil. None of the area will be impacted by the development of the proposed Canterbury South Facility. (Cellco 1, p. 16, Tab 13).

8. Air and Water Quality

a. Air Quality.

Under normal operating conditions, the Cellco equipment at the Canterbury South 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, pp. 21-22).

b. Water Quality.

The proposed Canterbury South 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 investigation and Vernal Pool Survey for the Canterbury South Facility. According to this evaluation, the closest wetland area to the proposed facility compound is located approximately 45 feet to the west. Wetland 1 is a forested headwater wetland located on the adjoining parcel. APT also identified a potential vernal pool on the adjacent parcel, within Wetland 1, to the south approximately 250 feet from the facility compound. In the Wetlands Evaluation, Mr. Gustafson concludes that the Canterbury South Facility will have no direct or adverse impact to Wetland 1 or the potential vernal pool on the adjacent parcel. (Cellco 1, pp. 18-19, Tab 1 and Tab 11). No evidence to refute these conclusions was presented to the Council. At the hearing, Council members expressed some concern for impacts to Wetland 1 during construction and operation of the Canterbury South Facility. Existing grades in the area around the compound direct overland flows to the northwest and the nearby Wetland 1. To address these concerns, Cellco proposed to modify the grading plan for the facility compound and direct all run-off from the northeast, away from Wetland 1. (Tr. 1, pp. 41-42).⁴ As currently proposed, new telephone/fiber optic service to the tower site will be installed within an existing clearing adjacent to the Property owner's existing electric service. This installation would result in temporary impacts to Wetlands 4, 5 and 6. (Cellco 1, p. 15, Tab 11; Cellco 7; Tr. pp. 11-12). A wetland protection and restoration plan, including a series of protective measures for Wetlands 4, 5 and 6 would be incorporated into a final D&M Plan, if the Canterbury South Facility is approved. (Cellco 1, Tab 4; Tr. pp. 15-19).

⁴ Shifting the facility compound to the east could provide similar protections to Wetland 1, but may result in increased visibility of the tower properties to the north. (Tr. 1, pp. 76-77).

9. Fish and Wildlife

As a part of its National Environmental Policy Act (“NEPA”) Checklist, Cellco has reviewed the proposed Canterbury South Facility for compliance with the U.S. Department of Interior, Fish and Wildlife Service (“USFWS”) and the Connecticut Department of Energy and Environmental Protection (“DEEP”) impact requirements related to federal and State listed threatened or endangered species, including migratory birds in order to determine if the proposed facility would have an adverse effect on these species. According to the Preliminary USFWS, Migratory Birds and NDDDB Compliance Determination dated November 30, 2017, one (1) federally listed “threatened” species, the *Northern Long-Eared Bat* (NLEB) may occur in Canterbury, Connecticut. Because the Canterbury South Facility would be located in an open pasture and require no tree clearing, the proposed Canterbury South Facility is not likely to adversely affect an NLEB. In addition, the Canterbury South Facility will also comply with the USFWS recommended guidelines for reducing impacts to migratory birds. (Cellco 1 pp. 14-15, Tab 10). Finally, the DEEP does not anticipate negative impacts to State-listed species resulting from the construction of the proposed Canterbury South Facility. (Cellco 1, p. 14, Tab 10; Cellco 6).

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 Canterbury South 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 Canterbury South 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, p. 11; Tr. pp. 61-64).

In sum, the potential environmental impacts from the Canterbury South 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 Canterbury South 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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