

CONNECTICUT SITING COUNCIL
DOCKET NO. 481

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
CROMWELL, CONNECTICUT

APPLICANT'S POST-HEARING BRIEF

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EXECUTIVE SUMMARY

On February 23, 2018, 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 7.78-acre parcel at 667, 665, 663 and 663R Main Street in Cromwell, Connecticut (collectively the “Property”). The Property is owned by Cromwell Concrete Products, Inc. and Libera Real Estate Holdings (together the “Owner”) and is used for the manufacturing and storage of concrete products. The cell site is identified as Cellco’s “Cromwell North 2 Facility”.

Facility Description

Cellco proposes to construct a 120-foot monopole tower in the northwest portion of the Property. Cellco would install six (6) panel-type antennas and twelve (12) Remote Radio Heads (“RRHs”) on a square antenna platform at the top of the tower. Equipment associated with the antennas and a 30 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. The tower and associated equipment would be located within a 50’ x 50’ fenced compound and 70’ x 75’ leased area. To accommodate the request of an adjoining landowner, the tower and facility compound have shifted, approximately 100’ to the east of the original location. Vehicular access to the Cromwell North 2 Facility would extend from Main Street over a short portion of the Owner’s existing paved driveway, a distance of approximately 175 feet, then over a new gravel driveway extension an additional distance of approximately 990 feet. Electric service to the Cromwell

North 2 Facility will extend underground from Main Street along the side of the access driveway.

Public Need

The proposed Cromwell North 2 Facility is needed to provide capacity relief to Cellco's existing Cromwell North, Rocky Hill 2 and Portland cell sites and to fill gaps in wireless service in northerly portions of Cromwell including portion of Route 99 (Main Street) in Cromwell and Rocky Hill, the surrounding residential and commercial areas, the TPC River Highlands Golf Course and the Town's Waltrous Park.

Nature of Probable Impacts

The construction, maintenance and operation of the Cromwell North 2 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 Cromwell North 2 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 on adjacent parcels; 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 120' tower would be visible above the surrounding tree canopy comprise approximately 108 acres, or 1.34 percent of the two-mile radius (8,042 acre) study area. Year-round visibility of the proposed tower is limited to locations within approximately 0.75 miles of the cell site. Areas where seasonal views are anticipated comprise approximately 224 additional acres, or 4.12 percent of the two-mile radius (8,042 acre) study area. Visual impacts of

the tower from residential areas to the south of the Property may improve by shifting the tower site to the east, as proposed.

There are 58 residences within 1,000 feet of the Cromwell North 2 Facility. The closest off-site residence is located at 16 Sunset Drive, approximately 208 feet to the southwest of the tower site. The Cromwell North 2 Facility is not within 250 feet of any school or commercial daycare facility.

Public Input

On October 30 2015, Cellco representatives met with Cromwell 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 November 30, 2015. At this meeting, Cellco discussed, in detail, the aspects of the proposed Cromwell North 2 Facility, the need for capacity relief and 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 *Courant*. At the request of several neighbors in attendance at the PIM, Cellco approached Gardiners Nurseries Inc., the owner of land to the north of the Property and asked if it would be willing to lease space for a tower site. Cellco spent two years negotiating with Gardiners Nurseries Inc. before ultimately terminating negotiations in December of 2017.

On December 26, 2017 and January 23, 2018, Cellco notified Cromwell's Mayor, the Town Manager its intent to move forward with the submission of the Cromwell North 2 application. A similar notice was sent to abutting landowners on January 23, 2018. No local officials or area residents contacted Cellco before the submission of the Council application on February 23, 2018.

Conclusion

The unrefuted evidence in the record clearly demonstrates that there is a need for the proposed Cromwell North 2 Facility and that the environmental impacts of the proposed facility would be minimal.

I. INTRODUCTION

On February 23, 2018, Cellco Partnership d/b/a Verizon Wireless (“Cellco” or “Applicant”) filed an application (the “Application”) with the Connecticut Siting Council (“Council”) 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 “Cromwell North 2 Facility”) on a 7.78-acre parcel at 667, 665, 663 and 663R Main Street in Cromwell, Connecticut (collectively the “Property”). The Property is owned by Cromwell Concrete Products Inc. and Libera Real Estate Holdings, LLC and is used for the manufacturing and storage of concrete products (Cellco Exhibit 1 (“Cellco 1”); April 19, 2018 Council Site Visit). The Cromwell North 2 Facility is needed to provide capacity relief to Cellco’s existing Rocky Hill 2, Cromwell North and Portland cell sites and fill significant gaps in wireless service in northern portions of Cromwell as well as southern portions of Rocky Hill. (Cellco 1, pp. 6-7, Tab 1 and Tab 6; 4/19/18 Hearing Transcript (Afternoon) (“Tr. 1”) pp. 22-23, 40, 57, 71-72).

II. PROCEDURAL BACKGROUND

On April 19, 2018, the Council conducted an evidentiary hearing and an evening public hearing on the Application (Tr. 1, p. 4; 4/19/18 Hearing Transcript (Evening) (“Tr. 2”), p. 4). 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, approximately four-foot in diameter was aloft from approximately 7:25 a.m. and 6:00 p.m., and during the Council’s site visit. Winds during the site visit were calm and the balloon was able to reach and maintain its full height of 120 feet AGL. (Cellco 1, p. 14; April 19, 2018 Site Visit; 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 in Cromwell and throughout Connecticut. Initially, Cellco will deploy only 700 MHz and 2100 MHz frequencies at the Cromwell North 2 Facility. Cellco currently provides wireless service in Cromwell from seven (7) existing facilities identified as Cellco’s Cromwell North, Rocky Hill 2, Rocky Hill 4, Rocky Hill East, Portland, Cromwell SE and Cromwell cell sites. The primary purpose of the Cromwell North 2 Facility is to provide capacity relief to Cellco’s existing Cromwell North (Alpha sector) and Rocky Hill 2 (Beta sector) cell sites which are all operating at or near their respective capacity limits.¹ As proposed, the Cromwell North 2 Facility will be capable of off-loading capacity from Cellco’s Cromwell North, Rocky Hill 2 and Portland facilities. (Cellco 1, pp. 6-7, Tab 6; Cellco 4, Q. 22, Q. 24).

In addition, plots showing the extent of reliable wireless service in Cromwell and the surrounding Towns reveal significant “coverage gaps” along portions of Route 99 (Main Street) as well as local roads in the area, in Waltrous Park to the west and at the TPC River Highlands Golf Course to the southeast, particularly in Cellco’s 2100 MHz operating frequency. (Cellco 1,

¹ The Cromwell North 2 Facility will also provide limited additional capacity relief to Cellco’s existing Portland (Alpha sector) cell site. (Cellco 4, Q. 22; Tr. 1, pp. 22-23).

pp. 6-7; Tr. 1, pp. 58-59).

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 Cromwell North 2 Facility. 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 uses² and where the visual impact of the facility could be reduced to the greatest extent possible. (Cellco 1, pp. 11-12 and 13-14, Tab 6, Tab 8 and Tab 9).

B. Local Contacts

On October 30, 2015, Cellco representatives met with Mayor Enzo Faienza and Town Manager Anthony Salvatore to commence the ninety (90) day municipal consultation process. Mayor Faienza and Mr. Salvatore received a copy of technical information summarizing Cellco's plans to establish the Cromwell North 2 Facility. At this meeting, Cellco discussed, in detail, the aspects of the proposed Cromwell North 2 Facility, the need for wireless service in Cromwell and the Connecticut Siting Council application process. Four (4) copies of Cellco's Technical Report were filed in bulk with the Council. (Cellco 1a.). At the request of the Town, Cellco hosted a Public Information Meeting ("PIM") at Cromwell Town Hall on November 30, 2015. Notice of the PIM was published in the Hartford Courant on November 20, 2015, and was mailed to abutting landowners. (Cellco 1, Tab 16).

At the PIM, Cellco discussed the need for the Cromwell North 2 Facility, the Council's application process and the alternative cell site locations considered. At the request of several abutters, Cellco agreed to investigate the Gardiners Nurseries, Inc. parcel at 675 Main Street

² The Property is currently used for industrial purposes, concrete products manufacturing and storage; and is surrounded by residential and open agricultural land. (Cellco 1, Tab 1).

(immediately north of the Property) as an alternative to the proposed tower location. Cellco spent the next two years negotiating a tower lease with Gardners Nurseries, Inc. to no avail. Cellco terminated negotiations in December, 2017. (Cellco 1, pp. 20-21; Cellco 4, Q. 15).

On December 26, 2017, Cellco's legal counsel notified Mayor Faienza and the Town Manager, Anthony Salvatore by letter of its intent to move forward with its plans to construct a new tower at the Property. On January 16, 2018, Cellco's legal counsel called and left voice-mail messages for Mayor Faienza and Mr. Salvatore to discuss Cellco's plans to move forward with the tower proposal. Neither the Mayor nor the Town Manager responded to the December 26, 2017 notice letter or the follow-up phone call. On January 23, 2018, notice of Cellco's intent to move forward with its Council application was also sent to all abutting property owners. (Cellco 1, pp. 20-21; Cellco 4, Q. 15). Pursuant to C.G.S. Section 16-50(b), notice of Cellco's intent to file the Application was published in the *Hartford Courant* on February 20 and 21 and sent to abutting landowners on February 21, 2018. (Cellco 1, p. 3, Tab 4).

C. Tower Sharing

Cellco will design the Cromwell North 2 Facility tower, foundation and compound to be shared by other wireless carriers as well as local and for regional emergency service providers if a need exists. As of the date of this filing no wireless carrier has approached Cellco about sharing the proposed facility. Likewise, the Town has expressed no interest in sharing the proposed Cromwell North 2 Facility. Cellco would design the tower and its foundation for an extension of the tower, up to 20 feet to accommodate future tenants. (Cellco 1, p. 12; Tr. 1, pp. 76-77).

D. The Cromwell North 2 Facility Proposal

The Cromwell North 2 Facility would be located within a 50' x 50' fenced compound

(70' x 75' leased area) in the northwest portion of the Property. At the request of an adjacent property owner, Cellco relocated the Cromwell North 2 Facility compound and tower 100 feet to the east of its original location. This new location is approximately 137 feet from the western Property boundary. (Cellco 1, Tab 1; Cellco 4, Q. 2; Tr. 1, pp. 13-14).

At the new tower location, Cellco would construct an 120-foot self-supporting monopole tower. Cellco would install six (6) panel-type antennas and twelve (12) RRHs on a square platform at the top of the tower. Vehicular access to the site compound would extend from Main Street over a portion of the Owner's existing paved driveway a distance of approximately 175 feet, then over a new gravel driveway extension an additional 990 feet to the cell site. Electric and telephone service will extend underground from an existing utility pole along Main Street along the proposed access driveway.³ (Cellco 1, pp. iii, 7-9, Tab 1).

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 30 kW diesel-fueled back-up generator. (Cellco 1, pp. 7-8, Tab 1; Cellco 4, Q. 28).

The tower and equipment platform would be located in the southeast portion of the 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.

³ Cellco's utility trench will be located in a manner least disruptive to the roots of existing trees along the southern and western perimeter of the Property. (Tr. 1, pp. 35-36).

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 Cromwell North 2 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. 4-6; 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. 4-6; Council Adm. Notice 20).

The proposed Cromwell North 2 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. 4-6). 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 Middlesex County, and throughout the State of Connecticut. Initially, Cellco will deploy only 700 MHz and 2100 MHz frequencies at the Cromwell North 2 Facility. Additional frequencies will be deployed as capacity requirements in the area grow. (Cellco 1, p. 6, Tab 5).

The record contains ample and refuted, written evidence and testimony that Cellco's antennas at a height of 120 feet AGL at the Cromwell North 2 Facility would allow Cellco to satisfy its wireless service objectives in northern portions of Cromwell and southern portions of Rocky Hill. (Cellco 1, pp. 6-7, Tab 6; Cellco 4, Q. 16).

Principally, the proposed Cromwell North 2 Facility would provide capacity relief to Cellco's existing Cromwell North, Rocky Hill 2 and, to a lesser extent, Portland facilities. The Cromwell North 2 Facility will also provide reliable wireless service to significant portions of northern Cromwell and along portions of Route 99 (Main Street), as well as local roads in the area to Waltrous Park and the TPC River Highlands Golf Course. The Cromwell North 2 Facility will maintain an overall coverage footprint of 11.3 square miles at 700 MHz; and 2.4 square miles at 2100 MHz. (Cellco 1, pp. 6-8, Tab 6).

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

The Docket No. 481 record demonstrates that the probable environmental impacts of the Cromwell North 2 Facility are not sufficient reason to deny the Application.

1. Natural Environment and Ecological Balance

The proposed development of the Cromwell North 2 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, in a portion of the Property previously cleared and currently used for the storage of concrete products. Access to the tower site would extend from Main Street over a portion of the Owner's existing paved driveway then over a new gravel driveway extension. No trees will need to be removed and minimal grading would be required for construction of the facility compound and access driveway. (Cellco 1, pp. 1-2, Tab 1; Tr. 1, pp. 14-15). Overall, the Cromwell North 2 Facility development would have a negligible impact on the physical environment of the Property. There is no evidence in this proceeding to refute this conclusion.

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 Cromwell North 2 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 183 feet to the southwest of the proposed tower site. (Cellco 1, Tab 1; April 19, 2018 Site Visit; Cellco 4, Q. 2).

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. 12).

Overall, the nature and extent of potential, adverse public health and safety impacts resulting from construction and installation of the Cromwell North 2 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

Cellco submitted a Visibility Analysis prepared by All-Points Technology Corporation (“APT”) as a part of its Application. Prior to preparing its report, APT conducted a balloon float and extensive field reconnaissance to obtain photographs for use in the Visibility Analysis. APT presented photo documentation from 30 locations around the Property. (Cellco 1, Tab 9). APT determined that top portions of the tower would be visible above the tree canopy from approximately 108 acres or 1.34 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 the east and west of property as these areas are fairly open with little or no vegetation. (Cellco 1, pp. 13-14, Tab 9). 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 Cromwell North 2 Facility is generally limited to locations on the Property and within the immediate vicinity (within approximately 0.75 miles) of the tower site. Areas where seasonal views are anticipated comprise approximately 224 additional acres. Overall, the proposed Cromwell North 2 Facility will, therefore, have no significant visual effect on the surrounding community. (Cellco 1, pp. 13-14, Tab 9).

Overall, the visual impact of a 120-foot tower would be similar for a tower site in the new location, 100 feet to the east of the proposed location. (Tr. 1, pp. 18-19). Views of the new tower location from certain locations around the tower site, particularly from the south along Sunset Drive, may be less obtrusive. (Tr. 1, pp. 47-48). Finally, there are no schools or commercial daycare facilities located within 250 feet of the facility. (Cellco 1, Tab 9).

4. Historical Values

Cellco has completed a preliminary historic resources determination for the Cromwell North 2 Facility which reveals that no resources listed or eligible for listing on the National Register of Historic Places are located ½ mile of the tower site. One State-registered historic place is located 0.5 miles northeast of the cell site. Cellco anticipates that it will receive a no adverse effect determination from the State Historic Preservation Officer after a filing is made. (Cellco 4, Q. 39; Tr. 1, pp. 36-37).

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 Cromwell North 2 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 Cromwell North 2 Facility tower. (Cellco 1, Tab 9).

7. Agriculture

No “Prime” and “State-Wide Important” farmland soil will be impacted by construction of the proposed Cromwell North 2 Facility. (Cellco 1, p. 16, Tab 13).

8. Air and Water Quality

a. Air Quality.

Under normal operating conditions, the Cellco equipment at the Cromwell North 2 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, Tab 1).

b. Water Quality.

The proposed Cromwell North 2 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 for the Cromwell North 2 Facility. The wetland investigation was revisited, more recently, following the relocation of the tower compound 100 feet to the east. The closest wetland area to the proposed relocated facility compound is located approximately 160 feet to the west.⁴ A second wetland is located approximately 360 feet from a second wetland to the north. Due to the significant distance separating the facility compound from the wetland areas, it is unlikely that the Cromwell North 2 Facility will have an adverse impact on these existing wetland resources. (Cellco 1, pp. 18-19, Tab 1 and Tab 11). In addition, the Cromwell North 2 Facility is not within a DEEP designated aquifer protection area. (Cellco 4, Q. 37).

⁴ The original compound location was only 85 feet to the closest wetland area to the west.

9. Fish and Wildlife

As a part of its National Environmental Policy Act (“NEPA”) Checklist, Cellco has reviewed the proposed Cromwell North 2 Facility for compliance with the U.S. Department of Interior, Fish and Wildlife Service (“USFWS”) and the 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 Cromwell, Connecticut. Because the Cromwell North 2 Facility would be located in an open area and require no tree clearing to construct it is unlikely that site development activity will adversely affect an NLEB. In addition, the Cromwell North 2 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 has identified the *eastern box turtle* as a State-listed special concern species that may occur in the area around the Property. Cellco will incorporate an eastern box turtle protection plan into its D&M Plan to avoid impacts on this species. (Cellco 1, p. 14, Tab 10; Cellco 4, Q. 38).

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 Cromwell North 2 Facility, 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.

V. CONCLUSION

Based on the overwhelming and unrefuted evidence in the record, the Applicant has established that there is a need for a Cromwell North 2 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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