

Phyllis M. Kraut

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November 21, 2019

**VIA HAND DELIVERY
AND ELECTRONIC MAIL**

Attorney Melanie Bachman,
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Docket No. 486: Tarpon Towers II, LLC Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility at 796 Woodin Street, Hamden, Connecticut

Dear Attorney Bachman:

On behalf of Tarpon Towers II, LLC, enclosed please find an original and fifteen (15) copies of the Applicant's Post Hearing Brief dated November 21, 2019.

If you have any questions, please do not hesitate to give me a call.

Very truly yours,



Phyllis M. Kraut
Legal Assistant to Vincent M. Marino, Esq.

Enclosures

cc: Service List
Vincent M. Marino, Esq.
Town of Hamden
City of New Haven

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE: : DOCKET NO.: 486
APPLICATION OF TAPON TOWERS II, LLC :
FOR A CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED FOR THE :
CONSTRUCTION, MAINTENANCE AND :
OPERATION OF A TELECOMMUNICATIONS :
FACILITY LOCATED AT 796 WOODIN STREET, :
HAMDEN, CONNECTICUT : November 20, 2019

POST HEARING BRIEF OF TARPON TOWERS II, LLC

Tarpon Towers II, LLC (“Tarpon”) hereby submits its post-hearing brief in support of its application for the construction, operation and maintenance of a new telecommunications facility in Hamden, Connecticut (the “Application”). For the reasons discussed more fully herein, Tarpon respectfully requests that the Siting Council (“Council”) approve the Application and issue a Certificate of Environmental Compatibility and Public Need (“Certificate”) in Docket No. 486.

Executive Summary

On July 15, 2019, Tarpon filed the Application the Council for the Certificate for the construction, maintenance and operation of a wireless telecommunications facility (“Facility”) on an approximately 6.75+/- acre parcel at 796 Woodin Street (the “Property”) in the Town of Hamden. The Hamden Facility will provide reliable wireless service to existing gaps in portions of Hamden, as well as offer significant capacity relief to several surrounding cell sites operating beyond their current capacity limits.

Facility Description

Tarpon proposes to construct a 120-foot monopole tower within a 75-foot by 75-foot leased area and a 70-foot by 70-foot fenced and secure facility compound in the southerly portion of the Property. (Tapon 1, pp. 2-3 and 6-7, Exhibit E). The southerly portion of the Property is undeveloped and heavily wooded. (Tarpon 1, p. 4, Exhibit H). Access to the tower would extend from Woodin Avenue along a new gravel access driveway constructed along the westerly Property boundary, adjacent to the Wilbur Cross Parkway (Tarpon 1, Exhibit E).

Cellco Partnership d/b/a Verizon Wireless ("Verizon") antennas mounted at a centerline of 120 feet. The Facility would sit within a 10,000 square foot area leased by Tarpon. The tower would also host the equipment of three additional wireless carriers as well as Town emergency services, if needed. Verizon's 40 x 70 foot equipment shelter would be located within the compound area, with space reserved for the equipment of three additional carriers. An eight foot high chain link fence would secure the equipment at the Facility. (Tarpon 1, pp. 2, 6-7, Exhibit E).

Municipal Consultation & Procedural History

Tarpon filed a Technical Report with the Town of Hamden on December 13, 2018 and with the City of New Haven on March 13, 2019. On March 1, 2019, the Town of Hamden held a public informational meeting on the proposal and in April and May, the Town of New Haven, through its City Plan Commission, held public informational meetings on the proposal.

After the Council received the Application, Tarpon provided responses to the Council's interrogatory requests and submitted pre-hearing and supplemental submissions. The Council held a site visit and a public hearing in the Town of Hamden on September 19, 2019, with a second hearing date on October 22, 2019.

Need for the Facility

This Docket contains ample evidence why the proposed Hamden replacement cell site will satisfy Verizon's existing coverage objectives primarily to the north of West Rock Ridge along Route 15 and to provide significant capacity relief to Verizon's wireless network in Hamden. The proposed facility will also fill other coverage gaps in southern and eastern portions of Hamden. (Tarpon 1, pp. 1-3, 15-16).

Due to its relatively high ground elevation (445 feet above mean sea level ("AMSL")) and Cellco's antenna height of 170 feet AGKL (610 feet AMSL), Cellco's Hamden Cell Site (Beta sector antennas) provides service to a large geographic area in southwest Hamden. The evolution of Cellco's network demands a transition from higher ground sites to more numerous cell sites at lower ground elevations to accommodate the demands of its fast-growing customer base to benefit from improvements in wireless coverage and significant enhancements to cell site capacity. (Tarpon 1, pp. 7, 15-16, Exhibit F; Cellco 2, Responses 3, 4 and 5); *See further* (Cellco 2, Response 1; 10/22/19 Tr. pp.15-17).

Cellco has made conflicts within its network, (10/22/19 Tr. p. 18; Tr. 2, pp. 36-37), but the only effective way to resolve its interference problems is to remove its Hamden Cell Site (Beta sector antennas) off the air. Doing so, however, will result in loss of

wireless service and the opening of gaps in large portions of southwest Hamden, including portions of Route 15. See (10/22/19 Tr. pp. 62-65). These gaps would be resolved and filled by coverage from the Tarpon tower at the Property. (Tarpon 1, p. 7, Exhibit F; Tr. 2, pp. 62-65).

Nature of Probable Impacts

Connecticut General Statutes §16-50p(a)(3)(B) requires the Council to consider “the nature of the probable environmental impact.” “The closest wetland system is too far from the site of the proposed Facility to be impacted by the construction, operation and maintenance of the Facility.” See Pre-filed Testimony of Dean E. Gustafson, Q.7; Tarpon 1; Exhibit K.

The Docket contains substantial evidence to support a finding by the Council that the Hamden Facility would not have a significant adverse impact on the environment as the location and development of the sites: (1) will neither effect historic nor archaeological resources in the area; (2) are not within the vicinity of national parks or forest; (3) are neither designated a wilderness area nor located in any areas identified as a wildlife area or preserve; (4) will neither affect public health nor safety; (5) will not impact wetlands; and (6) will not have any significant visual impacts.

Additionally, no parties, intervenors or members of the public introduced any credible evidence of significant adverse environmental concerns regarding the Facility.

Conclusion

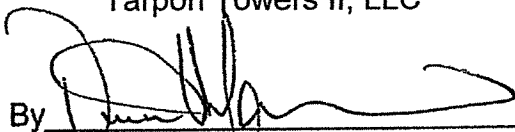
Tarpon submits that the record before this Council demonstrates that a public need for the Facility has been acknowledged by all interested parties and the evidence supports the need for the tower proposed by Tarpon.

The evidence in the Docket clearly satisfies the criteria of Conn. Gen. Stat. § 16-50p(a)(3) because: (1) there is a need for coverage and capacity relief in the area surrounding the proposed Hamden Facility; (2) the proposed Hamden Facility satisfies this need; (3) there are no other viable alternatives; and (4) the environmental impacts from the proposed Hamden Facility would be minimal when balanced against the well-established need.

In balancing the environmental effects, the Facility meets the state statutory criteria for approval of a Certificate. Approval of the proposed tower will enhance cellular communication services in this geographic area. Tarpon respectfully requests that the Council, in evaluating the facts presented in Docket 486, issue a Certificate for the site in accordance with section 16-50p of the Connecticut General Statutes.

Respectfully Submitted

Tarpon Towers II, LLC

By 

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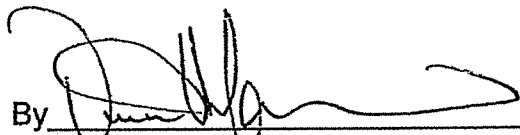
CERTIFICATION

I hereby certify that on this day a copy of the foregoing was sent by electronic mail and regular mail, postage prepaid, to all parties and interveners of record, as follows:

Kenneth C, Baldwin, Esq.

Counsel for Celco Partnership
d/b/a Verizon Wireless

Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103
Kbaldwin@rc.com

By 

Vincent M. Marino, Esq.