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| DOCKET NO. 536 – Tarpon Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility and associated equipment located at 78 Goshen East Street, Norfolk, Connecticut. | } Connecticut } Siting } Council |
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October 24, 2025

DRAFT Findings of Fact

Introduction

1. Tarpon Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless (Applicants), in accordance with provisions of Connecticut General Statutes (CGS) §16-50g, et seq, applied to the Connecticut Siting Council (Council) on April 17, 2025 for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 186-foot self-supporting lattice wireless telecommunications facility at 78 Goshen East Street, Norfolk, Connecticut (refer to Figures 1 & 2). (Applicants 1, p. 1)
2. Tarpon Towers III, LLC (Tarpon) is a Delaware limited liability company with an office located at 916 77th Terrace East, Suite 103, Lakewood Ranch, Florida. Tarpon develops and owns wireless telecommunications facilities throughout the United States. Tarpon would construct, maintain and own the proposed facility and would be the Certificate Holder. (Applicants 1, p. 3)
3. Cellco Partnership d/b/a Verizon Wireless (Cellco) is a Delaware limited liability company with an office at 20 Alexander Drive, Wallingford, Connecticut. Cellco is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service in the State of Connecticut. (Applicants 1, p. 4)
4. The Applicants are the only party to this proceeding. (Record; Transcript 1, August 14, 2025, 2 p.m. (Tr. 1, p. 6))
5. There are no Connecticut Environmental Protection Act (CEPA) Intervenor in this proceeding. (Record)
6. Under Regulations of Connecticut State Agencies (RCSA) §16-50j-16, the Council may add parties and intervenors at any time during the pendency of a proceeding. Any person granted status is responsible for obtaining and reviewing all materials for the proceeding. (RCSA §16-50j-16 (2025))
7. The purpose of the proposed facility is to provide reliable wireless communications services for Cellco customers to portions of Norfolk, Goshen and Winchester. (Applicants 1, Attachment 6)
8. Under CGS §16-50p(b), there is a presumption of public need for personal wireless services and the Council is limited to consideration of a specific need for any proposed facility to be used to provide such services to the public. (CGS §16-50p(b) (2025))
9. Also under CGS §16-50p(b), the Council must examine whether the proposed facility may be shared with any public or private entity that provides service to the public if the shared use is technically, legally, environmentally and economically feasible and meets public safety concerns, and may impose reasonable conditions as it deems necessary to promote the immediate and shared use of telecommunications facilities and avoid the unnecessary proliferation of such facilities consistent with the state tower sharing policy. (CGS §16-50p(b) (2025); CGS §16-50aa (2025))

10. Pursuant to CGS §16-50/ (b), notice of the application was provided to abutting property owners by certified mail on April 15, 2025. Three certified mail receipts were not returned to the Applicants; one was marked as received according to the US Postal Service (USPS) tracking system, one was marked as moving through USPS network, and the one was marked unclaimed. The Applicants resent notice by regular USPS mail to the abutters that had no record of receipt. (Applicants 1, Attachment 2; Applicants 4, response 1; Tr. 1, pp. 33-35)
11. On April 15, 2025, Applicants provided notice to all federal, state and local officials and agencies listed in CGS §16-50/ (b). (Applicants 1, Attachment 4)
12. Pursuant to CGS §16-50/ (b), Applicants sent a copy of the application to state legislators representing the Town. (Applicant 3, response 3)
13. Pursuant to CGS §16-50/ (b), Applicants provided public notice of the filing of the application that was published in the Republican American on April 15 and April 16, 2025. (Applicants 2)

Procedural Matters

14. CGS §1-225a permits public agencies to hold remote meetings under the Freedom of Information Act (FOIA) and the Uniform Administrative Procedure Act. FOIA defines “meeting” in relevant part as “any hearing or other proceeding of a public agency.” (CGS §1-225a (2025); CGS §1-200, *et seq.* (2025))
15. CGS §1-225a allows public agencies to hold remote meetings provided that:
 - a) The public has the ability to view or listen to each meeting or proceeding in real-time, by telephone, video, or other technology;
 - b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency’s website within seven (7) days of the meeting or proceeding;
 - c) The required notice and agenda for each meeting or proceeding is posted on the agency’s website and shall include information on how the meeting will be conducted and how the public can access it any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency’s website for public inspection prior to, during and after the meeting; and
 - d) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.(CGS §1-225a (2025))
16. Upon receipt of the application, on April 17, 2025 the Council sent a letter to the Town of Norfolk (Town), as notification that the application was received and is being processed, in accordance with CGS §16-50gg. (Record)
17. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over telecommunications facilities throughout the state. It shall consider any location preferences provided by the host municipality under CGS §16-50gg as the Council shall deem appropriate. (CGS §16-50x (2025))
18. During a regular Council meeting on May 15, 2025, the application was deemed complete pursuant to RCSA §16-50/-1a and the public hearing schedule was approved by the Council. (Record)

19. Pursuant to CGS §16-50m, on May 16, 2025, the Council sent a letter to the Town to provide notification of the scheduled public hearing via Zoom remote conferencing and to invite the Town to participate. (Record)
20. Pursuant to CGS §16-50m, the Council published legal notice of the date and time of the public hearing via Zoom remote conferencing in the Republican-American on May 19, 2025. (Record; Tr. 1, p. 5)
21. The Council's Hearing Notice did not refer to a public field review of the proposed site. Field reviews are neither required by statute nor an integral part of the public hearing process. The purpose of a field review is an investigative tool to acquaint members of a reviewing commission with the subject property. (Record; *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980); *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997))
22. On May 22, 2025, pursuant to CGS §16-50o, Applicants filed a Motion for Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site. (Record)
23. On July 2, 2025, in lieu of an in-person field review of the proposed site, the Council requested that Applicants submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the site. On July 23, 2025, Applicants submitted such information in response to the Council's interrogatories. (Record; Applicants 3, response 43)
24. On July 16, 2025, the Council held a pre-hearing conference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists and filing of pre-hearing interrogatories. Applicants participated in the Council's pre-hearing conference. Procedures for the public hearing via Zoom remote conferencing were also discussed. (Council Pre-Hearing Conference and Remote Hearing Procedure Memoranda, dated July 9, 2025)
25. On July 25, 2025, in compliance with RCSA §16-50j-21, the Applicants installed four-foot by six-foot signs at the driveway for 78 Goshen East Street and the proposed access drive at Estey Road. The signs presented information regarding the proposed telecommunications facility and the Council's public hearing. (Applicants 4)
26. Pursuant to CGS §16-50p(g), the Council shall in no way be limited by Applicants already having acquired land or an interest therein for the purpose of constructing the proposed facility. (CGS §16-50p(g) (2025); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
27. The Council's evaluation criteria under CGS §16-50p does not include the consideration of property ownership or property values nor is the Council otherwise obligated to take into account the status of property ownership or property values. (CGS §16-50p (2025); *Woodbridge Newton Neighborhood Env't Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2024); *Goldfisher v. Conn. Siting Council*, 95 Conn. App. 193 (2006))
28. Pursuant to CGS §16-50m, the Council gave due notice of a public hearing to be held on August 14, 2025, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom remote conferencing. The Council provided information for video/computer access or audio only telephone access. (Council's Hearing Notice dated May 16, 2025; Tr. 1, p. 1; Transcript 2 – August 14, 2025 - 6:30 p.m. [Tr. 2], p. 1)

29. The 6:30 p.m. public comment session afforded interested persons the opportunity to provide oral limited appearance statements. Interested persons were also afforded an opportunity to provide written limited appearance statements at any time up to 30 days after the close of the evidentiary record. Limited appearance statements in this proceeding, whether oral or written, were not provided under oath nor subject to cross examination. (Tr. 1, pp. 6-7; Tr. 2, p. 6; CGS §16-50n(f) (2025))
30. No members of the public signed up to speak during the public comment session of the Council's hearing held on August 14, 2025. (Tr. 2, p. 6)
31. On August 15, 2025, the Council issued a Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site, pursuant to CGS §1-210(b) and consistent with the Conclusions of Law adopted in Council Docket 366. (Record; Tr. 1, pp. 7-9)
32. In compliance with CGS §1-225a:
 - a) The public had the ability to view and listen to the remote public hearings in real-time, by computer, smartphone, tablet or telephone;
 - b) The remote public hearings were recorded and transcribed, and such recordings and transcripts were posted on the Council's website on August 15, 2025 and August 28, 2025 respectively;
 - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearings were posted on the Council's website;
 - d) Prior to, during and after the remote public hearings, the record of the proceeding has been, and remains, available on the Council's website for public inspection; and
 - e) The Council, parties and intervenors provided their information for identification purposes during the remote public hearings.(Hearing Notice dated May 16, 2025; Tr. 1; Tr. 2; Record)
33. The purpose of discovery is to provide the Council, parties and intervenors access to all relevant information in an efficient and timely manner to ensure that a complete and accurate record is compiled. (RCSA §16-50j-22a (2025))
34. In an administrative proceeding, irrelevant, immaterial or unduly repetitious evidence shall be excluded, and an agency has the right to believe or disbelieve the evidence presented by any witness, even an expert, in whole or in part. (CGS §4-178 (2025); *Dore v. Commissioner of Motor Vehicles*, 62 Conn. App. 604 (2001); RCSA §16-50j-25).
35. Pursuant to CGS §16-50n(f), at the conclusion of the hearing session held on August 14, 2025, the Council closed the evidentiary record for Docket 536 and established September 13, 2025 as the deadline for public comments and the submission of briefs and proposed findings of fact. (Record)
36. On August 15, 2025, the Council requested an extension of time to March 13, 2026 to render a final decision. On August 25, 2025, in response to the Council's request, the Applicants consented to the extension of time for the Council to render a final decision. (Record)
37. On September 5, 2025, Applicants submitted a post-hearing brief. (Record)

38. Constitutional principles permit an administrative agency to organize its hearing schedule so as to balance its interest in reasonable, orderly and non-repetitive proceedings against the risk of erroneous deprivation of a private interest. It is not unconstitutional for the Council, in good faith, to balance its statutory time constraints against the desire of a party, intervenor or CEPA intervenor for more time to present their objections to a proposal. (*Concerned Citizens of Sterling v. Conn. Siting Council*, 215 Conn. 474 (1990); *Pet v. Dept. of Public Health*, 228 Conn. 651 (1994); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014))

State Agency Comment

39. Pursuant to CGS §16-50j (g), on May 16, 2025, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Energy and Environmental Protection (DEEP); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Agriculture (DOAg); Department of Transportation (DOT); Connecticut Airport Authority (CAA); Department of Emergency Services and Public Protection (DESPP); State Historic Preservation Office (SHPO); and Office of Consumer Counsel (OCC). (Record)
40. On May 28, 2025, the Council received comments from CEQ¹ related to forestland habitat. These comments, among other environmental concerns, are more specifically addressed in the Environmental Effects and Mitigation Measures sections of this document, pursuant to CGS §16-50p. (Record; CGS §16-50p (2025))
41. While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies. (CGS §16-50p(g) (2025); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007)).

Municipal Consultation

42. Pursuant to CGS §16-50l(f), the Applicants commenced the 90-day pre-application municipal consultation process on January 2, 2025, by submitting a Technical Report to Town officials. (Applicants 1, pp. 19-20)
43. At the request of the Town, on March 26, 2025, the Applicants appeared before the Town Planning & Zoning Commission (P&ZC), attended by approximately 30 residents. The residents asked questions regarding the proposed facility and suggested other locations to host a facility. **The Town First Selectman commented on the lack of emergency communications in the South Norfolk area.** (Applicants 1, pp. 19-20, Applicants 3, response 4; Tr. 1, p. 35)
44. At the request of the P&ZC, the Applicants conducted a publicly noticed balloon float on April 18, 2025 from 8AM to approximately 12:45 PM when increasing winds made it difficult to sustain the balloon. (Applicants 1, pp. 19-20, Attachment 17; Tr. 1, pp. 16, 33)

¹ https://portal.ct.gov/-/media/csc/1_dockets-medialibrary/1_media_do500_600/do536/proceduralcorrespondence/do536_ceq-commentsrecd_a.pdf?rev=91a0761c956842f8bdc9f98055cb7b9f&hash=ADD4509D6E2FB342323B69D903089B7F

45. The Town did not comment on the proposed facility. (Record)

Public Need for Service

46. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
47. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states and has established design standards to ensure technical integrity and nationwide compatibility among all systems. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
48. Section 253 of the Telecommunications Act of 1996 prohibits any state or local statute or regulation, or other state or local legal requirement from prohibiting or having the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
49. Section 704 of the Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services and from prohibiting or having the effect of prohibiting the provision of personal wireless services. This section also requires state or local governments to act on applications within a reasonable period of time and to make any denial of an application in writing supported by substantial evidence in a written record. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
50. Section 704 of the Telecommunications Act of 1996 also prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions, which include effects on human health and wildlife, to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
51. Section 706 of the Telecommunications Act of 1996 requires each state commission with regulatory jurisdiction over telecommunications services to encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans, including elementary and secondary schools, by utilizing regulating methods that promote competition in the local telecommunications market and remove barriers to infrastructure investment. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
52. In December 2009, President Barack Obama recognized cell phone towers as critical infrastructure vital to the United States. The Department of Homeland Security, in collaboration with other federal stakeholders, state, local, and tribal governments, and private sector partners, has developed the National Infrastructure Protection Plan (NIPP) to establish a framework for securing resources and maintaining resilience from all hazards during an event or emergency. (Council Administrative Notice Item No. 11 –Presidential Proclamation 8460, Critical Infrastructure Protection)
53. In February 2012, Congress adopted the Middle Class Tax Relief and Job Creation Act (also referred to as the Spectrum Act) to advance wireless broadband service for both public safety and commercial users. The Act established the First Responder Network Authority (FirstNet) to oversee the construction and operation of a nationwide public safety wireless broadband network. Section

- 6409 of the Act contributes to the twin goals of commercial and public safety wireless broadband deployment through several measures that promote rapid deployment of the network facilities needed for the provision of broadband wireless services. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012)
54. In June 2012, President Barack Obama issued an Executive Order to accelerate broadband infrastructure deployment declaring that broadband access is a crucial resource essential to the nation's global competitiveness, driving job creation, promoting innovation, expanding markets for American businesses and affording public safety agencies the opportunity for greater levels of effectiveness and interoperability. (Council Administrative Notice Item No. 12 – Presidential Executive Order 13616, Accelerating Broadband Infrastructure Development; Council Administrative Notice Item No. 24 – FCC Wireless Infrastructure Report and Order)
 55. Pursuant to Section 6409(a) of the Spectrum Act, a state or local government may not deny and shall approve any request for collocation, removal or replacement of equipment on an existing wireless tower provided that this does not constitute a substantial change in the physical dimensions of the tower. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012; Council Administrative Notice Item No. 24 – FCC Wireless Infrastructure Report and Order)
 56. In June 2020, the FCC issued a declaratory ruling that heights of existing towers located outside of the public right-of-way could increase by up to 20 feet plus the height of a new antenna without constituting a substantial change in the physical dimensions of a tower. (Council Administrative Notice Item No. 28 - Declaratory Ruling and Notice of Proposed Rulemaking, FCC 20-75, June 10, 2020)
 57. In November 2020, the FCC issued an order that ground excavation or deployment up to 30 feet in any direction beyond the site boundary of existing towers located outside of the public right-of-way does not constitute a substantial change in the physical dimensions of a tower (Council Administrative Notice Item No. 29, *Report and Order*, FCC 20-153, November 3, 2020)
 58. According to state policy, if the Council finds that a request for shared use of a facility by a municipality or other person, firm, corporation or public agency is technically, legally, environmentally and economically feasible, and the Council finds that the request for shared use of a facility meets public safety concerns, the Council shall issue an order approving such shared use to avoid the unnecessary proliferation of towers in the state. (CGS §16-50aa (2025))
 59. The Town Plan of Conservation and Development includes the objective to enhance wireless communications capacity and capability while seeking to preserve scenic views and community character. (Applicants 1, p. 18)
 60. On May 16, 2025, the Council sent correspondence to other telecommunications carriers not intervening in the proceeding requesting that carriers interested in locating on the proposed facility in the foreseeable future to notify the Council by August 7, 2025. No carriers responded to the Council's solicitation. (Record)
 61. The facility would be designed to accommodate four wireless carriers and Town and local emergency service providers. The Town and local emergency service responders have not expressed an interest in collocating antennas on the proposed facility. (Applicants 1, p. 11, Attachment 1; Applicants 3, response 27; Tr. 1, pp. 35, 61-62)

Cellco's Existing and Proposed Wireless Services

62. Cellco has a coverage deficiency in its wireless communications network in the southern portions of Norfolk and northern portions of Goshen, primarily along the Route 272 corridor (refer to Figure 3) as well as along Route 263 in the northern section of Goshen and western section of Winchester. (Applicants 1, p. 8, Attachment 6)
63. Cellco proposes to install antennas at a centerline height of 180 feet above ground level (agl) to operate 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 3700 MHz frequencies at the site. Cellco designs its network using signal levels of -85 dBm Reference Signal Received Power (RSRP) for in building coverage and -95 dBm RSRP for in vehicle coverage. (Applicants 1, pp. 8-9; Applicants 3, response 20)
64. The 3700 MHz frequencies would provide 5G services. (Applicants 1, pp. 8-9)
65. Cellco currently operates three facilities approximately five miles from the proposed site. None of these facilities are able to provide adequate coverage to the proposed service area. (Applicants 1, Attachment 6; Applicants 3, response 16)
66. Cellco's standard for ineffective attempts and lost calls is less than 0.6%. Currently, the three nearby facilities experience ineffective attempts/lost calls at rates of 2% to 10%. (Cellco 3, response 18)
67. The 700 MHz frequency handles most of Cellco's wireless traffic and has the largest coverage footprint. The other frequencies maintain a smaller coverage footprint and provide Cellco customers with additional service capacity as well as increased data speeds. The wireless device would utilize all the available frequencies together (carrier aggregation) to enhance data speeds to provide higher quality wireless service. (Applicants 3, response 19)
68. Cellco currently has a coverage deficiency on Route 272 (4.9 miles in Norfolk and 2.1 miles in Goshen) and on Route 263 (0.4 miles in Goshen and approximately 3.0 miles in Winchester). (Applicants 3, response 22)
69. The proposed facility would provide 700 MHz -95 dBm RSRP service to Route 272 (4.9 miles in Norfolk and 0.3 miles in Goshen) and to Route 263 (0.3 miles in Goshen and 2.3 miles in Winchester). (Applicants 3, response 22)
70. The proposed site would provide reliable wireless service to the Norfolk-Goshen-Winchester area as indicated in the table below:

| Street Name | 700MHz | | 850MHz | | 1900MHz | | 2100MHz | | 3700MHz | |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | RSRP – 85 dBm | RSRP – 95 dBm | RSRP – 85 dBm | RSRP – 95 dBm | RSRP – 85 dBm | RSRP – 95 dBm | RSRP – 85 dBm | RSRP – 95 dBm | RSRP – 85 dBm | RSRP – 95 dBm |
| Rt. 272 | 3.5 | 5.5 | 3.15 | 4.95 | 0.6 | 1 | 0.5 | 0.9 | 3.1 | 3.3 |
| Rt. 263 | 1 | 2.6 | 0.9 | 2.34 | 0 | 0.3 | 0 | 0.2 | 0.2 | 0.4 |
| Overall Coverage Footprint (Square Miles) | 21.6 | 46.6 | 19.4 | 41.9 | 5.1 | 22.1 | 2.9 | 13.6 | 14 | 34.5 |

Refer to Figure 4 for proposed 700 MHz coverage model. (Applicants 1, Attachment 6; Applicants 3, response 24)

71. Lowering Cellco's antennas to 170 feet agl would lead to service degradation on Routes 272 and 263. (Tr. 1, pp. 37-39)
72. The proposed facility would also provide capacity relief to Cellco's surrounding facilities. (Applicants 1, p. 8; Tr. 1, pp. 35-37)

Site Selection

73. Cellco commenced a site search in the Norfolk-Goshen area in March 2024, identifying 13 potential sites, one of which was the proposed site. The search area was centered around the southern section of Route 272 in Norfolk. (Applicants 1, Attachment 8)
74. During the Town P&ZC meeting on March 26, 2025, residents suggested two other locations at 1349 Marshall Lake Road, Torrington and 201 Windrow Road, Norfolk. These locations were determined not to be viable. (Applicants 1, p. 19)
75. There are no existing towers or structures of suitable height within the site search area that would meet Cellco's coverage objectives. (Applicants 1, p. 11, Attachment 8)
76. The Applicants investigated a total of 15 sites within the search area, as follows:
 - a) **78 Goshen East Street, Norfolk:** selected as the proposed site.
 - b) **287 Old Goshen Road, Norfolk:** two potential sites were investigated but the sites were low in elevation and presented access road issues due to steep terrain.
 - c) **263 Old Goshen Road, Norfolk:** no response to mailing.
 - d) **319 Old Goshen Road, Norfolk:** owner was not interested in a lease.
 - e) **Old Goshen Road, Norfolk (ID# 6/4/18):** owner was not interested in a lease.
 - f) **Old Goshen Road, Norfolk (ID# 6/4/19):** no response to mailing.
 - g) **238 Old Goshen Road, Norfolk:** no response to mailing.
 - h) **49 Estey Road, Norfolk:** no response to mailing.
 - i) **42 Estey Road, Norfolk:** no response to mailing.
 - j) **0 Estey Road, Lot 10:** wetlands on-site.
 - k) **223 Old Goshen Road, Norfolk:** visibility and setback concerns.
 - l) **1117 Litchfield Road, Norfolk:** would not meet coverage needs.
 - m) **127 Old Goshen Road, Norfolk:** no response to outreach efforts.
 - n) **1349 Marshall Lake Road, Torrington:** Drakeville Volunteer Fire Department property - outside of search area.
 - o) **201 Windrow Road, Norfolk:** owner was not interested in a lease.(Applicants 1, Attachment 6)
77. The property at 80 Goshen East Street, abutting the host parcel to the south was not considered as a viable alternative given that a 2,000-foot long access drive would be required to reach an area with a suitable elevation for a tower. (Applicants 3, response 6)
78. The Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility nor shall the Council be limited in any way by the applicant having already acquired land or an interest therein for the purpose of constructing a facility. (*Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007); CGS §16-50p(g)(2025))

79. For any site to be considered a feasible and prudent alternative to a proposed facility site, it must be available to host the proposed facility. The Council has no authority to force a property owner to agree to sell or lease land, or any portion thereof, as a primary or alternative location for a proposed facility. (*Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))

Small Cells and Distributed Antenna Systems

80. A series of small cells or a Distributed Antenna System (DAS) to serve the area is not cost effective or feasible given the number of facilities required and encumbrances on existing utility poles such as transformers, risers, and streetlights that would limit a carrier's ability to use the pole. While the number of small cells or DAS nodes that would be required to provide comparable service is unknown, it is expected to be a large number given the size of the service area. (Applicants 3, response 7)
81. To provide wireless service to the proposed service area would require a significant number of small cell deployments either on existing utility poles or on new utility poles along roadways or on private parcels throughout the proposed service area and would not be economically viable as a replacement for a single tower site. The estimated cost of each small cell deployment is \$75,000. (Applicants 3, response 7)
82. Small cell limitations include a reduction in the number of frequencies deployed, limited wireless service, existing utility equipment encumbrances and the lack of emergency backup power. (Applicants 3, response 7)

Proposed Site

83. Pursuant to RCSA §16-50j-2a(29), "Site" means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located. (RCSA §16-50j-2a(29))
84. The proposed site is located on a 40.8-acre parcel at 78 Goshen East Street in Norfolk. The host parcel has frontage on Goshen East Street to the east and Estey Road to the west. (Applicants 1, p. 1, Attachment 1)
85. The host parcel is zoned Rural Residential and is developed with a residence accessed by a driveway extending from Goshen East Street. (Applicants 1, Attachment 1)
86. The proposed tower site is in the northwestern portion of the host parcel. (Applicants 1, Attachment 1)
87. Land use immediately surrounding the site consists primarily of undeveloped woodland and rural residential. (Applicants 1, Attachment 1)
88. The proposed tower site is located at an approximate ground elevation of 1,500 feet above mean sea level (amsl). (Applicants 1, Attachment 1)
89. The tower site would be within a 75-foot by 75-foot lease area. (Applicants 1, Attachment 1)
90. Development of the site, including the underground trenching for utilities, would disturb less than one acre of land (approximately 0.87 acre). (Applicants 3, response 39)

Proposed Facility

91. The proposed facility would consist of a 186-foot self-supporting lattice tower, designed to support four carriers, including Cellco (refer to Figure 5). (Applicants 1, p. 3, Attachment 1)
92. The face width of the lattice tower would be approximately 22.5 feet at the base; approximately 12.5 feet at 100 feet agl, and approximately 6.5 feet at 160 feet agl. (Applicants 3, response 14)
93. Cellco would install 9 panel antennas and 6 remote radio heads on an antenna platform at a centerline height of 180 feet agl. (Applicants 1, p. 3)
94. The tower would be located within a 73-foot by 73-foot equipment compound. The compound is designed to accommodate four wireless carriers including Cellco. (Applicants 1, Attachment 1)
95. Cellco would install one equipment cabinet, one battery cabinet, an H-frame with small cabinets, and a 50-kilowatt propane-fueled emergency backup generator within the compound. The cabinets would be covered by a steel canopy. A propane tank would be located across from the equipment pad. (Applicants 1, Attachment 1)
96. The proposed equipment compound would be surrounded by an eight-foot high chain link fence. Access would be provided by 12-foot wide gate. (Tr. 1, p. 15)
97. Access to the tower site would be from a new 14-foot wide, 940-foot long gravel driveway extending east from Estey Road. A bar gate would be located at the access drive entrance. (Applicants 1, p. 3; Applicants 1, Attachment 1)
98. The Applicants have designed the access drive with a system of swales and culverts discharging to a level spreader to control stormwater runoff. A mattress drain would be installed at a low spot along the access drive to convey possible overland flows during storm events. (Applicants 1, Attachment 1; Tr. 1, pp. 26-32)
99. Power and telecommunications utilities would extend overhead along the access drive, supported by 5 to 6 utility poles. (Applicants 1, Attachment 1; Tr. 1, p. 25)
100. The Applicants chose on an overhead route to avoid ledge and additional earthwork required to install underground utilities. (Tr. 1, p. 25)
101. The access drive and overhead utility route would be located within a 30-foot access easement extending from Estey Road. (Applicants 1, Attachment 1)
102. Bollards would be installed to protect electrical meter and transformer equipment located outside of the compound perimeter fence. (Applicants 1, Attachment 1)
103. The site does not require water supply or wastewater utilities. There would be no water connection to the site. (Applicants 1, Attachment 1)
104. There are two residential structures within 1,000 feet of the site. (Applicants 1, Attachment 1)
105. The nearest property line from the tower is approximately 201 feet to the south at 80 Goshen East Street. (Applicants 1, Attachment 1)

106. The nearest residential structure from the proposed tower is located approximately 650 feet to the southwest at 177 Estey Road. (Applicants 1, Attachment 1)
107. Estey Road is paved for a short distance once it leaves Route 272. It then transitions to gravel and narrows considerably before it dead ends a short distance past the proposed access drive entrance. The road has no shoulders and has drainage ditches and culverts off to the sides. (Tr. 1, pp. 63-66)
108. The Applicants chose to construct a lattice tower to avoid potential construction-related traffic damage to Estey Road and to avoid sharp turns from Route 272 onto Estey Road and from Estey Road onto the access drive. (Tr. 1, pp. 19-22, 46, 63-66)
109. A monopole would require flatbed trucks, requiring a large turn radius, to transport tower sections in lengths ranging from 40 to 53 feet. A large crane would be required at the site due to the length and width of the monopole sections. The components of a lattice tower can be brought into the site using smaller trucks. The lattice structure can be assembled in place using a smaller crane. (Tr. 1, pp. 19-20, 63-66)
110. A geotechnical survey would be conducted prior to construction to evaluate existing subsurface conditions necessary to design the tower and foundation as part of the Development and Management (D&M) Plan. (Tr. 1, pp. 22-23)
111. A D&M Plan is a condition of a Council final decision that must be met prior to commencement of construction and constitutes the “nuts and bolts” of a facility approved by the Council. (CGS §16-50p (2025); RCSA §16-50j-75, *et seq.*; *Woodbridge Newton Neighborhood Env’t Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2025))
112. Site construction would commence following Council approval of a D&M Plan for the facility. (Applicants 1, p. 22)
113. A copy or notice of the filing of a D&M Plan with the Council, is required to be provided to the service list for comment. (RCSA §16-50j-75(e))
114. The Council has statutory authority to order a D&M Plan and the Council’s D&M Plan process has been upheld by the Connecticut Supreme Court. (CGS §16-50p (2025); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014))
115. Due to the potential for shallow bedrock, the tower would be supported by a pad/pier foundation which requires less excavation. If shallow ledge is encountered during construction, rock would be removed by mechanical means. Blasting would only occur if necessary. (Tr. 1, pp. 22-24)
116. Applicants anticipate the facility would be constructed over a 6 to 10 week period. Once the antennas/radio equipment are installed, Cellco would need 2 weeks for radio frequency testing/integration. (Applicants 1, p. 22)
117. The estimated cost of the proposed facility is:

| | |
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| Tower and Foundation | \$150,000 |
| Site Development | \$120,000 |
| Utility Installation | \$ 70,000 |
| Cellco equipment/antennas | \$250,000 |
| Power systems | \$ 50,000 |
| <u>Applicants Total Estimated Costs</u> | <u>\$640,000</u> (Applicants 1, p. 22) |

- 118. Tarpon would recover construction costs associated with the facility by the revenue generated from leasing space on the facility to wireless service providers. (Applicants 3, response 11)
- 119. Cellco would recover the costs of its equipment as part of its business operations and services provided. (Applicants 3, response 11)
- 120. Neither the project, nor any portion thereof, is proposed to be undertaken by state departments, institutions or agencies or to be funded in whole or in part by the state through any grant or contract. Tarpon and Cellco are private entities. (Applicants 3, response 10; CGS §22a-1, *et seq.* (2025))

Public Health and Safety

- 121. The Wireless Communications and Public Safety Act of 1999 (911 Act) was enacted by Congress to promote and enhance public safety by making 9-1-1 the universal emergency assistance number, by furthering deployment of wireless 9-1-1 capabilities, and by encouraging construction and operation of seamless ubiquitous and reliable networks for wireless services. (Council Administrative Notice Item No. 6 - Wireless Communications and Public Safety Act of 1999)
- 122. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Applicants 1, p. 7)
- 123. Wireless carriers have voluntarily begun supporting text-to-911 services nationwide in areas where municipal Public Safety Answering Points (PSAP) support text-to-911 technology. Text-to-911 will extend emergency services to those who are deaf, hard of hearing, have a speech disability, or are in situations where a voice call to 911 may be dangerous or impossible. However, even after a carrier upgrades its network, a user's ability to text to 911 is limited by the ability of the local 911 call center to accept a text message. The FCC does not have the authority to regulate 911 call centers; therefore, it cannot require them to accept text messages. (Council Administrative Notice Item No. 23 – FCC Text-to-911: Quick Facts & FAQs)
- 124. Cellco's proposed equipment installation would be capable of supporting text-to-911 service. (Applicants 3, response 31)
- 125. Pursuant to the Warning, Alert and Response Network Act of 2006, "Wireless Emergency Alerts" (WEA) is a public safety system that allows customers who own enabled mobile devices to receive geographically-targeted, text messages alerting them of imminent threats to safety in their area. WEA complements the existing Emergency Alert System that is implemented by the FCC and FEMA at the federal level through broadcasters and other media service providers, including wireless carriers. (Council Administrative Notice No. 5 – FCC WARN Act)
- 126. Cellco's proposed equipment installation would provide WEA services. (Applicants 3, response 32)
- 127. Pursuant to CGS §16-50p(a)(3)(G), the tower would be constructed in accordance with the current governing standard in the State of Connecticut for tower design in accordance with the currently adopted International Building Code. (Applicants 1, Attachment A; Applicants 3, responses 12)
- 128. The tower would be designed to the Telecommunications Industry Association 222-H Structural Standards for Steel Antenna Towers and Antenna Supporting Structures. The maximum rated serviceable wind velocity for the antennas on the proposed tower is 115 mph. (Applicants 3, response 13; Tr. 1, pp. 57, 69-70)

129. The proposed tower would not require notice to the Federal Aviation Administration (FAA) or constitute an obstruction or hazard to air navigation. Therefore, it would not require any obstruction marking or lighting. (Applicants 1, p. 21)
130. Security measures at the site would include, but are not limited to, the proposed compound fence, a locked access gate, tower climbing pegs above 10 feet, remote monitoring and silent intrusion alarms on the equipment cabinets. (Applicants 3, response 30)
131. The tower setback radius* would be within the host parcel. *The horizontal distance equal to the tower height that extends radially from the center of the tower. (Applicants 1, Attachment 1)
132. Operational noise from the Cellco's radio equipment would comply with state noise control standards. Noise resulting from the operation of emergency equipment is exempt from state standards. (Applicants 1, Attachment 1; Council Administrative Notice No. 43 - DEEP Noise Control Regulations)
133. Construction noise is exempt from the DEEP Noise Control Regulations §22a-69-1.8(g), which includes, but is not limited to, "physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property." (RCSA §22a-69-1.8(g) (2025))
134. Timer operated lights would be installed near the cabinets for night maintenance, when necessary. (Applicants 1, Attachment 1; Applicants 3, response 16)
135. The proposed site is not located within a Federal Emergency Management Agency (FEMA) flood zone. (Applicants 1, p. 19)
136. The site is not located within a state-designated aquifer protection area or public water supply watershed area. (Applicants 3, response 33)
137. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of Cellco's antennas is 4.7 percent of the standard for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at a horizontal distance of approximately 561 feet from the tower using the proposed antenna configuration. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) using far-field methodology that assumes all channels would be operating simultaneously, which creates the highest possible power density levels. (Applicants 1, Attachment 14)

Emergency Backup Power

138. In response to two significant storm events in 2011, Governor Malloy formed a Two Storm Panel (Panel) that was charged with an objective review and evaluation of Connecticut's approach to the prevention, planning and mitigation of impacts associated with emergencies and natural disasters that can reasonably be anticipated to impact the state. (Final Report of the Two Storm Panel, (Council Administrative Notice Item No. 57))

139. Consistent with the findings and recommendations of the Panel, and in accordance with CGS §16-50ll, the Council, in consultation and coordination with DEEP, DESPP and PURA, studied the feasibility of requiring backup power for telecommunications towers and antennas as the reliability of such telecommunications service is considered to be in the public interest and necessary for the public health and safety. (Council Administrative Notice Item No. 37– Council Docket No. 432)
140. Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the FCC. At present, no standards for backup power for CMRS providers have been promulgated by the FCC. (Council Administrative Notice Item No. 37 – Council Docket No. 432)
141. Cellco would install a 50-kW propane-fueled emergency backup generator and a 1,000-gallon propane tank within the compound. The generator would be capable of providing approximately 112 hours of runtime at full electrical load in the event of an outage. Cellco would utilize a battery backup to provide up to 8 hours of power in the event the emergency backup generator failed to start. (Applicants 3, responses 24 & 25)
142. Cellco selected propane as a generator fuel source as opposed to diesel due to the presence of a wetland within 300 feet of the site. (Tr. 1, pp. 57-59)
143. Cellco’s generator would be remotely exercised for 20 minutes every two weeks. (Applicants 3, response 26)
144. According to RCSA §22a-69-1.8, noise created as a result of, or relating to, an emergency, such as an emergency backup generator, is exempt from the DEEP Noise Control Regulations. (RCSA §22a-69-1.8 (2025))

Environmental Effects and Mitigation Measures

Air and Water Quality

145. Operation of the proposed facility would not produce air emissions. (Applicants 1, p. 21)
146. Pursuant to RCSA §22a-174-3b, the emergency backup generator would be managed to comply with DEEP’s “permit by rule” criteria and would comply with air emissions. Therefore, the generator would be exempt from general air permit requirements. (Applicants 1, p. 21; RCSA §22a-174-3b)
147. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, *et seq.*, contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, *et seq.* (2025))
148. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a (2025))

149. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41 (2025))
150. The nearest wetland on the host parcel to the proposed site is approximately 160 feet to the southwest (refer to Figure 6). (Applicants 1, p. 18; Attachment 11)
151. Tarpon would install appropriate erosion and sedimentation (E&S) controls such as hay bales and/or silt socks, consistent with the applicable *Connecticut Guidelines for Soil Erosion and Sediment Control* and the *Connecticut Stormwater Quality Manual*. (Applicants 1, p. 15)
152. Pursuant to CGS §22a-430b, a DEEP Stormwater Permit is required for any disturbance greater than 1 acre. The construction limit of disturbance for the proposed site is approximately 0.87 acre, therefore construction of the facility would not require a DEEP Stormwater Permit. (Applicants 1, Attachment 1; DEEP-WPED-GP-015)

Forests and Parks

153. Dennis Hill State Park is approximately 1.75 miles northeast of the site. The tower would not be visible from the park. (Applicants 1, Attachment 9)
154. Construction of the compound area, overhead utility line and access drive would require the removal of 0.87 acre of trees. (Applicants 1, Attachment 1; Applicants 3, response 39)
155. The site development area is mostly located in a perforated core forest. Site construction would occur adjacent to existing perforations (edge forest) and therefore would have minimal effect on the quality of core forest in the surrounding area. (Applicants 3, response 39; Tr 1, pp. 49-50, 55-57)
156. Previous logging activities have occurred on the host parcel in the area of the proposed access drive. The more interior portion of the host parcel, including the compound site, contains mature forest. (Tr. 1, pp. 47-49)
157. The compound is located in a relatively undisturbed forest area with an understory free of invasives. Tarpon would be willing to implement an **invasive species control plan** to prevent invasives from establishing in areas adjacent to site development. (Tr 1. pp. 55-57)
158. Relocation of the proposed access drive from Estey Road to Goshen East Street would require a longer access drive (approx. 2,000 linear feet), additional grading and more core forest disturbance to reach the site. (Tr. 1, pp. 50-54)
159. Access to the site from Estey Road was requested by the host parcel owner. (Applicants 3, response 9)

Fish and Wildlife

160. The site is not adjacent to DEEP-designated cold-water stream habitat. (Council Administrative Notice Item No. 50; Applicants 1, Attachment 11)
161. DEEP Natural Diversity Database (NDDB) maps show approximate locations of state-listed endangered, threatened, and special concern species and are used to find areas of potential conservation concern. (Council Administrative Notice Item No. 80)

162. On February 24, 2025, DEEP issued a NDDDB letter for the proposed facility, identifying three State-listed plants (sharp-lobed hepatica, squirrel corn, Canada violet) and one mammal (red bat) as potentially occurring at the site. DEEP recommended a survey for the plants and the development of a bat protection program. (Applicants 1, Attachment 10)
163. The Applicants conducted a botanical survey which concluded there were no populations of the three state-listed plants at the site. Based on the survey report, DEEP issued a Final NDDDB Determination on July 10, 2025 that the project would have no conflict with state-listed species as long as bat protection measures are implemented. (Applicants 3, response 38)
164. The site is within the range of the northern long-eared bat (NLEB), a federally-listed and state-listed endangered species. There are no known NLEB hibernacula or known maternity roost trees within 0.25 miles and 150-feet, respectively, of the proposed site. By letter dated March 17, 2025, the U.S. Fish and Wildlife Service (USFWS) determined that the facility would not likely have an adverse effect on the NLEB if a time of year tree clearing restriction from April 15 to September 30 is implemented. (Applicants 1, Attachment 10)
165. The Applicants developed bat protection measures which include, but are not limited to, site contractor education, avoidance of tree clearing from April 15 to September 30, and reporting. (Applicants 1, Attachment 1)
166. The proposed facility is not located within an Important Bird Area (IBA), as designated by the National Audubon Society. (Council Administrative Notice Item No. 85)
167. The proposed facility would comply with the U.S. Fish and Wildlife Service telecommunications tower guidelines for minimizing the potential for impact to bird species. (Applicants 1, p. 14)
168. Applicants complied with National Environmental Policy Act (NEPA) requirements for telecommunications facilities. (Applicants 1, pp. 14-15)

Agriculture and Soils

169. Agricultural land is an economic resource. The terms “agriculture” and “farming” are defined under CGS §1-1q. Agriculture and farming activities are exempt from certain statutes and regulations, including, but not limited to, provisions related to wetlands and nuisance. (CGS §1-1q (2025); CGS §19a-341(2025)(commonly known as “the Right to Farm Law”); CGS §22a-19 (2025); CGS §22a-40 (2025); CGS §7-131d (2025); *Red Hill Coalition, Inc. v. Town Plan & Zoning Comm’n*, 212 Conn. 727 (1989); *Indian Spring Land Co. v. Inland Wetlands & Watercourse Agency of Greenwich*, 322 Conn. 1 (2016))
170. The host parcel contains two square feet of prime farmland soils located outside of the project limit of disturbance. (Applicants 1, Attachment 13)
171. No portion of the proposed site is currently in productive agricultural use. (Applicants 1, Attachment 1)

Scenic, Historic and Recreational Values

172. The Applicants performed a preliminary cultural resource survey which identified one resource listed on the National Register of Historic Places within 0.5 mile of the proposed site, the Amos Baldwin House located approximately 0.45 miles to the southeast. In accordance with NEPA requirements, the Applicants would submit a cultural resource study to SHPO for review if the proposed facility is approved. (Applicants 1, Attachment 12)
173. Route 272 is a State-designated scenic highway and Goshen East Street is a locally designated scenic road, approximately 0.4 mile and 0.5 mile east of the site at their closest points, respectively. The tower would not be visible from these roads. (Applicants 1, Attachment 9)
174. An open space property with public-use trails is located approximately 0.8 miles southeast of the proposed tower site. The tower would not be visible from the trails. (Applicants 1, Attachment 9)
175. The Great Mountain Forest, a preserved forest area open for public recreational use is located approximately 0.25 mile west of the tower at its closest point. The tower would not be visible from this area. (Applicants 1, Attachments 1d, 8 & 9; Tr. 1, pp. 35-36)
176. There are no Town-designated scenic viewpoints within one mile of the site. (Applicants 1d, p. 23)
177. The proposed site is located within the Upper Housatonic Valley National Heritage Area (UHVNHA), a 29-town area located in northwest Connecticut and western Massachusetts and within the watershed of the upper Housatonic River, established by Congress in 2006 to recognize the region as a unique national resource. The designation is intended to interpret and promote the historical, cultural and scenic features of the upper Housatonic River valley. The site is not proximate to any UHVNHA identified historic, cultural or natural resource. The UHVNHA designation does not prevent the construction of telecommunications facilities within the area. (Council Administrative Notice No. 79; Applicants 3, response 42)
178. Pursuant to CGS §16-50p(b), the Council shall examine whether the proposed facility would be located in an area of the state which the Council, in consultation with DEEP and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance and the latest facility design options intended to minimize aesthetic and environmental impacts. The Council may deny an application for a certificate if it determines that the proposed facility would substantially affect the scenic quality of its location or surrounding neighborhood and no public safety concerns require that the proposed facility be constructed in such a location. (CGS §16-50p(b) (2025))
179. No comments were received from the Town, OPM or DEEP regarding any impacts to scenic quality or resources. (Record)

Visibility

180. Property owners have no right to an unobstructed view from structures built on adjacent property except where there is an express statutory provision or there is a contract or restrictive covenant protecting the private right to a view or vista. (*Mayer v. Historic District Comm'n of Town of Groton*, 325 Conn. 765 (2017); CGS §47-25 (2025))

181. Applicants used a combination of predictive computer models, in-field analysis, and a review of various data sources to evaluate the visibility of the proposed facility. (Applicants 1, Attachment 9)
182. On March 19, 2025, Applicants conducted a balloon float and field reconnaissance of the proposed site to assist in a visibility evaluation of the tower. The balloon float consisted of flying a four-foot diameter balloon to a height of approximately 185 feet agl during a period of calm wind. An in-field reconnaissance was then performed from publicly accessible locations in the surrounding area to determine where the balloon was visible. The in-field reconnaissance included photographs taken from various areas around the site. (Applicants 1, Attachment 9; Tr. 1, p. 34)
183. A viewshed map was developed based on computer modeling and the in-field balloon fly observations. The viewshed map depicts areas with visibility within a two-mile radius (8,042 acres) of the site (Study Area). (Applicants 1, Attachment 9).
184. The average tree height of the tree canopy surrounding the tower site is approximately 72 feet, with trees ranging in heights from 59 to 95 feet agl. (Applicants 3, response 37)
185. Based on the viewshed analysis (refer to Figure 7), the proposed tower would be visible year-round from approximately 60 acres (0.7%) of the Study Area. A majority of these views are from the open waters of North Pond, a nonpublic waterbody owned by the Torrington Water Company. (Applicants 1, Attachment 9, Applicants 3, response 37)
186. The tower would be seasonally visible (leaf-off conditions) from an additional 109 acres (1.3%) of the Study Area, mostly from the area within 0.3 mile of the site. (Applicants 1, Attachment 9)
187. Anticipated views of the tower from properties within a 0.5 mile of the site are as follows;
 - a) The abutting residence 177 Estey Road, 680-feet to the west of the site, would have year-round views of the upper half of the tower.
 - b) The residence at 105 Estey Road, approximately 0.3 mile north of the site, would have year-round views of the upper half of the tower.
 - c) The residence at 126 Estey Road, approximately 0.3 mile northwest of the site, would have seasonal views of the upper half of the tower.
 - d) Open areas on the parcels at 82 and 49 Estey Road, approximately 0.4 mile north and 0.25 mile east of the site, respectively, would have seasonal visibility of the tower.(Applicants 1, Attachment 9; Applicants 3, response 37; Council Administrative Notice No. 89)
188. The compound would not be visible from abutting properties to the west. (Tr. 1, p. 39)
189. Pursuant to CGS §16-50p(a)(3)(F), for a telecommunications facility proposed to be installed on land near a building containing a school, the facility will not be less than 250 feet from the building containing the school unless the location is acceptable to the chief elected official of the municipality or the Council finds that the facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood in which such school is located. (CGS §16-50p(a)(3)(F) (2025))
190. No schools or commercial child day care facilities are located within 250 feet of the site of the site. The nearest building containing a school or commercial day care is the Norfolk Child Care approximately 1.3 miles to the southeast at 1169 Litchfield Road in Norfolk. (Applicants 1, E Attachment 9)

Figure 1 – Site Location – Topographic Map

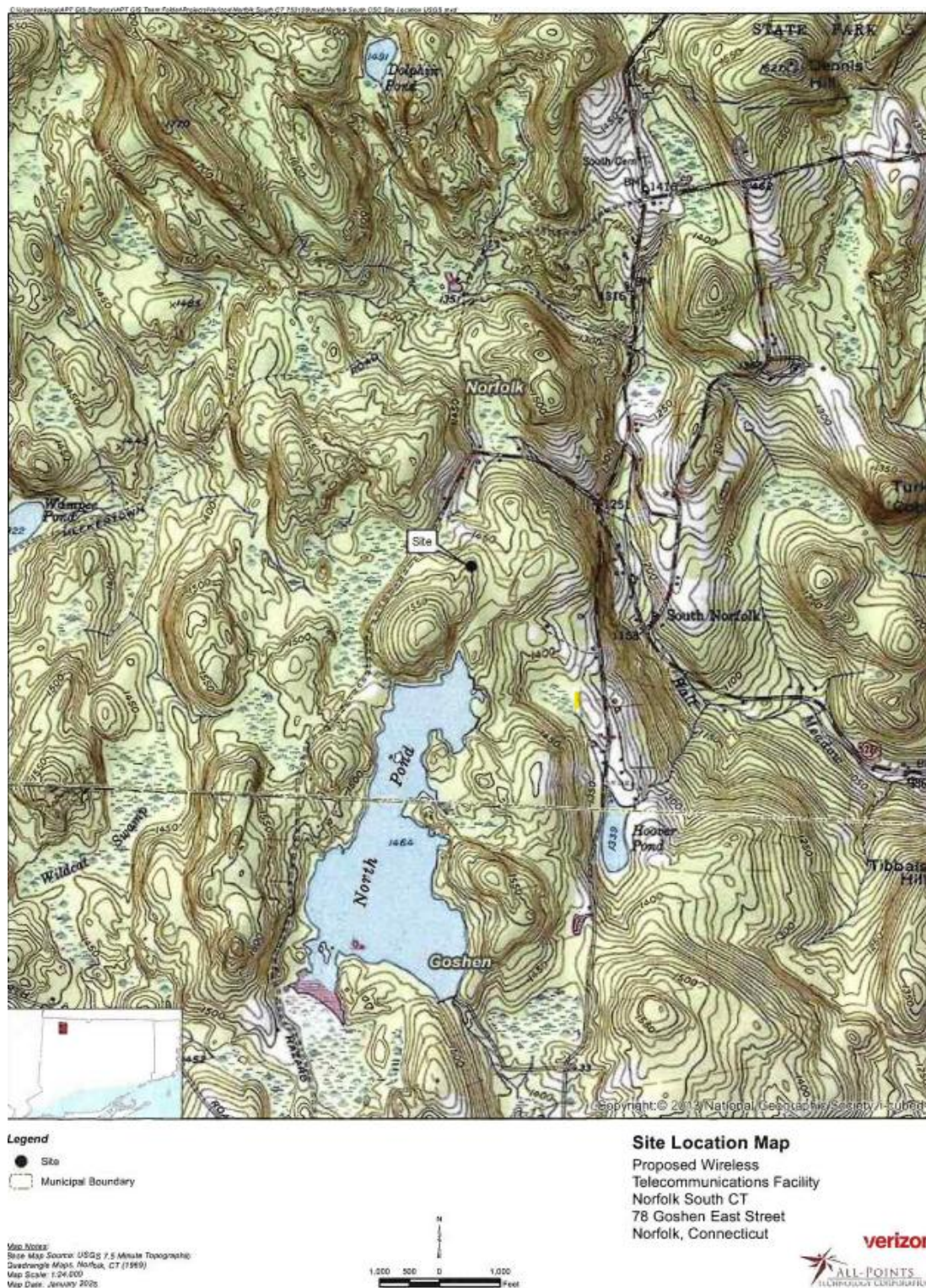
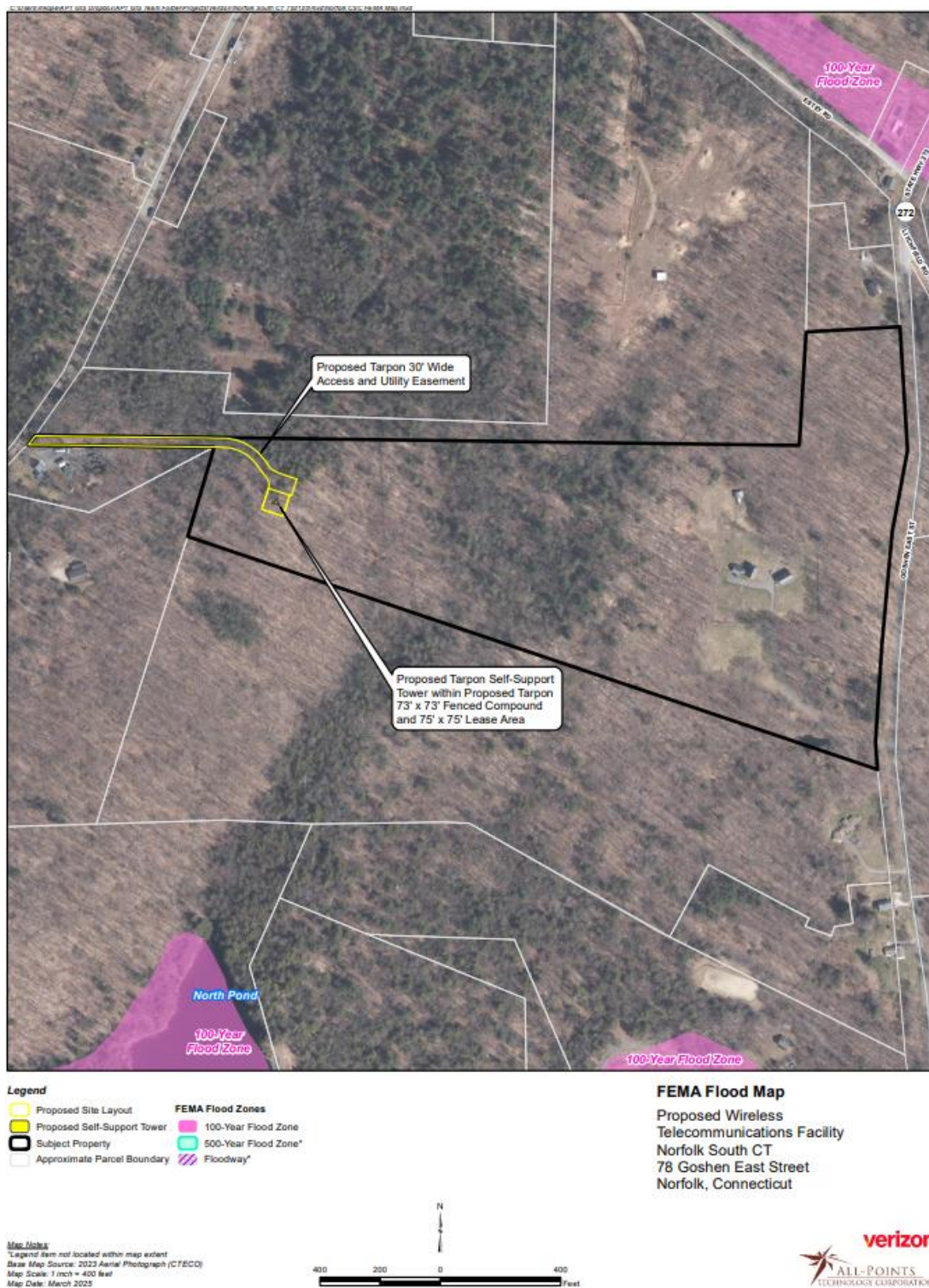


Figure 2 – Site Location – Aerial Photograph



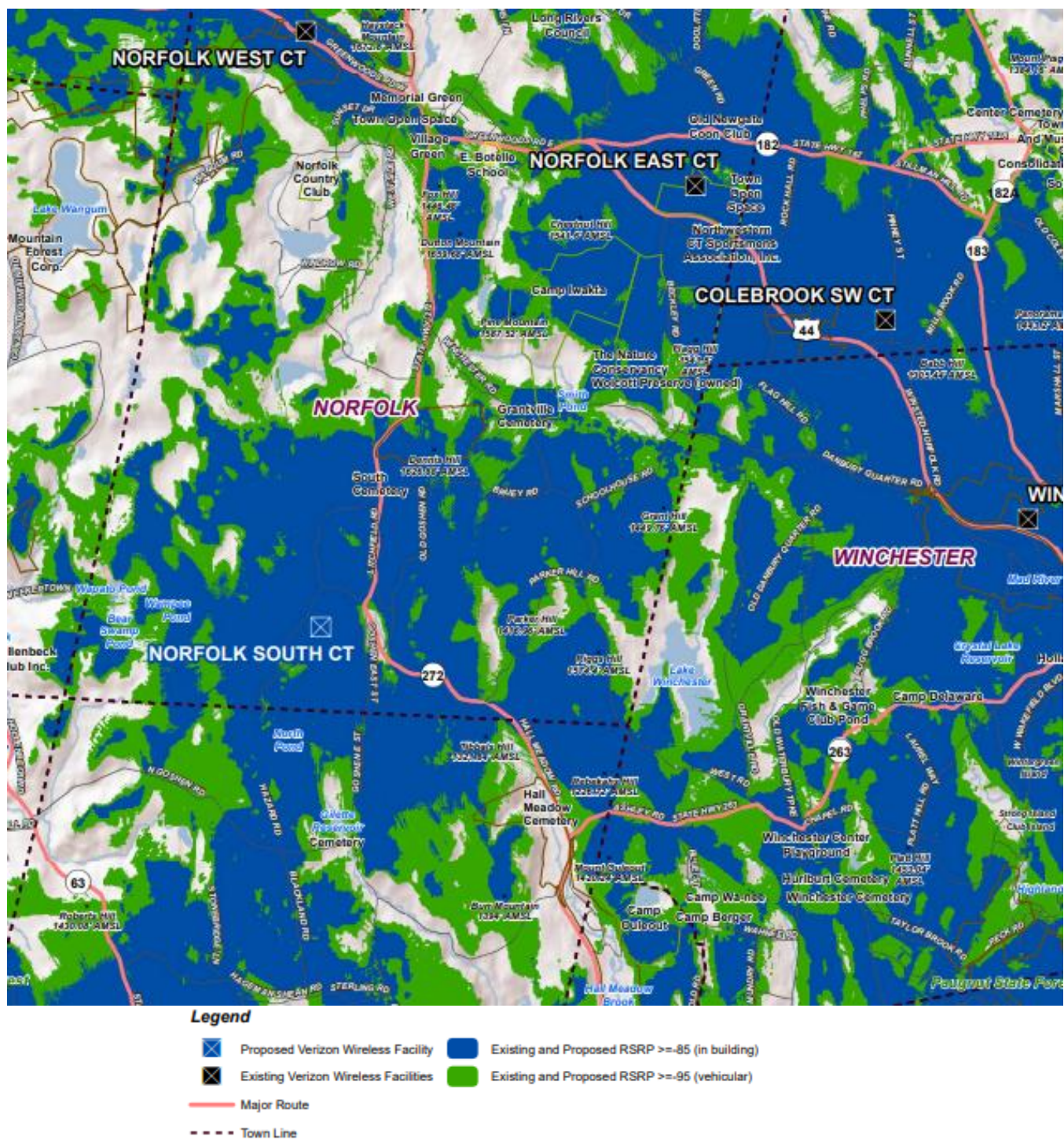
(Applicants 1, Attachment 14)

Figure 3– Cellco Existing 700 MHz Coverage



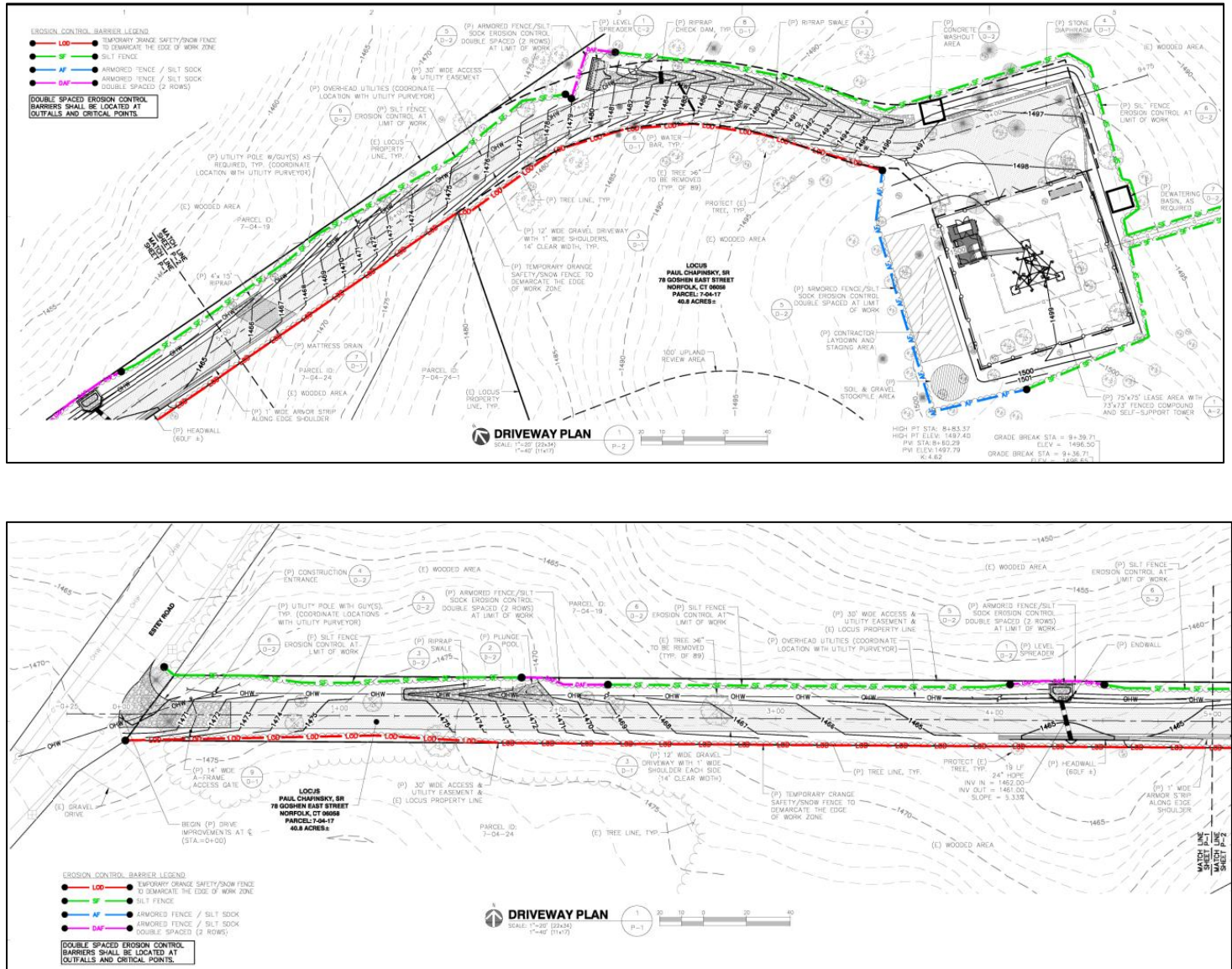
(Applicants 1, Attachment 6)

Figure 4 – Cellco Existing and Proposed 700 MHz Coverage



(Applicants 3, Exhibit 1)

Figure 5 – Site Plan

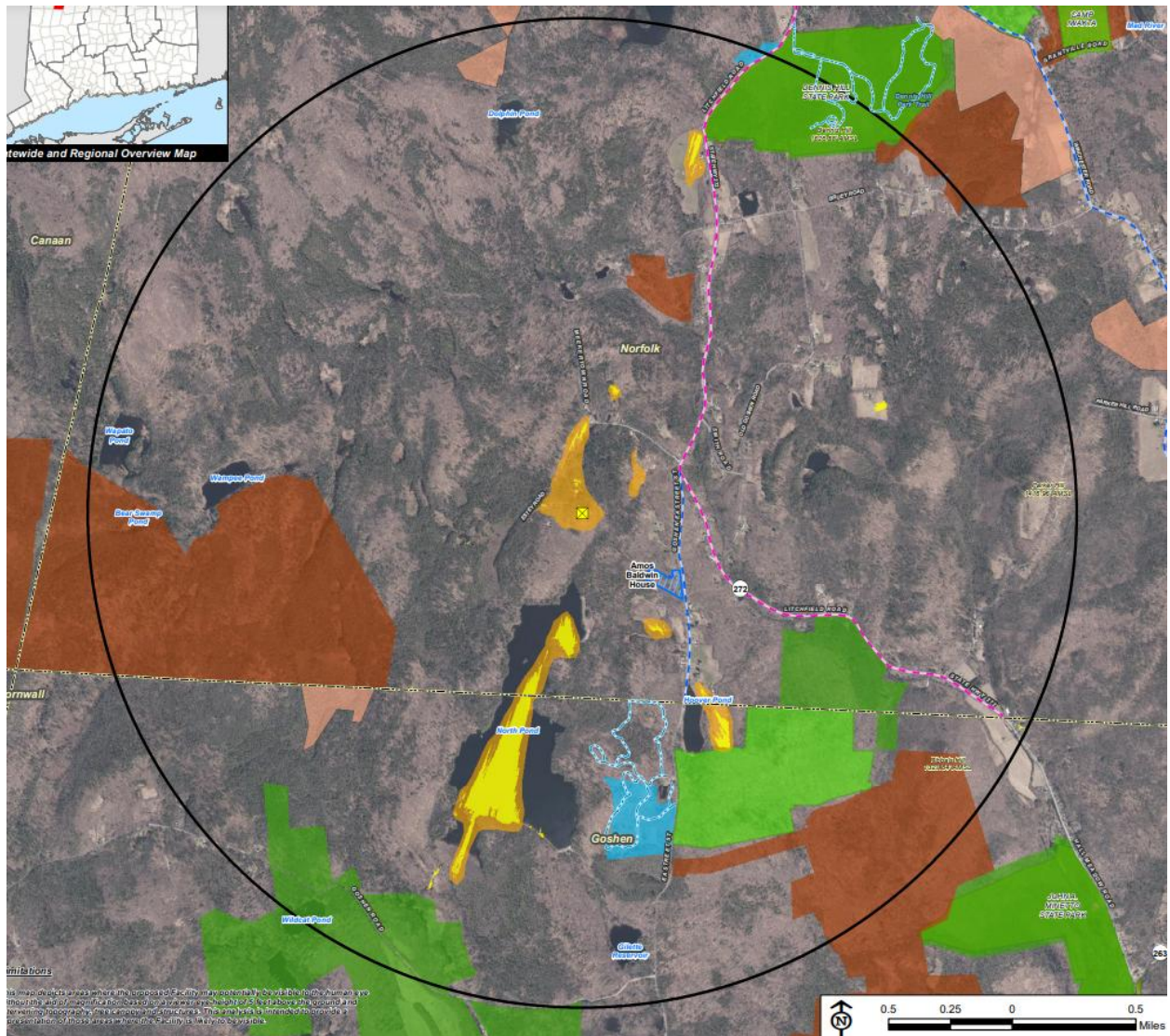


(Applicants 1, Attachment 1)

Legend

-
- Proposed Tarpon Lease Area
 - Proposed Tarpon Compound
 - Proposed Tarpon Equipment
 - Proposed Tarpon Access Drive
 - Proposed Tarpon Access and Utility Easement
 - Proposed Verizon Wireless Equipment Area
 - Proposed Verizon Wireless Equipment
 - Proposed Tarpon Overhead Utilities
 - Existing Utility Pole (By Others)
 - Proposed Tarpon Utility Pole
 - Subject Property
 - Approximate Parcel Boundary
 - Wetland Flag
 - 100' Upland Review Area
 - Delineated Wetland Boundary
 - Approximate Wetland Area

Figure 7 –Site Visibility Analysis Map

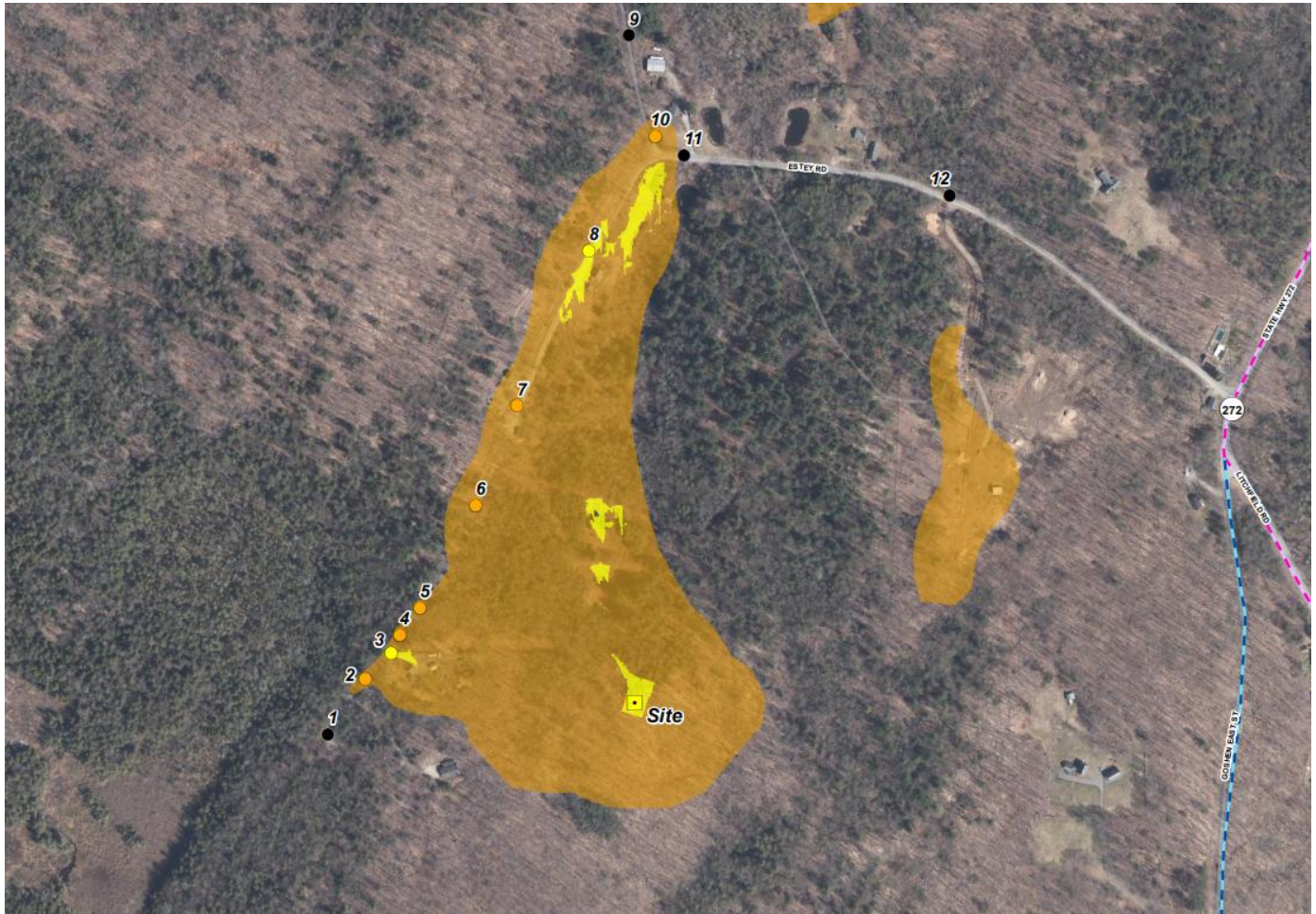


Legend

- | | |
|--|---|
| Proposed Site | *DEEP Boat Launches |
| Study Area (2-Mile Radius) | Municipal and Private Open Space Property |
| Areas of Potential Seasonal Visibility (109 Acres) | State Forest/Park |
| Predicted Year-Round Visibility (60 Acres) | Protected Open Space Property |
| National Register District | *Federal |
| Municipal Boundary | Land Trust |
| Scenic Highway | Municipal |
| Locally Designated Scenic Road | Private |
| Trail | State |

(Applicants 1, Attachment 9)

Figure 8 –Site Visibility adjacent to the Site



| Photo | Location | Orientation | Distance | Visibility |
|-------|-------------------------------|-------------|---------------|-------------|
| 1 | ESTEY ROAD** | E | +/- 0.21 MILE | NOT VISIBLE |
| 2 | ESTEY ROAD | E | +/- 0.18 MILE | SEASONAL |
| 3 | ESTEY ROAD | ESE | +/- 0.17 MILE | YEAR ROUND |
| 4 | ESTEY ROAD | ESE | +/- 0.16 MILE | SEASONAL |
| 5 | ESTEY ROAD | ESE | +/- 0.16 MILE | SEASONAL |
| 6 | ESTEY ROAD* | SE | +/- 0.17 MILE | SEASONAL |
| 7 | ESTEY ROAD | SSE | +/- 0.21 MILE | SEASONAL |
| 8 | ESTEY ROAD | S | +/- 0.31 MILE | YEAR ROUND |
| 9 | MEEKERTOWN ROAD* | S | +/- 0.45 MILE | NOT VISIBLE |
| 10 | MEEKERTOWN ROAD AT ESTEY ROAD | S | +/- 0.38 MILE | SEASONAL |
| 11 | ESTEY ROAD* | S | +/- 0.37 MILE | NOT VISIBLE |
| 12 | ESTEY ROAD* | SSW | +/- 0.38 MILE | NOT VISIBLE |