

CONNECTICUT SITING COUNCIL
DOCKET NO. 446

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
TRUMBULL, CONNECTICUT

APPLICANT'S POST-HEARING BRIEF

Submitted by:

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103
(860) 275-8200

May 29, 2014

TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY.....	1
Facility Description.....	1
Public Need.....	2
Nature of Probable Impacts.....	2
Public Input.....	3
Conclusion	3
I. INTRODUCTION.....	4
II. PROCEDURAL BACKGROUND.....	4
III. FACTUAL BACKGROUND	5
A. Pre-Application History	5
B. Local Contacts.....	6
C. Tower Sharing.....	7
D. The Trumbull SE 4 Facility Proposal	7
IV. THE APPLICATION SATISFIES THE CRITERIA OF CONN. GEN. STAT. § 16-50P FOR ISSUANCE OF A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED.....	8
A. A Public Need Exists for a Trumbull SE 4 Facility.....	9
B. Nature of Probable Impacts.....	10
1. Natural Environment and Ecological Balance	11
2. Public Health and Safety.....	11
3. Scenic Values.....	12
4. Historical Values.....	14
5. Recreational Values	14
6. Forests and Parks	14
7. Air and Water Quality.....	15
8. Fish and Wildlife.....	16
C. The Application Should Be Approved Because The Benefits Of The Proposed Facility Outweigh Any Potential Impacts.....	16
V. CONCLUSION.....	17

EXECUTIVE SUMMARY

On February 26, 2014, 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 (the “Trumbull SE 4 Facility”) on an approximately 14 acre parcel at 60 Commerce Drive in Trumbull, Connecticut (the “Property”). The proposed Trumbull SE 4 Facility would provide enhanced wireless services in portions of southeast Trumbull and northern Stratford, particularly along portions of Route 8, areas within Trumbull Corporate Park and to the surrounding residential neighborhoods.

Facility Description

Cellco proposes to construct an 80-foot monopole tower in the northerly portion of the Property immediately adjacent to an existing office building. Cellco would install up to fifteen (15) panel-type antennas at a centerline height of 80 feet above ground level (“AGL”). The top of Cellco’s antennas will extend above the top of the tower to an overall height of approximately 83 feet AGL. Cellco would also install a 12’ x 30’ shelter on the ground near the base of the tower to house its radio equipment and a diesel-fueled back-up generator. The tower and equipment shelter will be located within a 24’ x 77’ fenced compound. A small retaining wall will be installed along the north side of the compound to maintain a level gravel compound surface. Access to the tower site would extend from Commerce Drive over an existing paved driveway and parking area, a distance of approximately 1,365 feet, then over a short (100 feet) gravel driveway extension to the facility compound.

Public Need

Within two miles (2) miles of the Trumbull SE 4 Facility, Cellco maintains three (3) existing cell sites (Trumbull 2, Trumbull East and Stratford North) which provide wireless service to the area. The proposed Trumbull SE 4 Facility will offer limited coverage benefits in the area, where reliable wireless service does not exist today. More importantly, however, each of Cellco's surrounding cell sites is currently operating at or near their respective capacity limits affecting Cellco's ability to provide high-quality wireless data services and cannot satisfy Cellco's need for additional capacity and coverage in southeast Trumbull and northern Stratford. The Trumbull SE 4 cell site has been designed to solve both of these service problems.

The proposed Trumbull SE 4 Facility will provide reliable wireless service to a 2.30 mile portion of Route 8, and an overall area of 4.93 square miles at 850 MHz frequencies; a 2.1 mile portion of Route 8, and an overall area of 4.09 square miles at 1900 MHz frequencies; a 2.60 mile portion of Route 8, and an overall area of 5.75 square miles at 700 MHz frequencies; and a 2.20 mile portion of Route 8, and an overall area of 3.85 square miles at 2100 MHz frequencies. The overall coverage footprint from the Trumbull SE 4 Facility will overlap with service from the surrounding cell sites, thereby increasing the capacity of Cellco's network in the area.

Nature of Probable Impacts

The record contains ample evidence to support a finding by the Council that the Trumbull SE 4 Facility would not have a significant adverse impact on the environment. Cellco has presented evidence that the location and development of the Trumbull SE 4 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 and watercourses near the cell site; will not be considered to be an obstruction or hazard to air navigation and, therefore, will not require any FAA marking or lighting; and will operate well within safety limits established by the FCC for radio frequency emissions.

The overall area where some portion of the proposed Trumbull SE 4 Facility would be visible year round (above the tree line), is conservatively estimated to be approximately 61 acres, approximately 0.75 percent of the 8,042 acre study area. The areas of potential year-round visibility are generally limited to select areas within ½ mile of the Property. Areas where seasonal views are anticipated to comprise an additional 144 acres, generally occurring in the Trumbull Corporate Park and some residential areas to the east of the Property. There are forty (40) single family residences within 1,000 feet of the Trumbull SE 4 Facility. The closest residence is located approximately 390 feet to the east at 2945 Huntington Road.

Public Input

Cellco commenced its local input process by meeting with Trumbull's First Selectman on November 7, 2013, and by providing copies of technical information summarizing Cellco's plans to establish a telecommunications facility as described above. That same day, Cellco delivered to the Mayor of Stratford copies of the technical information. The Trumbull-Stratford town line is within 2,500 feet (to the east) of the proposed Trumbull SE 4 Facility.

Conclusion

The unrefuted evidence in the record clearly demonstrates that there is a need for the proposed Trumbull SE 4 Facility and that the environmental impacts from the facility location would be minimal when balanced against that need.

I. INTRODUCTION

On February 26, 2014, Cellco Partnership d/b/a Verizon Wireless (“Cellco” or “Applicant”) filed with the Connecticut Siting Council (“Council”) an application (the “Application”) for a certificate of environmental compatibility and public need (“Certificate”), pursuant to Sections 16-50g et seq. of the Connecticut General Statutes (“Conn. Gen. Stat.”), for the construction, maintenance and operation of a wireless telecommunications facility (the “Trumbull SE 4 Facility”) on an approximately 14 acre parcel at 60 Commerce Drive in Trumbull, Connecticut (the “Property”) within the Trumbull Corporate Park. (Cellco Exhibit 1 (“Cellco 1”)). Cellco currently experiences minor coverage problems but more significantly, network capacity problems in portions of southeast Trumbull and northern Stratford, particularly along portions of Route 8, in the Trumbull Corporate Park and in the surrounding residential areas. The wireless service problems must be resolved in order for Cellco to continue to provide high-quality, uninterrupted and reliable wireless telecommunications service consistent with its Federal Communications Commission (“FCC”) license and to meet the demands of its wireless telecommunications customers. (Cellco 1).

II. PROCEDURAL BACKGROUND

On April 29, 2014, the Council conducted an evidentiary hearing (April 29, 2014 Transcript afternoon session (“Tr. 1”)) and an evening public hearing (April 29, 2014 Transcript evening session (“Tr. 2”)) on the Application. Between the hours of 8 A.M. and 6 P.M. on April 29, 2014, Cellco caused a balloon to be flown as prescribed by the Council. Due to wind conditions on the day of the hearing, at least six balloons were lost. (Cellco 1, Tab 3; Tr. 1, pp. 25-26).

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.”). This brief evaluates the Application in light of the review criteria set forth in Section 16-50p of the Connecticut General Statutes and addresses several other issues raised throughout the course of this proceeding.

III. FACTUAL BACKGROUND

A. Pre-Application History

Cellco is licensed to provide wireless services in the 700 MHz, 850 MHz, 1900 MHz and 2100 MHz frequency ranges throughout Connecticut. Cellco’s proposed Trumbull SE 4 Facility is designed to provide enhanced wireless telecommunications services, resolve some minor coverage problems and, more importantly increased network capacity in portions of southeast Trumbull and northern Stratford, particularly along portions of Route 8, in the Trumbull Corporate Park and in the surrounding residential areas. (Cellco 1, Tab 6). Cellco’s existing Trumbull 2, Trumbull East and Stratford North cell sites are currently operating at or near their respective capacity limits. (Cellco 1, pp. 2 and 8; Tr. 1, 19-20 and 29-33). Cellco began searching for an appropriate location for a facility to resolve these wireless service problems. (Cellco 1, Tab 8). As a first step in its site search process, Cellco investigates whether there are existing towers, or non-tower structures of suitable height in an area that can be used to satisfy its capacity and coverage objectives. Cellco’s two (2) existing tower sites (Trumbull East and Stratford North) and one non-tower structure (Trumbull 2 – Trumbull Marriott roof-top) are all within approximately 2.0 miles of the Trumbull SE 4 Facility location. These sites will directly interact with the proposed Trumbull SE 4 Facility. (Cellco 1, Tab 6). These adjacent sites cannot, however, satisfy Cellco’s need for additional coverage in the area and are currently operating near

or at their respective capacity limits in the area around the Trumbull SE 4 Facility. Cellco also regularly investigates the use of existing, non-tower structures in an area, when available, as an alternative to building a new tower. No existing non-tower structures of suitable height exist in southeast Trumbull. If a new tower must be constructed, Cellco attempts to identify sites where the construction of a tower would not be inconsistent with area land uses and where the visual impact of the facility could be reduced to the greatest extent possible. (Cellco 1, pp. 10-11, Tab 8 and Tab 9). After investigating and evaluating seven (7) different properties, Cellco selected the Trumbull SE 4 Facility location for the Council's consideration. Cellco determined that an antenna centerline height of 80 feet at the 60 Commerce Drive location would satisfy its capacity and coverage objectives in the area and that the site selected represents the most feasible alternative of the sites investigated.

B. Local Contacts

On November 7, 2013, Cellco representatives met with Trumbull's First Selectman, Timothy Herbst, to commence the ninety (90) day municipal consultation process. Mr. Herbst received copies of technical information summarizing Cellco's plans to establish a telecommunications facility at the Property (the "Technical Report"). At this meeting, Cellco discussed, in detail, the aspects of the proposed Trumbull SE 4 Facility, the site location being considered, the need for wireless service improvements in southeast Trumbull and the Connecticut Siting Council application process. That same day, Cellco delivered copies of the Technical Report to John A. Harkins, Mayor of the Town of Stratford. The Trumbull-Stratford town line is within 2,500 feet (to the east) of the proposed Trumbull SE 4 Facility.

C. Tower Sharing

If approved, Cellco will design the facility tower and compound to be shared by other wireless carriers, and the Town, or local emergency service providers, if a need exists. This type of tower sharing arrangement would reduce, if not eliminate, the need for these other carriers or municipal entities to develop a separate tower in this same area in the future. As of the date of this filing, no other wireless carrier nor the Towns of Trumbull or Stratford have expressed any interest in the Trumbull SE 4 Facility. (Cellco 1, p. 11; Tr. 1, p. 16).

D. The Trumbull SE 4 Facility Proposal

The Trumbull SE 4 Facility would be located within a 24' x 77' fenced compound in the northerly portion of an approximately 14 acre parcel at 60 Commerce Drive, owned by Pilot Corporation of America. At this location, Cellco would construct an 80-foot self-supporting monopole telecommunications tower. Cellco would install up to fifteen (15) panel-type antennas with their centerline at the 80-foot level. The top of Cellco's antennas would extend above the top of the tower to an overall height of approximately 83 feet above ground level ("AGL"). Vehicular access to the site would extend from Commerce Drive over an existing paved driveway and parking area a distance of approximately 1,365 feet, then over a short gravel driveway extension an additional distance of 100 feet. Utilities will extend underground from existing service along Commerce Drive along the west side of the building to an existing electric transformer to the west of the facility compound. (Cellco 1, p. 2, Tab 1).

Cellco would install a 12' x 30' single-story shelter near the base of the tower to house its receiving, transmitting, switching, processing and performance monitoring equipment and the required heating and cooling equipment. A diesel-fueled back-up generator would also be installed

in a segregated room inside the shelter for use during power outages and periodically for maintenance purposes. The tower and equipment shelter would be surrounded by an 8-foot high security fence and gate. Cellco's equipment shelter would be equipped with a silent intrusion and system alarms and will be monitored on a 24-hour basis to receive and to respond to incoming alarms or other technical problems. (Cellco 1, pp. 2-3, Tab 1).

IV. THE APPLICATION SATISFIES THE CRITERIA OF CONN. GEN. STAT. § 16-50P FOR ISSUANCE OF A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

Section 16-50p of the Public Utility Environmental Standards Act ("PUESA"), Conn. Gen. Stat. § 16-50g *et seq.*, sets forth the criteria for Council decisions in Certificate proceedings and states, in pertinent part:

In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine: (A) . . . a public need for the facility and the basis of the need; (B) The nature of the probable environmental impact . . . including a specification of every significant adverse effect . . . whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish . . . and wildlife; (C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application

Conn. Gen. Stat. § 16-50p(a).

Under Section 16-50p, the Applicant must satisfy two key criteria in order for the Application to be granted and for a Certificate to issue. First, the Applicant must demonstrate that there is a "public need for the facility." Conn. Gen. Stat. § 16-50p(a)(3)(A). Second, the Applicant must identify "the nature of the probable environmental impact" of the proposed facility through

review of the numerous elements specified in Conn. Gen. Stat. § 16-50p(a)(3)(B), and then demonstrate that these impacts “are not sufficient reason to deny the application.” Conn. Gen. Stat. § 16-50p(a)(3)(C). The evidence in the record for this docket establishes that the above criteria have been satisfied and that the Applicant is entitled to a Certificate.

A. A Public Need Exists for a Trumbull SE 4 Facility

The first step in the review of the pending Application addresses the public need for the proposed facility. As noted in the Application, the 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. (Council Adm. Notice 4).

In 2009, President Obama issued Presidential Proclamation 8460, in which “cellular phone towers” were identified as critical infrastructure vital to national security. (Council Adm. Notice 11). The same year, the United States Congress directed the FCC to develop a national broadband plan to ensure that every American has access to (wireless) broadband capability. The FCC released Connecting America: The National Broadband Plan (the “Broadband Plan”) a year later, which recognized broadband as a “foundation for economic growth, job creation, global

competitiveness and a better way of life.” One of the Plan’s goals for 2020 is for the United States to “lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.” (Council Adm. Notice 18).

The proposed Trumbull SE 4 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, p. 6).

As the Council is aware, Cellco holds licenses to provide wireless services in the 700 MHz, 850 MHz, 1900 MHz and 2100 MHz frequency ranges in Fairfield County, Connecticut. Cellco expects it will initially deploy only the 700 MHz and 2100 MHz frequencies at the Trumbull SE 4 Facility with plans to launch LTE voice services later in 2014. (Cellco 1, Tab 5; Cellco 4, Q. 9; Tr. 1, p. 70).

The record contains ample, written evidence and testimony that a 80-foot tower at the Trumbull SE 4 Facility would allow Cellco to help resolve existing minor coverage problems, but more importantly, improve network capacity in the area to allow Cellco to continue to provide high-quality reliable wireless service in southeast Trumbull and northern Stratford, primarily along portions of Route 8, within the Trumbull Corporate Park and in the residential neighborhoods in the area. (Cellco 1, p. 10; Tr. 1, pp. 19-21 and 29-33).

B. Nature of Probable Impacts

The second step in the statutory review procedure addresses the probable environmental

impacts of the Trumbull SE 4 Facility and particularly the following factors:

1. Natural Environment and Ecological Balance

The proposed development of the Trumbull SE 4 Facility has eliminated, to the extent possible, impacts on the natural environment. All facility improvements would be located within a 24' x 77' fenced compound. Access to the tower site would extend from Commerce Drive over an existing paved driveway and parking areas, a distance of approximately 1,365 feet, then over a short (100 feet) gravel driveway extension to the facility compound. No tree clearing and minimal grading would be required for construction of the tower, site compound and gravel access drive. (Cellco 1, Tab 1). Overall, Trumbull SE 4 Facility development would have a negligible impact on the physical environment of the Property. No evidence to refute this conclusion was presented to the Council.

2. Public Health and Safety

Cellco has considered several factors in determining that the nature and extent of potential public health and safety impacts resulting from installation of the Trumbull SE 4 Facility would be minimal or nonexistent.

First, the potential for the facility tower to fall does not pose an unreasonable risk to health and safety. The approved tower would be designed and built to meet Electronic Industries Association standards. The closest residence is located approximately 390 feet to the east of the Trumbull SE 4 Facility at 2945 Huntington Road. (Cellco 1, Tab 1).

Second, worst-case potential public exposure to Radio Frequency ("RF") emission at the closest accessible point to the antennas, in this case the base of the tower, would be below the FCC Safety Standards. Actual RF emissions levels from the proposed facility would be far below these "worst-case" calculations. (Cellco 1, p. 16, Tab 1).

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

Overall, the nature and extent of potential, adverse public health and safety impacts resulting from construction and installation of the Trumbull SE 4 Facility would be minimal or nonexistent. The public safety benefits, however, would be substantial. No evidence to refute these conclusions was presented to the Council.

3. Scenic Values

As noted in the Application, the primary impact of any tower is visual. Cellco's site search methodology, described in the Site Search Summary, is designed in large part to minimize such visual impacts. As discussed above, wherever feasible, Cellco avoids construction of a new tower by first attempting to identify use and existing towers or other tall non-tower structures in or near a particular search area. Cellco currently shares two (2) existing towers (Trumbull East and Stratford North) and one tall non-tower structure (Trumbull 2), all within approximately 2.0 miles of the Trumbull SE 4 Facility location. These sites will directly interact with the proposed Trumbull SE 4 Facility. However, these adjacent sites cannot satisfy Cellco's need for additional capacity and coverage in and near the designated Trumbull SE 4 Facility search area. Cellco also regularly investigates the use of existing, non-tower structures in an area, when available, as an alternative to building a new tower. No existing non-tower structures of suitable height exist in the area. (Cellco 1, Tab 6, Tab 8; Tr. 1, pp. 19-21 and 29-33).

If it determines that a new tower must be constructed, Cellco attempts to identify sites where the construction of a tower would not be inconsistent with area land uses and where the visual impact of the site may be reduced to the greatest extent possible. Cellco explored the use of seven (7) possible alternative sites in the Trumbull Corporate Park and selected the Property as a suitable location for its Trumbull SE 4 Facility to present to the Council. (Cellco 1, Tab 9).

There would be no unobstructed view of the Trumbull SE 4 Facility. The northerly portion of the Property is buffered by a dense tract of woods five hundred (500) feet in width. To the east, six (6) abutting residential parcels have a tree buffer between fifty (50) to one hundred (100) feet in width. However, several of the intervening trees are conifers that assist in breaking up direct lines of sight throughout the year. The closest residence is located approximately 390 feet to the east at 2945 Huntington Road. (Cellco 1, p. 14, Tab 9; Tr. 1, pp. 21-25).

Cellco submitted a Visibility Analysis prepared by All-Points Technology Corporation (“APT”) as a part of the Application. Prior to preparing its report, APT conducted a balloon float and field reconnaissance to obtain photographs for use in the Visibility Analysis. This APT work was completed in January 2014, when leaves were off the trees, so that the full extent of visual impact could be evaluated. (Cellco 1, Tab 9).

APT determined that top portions of the tower would be visible above the tree canopy from approximately 61 acres or 0.75 percent of the 8,042 acre study area. Year-round visibility of the Trumbull SE 4 Facility is generally limited to select areas within ½ mile of the Property. Areas where seasonal views are anticipated comprise approximately 144 additional acres, generally occurring in the Trumbull Corporate Park and some residential areas to the east. (Cellco 1, p. 14, Tab 9).

4. Historical Values

As it does with all of its tower proposals, prior to filing the Application with the Council, Cellco requested that the State Historic Preservation Office (“SHPO”) of the Connecticut Historical Commission (the “Commission”) review the proposed facility and provide a written response. Based on its review of the information submitted by Cellco and its consultants, the SHPO determined that no historic properties will be affected by the development of a telecommunications facility at the Property. (Cellco 1, Tab 13). No evidence to the contrary was presented to the Council. Furthermore, Cellco has no reason to believe that there are any other impacts on historical values not addressed by the SHPO’s review.

5. Recreational Values

There are no recreational activities or facilities on the Property that would be adversely impacted by development of the Trumbull SE 4 Facility. According to the Visibility Analysis prepared by APT, there are no formal trail systems in the two (2) mile study radius. (Cellco 1, Tab 9; Tr. 1, pp. 9-10). The base map used for Cellco’s coverage plots references the “Merritt Industrial Park Greenbelt.” However, there is no reference to this greenbelt area in the title report for the subject parcel, in the Town Assessor’s records or in the Town’s Plan of Conservation and Development. Cellco has not discovered nor is aware of any use restrictions on the wooded area to the north of the Trumbull SE 4 Facility site. There are no maintained or blazed walking trails in this wooded area. (Cellco 4, Q. 2).

6. Forests and Parks

There is no State or local forests or park land that will be adversely impacted as the proposed Trumbull SE 4 Facility tower is located in an Industrial (I-L3) zone and is located in the Trumbull Corporate Park. (Cellco 1, p. 17, Tab 9). No evidence to refute this conclusion was

presented to the Council.

7. Air and Water Quality

a. Air Quality.

Under normal operating conditions, the Cellco equipment at the Trumbull SE 4 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, pp. 20-21; Tr. 1, p. 42).

b. Water Quality.

The proposed Trumbull SE 4 Facility would not utilize water, nor would it discharge substances into any surface water, groundwater, or public or private waste water disposal system. Matthew Gustafson, Registered Soil Scientist with APT, conducted a field investigation and completed a Wetlands Investigation memorandum for the Trumbull SE 4 Facility. According to this memorandum, the closest wetland area to the tower is located approximately 230 feet west of the proposed tower. This same wetland area is 180 feet from the west end of the proposed retaining wall and 30 feet from the edge of the proposed utility easement. In his Wetlands Investigation memorandum, Mr. Gustafson concludes that the Trumbull SE 4 Facility will have no temporary or permanent direct impact to wetlands or watercourses. As long as proper erosion control measures as installed, maintained and monitored during construction, Cellco is confident that the development of the Trumbull SE 4 Facility will not result in any adverse impacts to nearby wetland resources. (Cellco 1, pp. 18-19, Tab 1, Tab 12). No evidence to refute these

conclusions was presented to the Council.

8. Fish and Wildlife

As a part of its National Environmental Policy Act (“NEPA”) Checklist, Cellco received comments on the Trumbull SE 4 Facility from the U.S. Department of Interior, Fish and Wildlife Service (“USFWS”) and the Connecticut Department of Energy and Environmental Protection (“DEEP”). The USFWS has determined that there are no federally-listed or proposed, threatened or endangered species or critical habitat known to occur in Trumbull. (Cellco 1, Tab 10).

According to the DEEP, there is one Special Concern Species, the *Eastern Box Turtle*, which may occur in the vicinity of the Trumbull SE 4 Facility location. Cellco established an *Eastern Box Turtle* protective measures program to avoid unintentional mortality of this turtle species during construction. With adherence to these guidelines, Cellco does not anticipate any adverse impacts on this species. (Cellco 1, p. 15; Tab 11; Tr. 1, pp. 17-18).

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 Trumbull SE 4 Facility site, Conn. Gen. Stat. § 16-50p requires that the Applicant demonstrate why these impacts “are not sufficient reason to deny the Application.” Conn. Gen. Stat. § 16-50p(a)(3). The record establishes that the impacts associated with the proposal would be limited and outweighed by the benefits to the public from the proposed facility and, therefore, requires that the Council approve the Application.

As discussed above, the only potential adverse impact from the proposed tower involves “scenic values.” As the record overwhelmingly demonstrates, the Trumbull SE 4 Facility would have minimal impacts on scenic values in the area. (Cellco 1, Tab 9). These limited aesthetic

impacts may be, and in this case are, outweighed by the public benefit derived from the establishment of the facility. Unlike many other types of development, telecommunications facilities do not cause indirect environmental impacts, such as increased traffic and related pollution.

The limited aesthetic and environmental impacts of either alternative site can be further mitigated by the sharing of the facility. Cellco intends to design the tower so that it could be shared by other wireless carriers, and the Town, or local emergency service providers, if a need exists. (Cellco 1, p. 11; Tr. 1, 16).

In sum, the potential environmental impacts from the Trumbull SE 4 Facility would be minimal when considered against the benefits to the public. These impacts are insufficient to deny the Application. The site, therefore, satisfies the criteria for a Certificate pursuant to Conn. Gen. Stat. § 16-50p, and the Applicant's request for a Certificate should be granted.

V. CONCLUSION

Based on the overwhelming evidence in the record, the Applicant has established that there is a need for a Trumbull SE 4 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,
CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS

By: 

Kenneth C. Baldwin
ROBINSON & COLE LLP
280 Trumbull Street
Hartford, CT 06103-3597
Its Attorneys