

CONNECTICUT SITING COUNCIL
DOCKET NO. 471

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
HAMDEN, CONNECTICUT

APPLICANT'S POST-HEARING BRIEF

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EXECUTIVE SUMMARY

On March 3, 2017, Cellco Partnership d/b/a Verizon Wireless (“Cellco”) filed an application (“Application”) with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Capability and Public Need (“Certificate”) to construct a wireless telecommunications facility on an approximately 9.34-acre parcel at 208 Kirk Road in Hamden, Connecticut (the “Property”). The Property is owned by Joseph Vignola and Denise Courtmanche Vignola (together the “Owner”) and is used for residential, commercial and agricultural purposes.

Alternative Facility Locations

During the course of the Council’s review of the Application, Cellco presented information on three (3) alternative tower sites on the Property. Cellco could satisfy its wireless service objectives in the area from any of the three (3) alternative sites described below. The Owner has also confirmed that any of the three (3) alternative site locations would be acceptable.

Proposed Site

The Proposed Site is the location described in the Docket No. 471 Application. At the Proposed Site, Cellco would construct a 160-foot tall “monopole” tower within a 55’ x 50’ compound, in the westerly portion of the Property. Access to the Proposed Site would extend from Country Club Drive over a new gravel and partially paved driveway a distance of approximately 400 feet to the facility compound.¹ Cellco would install up to twelve (12)

¹ On May 2, 2017, Cellco submitted a revised site plan for the Proposed Site showing an alternative access drive. The alternative access drive would have less of an impact on the environment than the driveway originally proposed in the Application.

antennas at the top of the tower extending to a height of 163 feet above ground level (“AGL”).

Alternate 1 Site

At the Alternate 1 Site, located approximately 175 feet to the northeast of the Proposed Site, Cellco would construct a 150-foot tall monopole tower within a fenced facility compound. Access to the Alternate 1 Site would extend from Country Club Drive over a new gravel and partially paved driveway a distance of approximately 350 feet to the facility compound. Cellco would install up to twelve (12) antennas at the top of the tower extending to a height of 153 feet AGL.

Alternate 2 Site

At the Alternate 2 Site, located approximately 175 feet to the east of Alternate 1 Site and 350 feet northeast of the Proposed Site, Cellco would construct a 120-foot tower within a fenced facility compound. Access to the Alternate 2 Site would extend from Country Club Drive over a new gravel driveway a distance of approximately 250 feet to the facility compound. Cellco would install up to twelve (12) antennas at the top of the tower extending to a height of 123 feet AGL.

Cell Site Equipment

Cellco’s radio equipment and a 10 kW diesel-fueled back-up generator would be installed on an 11’-6” x 16’ steel platform and canopy structure near the base of the proposed tower. The tower and equipment platform would be enclosed by an eight-foot high security fence and gate.

Public Need

The record contains ample evidence to support a finding by the Council that there is a “need” for the proposed Hamden 8 Facility. The proposed facility is needed to fill gaps in

wireless service and improve overall system performance in northern and central portions of Hamden where existing wireless service is unreliable. The proposed Hamden 8 Facility will also provide capacity relief to Cellco existing Hamden North, Hamden East and Centerville cell sites.

Nature of Probable Impacts

The record contains ample evidence to support a finding by the Council that a new wireless facility at any of the three (3) alternative site locations described above would not have a significant adverse impact on the environment. Cellco has presented evidence that the location and development of a proposed wireless facility at the Property will have no effect on historic resources in the area; will not adversely impact federal or State listed, threatened or endangered species or State species of special concern; will not have any direct or indirect impact on wetlands, watercourses and/or vernal pools; 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.

More specifically, the Applicant and the Council evaluated the actual environmental effects (i.e. driveway length, tree removal requirements, ground disturbance, visibility, etc.) of a facility at the Proposed Site, the Alternate 1 Site and the Alternate 2 Site. Of the three (3) alternative sites being considered, the Alternate 2 Site would have the shortest access driveway, would require less significant grading to construct the access driveway and facility compound and would require the removal of fewer large trees. The Alternate 2 Site would also require the installation of the shortest tower (120'). Given its higher ground elevation, and location immediately north of the Country Club Drive cul-de-sac, the visual impact of the Alternate 2 Site may be more significant than that for the Alternate 1 Site.

Public Input

On September 7, 2016, Cellco representatives met with Dave Garretson, Director of Legislative and Constituent Services for Mayor Leng and Dan Kops, Town Planning and Zoning Director to commence the ninety (90) day municipal consultation process. Mr. Garretson and Mr. Kops received a copy of technical information summarizing Cellco's plans to establish a telecommunications facility as described above. At the Town's request, Cellco evaluated four (4) Town-owned parcels as alternative tower locations. Three of the four parcels were rejected by Cellco's RF engineers. The fourth site, at Laurel View Country Club ("LVCC"), was deemed acceptable to Cellco but was withdrawn from consideration by the Town.

Cellco hosted a public information meeting on November 16, 2016, to discuss the tower proposal, including all alternative parcels evaluated. Notice of the public information meeting was published in the *New Haven Register* and sent to abutting landowners for the Property and the LVCC.

Parties and Intervenors

Patricia Sorrentino, an adjoining owner, to the south of the Property, who resides at 46 Country Club Drive was granted party status in Docket No. 471 and participated in the proceeding. At the hearing, Ms. Sorrentino expressed a preference for Alternate Site No. 2.

Conclusion

The unrefuted evidence in the record demonstrates that there is a need for the proposed wireless facility at the Property and that the environmental impacts associated with a facility at the Proposed Site, the Alternate 1 Site or the Alternate 2 Site would be minimal.

I. INTRODUCTION

On March 3, 2017, Cellco Partnership d/b/a Verizon Wireless (“Cellco” or “Applicant”) filed with the Connecticut Siting Council (“Council”) an application (the “Application”) for a certificate of environmental compatibility and public need (“Certificate”), pursuant to Sections 16-50g *et seq.* of the Connecticut General Statutes (“Conn. Gen. Stat.”), for the construction, maintenance and operation of a wireless telecommunications facility (the “Hamden 8 Facility”) in the westerly portion of an approximately 9.34-acre parcel at 208 Kirk Road in Hamden, Connecticut (the “Property”). The Property is owned by Joseph Vignola and Denise Courtmanche Vignola and is used for residential, commercial and agricultural purposes. (Cellco Exhibit 1 (“Cellco 1”); May 2, 2017 Site Visit). The proposed wireless facility is needed in order for Cellco to fill existing gaps in reliable wireless service in Hamden, and provide capacity relief to several of its existing facilities in the area. (Cellco 1, pp. 6-7, Tab 1, Tab 6).

II. PROCEDURAL BACKGROUND

On May 2, 2017, the Council conducted an evidentiary hearing and an evening public hearing on the Application (May 2, 2017 Transcript (“Tr. 1”), p. 4). Prior to the evidentiary hearing, at 2:00 p.m. on May 2, 2017, the Council conducted a site visit at the Property. Between the hours of approximately 8:00 a.m. and 6:00 p.m. on May 2, 2017, Cellco caused a red balloon to be flown as prescribed by the Council. (Cellco 1, p. 14; May 2, 2017 Site Visit). The evidentiary hearing was continued to June 13, 2017 (June 13, 2017 Transcript (“Tr. 2”), p. 3).

This Post-Hearing Brief is filed on behalf of the Applicant pursuant to Section 16-50j-31 of the Regulations of Connecticut State Agencies (“R.C.S.A.”). The brief evaluates the Application in light of the Council’s review criteria, as set forth in Section 16-50p of the

Connecticut General Statutes and addresses other issues raised throughout the course of this proceeding.

III. FACTUAL BACKGROUND

A. Pre-Application History

Cellco is licensed to provide wireless services in the 700 MHz, 850 MHz, 1900 MHz and 2100 MHz frequency ranges throughout Connecticut. Cellco currently provides wireless service in Hamden and the surrounding towns from its existing Hamden North 2, Hamden North, Hamden East, Centerville, Hamden 2, Hamden, Bethany, Bethany North, Prospect and Cheshire cell sites. Coverage plots, Network Drive Data, and System Performance Data (dropped call and ineffective attempt data) for the existing sites in the area around the proposed Hamden 8 Facility reveal the presence of significant gaps in reliable wireless service. These gaps will be filled by service from the proposed Hamden 8 Facility. (Cellco 1, pp. 6-7; Tab 6; Cellco 3, Q4; Cellco 9, Q31). In addition to the coverage benefits, the proposed Hamden 8 Facility will provide capacity relief to Cellco's Hamden (Alpha sector), Hamden North (Gamma sector), Hamden East (Alpha sector), Centerville (Alpha sector) and Hamden 2 (Alpha sector). (Cellco 1, pp. 6-7; Cellco 3, Q5; Cellco 9, Q31). Cellco maintains ten (10) existing wireless facilities, on towers and other existing tall structures within approximately seven (7) miles of the Hamden 8 Facility location. Each of these existing facilities will interact, in some fashion, with the proposed Hamden 8 Facility. (Cellco 1, pp. 7-9, Tabs 6). These existing adjacent sites cannot, however, satisfy Cellco's need for additional wireless service in the 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 around the Property. (Cellco 1, pp. 11-12, Tab 8). 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. 11-12, Tab 8). In this instance, Cellco determined that it could satisfy its wireless service objectives at the Proposed Site at a tower height of 160 feet. Through the course of the Council's proceeding, two (2) alternative tower sites on the Property were also investigated. Due to variations in ground elevation at the Property, Cellco could satisfy its wireless service objectives with a 150-foot tower at the Alternate 1 Site and a 120-foot tower at the Alternate 2 Site. (Cellco 1, Tabs 1 and 6; Cellco 9, Q33).

B. Local Contacts

On September 7, 2016, Cellco representatives met with Dave Garretson, designee for Mayor Curt B. Leng and Dan Kops, Hamden's Planning and Zoning Director to commence the ninety (90) day municipal consultation process. The Town received a copy of technical information summarizing Cellco's plans to establish the Hamden 8 Facility. In addition to the alternative sites previously investigated, the Town asked Cellco to consider the Laurel View Country Club ("LVCC") as an alternative tower site. Cellco evaluated the LVCC site and determined that a 180-foot tower at this location would satisfy its wireless service objectives. (Cellco 1, pp. 19-21; Cellco 3, Q12).

At the Town's request, Cellco hosted a Public Information Meeting ("PIM") at Hamden Town Hall and presented information on both the Kirk Road and LVCC alternative tower locations. Notice of the PIM was published in the New Haven Register and was sent to abutting landowners of the 8 Kirk Road parcel and the LVCC parcel. After the PIM the Town withdrew the LVCC

parcel from consideration. (Cellco 1, pp. 19-21; Cellco 3, Q12).

C. Tower Sharing

Cellco will design the Hamden 8 Facility and compound to be shared by a minimum of four (4) wireless carriers and municipal emergency service entities, if a need exists. This type of tower sharing arrangement would reduce, if not eliminate, the need for a new tower in the area in the future. New Cingular Wireless, LLC (“AT&T”), by letter dated April 3, 2017, confirmed “an identified need” for a tower in the area of the proposed Hamden 8 Facility. However, the Hamden 8 Facility was not a part of AT&T’s current build plan. (AT&T Comments dated April 4, 2017; Cellco 6, Q14a.). In fact, prior to Cellco’s involvement in this application, AT&T had its own lease with the Property Owner to build a tower. When the AT&T lease with the Property Owner expired, a new lease was negotiated and signed with Cellco. (Cellco 1, p. 12; Cellco 10, Q12).

D. The Hamden 8 Facility Proposal

Cellco presented, for evaluation by the Council, three (3) alternate cell site locations on the Property. The cell site proposed in the Application is identified as the “Proposed Site”. The “Alternate 1 Site” is located approximately 175 feet northeast of the Proposed Site. The “Alternate 2 Site” is located approximately 350 feet east of the Proposed Site.

Proposed Site

At the Proposed Site, Cellco would construct an 160-foot self-supporting monopole tower. Vehicular access to the site would extend from Country Club Drive over a new gravel and partially paved access drive a distance of approximately 400 feet. Utilities would extend from existing service along Country Club Drive underground to the Proposed Site compound. Cellco would install nine (9) antennas at the top of the tower and equipment within the secure facility

compound near the base of the tower. (Cellco 1, pp. iii, 7-9, Tab 1; Cellco 8).

Alternate 1 Site

At the Alternate 1 Site, Cellco would construct a 150-foot tall monopole tower. Access to the Alternate 1 Site would extend from Country Club Drive over a new gravel and partially paved driveway a distance of approximately 350 feet. Utilities would extend underground from Country Club Drive to the facility compound. Cellco would install nine (9) antennas at the top of the tower and equipment within the secure facility compound near the base of the tower. (Cellco 9, Q33).

Alternate 2 Site

At the Alternate 2 Site, Cellco would construct a 120-foot tower. Access to the Alternate 2 Site would extend from Country Club Drive over a new gravel driveway a distance of approximately 250 feet. Utilities would extend underground from Country Club Drive to the facility compound. Cellco would install nine (9) antennas at the top of the tower and equipment within the secure facility compound near the base of the tower. (Cellco 9, Q33).

Cell Site Equipment

Cellco's radio equipment cabinets and a 10 kW diesel-fueled back-up generator will be installed on an 11'-6" x 16' steel platform and canopy structure located near the base of the tower. The tower and equipment platform would be enclosed by an eight-foot high security fence and gate. (Cellco 1, 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 Hamden 8 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 Hamden 8 Facility would be part of Cellco’s expanding wireless telecommunications network envisioned by the Telecommunications Act and the Broadband Plan and has been developed to help meet these nationwide goals. In particular, Cellco’s system has been designed, and the cell site proposed in this Application has been selected, so as to maximize the geographical coverage, improve network capacity and improve the overall quality of wireless service to allow for the efficient and reliable use of Cellco’s network. (Cellco 1, pp. 6-7). As the

Council is aware, Cellco holds licenses to provide wireless services in the 700 MHz, 850 MHz, 1900 MHz and 2100 MHz frequency ranges in New Haven County, and throughout the State of Connecticut. (Cellco 1, Tab 5).

The record contains ample, written evidence and testimony that Cellco's antennas at a height of 160 feet AGL at the Proposed Site; 150 feet AGL at the Alternate 1 Site; and 120 feet AGL at the Alternate 2 Site would allow Cellco to satisfy its wireless service objectives in the area and provide high-quality reliable wireless service in northerly portions of the Town where it does not exist today. (Cellco 1, pp. 6-7, Tab 6). These objectives are two-fold. First the proposed Hamden 8 Facility will resolve existing gaps in wireless "coverage" in the area around the Property including poor indoor signal reception in the area. As a secondary benefit, the Hamden 8 Facility will provide capacity relief to those antenna sectors of Cellco's adjacent cell sites that are directed toward the Hamden 8 Facility. Cellco provided the Council with coverage plot, drive data and system performance data, including information of dropped calls, ineffective attempts and poor data speeds from its existing surrounding cell sites. (Cellco 9, Q31; Tr. 1, pp. 57-66, 76-77, 90; Tr. 2, pp. 57, 59-61).

B. Nature of Probable Impacts

The second step in the statutory review procedure addresses the probable environmental impacts of the Hamden 8 Facility. Cellco submits that, based on the statutory factors listed below, the proposed Hamden 8 Facility will not have a significant adverse effect on the environment.

1. Natural Environment and Ecological Balance

The proposed development of a telecommunications facility at any of the three (3) alternative site locations currently under consideration by the Council has eliminated, to the extent

possible, impacts on the natural environment. At each of the three (3) alternative site locations, facility improvements would be located within an 50' x 55' fenced compound and leased area. Access to each of the alternative sites would extend from Country Club Drive over a new driveway extending 400 feet to the Proposed Site, 350 feet to the Alternate 1 Site and 250 feet to the Alternate 2 Site.² Due to existing topography on the Property, the access driveways to the Proposed Site and the Alternate 1 Site would require more tree removal and ground disturbance than the Alternate 2 Site. (Cellco 9, Q33).

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 Hamden 8 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 the appropriate standards for structures and development of this kind. The closest off-site residence is located more than 240 feet to the south of the Proposed Site, nearly 350 feet to the south of the Alternate 1 Site; and nearly 365 feet to the south of the Alternate 2 Site. (Cellco 9, Q33; Tr. 2, pp. 29-32).

Second, worst-case potential public exposure to Radio Frequency (“RF”) emissions from any of the alternate proposed facility locations would be well below the FCC Safety Standards. (Cellco 1, pp. 15-16, Tab 1, p. 8, Tab 13).

If approved, Cellco will design the facility tower and compound to be shared by other

² Access to any of the alternative cell sites from Kirk Road, as suggested by Ms. Sorrentino would require the development of a significantly longer access driveway and result in significantly more ground disturbance. (Cellco 10, Q2).

wireless carriers, and the Town's 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. As noted in the Council record, AT&T has identified a need for a tower in the area of the Hamden 8 Facility. (Cellco 1, p. 12; Cellco 6, Q14a.; AT&T Letter dated April 4, 2017).

Overall, the nature and extent of potential, adverse public health and safety impacts resulting from construction and installation of the Hamden 8 Facility would be minimal or nonexistent. The public safety benefits, however, would be substantial. No evidence to refute these conclusions was presented to the Council.

3. Scenic Values

Cellco submitted a Visibility Analysis prepared by All-Points Technology Corporation ("APT") as a part of the Application for the tower at the Proposed Site location. Prior to preparing its report, APT conducted a balloon float and field reconnaissance to obtain photographs for use in the Visibility Analysis. (Cellco 1, Tab 9). APT determined that top portions of the monopole tower at the tower at the Proposed Site may be visible above the tree canopy from approximately 42 acres or 0.52 percent of the two-mile radius (8,042 acre) study area. Year-round visibility of the Hamden 8 Facility is generally limited to locations with 0.25 miles or less of the Property. Areas where seasonal views are anticipated comprise approximately 385 additional acres. (Cellco 1, pp. 13-14, Tab 9).

Cellco also evaluated the potential visual impact of a 150-foot tower at the Alternate 1 Site location and a 120-foot tower at the Alternate 2 Site location on the Property. It is estimated that year-round and seasonal views of towers at the Alternate 1 Site and the Alternate 2 Site would be

very similar to those for the Proposed Site (42 acres year-round and 385 acres seasonal). From areas to the south of the Property, however, in and around the Country Club Drive cul-de-sac and the intersection of Country Club Drive and Bear Path Road, the tower at the Alternate 2 Site would be more visible than a tower at the Alternate 1 Site, due primarily to the higher ground elevation at the Alternate 2 Site location. (Cellco 9, Q33 and Attachment 7; Tr. 2, pp. 7-19). Finally, the evidence in the record suggests that a tree tower at any of the proposed alternative site locations would not provide any significant visual benefits over the traditional monopole and may, in fact, be more noticeable from surrounding properties. (Tr. 2, pp. 16-17, 100-101).

4. Historical Values

As it does with all of its tower proposals, prior to filing the Application with the Council, Cellco requested that the State Historic Preservation Office (“SHPO”) of the Connecticut Historical Commission (the “Commission”) review the proposed facility and provide a written response. In a letter dated February 3, 2017, APT opined that the Hamden 8 Facility would have no impact on historic properties listed on or eligible for listing on the National Register of Historic Places. (Cellco 1, Tab 12).

5. Recreational Values

There are no recreational activities or facilities on the Property that would be adversely impacted by development of the Hamden 8 Facility. The facility would also not impact existing activity at the LVCC. (Cellco 1, pp. 17-18, Tab 9).

6. Forests and Parks

There is no State or local forests or parks that will be adversely impacted as the proposed Hamden 8 Facility. (Cellco 1, Tab 9). More specifically, Cellco evaluated the visual impact of a tower site at the Property from certain trails in West Rock State Park and Sleeping Giant State Park.

A large portion of the seasonal visibility is located on the east and south facility slopes of West Rock Park approximately 0.75 miles from the Property. Most of these locations on the ridge are not accessible to the general public. Regardless, views of the proposed tower site from West Rock State Park would be obscured by existing trees in the area and largely unrecognizable due to the separating distance and the tree canopy and backdrop in those views. (Cellco 1, Tab 9; Cellco 9, Attachment 7). From Sleeping Giant State Park, views of any of the alternative tower sites would be blocked by a combination of topography, existing buildings and the tree canopy. (Cellco 10, Q13). Finally, the development of the Hamden 8 Facility will not result in fragmentation of a core forest block. Clearing would be limited to small portions of the edge of the forest block. No impact to forest habitat in the area would occur. (Cellco 9, Q34).

No evidence to refute these conclusions was presented to the Council.

7. Air and Water Quality

a. Air Quality.

Under normal operating conditions, the Cellco equipment at the Hamden 8 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. (Cellco 1, p. 20).

b. Water Quality.

The proposed Hamden 8 Facility would not utilize water, nor would it discharge substances into any surface water, groundwater, or public or private waste water disposal system. Dean Gustafson, Professional Soil Scientist with APT, conducted a field investigation and

completed a Wetlands Inspection Report for the Hamden 8 Facility. According to this evaluation, the closest wetland area is located approximately 300 feet to the south of the start of the proposed access drive off Country Club Drive, more than 500 feet south of the Proposed Site, Alternate 1 Site and Alternate 2 Site locations. In the Wetlands Evaluation, Mr. Gustafson concludes that the Hamden 8 Facility will have no temporary or permanent impacts to wetlands and watercourses. (Cellco 1, pp. 18-19, Tab 1, Tab 11). 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 Hamden 8 Facility from the U.S. Department of Interior, Fish and Wildlife Service (“USFWS”) and the Connecticut Department of Energy and Environmental Protection (“DEEP”). According to the Preliminary USFWS & CT DEEP Compliance Determination dated February 2, 2017, no State or federally listed, threatened, threatened species or critical habitat has been documented in the vicinity of the Property. DEEP does not anticipate negative impacts to State-listed species resulting from the construction of the proposed Hamden 8 Facility. (Cellco 1, p. 15; Tab 10).

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 Hamden 8 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 Hamden 8 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. 12).

In sum, the potential environmental impacts from the Hamden 8 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 Hamden 8 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:  _____

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CERTIFICATION OF SERVICE

I hereby certify that on this 13th day of July 2017, a copy of the foregoing was sent via electronic mail to the following:

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