

DOCKET NO. 148 - An application of Metro Mobile CTS of Hartford, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telephone tower and associated equipment in the Town of Clinton, Connecticut. The proposed site is located on an interior portion of a 59 acre parcel off Glenwood Road approximately 3,500 feet north of I-95. The alternate site is located on a six acre parcel off Cow Hill Road, approximately 300 feet north of I-95.

Connecticut

Siting

Council

May 5, 1992

#### OPINION

On December 27, 1991, Metro Mobile CTS of Hartford, Inc. (Metro Mobile) applied to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a cellular telephone facility in the Town of Clinton, Connecticut.

The Federal Communications Commission (FCC) has determined that there is a general public need for cellular service. The Council must balance the need to develop the proposed site as a cellular telecommunications facility with the need to protect the environment, including public health and safety, and minimize damage to the State's scenic, historic, and recreational values.

In the course of finding a proposed cell site from a willing owner, an applicant must find a site or suitable structure to share which offers the required coverage. For this application Metro Mobile identified a prime site and an alternate site in Clinton which would provide coverage to existing gaps in coverage along Interstate 95 (I-95), and Routes 1 and 79 in the Clinton area. The Clinton area has regions in which cellular calls are dropped or cannot be originated at all, even on state-of-the-art cellular units. The proposed facility would also provide additional cellular traffic handling capacity in the Towns of Clinton, Killingworth, Madison, and Westbrook. The proposed Clinton facility would off-load cellular traffic from Metro Mobile's existing Killingworth site and interface with the company's existing East Lyme and Guilford sites.

The proposed prime Clinton site is located off Glenwood Road approximately 3500 feet north of I-95 on a 59-acre parcel of land within the site of the Shoreline Concrete Company. Metro Mobile would construct a 160-foot lattice tower and attach 12 of its antennas. The uppermost antennas with their support

structure would result in a total overall tower height of 173 feet above ground level (AGL). The Federal Aviation Administration (FAA) has determined that the proposed prime Clinton tower would not be an obstruction to air navigation, and that obstruction marking and lighting of this tower would not be required.

The alternate Clinton tower site is located within a six-acre parcel of land off of Cow Hill Road, approximately 300 feet north of I-95. Metro Mobile would construct a 210-foot lattice tower at this site and attach 12 of its antennas. The uppermost antennas with their support structure would result in a total overall tower height of 223 feet AGL. The FAA has determined that the proposed alternate Clinton tower would be an obstruction to air navigation, and would therefore have to be obstruction marked and lighted.

Concurrent with this application, Springwich Cellular Limited Partnership (Springwich) also submitted an application to the Council for proposed and alternate cellular telephone tower sites in the Town of Clinton (Docket 147). Over a period of several months, both Springwich and Metro Mobile attempted to negotiate a mutually acceptable agreement on the sharing of a tower site in Clinton. The two companies were initially unable to finalize such an agreement and as a result, Springwich and Metro Mobile submitted separate tower applications to the Council. At the urging of the Clinton First Selectman, both companies agreed to make another attempt at tower sharing. Metro Mobile and Springwich then co-signed a sublease to share Metro Mobile's proposed prime or alternate tower sites in this docket. Springwich has determined it could attach its 12 antennas to Metro Mobile's proposed or alternate tower below the antennas of Metro Mobile without requiring any change in the tower's design, height, or structure. The antennas of both competitors would be of sufficient elevation to meet each company's coverage objectives in the Clinton area. The Springwich and Metro Mobile antennas would be spaced sufficient distances apart to prevent frequency interference. In addition, Metro Mobile has offered antenna space to the Town of Clinton on its tower for municipal use.

This is the first application the Council has considered in which both Metro Mobile and Springwich would share a tower site. We applaud the efforts made to share a tower site by the two cellular providers, and by the Town of Clinton, whose participation in the proceedings was most helpful. The Council believes the public, the environment, and the cellular companies may all benefit as a result of this tower sharing, and strongly encourages future tower sharing efforts. While the Council prefers the less obtrusive monopole towers, a lattice tower in this case offers greater opportunity for tower sharing than would a monopole and may eliminate the need to construct additional towers.

We find both the proposed prime and alternate sites to be generally acceptable, as neither site contains inland wetlands, neither contains endangered species, both sites have vegetative buffers surrounding them, both sites would have electromagnetic radio frequency power density levels well below State standards, each would meet cellular coverage needs, and neither site is within a densely populated area. Furthermore, both sites would offer the opportunity for tower sharing, and neither would have a tower fall zone which affects structures off the landowner's property.

We are, however, troubled by the concerns of Town of Clinton officials and residents of the proposed prime site area, who opposed the prime site due to its location within a residential area, proximity to schools, visibility from nearby homes, and concerns about tower climbing by neighborhood youths. Although the alternate site tower would be 50 feet higher than the prime tower and according to the FAA would be marked and lighted, there would be less community visibility of this tower. While we endeavor to only approve towers with the lowest height and without marking and lighting to minimize visibility, most of the alternate tower's visibility would be from vehicles traveling along I-95, and from the small industrial park surrounding the site, both of which are not inconsistent with the development of a cellular tower. Furthermore, even though the proposed prime site is within a larger parcel of land offering more substantial vegetative buffering for the equipment buildings, the non-conforming use status of the sand and gravel operation on this parcel opens up the potential for future residential development or open space use. Such land uses could be inconsistent with a cellular tower.

Based on its record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of a cellular facility and its associated equipment building, at the proposed Clinton alternate site, including effects on the natural environment, ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a cellular telephone facility at the proposed Metro Mobile alternate site off of Cow Hill Road in Clinton. Such certification will be conditioned upon the Certificate Holder submitting a Development and Management (D&M) Plan for approval by the Council prior to the commencement of any construction at the facility site. To facilitate sharing of space with both Springwichee and the Town of Clinton, the Council will require the use of a lattice tower, with the insertion of anti-climb sections as recommended by the tower manufacturer. The Council will also require the Certificate Holder to petition the FAA to modify obstruction marking and lighting on this tower.