

Docket No. 164 - An Application of Metro Mobile CTS of Hartford, Inc. and Metro Mobile CTS of New Haven, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility. : Connecticut

The proposed prime site is located approximately 700 feet northeast from the end of the North Chestnut Hill Road cul-de-sac (Lot No. 7), Killingworth. : Siting

The proposed alternate site is located approximately 350 feet east of 828 Summerhill Road, Madison, Connecticut : Council

: December 5, 1994

OPINION

On June 24, 1994, Metro Mobile CTS of Hartford, Inc. and Metro Mobile CTS of New Haven, Inc. (Metro Mobile), applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) to construct, operate, and maintain a cellular telecommunications tower, building, and associated equipment in either the Town of Killingworth or the Town of Madison, Connecticut.

The Federal Communications Commission (FCC) has determined that there is a general public need for cellular telephone service. Under Connecticut State Law, 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, the applicant has searched for a suitable existing structure to share which offers the required coverage. Because Metro Mobile does not have the power to take land through eminent domain, acquisition of a potential site requires consent from a willing landowner to either lease or sell land rights.

Although the Council has a legislative charge to promote the sharing of towers whenever legally, technically, environmentally, and economically possible, there are no existing facilities that could be shared. Nonetheless, Metro Mobile has offered to share tower space to each municipality where the facility is proposed. This tower sharing arrangement will not only be of potential benefit to the host community to provide communications service necessary for public safety, but will also help avoid construction of additional towers in the future.

The proposed Killingworth/Madison site would become part of an existing cellular network to provide telecommunications coverage to areas not presently or inadequately covered in the Metro Mobile system along portions of State Routes 79, 80, 81, and 148 and other roadways in the Towns of Killingworth and Madison. This facility would interconnect and hand-off with existing adjacent facilities in Clinton, Killingworth, Haddam, Guilford, North Branford, and Durham (when operational).

Metro Mobile's proposed prime site is an undeveloped 6.59 acre wooded parcel with irregular topography located off the North Chestnut Hill Road cul-de-sac in the Town of Killingworth. Metro Mobile is the owner of this residentially-zoned parcel situated within a seven lot subdivision. The tower site would be located approximately 700 feet east of the cul-de-sac. The nearest residence is approximately 750 feet southwest from the tower base. Metro Mobile proposes to erect a 170-foot self-supporting lattice tower and attach nine panel antennas and one dish antenna, construct an equipment building, and install a diesel-powered emergency generator, fence, and access road. Utilities would be installed overhead along side the access road.

The proposed alternate site is a 70-foot by 100-foot leased area within a 3.25 acre residentially zoned parcel located at 828 Summerhill Road, Madison. The lessor's parcel and adjacent properties are heavily wooded with rock outcroppings. Although the lessor's residence is the nearest home to the proposed alternate tower, the next closest adjacent residence is approximately 250 feet north. Metro Mobile proposes to erect a 150-foot self-supporting monopole tower and attach nine panel antennas and one dish antenna, construct an equipment building, and install a diesel-powered emergency generator, fence, and access road. Utilities would be installed overhead along side the access road within a 25-foot easement on the north property boundary of the lessor's property. A driveway exists just north of the lessor's property.

The proposed alternate Madison site appears to have less of an environmental impact than the proposed Killingworth prime site because of a shorter and slimmer tower and shorter access road. However, the proposed Madison site is surrounded by existing homes of which one is 250 feet north of the tower, and the proposed access road would be adjacent to an existing residential driveway north of the lessor's property. The applicant did not explore the use of the existing driveway but chose to keep the facility development on the lessor's property. While this argument is not without merit, it is discouraging that the sharing of an existing access on a limited basis, and an opportunity to minimize environmental impact by not constructing a new access road, was not explored. Even though a larger structure is proposed at the Killingworth site, the location of the facility would be to the rear of much larger parcel than the alternate site, thereby reducing the visibility of the tower. Also, trees not cleared would buffer the visibility of the tower to adjacent properties. Because a lattice tower is proposed for the prime site, this structure would readily allow more flexibility for shared use than a monopole tower. Furthermore, while the prime access road would be longer and have more environmental impacts than the access road at the alternate site, with proper erosion and sedimentation controls the environmental effects associated with the prime access road could be substantially mitigated.

Modeling suggests that a tower of 150 feet placed at an elevation of 386 feet above mean sea level could provide cellular coverage no different than the proposed 170-foot tower. However, a shorter tower may preclude tower sharing at an appropriate site that has been unopposed. Nonetheless, we will order that the 170-foot tower be constructed at the proposed Killingworth site with the final tower location to be refined in the Development and Management (D&M) plan to minimize the extension of the tower's fall zone on to adjacent properties. While we would have preferred the tower's fall zone entirely within the proposed site, this may not be possible, and there has been no evidence to suggest that the proposed location or tower structure would be a risk to public safety.

Because a wetland exists down slope of the proposed Killingworth site, we will require that erosion and sedimentation controls be installed pursuant to the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

We were pleased to see that the applicant performed a Phase I Archaeological Reconnaissance Survey at the proposed prime site and the proposed project would not have an adverse effect on the cultural resources within the 6.59 acre parcel.

There are no known populations of federal or State endangered and threatened species or State species of special concern occurring on the proposed prime and alternate sites.

Electromagnetic radio frequency power density is a concern of the Council; however, the proposed facility's radio power density at the fenced boundary of the proposed prime or alternate cell sites would be well below the 1992 American National Standards Institute standard, also adopted as the State standard, for the frequencies used by the cellular telephone industry.

Based on the record in this proceeding, we find that the effects associated with the construction, operation, and maintenance of a cellular telephone facility at the proposed Killingworth prime 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, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application. Therefore, we deny Certification of the alternate Madison site and will issue a Certificate for the construction of a cellular telecommunications facility at the proposed prime site off of North Chestnut Hill Road, Killingworth.

The Council will require the Certificate Holder to submit a D&M plan for approval by the Council prior to the commencement of any clearing or construction at the facility site. This D&M plan shall include detailed plans for the tower location and tower foundation; the placement of all antennas to be attached to this tower; placement of the emergency generator, equipment building, fuel storage tank, access road, utility line, and security fence; site and accessway clearing and tree trimming; and water drainage and erosion and sedimentation controls consistent with the Connecticut Guidelines for Soil Erosion and Sedimentation Control (as amended.)