

DOCKET NO. 56

AN APPLICATION OF METRO MOBILE CTS OF NEW HAVEN, INC., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF FACILITIES TO PROVIDE CELLULAR SERVICE IN NEW HAVEN COUNTY. : CONNECTICUT SITING COUNCIL : April 14, 1986

O P I N I O N

Metro Mobile CTS of New Haven, Inc., applied to the Connecticut Siting Council (Council) for a certificate of environmental compatibility and public need for the construction, maintenance, and operation of telecommunication towers and associated equipment in the towns of Wolcott, Naugatuck, Beacon Falls, West Haven, Milford, Hamden, Guilford, Wallingford, and North Branford. The application was subsequently amended to propose alternative sites and tower heights at some locations, and the Wallingford site was withdrawn from consideration in this application.

In this proceeding the Council is faced with unprecedented numbers of proposed towers, exhibits, parties, and alternative considerations. However, the issues requiring consideration are well-defined. Since the matter of public need for cellular service has been resolved by determination of a federal authority, the Federal Communications Commission (FCC), the Council's responsibility is to focus on site specific need considerations. These revolve around the environmental effects, technical system design, the availability of alternative sites, structure types and heights, and potential or proposed shared uses.

The potential environmental effects of each proposed tower, which the Council must also identify, are listed in the findings that accompany this opinion. It is apparent that the impacts of the proposed facilities will be principally visual. In response to repeated concerns and technical questions on this issue raised by parties and the Council, several

changes to the initial proposal were offered near the end of the public proceedings. Except for the Wallingford alternatives, which were withdrawn along with the original Wallingford site, all amendments involved changes that were available for discussion in the record and at subsequent public hearings or small changes in height or location at or in immediate proximity to the originally proposed sites.

The Council recognizes that a great number of tower configurations is possible in a system such as that proposed but that these must be limited by technical, economic, and environmental factors. The original application gave too little weight to environmental factors as evidenced by the proposal of uniform tower heights and lattice type structures for all sites, with most in residential areas. The amendments improved the proposal significantly, but lead the Council to question the thoroughness of the original research and ask what other improvements may have been overlooked.

While it is not necessary for an applicant to analyze every potential alternative site, when a proposal poses significant environmental impact, thorough considerations of alternatives are necessary. The Council is concerned with economic factors, but these must be balanced with environmental factors, which might significantly affect private property values and living amenities.

The statutes require the Council to balance the public need with the environmental effect and determine that the latter is not so severe as to warrant denial. Defining the public need here as the need for specific tower sites to provide service, the Council cannot find that the Beacon Falls, Guilford, and Milford facilities, as proposed, are necessary, given the potential for alternative sites and/or structure types.

Additionally, some members of the Council are troubled by the use of an existing tower in a state park.

Notwithstanding the applicant's assertions that monopoles and lattice towers have equivalent visual impact, the Council believes the former is preferable where possible and appropriate. At Beacon Falls, Guilford, and Milford the visual impact would be lessened appreciably if monopole structures were used. It should be noted that the Council is familiar with monopole structures and also viewed the existing West Haven tower, proposed to be shared, which the applicant states is representative of the proposed lattice structures. The applicant has made no claim of technical need for lattice structures, other than future expansion or shared uses and economics. Unfortunately, despite several opportunities, the applicant also declined to propose monopole structures for those purportedly necessary sites in residential areas nor does the record show categorically that monopoles are technically unacceptable. The Council cannot predicate its approval of an overbuilt tower on the possibility that a future use might avoid the need for an additional tower, as worthy as such an avoidance would be.

Economic considerations are unavoidable in site selections. In fact, the record shows an overall savings due to height reduction and additional sharing. Some of those savings could be applied to offset the adverse effects of other proposed sites by using monopoles or by using alternative sites that might entail greater acquisition or development costs.

A careful study of potential alternatives to the Beacon Falls site was made by the Council, applicant, and parties. Given the characteristics of the proposed sites and the probable technical acceptability

of alternate sites, however, the Council is not convinced that research has been thorough enough to show that a lattice tower at either the proposed or alternate site on Rimmon Hill Road would be so essential as to outweigh the potential adverse environmental effects.

While not without some environmental effect, the proposed sites in Naugatuck, Wolcott, North Branford (East Reeds Gap site), Hamden, and West Haven, as amended, are acceptable sites. In Naugatuck the location already supports towers; one of these towers is unused, and the applicant has offered to remove it. In Wolcott the site holds an existing Department of Transportation (DOT) tower. The applicant made good faith efforts to consolidate facilities, although the DOT can not now accommodate such consolidation. The presence of residential structures, owned by the lessor to the applicant, in the drop zone of the tower was sufficiently addressed in a safety analysis, and the Council will order a strengthened tower at that site to assure safety. At North Branford, the original proposed site would be a severe intrusion on residential neighborhoods and businesses that benefit from the aesthetic quality of the landscape. That site is unacceptable, especially given the availability of an alternative site which is remote and less visible from residential areas, is preferred by the applicant, and was not opposed by any party or individual after being discussed at the North Branford hearing.

The Milford site proposal illustrates the Council's concern with inadequate research. The record indicates that a 96' tower, as required by the FAA, would likely be acceptable to the applicant. However, approval for a 160' tower is requested, predicated on a revised FAA ruling. The reduced coverage of a shorter tower at this site would not disrupt the system coverage design of the applicant. Therefore, the Council will

approve the use of a monopole structure, no taller than 100' (not including antennas), noting that if such restrictions are unacceptable, the applicant can propose another site or repropose the original site with further substantiation of need.

The Guilford site as originally proposed was also unacceptable, given its proximity to a residential neighborhood. While the alternative proposed would still be visible from a wide area, as is any tall tower, the revised height of 140' and the site relocation beyond the existing water tank site will reduce the impact on the neighborhood and surrounding area. That impact will be lessened further by the use of a 150' monopole, which the Council will order.

At West Haven and Hamden the applicant proposed to use existing towers. It should be noted that parties, including the Town of Hamden which approved the existing tower on West Rock ridge, still oppose the use of the Hamden site for the addition of 13' whip antennas and 8' reflectorized receive antennas instead of constructing a new tower on the site. As many as three cell locations might be necessary to replace the proposed Hamden site. However, the Council concludes that the addition of the proposed antennas to the existing tower will not materially increase the acknowledged visual disruption posed by the tower on the West Rock ridge. Approval of the proposed antenna additions does not invest either existing tower with status as a facility, as defined in CGS Section 16-50i. If any future action requires the removal of either tower, the cellular equipment on the tower must also be removed.

The Council is convinced that components of the applicant's final proposal, with the minor changes noted above, are appropriate and will not have adverse environmental effects that outweigh the need for such

sites in the design of a NECMA system. Therefore, the Council will issue a certificate of environmental compatibility and public need for the construction of cell sites at Wolcott, Naugatuck, West Haven, Hamden, Guilford (150' monopole), Milford (100' monopole), and North Branford (East Reeds Gap site).

The site rejections, except the North Branford Route 17 site, and the tower type and height limitations are made without prejudice. The Council recognizes that the approved towers might not satisfy the applicant's technical requirements. However, in the interest of economy, the Council will approve sites it finds acceptable and note that the applicant can include new or revised substantiation of need for any of the originally proposed structures, except the North Branford Route 17 site, in a subsequent application or amendment.