

AN APPLICATION OF METRO MOBILE CTS OF : CONNECTICUT SITING
HARTFORD, INC., FOR A CERTIFICATE OF :
ENVIRONMENTAL COMPATIBILITY AND PUBLIC : COUNCIL
NEED FOR THE CONSTRUCTION, MAINTENANCE,
AND OPERATION OF FACILITIES TO PROVIDE
CELLULAR SERVICE IN THE TOWNS OF
KILLINGWORTH, MIDDLETOWN, AND
OLD SAYBROOK, CONNECTICUT. : February 18, 1987

OPINION OF MEMBER COLIN C. TAIT
CONCURRING IN PART AND DISSENTING IN PART

As to the Old Saybrook site, I concur with the Council's disapproval for the reasons stated in its opinion. In addition, I believe the proposed site should be rejected because the applicant has again failed to demonstrate that there is "no feasible and prudent alternative" to placing one of its facilities in an area which is uniquely within the "public trust in the air, water and other natural resources of the state of Connecticut." C.G.S. Sec. 22a-15. The facility is visible from the Connecticut River Gateway Conservation Zone as well as from state parks along the banks of the river. The Connecticut River ranks as one of Connecticut's most prized natural areas, and state agencies, such as the Council, have been charged by the legislature with being a trustee of such areas. As keepers of the public trust, we are bound not to approve projects which may adversely affect such areas unless there is "no feasible and prudent alternative." C.G.S. Sec. 22a-19(b).

As to the Killingworth site, I dissent from the majority's approval because I am not persuaded that a tower of the height proposed is necessary. In its application, the applicant requested a tower of 160 feet, based on its claim that one of that height was required in order to provide adequate service to the public. During the proceeding, however, the applicant indicated a willingness to move the tower to another

location, but without modifying the tower height. Because the new location appears to be lower in elevation than the proposed site, this would indicate that the top of the tower (ground elevation plus tower height) would be lower at the new site than at the proposed site. If the lower height at the new site would be adequate to provide service, that would indicate that the applicant might be able to operate with a lower tower at the proposed site. Whether this is so or not is not clear from the record. But the duty to create a clear record rests with the applicant, not the Council. Because the visibility of a proposed tower is generally its primary adverse environmental impact, the Council should take care to make an applicant justify the tower height requested. Where an applicant has not done so, as here, the Council should reject the application. I therefore dissent.