

<p>DOCKET NO. 405 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 422 Rockville Road or 81 James Road, Voluntown, Connecticut.</p>	<p>} Connecticut } Siting } Council</p>
--	---

January 20, 2011

Opinion

On September 2, 2010, Cellco Partnership d/b/a Verizon Wireless (Cellco) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a 160-foot wireless telecommunications facility located at either 422 Rockville Road (Site 1) or 81 James Road (Site 2) in Voluntown, Connecticut. The proposed facility would provide wireless service for Cellco to the east-central area of Voluntown, including portions of Route 138, Route 165, Route 49, and recreational areas within the Pachaug State Forest.

Site 1 is located on an 11-acre residential parcel containing a residence, wooded areas, and an open area. The tower would be located along a granite outcrop in a wooded area in the southern portion of the property. Access to the site would be from an existing dirt road on the property that extends west from the residence then south through an open area. A new 170-foot long road would be constructed from the edge of the open area, through the woods to the tower site.

Development of Site 1 would require the removal of 14 trees with a diameter of six inches or greater. The site is located between two wetland areas on the property, one 88 feet to the west and the other 125 feet east of the compound. To reduce the amount of tree clearing and maintain a woodland corridor between the two wetland areas, Cellco could shift the location approximately 100 feet north to the edge of the open area.

Site 2 is located on a 9-acre parcel containing a residence, field areas and woodland. The tower site would be located in a wooded area adjacent to a cornfield. Access would be from a new 680-foot gravel drive extending along the south property line to the site.

Development of Site 2 would require the removal of 16 trees with a diameter of six inches or greater. The site is 12 feet from the nearest portion of an extensive forested wetland that extends through the eastern portion of the parcel. Although the site is located within the range of the eastern hognose snake, a state special concern species, the tower site and access drive do not contain suitable soil types for this species.

The visibility of a tower at either site would be limited to the area immediately surrounding each tower. There would be no year-round views of Site 1 from off-parcel locations due to the extensive tree cover in the area. Seasonal views would be possible from seven nearby residential parcels and from a 200-foot section of the Pachaug Trail, a blue-blazed hiking trail approximately 520 feet south of the tower site in Pachaug State Forest. Site 2 is more exposed due to the presence of the agricultural field adjacent to the tower site. The field would allow year-round views from portion of James Road and from at least one abutter. Seasonal views of Site 2 would be possible from five nearby residential parcels.

Cellco currently has no reliable, continuous in-building or in-vehicle coverage in this area of Voluntown. At either site, Cellco would construct a 160-foot monopole with 15 platform-mounted antennas. The antennas would provide wireless cellular, personal communication, and long-term evolution services to the proposed service area. Coverage models for both sites are similar, but Site 1 is preferable when compared to Site 2 because it offers slightly more coverage for all three of Cellco's wireless services, including better coverage to recreational areas within the Pachaug State Forest, and a more robust interface with neighboring existing telecommunication facilities as well as existing search rings for new facilities.

After examining the environmental impacts of both locations, the Council finds Site 1 preferable. Although the Site 1 tower would be visible through the trees from the surrounding area during leaf-off conditions, the abundance of tree cover around Site 1 effectively screens year-round views. Site 1 is more remote from wetland areas, and relocating the site approximately 100 feet to the north would maintain a wooded area between two wetland areas located on the property. Additionally, relocating the site to the north would also serve to move the tower away from the Pachaug Trail, reducing the seasonal view from the affected portion of this hiking trail. Finally, Site 1 does not fall within the range of any known threatened, endangered, or special concern species.

The Council finds that a 160-foot monopole with low-profile platforms at Site 1 would provide Cellco sufficient coverage to the proposed service area while allowing the potential for co-location. Cellco would provide space on the tower for no compensation for any municipal emergency service communication antennas, provided such antennas are compatible with the structural integrity of the tower. Such antennas are expected to be 15 to 20-foot whip antennas installed at the top of the tower.

According to methodology prescribed by the Federal Communications Commission (FCC) Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined worst case radio frequency power density levels of Cellco's antennas proposed to be installed on the tower have been calculated to amount to 15.5% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and operation of a telecommunications facility at Site 1, 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 policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 160-foot monopole telecommunications facility at Site 1 at 422 Rockville Road in Voluntown, Connecticut with the condition that Cellco shift the tower approximately 100 feet north to the edge of the existing open area on the property. The Council denies certification of proposed Site 2.

<p>DOCKET NO. 405 - Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 422 Rockville Road or 81 James Road, Voluntown, Connecticut.</p>	<p>} } }</p>	<p>Connecticut Siting Council January 20, 2011</p>
---	----------------------	---

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a telecommunications facility, 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, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Celco Partnership d/b/a Verizon Wireless, hereinafter referred to as the Certificate Holder, for a telecommunications facility at Site 1, located at 422 Rockville Road, Voluntown, Connecticut. The Council denies certification of Site 2, located at 81 James Road, Voluntown, Connecticut.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council’s record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of the Certificate Holder and other entities, both public and private, but such tower shall not exceed a height of 160 feet above ground level. The height at the top of the Certificate Holder’s panel antennas shall not exceed 163 feet above ground level.

2. The compound location shall be relocated approximately 100 feet to the north to the edge of the existing open area on the property.

3. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Voluntown for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

4. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
5. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
6. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
7. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Voluntown public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
8. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
9. Any request for extension of the time period referred to in Condition 8 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Voluntown. Any proposed modifications to this Decision and Order shall likewise be so served.
10. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
11. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
12. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.

13. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
14. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
15. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
16. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Norwich Bulletin.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant

Cellco Partnership d/b/a Verizon Wireless

Its Representative

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597