

**DOCKET NO. 409** - New Cingular Wireless PCS, LLC } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance and operation of a } Siting  
telecommunications facility located at 8 Barnes Road, Canaan }  
(Falls Village), Connecticut. } Council

August 25, 2011

### Opinion

On October 19, 2010, New Cingular Wireless PCS, LLC (AT&T) 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 wireless telecommunications facility located at 8 Barnes Road in Canaan, Connecticut. The proposed facility would provide wireless service for AT&T in the west-central portion of Canaan, including portions of Route 7, Route 126, Route 63 and Under Mountain Road.

The site property consists of a 25-acre, residentially-zoned parcel located along the summit ridge of Cobble Hill, a prominent hill immediately east of Route 63 and south of Barnes Road. Given the steep slopes on the sides of the hill, the hill is also located in the Town of Canaan's Steep Slope Overlay Zone, a zoning designation that provides further protections to steep slopes and ridgelines in town.

A cabin is located on the property near the summit of the hill and is currently accessed by a rough driveway/logging path that ascends the north slope of the hill from an entrance along Barnes Road. Since the parcel does not have frontage on Barnes Road, access is provided by an existing driveway/logging path that extends approximately 3,000 feet to the cabin. Access to the cabin is within a recorded easement across several parcels of varied ownership. Although the Council is aware the exact route of the easement is in dispute, the Council has no jurisdiction to resolve property disputes.

AT&T proposes to install a 150-foot monopole at the site. Access to the tower compound would be along the existing easement route. AT&T would need to significantly re-build the existing driveway/logging path to a gravel driveway, 12 feet in width. The driveway would reach a maximum grade of 30 percent. Run-off is planned to be controlled through drainage features that would disperse storm-water overland. No increase in run-off is planned to occur from the road to off-site locations. Although concerns were expressed regarding emergency access to the site, given the steep, narrow uphill climb, the Council notes the existing driveway/logging path would be improved sufficiently to allow vehicular access.

AT&T currently has no reliable, continuous in-building or in-vehicle coverage in this area of Canaan. The tower would provide adequate coverage to the proposed service area, providing 28 square miles of cellular coverage and 19 square mile of PCS coverage. Although AT&T only requires a tower height of 130 feet to meet minimum coverage objectives, AT&T is requesting 150 feet to improve service and promote tower sharing. The area is characterized by steep hillsides and deep valleys that present coverage challenges. The site's location near the summit of a prominent hill allows AT&T to provide in-vehicle service across a large area: 28 square miles at cellular frequencies and 19 miles at personal communication service frequencies.

Notwithstanding that the site meets AT&T's coverage needs; the Council has seen no evidence that public safety concerns require the proposed facility to be constructed in the proposed location.

Cobble Hill and its surrounds contain unique scenic, natural and cultural features. These have been recognized at the national, state, local and private levels through various cultural and natural designations. Additionally, large parcels of land in the area are conserved as open space to preserve unique habitats supporting a number of State-listed endangered, threatened or special concern species. Important designations in the area are as follows:

- The Town of Canaan is located within the Upper Housatonic Valley National Heritage Area, a designation that recognizing an assemblage of natural, cultural, historic, and scenic resources in both Connecticut and Massachusetts that form a nationally important landscape. Within this 29-town heritage area, certain resources are specifically identified as important contributors. The "National Heritage" designation is designed to protect, preserve, and promote historical, cultural and natural resources.
- The State has established its own Connecticut Heritage Area that includes the nine Connecticut towns in the Upper Housatonic Valley National Heritage Area. This State designation, similar to the national one, recognizes the significant historic, recreational, cultural, natural, and scenic resources in the area. The State heritage designation serves to promote environmental protection, heritage resource preservation, recreation, tourism, and trail development.
- The State Department of Transportation has designated Route 7 in the Town of Canaan as a scenic roadway. The nearest portion of Route 7 from the tower site is approximately 0.6 miles to the northwest. Although there are no locally designated scenic roads in Canaan, Under Mountain Road has been recognized in the Town's Conservation and Development Plan as scenic. This road is approximately 1.1 miles northeast of the tower site.
- Several properties in the Town are listed on the National Register of Historic Places, notably, the South Canaan Congregational Church, located approximately 0.5 miles northwest of the proposed tower on Route 63, and the Holabird House, located approximately 1.1 miles southwest of the proposed site. The church is specifically listed as a resource contributing to the Upper Housatonic Valley National Heritage Area.
- The Town's Conservation and Development Plan and Zoning regulations specifically mention Cobble Hill as a landform that contributes to the character of the community and recommend that any detrimental impact to the scenic quality of the hill should be avoided.
- The Town of Canaan is located in the Highlands Region, an area encompassing portions of four states. The Highlands Preservation Act was established by Congress to recognize the region's national significance. The Act is designed to assist the four states in conserving land and natural resources within the region. The nearest resources specifically identified within the region's plan are Robbins Swamp and Canaan Mountain. Both of these areas have also been identified by the Department of Environmental Protection (DEP) and local conservation groups as having unique habitats supporting a number of State-listed endangered, threatened or special concern species. The DEP also has recognized Robbins Swamp and Canaan Mountain as State Natural Area Preserves, a designation highlighting areas that are especially significant to our state's natural history, that feature noteworthy examples of natural ecosystems, and that serve as refuges for rare species of plants or animals.

- There are records of 72 State-listed endangered, threatened or special concern species occurring within a two-mile radius of the proposed tower site. Although there are no records of any State-listed species occurring within the proposed construction area, the proposed access drive and compound are within close proximity to rock ledge habitat that could support the Eastern Timber Rattlesnake, a State-listed endangered species. Based on the preliminary habitat survey performed for the project, there is no evidence that suitable habitat for other State-listed species occur within the proposed construction area.

Given the above various designations recognizing unique cultural and natural sensitivities in the area of the proposed tower, as well as the Town's request that alternative options be explored, a request seconded by the Council on Environmental Quality, the Council asked AT&T to investigate a solution employing two or three towers to serve its coverage objectives even though the legislature has directed the Council to minimize proliferation of towers. AT&T did examine the feasibility of a multi-tower solution, but was unable to find a willing landlord to serve the northern portion of its proposed service area to make such a solution work. A large percentage of land in this northern portion is wetland or dedicated open space, limiting lease options.

Located as proposed at the top of Cobble Hill, a tower would be visible year-round from approximately 513 acres within two miles of the site. It would be visible from portions of two nationally-recognized historic properties, portions of Robbins Swamp, significant portions of Route 7, and sections of Under Mountain Road, Music Mountain Road, Route 126, and Route 63. Considered from a near distance, the tower would be obtrusive because the lowlands surrounding Cobble Hill are generally open, consisting of swampy areas interspersed with open fields, with little intervening mature vegetation to screen views of the tower. A tower located on the side of a hill or among numerous ridges can blend into such backdrops; a tower backgrounded against the open sky becomes prominent, especially when it is significantly taller than the tree canopy. Considered on a wider landscape scale, the tower would be even more obtrusive. Canaan Mountain to the north and east, Beebe Hill and Battle Hill to the west, Sharon Mountain, Barrack Mountain, and Music Mountain to the south form the sides of a large, bowl-shaped valley with Robbins Swamp, the Hollenbeck River and Wangum Lake Brook as its floor, and Cobble Hill rising up sharply in the middle. As the tallest and most noticeable feature on top of Cobble Hill, the tower would become the focal point of any landscape view.

Due to the height of the tower above the tree canopy, a stealth application such as a tree tower or fire tower would not be an adequate mitigation. Such stealth designs would appear bulky and out of place: they would draw the viewer's attention instead of providing camouflage.

Of additional concern to the Council are the temporary and permanent environmental impacts associated with the construction and maintenance of the proposed access drive. The Council finds that the proposed 3,000-foot long drive traverses a steep hillside underlain with shallow and exposed bedrock and with slopes from 11 to 30 percent. Road construction on these slopes would require 1:1 cuts and fills armored with riprap and geotextile fabrics, a 30-foot-wide cleared area to accommodate a roadbed with extensive riprap swales, and three acres of land disturbance. Water resources down-gradient of the access road are Robbins Swamp and the Hollenbeck River, both of unusually high quality. The Council is concerned about the potential of soil erosion and sedimentation to impact these waters during construction. Further, it is the Council's opinion that stormwater runoff generated by the access drive would be difficult to manage and could be a source of pollution to down-gradient water resources even with regular maintenance. The Council acknowledges that protecting these resources can be assured by a suitable design, and that the design could be adjusted if problems developed in the field. The trade-off for assured protection, however, would be additional engineered features: more swales, more armoring,

possibly retaining walls or detention basins. To the extent these would have to be employed, the project would be increasingly anomalous with the character of the area

The Council recognizes the problems caused by severe terrain in certain parts of Connecticut, and AT&T's diligence in examining alternatives to the proposed tower. Although AT&T has provided evidence for the need of a tower in this area, the Council finds that the proposed access road and tower are too disruptive to surrounding resources. The Council encourages the applicant to explore other alternative sites and technologies.

Pursuant to CGS § 16-50p(b)(1), the Council finds that the proposed facility would be located in an area of the state that is relatively undisturbed and possesses scenic quality of local, statewide and regional significance. After considering all of the relevant concerns in this docket, the Council finds that the construction and operation of the proposed tower would substantially and adversely affect the scenic quality of its location on Cobble Hill, and no public safety concerns require that the proposed facility be constructed in such a location. Therefore, the Council will not issue a Certificate for the construction, operation, and maintenance of a 150-foot monopole telecommunications facility at 8 Barnes Road in Canaan, Connecticut.