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| **DOCKET NO. 422** – North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 655 Bassett Road, Watertown, Connecticut. | }  }  } | Connecticut  Siting  Council  May 10, 2012 |

**Opinion**

On August 8, 2011, North Atlantic Towers, LLC (NAT) and 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 management of a wireless telecommunications facility to be located on a 51.33-acre parcel at 655 Bassett Road in Watertown, Connecticut and owned by the Frank E. Gustafson Revocable Trust, the Edward Gustafson Revocable Trust, Frank E. Gustafson Jr., Trustee, and Thomas W. Calkins, Independent Trustee for the Gustafson Trust Property. The parcel consists of vacant agricultural and forested land. It also includes a portion of the Linkfield-Bassett Historic District, a district eligible for listing on the National Register of Historic Places. NAT would be the certificate holder, and AT&T would install antennas on the proposed tower. AT&T’s objective at this location is to provide wireless coverage in northwest Watertown along portions of Route 63 and Route 109, Bassett Road and the surrounding area.

In its original application, NAT proposed constructing a 150-foot monopole tower within a 75-foot by 75-foot graveled compound at a location in the northerly portion of the host property. In response to concerns of the State Historic Preservation Office (SHPO) about the proposed tower’s impact on a historical property located at 867 Linkfield Road, NAT updated its plans by moving the location of its compound approximately 200 feet to the south and proposing to construct a 130-foot monopine, even though the lower tower would compromise the coverage AT&T could achieve from this location. The updated location would also reduce the visual impact the proposed tower would have on the Evergreen Berry Farm, a popular berry-picking business located on the adjacent to the north of the Gustafson property. The proposed tower’s setback radius would lie completely within the host property’s boundaries at either the original location proposed in NAT’s application or at its updated location.

The facility’s vehicular access would be from Bassett Road over an unimproved town road for approximately 1,750 feet and then over a new, 12-foot wide gravel drive extending northwest for approximately 950 feet. The new gravel drive would follow an existing woods road for the steepest portion of its length. Utility service to the proposed facility would extend underground from Bassett Road and would follow the facility’s access drive. The access drive to the proposed facility was of some concern to the Town of Watertown, which was a party to this proceeding. However, the Council is satisfied that NAT has taken steps to address the town’s concerns and protect the town’s unimproved road during construction and provide access for emergency vehicles.

A 150-foot tower at NAT’s updated location would be visible on a year-round basis from approximately 259 acres. Ninety-three of these acres would be over open water on the Morris Reservoir and the Wigwam Reservoir, both of which are not publically accessible. The leaf-off visibility would be approximately the same as the leaf-on visibility. The visibility of the 130-foot monopine tower at this location would be somewhat less. At the updated location, the tower would not be visible from the perimeter and central portions, where the blueberry bushes are located, of the Evergreen Berry Farm located at 435 Bassett Road. There could some visibility of the tower during leaf-off conditions from where black raspberry bushes are located on the farm property. Approximately 10 to 20 feet of the top of the 130-foot monopine tower would be visible from the entrance road to the Evergreen Berry Farm.

At the updated location, a total of 76 trees would be removed to develop the proposed facility. NAT would establish and maintain appropriate soil erosion and sedimentation control measures, in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control, throughout the construction period of the proposed facility. With these erosion controls in place, the construction of the proposed facility should have no impact on any wetlands or watercourses.

There are populations of the American kestrel (a State Threatened Species), the Bobolink (a State Species of Special Concern), and the Eastern meadowlark (a State Species of Special Concern) in the vicinity of the proposed tower location. However, these bird species inhabit grassland areas and would not be impacted by the tower, since it would be located in a forest habitat. Kestrels do use the edge of forested areas to find perches from which to hunt prey. But in its proposed location, the tower site would not impinge on kestrel nesting areas.

In its updated location and at its reduced height, the proposed tower would not be visible, due to intervening trees, from the historic residence at 867 Linkfield Road, which is the property of concern to SHPO. Views of the tower would be expected from the driveway of this property and from Linkfield Road, just south of this property.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the worst-case combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated by Council staff to amount to 9.79% 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. 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. 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. The potential harm to wildlife from radio emissions is, like potential health effects to the public, a matter of federal jurisdiction and, therefore, beyond the scope of the Council’s deliberations.

During this proceeding, the Council heard about a number of different environmental concerns from the owners of the Evergreen Berry Farm and the Town of Watertown. These concerns and those expressed by SHPO led the applicant to make several changes to its proposed facility, which the Council took into its consideration. As a result of this proceeding’s deliberations, the Council has determined that AT&T has demonstrated a need for coverage in this area of Watertown and that the location of the proposed facility best achieves its coverage objectives. There was much discussion about locating the facility at the Town’s Crestbrook Park, but this property is encumbered by deed restrictions associated with the federal funding used for its acquisition. Furthermore, the coverage from a facility at Crestbrook Park would not be as good as that possible from the proposed location. In addition, the updated location of the proposed facility and the lowered height of the proposed tower will reduce visual impacts on the Evergreen Berry Farm and the historical property at 867 Linkfield Road to the south of the host property.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and management of the telecommunications facility with a 130-foot monopine tower at the NAT’s updated 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 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 management of a 130-foot monopine telecommunications facility at the updated site at 655 Bassett Road, and deny certification for the site originally proposed in NAT’s Certificate application.