

<p>DOCKET NO. 428 – New Cingular Wireless PCS, LLC } (AT&T) application for a Certificate of Environmental } Compatibility and Public Need for the construction, } maintenance, and operation of a telecommunications facility } located at one of two sites: Roxbury Tax Assessor Parcel ID } #32-008 off of Route 67, Roxbury, Connecticut, or 126 } Transylvania Road, Roxbury, Connecticut.</p>	<p>Connecticut Siting Council March 21, 2013</p>
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Opinion

On July 3, 2012, 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 to be located in the Town of Roxbury, Connecticut. Specifically, AT&T seeks to develop a facility at one of two possible sites: one of which would be located off of Route 67 (Site A); and the other of which would be located at 126 Transylvania Road (Site B). AT&T’s objective for this facility would be to provide service to coverage gaps along Route 67, Route 172 and other local roads and the surrounding area including southern Roxbury, western Woodbury and northern Southbury.

AT&T’s Site A candidate would be located on a 96.5-acre parcel with frontage along Route 67. For this site, AT&T would construct a 75-foot by 75-foot compound and would erect a 170-foot tower. The site would require an access drive from Route 67 approximately 1,300 feet long and planned by the property owner. From there, AT&T would install a new 12-foot wide gravel access drive that would extend approximately 210 feet to the tower site. The AT&T portion of the access would have a four percent grade. Underground utilities would be extended from a new riser pole on Route 67 and would generally follow the complete path of the access.

AT&T’s Site B candidate would be located on a 21.02-acre parcel with frontage along Transylvania Road. At this location, AT&T would construct a 75-foot by 75-foot compound and would erect a 170-foot tower. AT&T would utilize an existing 330-foot asphalt driveway and construct a proposed 600-foot long and 12-foot wide gravel access drive to reach the proposed tower compound. The proposed access grade would vary from 9 percent to a maximum of 24 percent. Utility service for the proposed facility would be extended underground from a new pole on the subject property and would generally follow the existing access drive.

At Site A, the tower setback radius would extend approximately 37 feet onto the Naugatuck Savings Bank property to the south. At Site B, the tower setback radius would lie completely within the host property. One off-site residence is located within 1,000-foot radius of the Site A tower location. Ten off-site residences are located with 1,000 feet of the Site B tower location.

The Site A tower would be visible year-round from approximately 18 acres with additional seasonal visibility of approximately 47 acres. The Site B tower would be visible year-round from 68 acres with additional seasonal visibility of 62 acres. Both sites would be visible year-round from a total of ten residences. Site A would be visible from 12 additional properties during leaf-off conditions, and Site B would be visible from 7 additional properties during leaf-off conditions.

The Eastern Box Turtle, a State-designated species of special concern, may be found at either Site A or Site B. Neither site would have any effect on historic or cultural resources. There are wetlands proximate to both candidate sites, but, with proper erosion and sedimentation controls in place, construction would not be expected to have a significant adverse wetland impact at either site. Site B has a potential vernal pool in the eastern portion of the subject property, approximately 295 feet away. Thus, construction

activities would have the potential to temporarily impact amphibians traveling through the construction area. However, AT&T has best management practices to protect the amphibians during construction.

After reviewing the record in this proceeding, the Council finds Site A to be preferable. A tower at Site A would have far fewer homes in close proximity than a tower at Site B. In addition, Site A has less visibility area than Site B on both a year-round and seasonal (leaf-off) basis. The access road to Site B would be designed so as to maintain existing drainage conditions; the Council is concerned, however, that the existing conditions are already causing adverse impacts along Transylvania Road, a dirt road.

Site B may offer slightly more coverage from a radio frequency coverage perspective; however, the Council believes that the environmental impacts associated with Site B outweigh any difference in coverage. While the coverage plots for Site A for a tower at heights of 170 and 160 feet are very comparable, 170 feet gives slightly more coverage on Flag Swamp Road. Thus, the Council will order that Site A be constructed no taller than 170 feet for an antenna centerline height of approximately 167 feet.

The Council will order that the Site A tower and associated compound be shifted 100 feet to the north. This relocation would have several benefits. It would increase the distance from the nearest off-site residence to the tower (currently 970 feet) to roughly 1,043 feet. According to the photo-simulations, the visual impact of the tower at the end of Bronson Mountain Road cul-de-sac would be slightly reduced, since the view of the tower would appear to shift to the right (east) behind more trees. This shift would also ensure that the tower setback radius remains on the subject property, thus making a tower design yield point unnecessary. The shift would also shorten the AT&T portion of the access drive because the tower compound would be closer to the property owner's planned access drive. It would have little effect on wetland buffers and no impact on RF coverage.

To protect the Eastern Box Turtle, the Council will order that AT&T follow the recommendations detailed in a letter from the Department of Energy and Environmental Protection dated May 10, 2012.

The Council recognizes that the construction of the access road for this project is problematic, since, as has been described above, the road must be built in two sections. One, close to the tower, is the responsibility of AT&T; the other, connecting with Route 67, is the responsibility of the property owner. AT&T's section would be relatively short, running along a shallow grade: it would not have any significant adverse environmental impacts. The property-owner's section would be five times as long, include steep grades, necessitate clearing a significant number of trees, and alter 2800 square feet of wetlands. The Council is concerned about the completion of this section prior to the commencement of tower construction. While the property owner applied for and was granted a wetlands permit from the Roxbury Inland Wetlands Commission, and also a highway permit from the Connecticut Department of Transportation, the property owner evidently has not begun any construction. AT&T's project cannot go forward without access to the tower site from Route 67. Thus, the Council will require a letter signed by the Roxbury Land Use Enforcement Officer to certify that construction of the landowner's portion of the access road is underway prior to AT&T commencing construction on the AT&T portion of the access drive.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower at the Candidate A Site have been calculated by Council staff to amount to 5.67% 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 (RF) emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. As to potential harm to wildlife from RF emissions--that, like the matter of potential health to humans, is a matter of federal jurisdiction. The Council's role is limited to ensuring the tower meets federal permissible exposure limits.

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 proposed Candidate A 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 operation of a 170-foot monopole telecommunications facility at Candidate A Site, Roxbury Tax Assessor Parcel ID #32-008, off Route 67, Roxbury, Connecticut, and deny the certification of Candidate B Site.