

<b>DOCKET NO. 434</b> – 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 relocated telecommunications facility at 139 North Main Street, West Hartford, Connecticut.	} } }	Connecticut Siting Council
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June 27, 2013

### Opinion

On January 18, 2013, 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 relocated wireless telecommunications facility in West Hartford, Connecticut. Cellco has an existing wireless telecommunications facility on the cupola of Gallaudet Hall at the American School for the Deaf (ASD) that was approved by the Council in 1993. New Cingular Wireless PCS, LLC (AT&T) is co-located at this facility. ASD has received zoning approval for campus renovations including the construction of a new state-of-the-art education building in the easterly portion of the campus and the demolition of Gallaudet Hall, thereby requiring the relocation of the existing wireless communications facility.

Cellco is seeking to develop a relocated facility on the campus of ASD. The purpose of the proposed relocated facility is to maintain wireless service for portions of North Main Street (Route 173) and other local roads in the area, as well as residential and commercial land uses in the West Hartford center area. AT&T participated as an intervenor in this proceeding to demonstrate their need for this relocated facility.

To replace its telecommunications facility at Gallaudet Hall, Cellco proposes to construct a new stealth clock tower structure approximately 90 feet in height near the center of the 49.4-acre ASD campus. It would be designed to mimic the appearance of the Gallaudet Hall cupola telecommunications facility. An approximately 16-foot spire (similar in height to the existing 15-foot Gallaudet Hall cupola spire) would be installed on top of the 90-foot tall clock tower dome. The tower setback radius would remain within the subject property. A garden wall surrounding the access/parking area as well as landscaping outside the garden wall would be included for aesthetics.

Cellco would install six panel antennas at the 64.5-foot above ground level (AGL) level and nine panel antennas at the 54.5-foot AGL level of the structure. AT&T would install three panel antennas at the 44.5-foot AGL level. All antennas would be located inside the structure. The tower would be designed for a third carrier to co-locate at the 34.5-foot AGL level.

Vehicular access to the new stealth structure would extend from North Main Street, over existing paved driveways on the ASD campus, to the tower site. Underground electric and telephone service would extend from North Main Street under the existing driveways.

All Cellco and AT&T equipment would be housed inside the tower in their respective equipment rooms. In the event a commercial power outage occurs, Cellco would operate a natural gas-fueled generator it plans to install. The generator would have the advantage of unlimited runtime because it would be supplied by a pipeline, not a fuel tank. AT&T would share Cellco's generator subject to mutually agreeable terms and conditions expected to be negotiated.

Approximately 38 residences would have year-round views of the top portion of the facility. An additional 154 residences would have seasonal views. The Council notes that the views of the spire tend to fade into the background within approximately  $\frac{1}{4}$  mile of distance. Furthermore, since the proposed stealth structure looks similar to Gallaudet Hall, the overall visual effect would shift existing cupola views to the west. The character of the view would be fairly consistent, and the new cupola would not create any new views from residences.

Development for the proposed stealth tower would not require any tree clearing, as the site is an open grass area adjacent to a soccer field. The nearest wetland is approximately 800 feet southwest of the proposed site. No adverse impact to wetlands would be expected due to the distance. No temporary impacts are anticipated during construction provided that erosion and sedimentation controls are designed, installed, and maintained in accordance with the *2002 Connecticut Guidelines for Erosion and Sedimentation Control*.

While the Eastern Box Turtle, a State-designated Species of Special Concern, may exist in the vicinity of the proposed clock tower, an Eastern Box Turtle Protection Program would be implemented during construction to protect this Species of Special Concern. This Program includes isolation of the project perimeter, periodic inspections and maintenance, turtle sweeps, education of contractors, protective measures, and reporting. With such measures taken, development of the site is not expected to have an adverse impact on the Eastern Box Turtle. The Council will order compliance with the Eastern Box Turtle Protection to mitigate possible impacts to this species.

According to the State Historic Preservation Office, the proposed facility would have no effect on the State's historic resources provided that the tower has a stealth design as proposed and unused antennas and equipment be removed within 90 days after six consecutive months of not being used. The Council will order the facility to be designed as a stealth clock tower; and 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.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined worst-case radio frequency power density levels of the Cellco and AT&T antennas proposed to be installed within the structure have been calculated by Council staff to amount to 46.05 percent 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. As to potential harm to wildlife from radio emission, like the matter of potential health to humans, is a matter of federal jurisdiction. Instead the Council's role is to ensure that the tower meets federal permissible exposure limits.

The Council finds the proposed facility is needed to maintain adequate service to the area. The proposed tower allows Cellco to maintain adequate coverage and capacity. While AT&T would not have optimal coverage from the replacement facility, it would allow them to remain on-air and provide service.

The Council further finds significant visual mitigations. First, the stealth design, placing the antennas, generator, and other equipment inside the proposed new structure, would reduce the visual impact on the ASD property. Second, since the proposed clock tower design closely matches the existing design and character of the Gallaudet Hall cupola, the views from residential properties nearby would remain similar to existing views.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance, and operation of the telecommunications facility at the proposed 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 90-foot stealth clock tower telecommunications facility at 139 North Main Street, West Harford.