

DOCKET NO. 436 – Message Center Management, Inc. and } Connecticut
New Cingular Wireless PCS, LLC Application for a Certificate of }
Environmental Compatibility and Public Need for the } Siting
construction, maintenance, and operation of a }
telecommunications facility located at one of two sites: 465 Hills } Council
Street or 56 Hills Street, East Hartford, Connecticut.

July 25, 2013

Opinion

On February 14, 2013, Message Center Management, Inc. (MCM) and New Cingular Wireless PCS, LLC (AT&T) collectively referred to as the Applicant (Applicant), 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 East Hartford, Connecticut. Specifically, the Applicant seeks to develop a facility at one of two possible sites: one of which would be located at 465 Hills Street (Site A); and the other of which would be located at 56 Hills Street (Site B). AT&T's objective for this facility would be to provide reliable wireless telecommunications services in the vicinity of Hills Street, Oak Street, and other local roads, as well as homes and schools in the southeastern area of East Hartford.

On November 3, 2010, AT&T, a wireless telecommunications service provider, established a search ring in the vicinity of Hills Street to find a site to provide service to this area. After finding no suitable existing structures, AT&T investigated 11 potential new sites, but, at the time, only found one to be suitable: 56 Hills Street, now Site B. The other ten sites were rejected for various reasons including wetland constraints, failure to meet radio frequency coverage needs, and uninterested property owners.

AT&T notified the Town of East Hartford of the 56 Hills Street proposal on June 20, 2011 by sending a technical report to Mayor Marcia Leclerc, following up with a technical consultation. During this consultation, an alternate site at Richard Gorman Park on 305 May Road was suggested to AT&T; ultimately, however, because of public opposition, in part based on the site's proximity to schools and municipal park facilities, the Town chose not to lease the Gorman Park site for a telecommunications facility.

MCM, an owner and/or operator of several towers in Connecticut, did not establish a search ring per se, but followed AT&T's site search process. MCM was offered an (unsolicited) site by a property owner at 63 Wickham Drive, but MCM declined due to the small lot size. MCM continued its own site search and evaluated three more candidates. One candidate at 441 Hills Street was rejected by MCM due to minimal screening and visibility concerns. Another site was considered at 379 May Road: the Church of Our Lady of Peace (COLP). MCM made several attempts by telephone to contact COLP, finally reaching the office administrator, who informed MCM that COLP property would not be made available for lease. Continuing its search, MCM found a site at 465 Hills Street, now Site A. At that point, deciding on a joint effort, AT&T and MCM worked together to bring Site A and Site B before the Council.

After filing the Application, the East Hartford Fire Department (EHFD) informed the Applicant that they would need an increase in tower height of 10 feet at either site to accommodate their antennas and operate their public safety network effectively. Accordingly, AT&T and MCM revised the tower height 10 feet upward from their original application to meet this need.

The Site A candidate would be located in the R-2 Residential Zone on a 11.94-acre parcel with frontage along Hills Street. At this site, the Applicant would construct a 63-foot by 75-foot compound and would erect a 110-foot “tree” tower. (The total height would be 117 feet to “tree top.”) The tower would be designed to be expandable to 130 feet above ground level (agl) or 137 feet agl to the “tree top.”

Access to Site A would be provided by a 12-foot wide and approximately 324-foot long gravel drive. The access would begin at the Eagle Court cul-de-sac west of the property, immediately turn to the north, and then turn to the east to reach the compound, following the property boundaries. Utilities would be installed underground from an existing pole near the Eagle Court cul-de-sac to the equipment compound. The utilities would generally follow the path of the access drive.

Site B would be located in the R-2 Residential Zone on a 5.38-acre parcel with frontage along Hills Street. At this location, the Applicant would construct a 50-foot by 50-foot compound and would erect a 110-foot “tree” tower. (The total height would be 117 feet to “tree top.”) The tower would be designed to be expandable to 130 feet agl or 137 feet agl to the “tree top.”

Access to Site B would be provided by an existing and proposed 12-foot wide and approximately 519-foot long gravel access drive beginning approximately at Hills Street and ending at the proposed equipment compound. Utilities would be run overhead from a pole on Hills Street to an existing pole on the subject property. Utilities would then continue underground from that pole to the equipment compound. The underground utilities would generally follow the path of the access drive.

At either tower site, AT&T would install 12 panel antennas on a low-profile platform at a centerline height of 100 feet agl. The East Hartford Fire Department (EHFD) would install a two-foot diameter microwave dish at the 110 agl level of the tower. The EHFD would also install a 4.4-foot tall whip at the 110 agl level of the tower. It would reach a height of 114.4 feet agl.

For backup power at either site, AT&T would utilize a diesel generator with an approximately 48-hour run time based on its fuel capacity of 200 gallons. The Applicant would ensure that the generator meets applicable noise standards at the property boundaries and air emissions standards.

AT&T would also have battery backup to prevent a “re-boot” condition during the generator startup period. In the event that the generator fails to start, the battery backup would provide approximately four to eight hours of power.

At Site A, the tower setback radius would extend approximately 36 feet west onto the Smith property, based on a monopole height of 110 feet agl. The nearest off-site residence is the Currier residence, located 244 feet to the east of the tower site. There are 104 residences within a 1,000-foot radius of the Site A tower location.

At Site B, the tower setback radius would extend approximately six feet onto the Landry property. The Landry residence is 156 feet to the east of the tower site. There are 211 residences with 1,000-foot radius of the Site B tower site.

The Site A tower would be visible year-round from approximately 32 acres, with additional seasonal visibility of approximately 165 acres. The Site B tower would be visible year-round from 31 acres, with additional seasonal visibility of 125 acres. The Site A tower would be visible

year-round from a total of 56 residences. Site A would be visible from 78 additional properties during leaf-off conditions. Site B would be visible year-round from 77 residences and 220 additional properties during leaf-off conditions.

In either case, the Council notes, the faux branches and top of the “tree tower” help to significantly reduce the visual impact of AT&T’s antennas and platform, as well as the EHFD’s microwave dish. Also, the shadow box fence would block views of ground equipment.

AT&T currently has coverage gaps on Hills Street and State Highway 502 of 0.33 miles and 0.08 miles, respectively. Site A would provide 0.33 miles and 0.04 miles of coverage for these roads, respectively. Site B would provide 0.23 miles and 0.04 miles of coverage for these roads, respectively. Site A would also provide 6.70 miles of coverage to secondary roads in East Hartford. Site B would provide approximately 2.56 miles.

The Site A property contains one wetland located 175 feet to the north of the proposed tower and one wetland 700 feet to the south. The Site B property has one wetland approximately 390 feet north of the proposed tower. No adverse impacts to these wetlands are expected at either site, due to, first, the relatively large distances between the wetlands and the proposed tower sites, and, second, the erosion and sedimentation controls to be employed during construction.

Construction of a tower at Site A would require the removal of 10 trees with diameters at breast height of six inches or greater. Construction of a tower at Site B would require the removal of two trees.

The eastern box turtle, a State Species of Special Concern, may occur in the vicinity of either Site A or Site B. An Eastern Box Turtle Protection Program (EBTPP) would be implemented for either site to prevent adverse impacts to the eastern box turtle. The EBTPP would include the isolation of the work zone from surrounding habitat, contractor education about the sensitive nature of the project and potential for encountering the eastern box turtle, requirements to report sightings, and monitoring erosion and sedimentation controls.

Neither site would affect historic resources.

After reviewing the record in this proceeding, the Council finds Site A preferable. Site A provides better coverage for AT&T. Specifically, Site A offers about 43 percent more coverage distance on Hills Street and more than double the total coverage distance on secondary roads as compared to Site B. Additionally, Site A provides superior coverage for EHFD because it is located farther south and east within the East Hartford area, where EHFD’s service is not as good.

The two sites are visible year-round within areas of almost exactly the same size, and seasonally within comparable areas, but the number of residences that are visually impacted differs significantly. The Site A tower would be visible year-round from a total of 56 residences and seasonally from 78 additional properties, while Site B would be visible year-round from 77 residences and seasonally from 220 additional properties. Compared with Site B, Site A has fewer than half the number of homes within a 1,000-foot radius of the tower, and the nearest home to Site A is approximately 88 feet farther away from the tower site than in the case of Site B.

While Site A has more trees to be removed, the Council believes that the smaller number of homes with visibility of a Site A tower outweighs the incremental loss of eight trees. Site A has one closer wetland at 175 feet away, but given the distance, as well as the precautionary erosion

and sedimentation control measures that would be taken during construction, no adverse impact would be expected.

The Council finds no significant difference between Site A and Site B from a threatened, endangered, or special concern species perspective, since either site may have the presence of the eastern box turtle. The Council will order that the EBTPP be implemented to protect this species.

The Council will order a yield point to ensure that the tower setback radius at Site A remains within the boundaries of the subject property.

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 AT&T's and the Town's antennas proposed to be installed on either Site A or Site B have been calculated to be 24.2% 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 emissions, like the matter of potential health effects to humans, this is a matter of federal jurisdiction. Instead the Council's role is to ensure that 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 the telecommunications facility at proposed Site A, 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 110-foot stealth "tree" monopole telecommunications facility at Site A, 465 Hills Street, East Hartford, Connecticut, and deny the certification of Site B.