

<b>DOCKET NO. 438</b> - Cellco Partnership d/b/a Verizon } 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: 596 } Pendleton Hill Road or 53 Gallup Road, Voluntown, } Connecticut.	Connecticut  Siting  Council
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September 5, 2013

### Opinion

On May 10, 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 wireless telecommunications facility to be located at one of two sites in Voluntown, Connecticut: 569 Pendleton Hill Road (Site 1) or 53 Gallup Road (Site 2). The former site would be located on a 30-acre parcel on the west side of Pendleton Hill Road (Route 49), currently used for agricultural purposes and owned by Benjamin and Byron Gallup. The latter site would be on a 261-acre parcel also owned by Benjamin and Byron Gallup and used for agricultural purposes. It is located on the east side of Route 49. The purpose of the proposed facility, which would be referred to as the Palmer Pond facility, would be to provide coverage and capacity relief for Cellco customers along significant portions of Route 49 as well as local roads and residential and commercial land uses in south-central Voluntown, including significant portions of the Pachaug State Forest. The coverage gaps Cellco is seeking to fill occur between its existing Griswold East and North Stonington East cell sites, its approved Bailey Pond and Voluntown cell sites, and its soon to be established Wyassup Lake cell site.

At Site 1, Cellco would lease a 100-foot by 100-foot area in the northwest portion of the host property to erect a 130-foot monopole within a 50-foot by 50-foot fenced compound. Cellco's facility would include a 12-foot by 30-foot shelter for its ground equipment and a backup diesel generator, which would be capable of operating for approximately 48 hours before it would need to be refueled (based on a 210 gallon fuel tank). The site would require a 905-foot long gravel access drive, and utilities would be installed underground alongside the drive. The tower at Site 1 would be visible on a year-round basis from approximately 153 acres in the surrounding area and on a seasonal basis from approximately 140 additional acres. It would be visible for approximately 0.25 mile along Pendleton Hill Road, which is a state-designated scenic highway in this area. The tower's setback radius would lie completely within the boundaries of the host property.

At Site 2, Cellco would lease a 100-foot by 100-foot area in the southeast portion of the host property to erect a 150-foot monopole within a 50-foot by 52-foot fenced compound. Cellco's facility would include a 12-foot by 30-foot shelter for its ground equipment and a backup propane generator, which would be capable of operating for approximately 70 hours before it would need to be refueled (based on a 1,000 gallon fuel tank). As proposed, this site would require an 80-foot long gravel driveway. In response to the Council's concern over the amount of grading needed at this location to create a level site from the existing topography, however, Cellco could move its compound closer to Gallup Road. Utilities would be installed underground alongside the driveway. The tower at this site would be visible on a year-round basis from approximately 267 acres and on a seasonal basis from approximately 60 additional acres. It would be visible for approximately 0.75 mile along Pendleton Hill Road. At this location, the tower's setback radius would extend beyond the property line to the south onto another property owned by the Gallups, along Gallup Road.

The closest wetland to Site 1 is located 950 feet to the northeast. The closest wetland to Site 2 is located 160 feet to the northeast. The development of either site would not have any adverse wetlands impact as Cellco would establish and maintain appropriate soil erosion and sedimentation control measures, in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*, as amended, throughout the construction period of the proposed facility. Cellco's environmental consultant did identify a possible vernal pool proximate to Site 2 and would conduct a follow-up inspection between mid-April and early May to confirm the presence of obligate vernal pool species. If such species were found, Cellco would employ protective measures to avoid impacting these species during construction.

Four state listed species were identified as potentially occurring in the area of the two proposed sites: the pink sallow moth, the eastern box turtle, the red bat, and the silver-haired bat. Cellco's environmental consultant conducted pink sallow moth Habitat Surveys at each of the two proposed sites and found that no suitable habitat for pink sallow moths exists at either site. After reviewing the surveys, DEEP agreed that the installation of a telecommunication facility at either site would be unlikely to negatively impact the pink sallow moth. To protect the eastern box turtle, Cellco would implement protective measures during construction that would include: isolation of the project perimeter, periodic inspection and maintenance of isolation structures, turtle sweeps, education of all contractors and sub-contractors prior to initiation of work on the site, and regular reports. At Site 1, Cellco would not conduct any tree-clearing, thereby avoiding any impact to potential bat tree-roosting habitat. At Site 2, Cellco would conduct any tree-clearing work during a time of year when such work would not affect the two bat species.

No historic properties would be affected by a Cellco facility at either site.

After reviewing the record in this proceeding, the Council believes the radio frequency coverage in this section of Voluntown is insufficient and Cellco's proposed Palmer Pond facility will fulfill a need in this area. Of the two sites presented, the Council finds Site 2 preferable. The site is located farther away from Pendleton Hill Road, so the visibility of the tower would be less intrusive along this designated scenic highway. The Council also feels that the shorter access road that would be required for this site, especially if the compound is moved closer to Gallup Road in order to reduce the amount of grading work needed, and the use of a propane generator instead of a diesel generator make this site preferable to Site 1. The Council therefore will approve the Site 2 facility with a tower height of 150 feet above ground level.

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 at Site 2 have been calculated by Council staff to amount to 13.2% 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.

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 2, 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 150-foot monopole telecommunications facility at Site 2 at 53 Gallup Road, and deny certification for Site 1 proposed for 596 Pendleton Hill Road.