

DOCKET NO. 441 – Homeland Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 10 Blackville Road, Washington, Connecticut.	} } }	Connecticut Siting Council March 6, 2014
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Opinion

On September 17, 2013, Homeland Towers, LLC (HT) 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 operation of a wireless telecommunications facility to be located at 10 Blackville Road in the Town of Washington, Connecticut. The property on which the proposed facility would be located is owned by the Town of Washington (Town), which uses it for its municipal garage and maintenance facility. The property comprises 17.3 acres. The purpose of the proposed facility would be to enable AT&T, and other wireless carriers, to provide reliable wireless services to residents, businesses, schools, municipal facilities, and visitors to Washington Depot, a historic hamlet within the Town of Washington.

HT would lease a 65-foot by 80-foot area in the north-central portion of the town property. Within its lease area, HT would erect a 135-foot monopole tower, to be disguised as a pine tree, within a 65-foot by 67-foot fenced compound. The overall height of the tower, with camouflage branches in place, would reach an overall height of 140 feet. AT&T would be HT’s tenant and would place 12 antennas at a centerline height of 126 feet above ground level on the proposed tower. Litchfield County Dispatch (LCD), which was an intervenor in this proceeding, would place two five-foot omnidirectional antennas at the top of the tower and would also place another five-foot omnidirectional antenna at a mounting elevation of 76 feet. AT&T would install a 12-foot by 20-foot shelter for its ground equipment.

At this facility, AT&T would install a diesel generator for its backup power. The proposed backup generator and battery backup system would provide backup power for AT&T only. A shared generator for up to four carriers could be as large as 200 kW, or about 50 kW per carrier. The Town did request a single source emergency power generator, and HT agreed to provide a generator for LCD’s backup power. The Council believes that the installation of a shared generator would be prudent planning and would have several benefits. First, a shared large generator would emit less noise than four separate small ones. Second, one shared backup generator would provide longer run-time for all potential carriers, especially those that would normally utilize battery backup only; thus, the system would be more reliable. For example, if AT&T were limited to its battery backup only, its run-time would be limited to four-to-six hours, which would likely be insufficient in a major storm or any other significant power outage. Third, a shared generator would eliminate the need for some carriers to acquire temporary portable generators during an outage. The availability of such portable generators could be limited due to high demand during an outage. In consideration of these benefits, the Council will require HT, in its Development and Management Plan (D&M), to reserve space in the fenced compound for an emergency generator sufficiently large to serve future carriers as well.

The proposed facility would be accessible over existing driveways on the town property, except that HT would have to extend an existing gravel driveway a distance of 23 feet to the facility. Utilities would run underground from an off-site utility pole on Blackville Road to the proposed facility. The route of the underground utilities would follow a 20-foot wide easement for an approximate distance of 515 feet and then follow the existing and extended driveways to the facility. The tower's setback radius would lie completely within the boundaries of the host property.

The proposed tower would be visible above the tree canopy on a year-round basis from approximately 95 acres in the surrounding vicinity and would be seasonally visible (during "leaf-off" conditions) from approximately 75 additional acres. A large amount of this acreage is open agricultural land and low-lying marsh to the south/southwest at a distance of one mile and beyond. In order to soften the visual impact of the tower on the surrounding area, including Washington Depot, the Town has requested that it be camouflaged as a tree.

There are two wetland areas located in the vicinity of the proposed facility. A rip-rap armored drainage swale is located approximately 540 feet to the south on the Town's property, and an excavated pond within a wetland is located approximately 390 feet to the north partially on the Town's property. The man-made pond provides a locally significant permanent body of water for herpetofauna habitat and can be classified as vernal pool habitat. During the construction of the proposed facility, HT would establish and maintain appropriate soil erosion and sedimentation control measures. HT's environmental consultant also suggested adopting Best Management Practices for protecting the vernal pool habitat. The establishment of these measures and the separating distances from the tower to the nearest wetlands should eliminate any possible adverse wetland impacts.

No threatened, endangered or special concern species have been identified on the site of the Town Garage or immediate area. HT would remove 20 trees with a diameter at breast height of six inches or more to develop the proposed facility. The State Historic Preservation Office (SHPO), after studying HT's proposal, concluded that, although the facility would overlap the Calhoun Street/Ives Road National Register of Historic Places District and would be partially visible from portions of the District year-round, it would have no adverse effect on cultural resources as long as 1) the monopine tower and associated equipment is designed and painted to match adjacent materials, and is installed to be as non-visible as possible; and 2) if not in service for six consecutive months, the tower and equipment would have to be removed by the facility owner within 90 days of the end of such six-month period. The Council acknowledges SHPO's desire to remove an unused tower, however it feels that its condition to remove a tower after one year of non-use that is typically included in its Decisions and Orders is sufficient to accomplish SHPO's intent.

After reviewing the record in this proceeding, the Council concludes that there is a definite need for wireless coverage in the area that would be served by the proposed facility. The Council, although ambivalent about the advisability of disguising telecommunications towers as trees, feels that this is a good location and an appropriate situation for the use of a monopine. Furthermore, the Council commends the Town for its pro-active leadership in bringing wireless coverage to the cultural and commercial heart of this community. The Town's role in the siting of this telecommunications facility should serve as a model for other, similar towns interested in providing wireless coverage for their residents in an effective and non-intrusive manner.

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 proposed tower have been calculated by Council staff to amount to 13.38% 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. Regarding potential harm to wildlife from radio emission; this, like the matter of potential hazard to human health, is a matter of federal jurisdiction. 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 proposed telecommunications facility, 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 telecommunications facility with a 135-foot monopole, to be disguised as a monopine, at 10 Blackville Road in Washington, Connecticut.