

<p>DOCKET NO. 451 – 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 the Cheshire Wastewater Treatment Plant, Cheshire Tax Assessor Map 38, Lot 180, 1325 Cheshire Street, Cheshire, Connecticut.</p>	<p>} } }</p>	<p>Connecticut Siting Council January 8, 2015</p>
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Opinion

On August 5, 2014, 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 the Cheshire Wastewater Treatment Plant, 1325 Cheshire Street in Cheshire, Connecticut. The property on which the proposed facility would be located is owned by the Town of Cheshire (Town). The property comprises 59 acres and is used for the Town’s wastewater treatment plant and for recreational playing fields. The purpose of the proposed facility would be to enable the Town’s police, fire and emergency services departments, and AT&T and other wireless carriers, to provide reliable emergency communications and wireless services to residents, businesses, schools, municipal facilities, and visitors in northern Cheshire. In looking for a location that would enable AT&T to achieve its coverage objectives in this part of Cheshire, both HT and AT&T looked at a number of different properties. However, none of the other properties investigated, or existing telecommunications sites within a four-mile radius, would allow AT&T to attain the same coverage. In addition, the proposed facility at this location would also allow the Town to make needed improvements to its public safety communications network. The Town participated in this proceeding as a party. Jennifer Arcesi, of Nob Hill Road, and Gary Wassmer, of Worden Circle, participated in the proceeding as intervenors.

After reviewing the record in this proceeding, the Council finds that there is a definite need for more reliable wireless service in the area that would be covered from the proposed facility. This need includes both commercial wireless telecommunications carriers and the Town’s public safety departments, which report difficulty maintaining communications with police, fire, and public works personnel in northern Cheshire. One of the main issues in this proceeding was the 170-foot height of the proposed tower. At this height, the proposed tower would be taller than needed for AT&T to meet its coverage objectives at this location. However, this height would be needed by the Town to establish point-to-point communication between this site and other tower sites in the Town’s public safety network. The Town’s planned conversion to point-to-point communications from its current reliance on copper lines strung on utility poles will depend on line-of-sight connections between its various network sites, and, at 170 feet, this tower would enable the Town to make the needed connections. The Council also feels that the mesh of the chain link fence that will enclose the equipment compound should be smaller than two inches to provide better security.

HT’s facility would be located near the center of the Town’s property, just to the north of the wastewater treatment plant and to the southwest of the area used for playing fields. The facility would be separated from the playing fields by a stand of mature, deciduous trees. At this location, HT would lease a 75-foot by 75-foot parcel, within which it would install a 62-foot by 75-foot compound. The compound would include a 170-foot monopole tower and an 11.5-foot by 20-foot shelter for AT&T’s ground equipment. Space within the compound would also be reserved for the Town to install a shelter for the equipment related to its public

safety antennas, which would be installed at the top of the tower. With the Town's antennas, the tower's overall height would reach approximately 190 feet. AT&T's emergency backup power would be provided by a 35 kW diesel generator, which would be capable of running approximately 48 hours based upon a 100% load and 200 gallons of available fuel. For its backup power, the Town would rely on a 1200 kW diesel generator to be installed at the upgraded wastewater treatment plant. This generator would have a 6,000 gallon fuel tank and be capable of running at least 48 hours on a full tank. The Town would not be interested in sharing the power from its backup generator with commercial telecommunications firms on the proposed facility as that may violate terms of grants obtained to fund an upgrade of the Wastewater Treatment Plant. The setback radius of the tower would lie completely within the Town's property. Putting a telecommunications facility on this property is not inconsistent with its present land use.

The proposed tower would be visible above the tree canopy on a year-round basis from approximately 53 acres in the surrounding vicinity. It would be seasonally visible (during "leaf-off" conditions) from approximately 735± additional acres. Year-round views of the proposed facility would be possible from the northern portion of the Quinnipiac River Trail, and seasonal views might be possible from the southern portion of the trail, as well as some views from locations within the Ives Farm trails system. Seasonal views of the proposed tower could extend out to distances of approximately one mile northward and slightly farther to the south. No views of the tower are expected from Cheshire Park or the Hanover Pond trail system in Meriden.

No trees would need to be cut down for the proposed facility. The closest wetland to the proposed facility is a forested floodplain wetland associated with the Quinnipiac River located approximately 127 feet to the west. This wetland area includes a very poorly drained depressional feature, which potentially provides a "cryptic" vernal pool habitat as it appears to support seasonal inundation of sufficient depth and duration to provide breeding habitat for amphibians. All activity associated with the proposed facility would be outside of the Vernal Pool Envelope zone (within 100 feet of the vernal pool edge) and limited to locations within the vernal pool's Critical Terrestrial Habitat zone (within 100 – 750 feet of the vernal pool edge). The area within which the proposed facility would be located has already been disturbed by development associated with the Town's Wastewater Treatment Plant and recreational park. For this reason, the proposed facility would not result in an increase in development within the Critical Terrestrial Habitat zone. With proper erosion and sedimentation control measures in place during construction, development of this facility should not result in any adverse impacts to the wetlands.

According to the DEEP Natural Diversity Data Base, the wood turtle (*Glyptemys insculpta*) and the eastern box turtle (*Terrapene carolina carolina*), two State Special Concern Species, may occur in the vicinity of the proposed facility. In order to protect the state listed turtles, the Council will order HT to include a turtle protection plan in its Development and Management Plan, as it has committed to do.

Based on its review of the plans for this project, the State Historic Preservation Office concluded that the proposed facility would not have any adverse effect on 18 properties comprising a potential historic district in the vicinity of Cheshire Street, Allen Avenue, and Sindall Road that could be eligible for listing on the National Register of Historic Places.

According to a methodology prescribed by the Federal Communications Commission (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 2.74% 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 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 170-foot monopole at the Cheshire Wastewater Treatment Plant, Cheshire Tax Assessor Map 38, Lot 180, 1325 Cheshire Street in Cheshire, Connecticut.