

DOCKET NO. 452 - 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 Salisbury Tax Assessor Map 16 Lot 5, 250 Canaan Road, Salisbury, Connecticut. } Connecticut
} Siting
} Council

March 5, 2015

Opinion

On October 7, 2014, Homeland Towers, LLC (HT) 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 Salisbury, Connecticut. The purpose of the proposed facility is to provide wireless services to residents, businesses, schools, municipal facilities, and visitors to eastern Salisbury.

The Applicant is seeking to develop a facility on a 169.3-acre property owned by Salisbury School Inc. The parcel includes a large, undeveloped wooded area to the north of the school's maintenance garage and athletic fields. The facility would be located in an undeveloped portion of the parcel located north of Canaan Road. The Town of Salisbury (Town) participated as a party in this proceeding.

On November 19, 2014, the Applicant moved the proposed site location by 107 feet to the southwest (on the same parcel) due to the identification of a culturally sensitive area. This relocation is expected to provide an adequate separation distance from the culturally sensitive area, which will be left isolated in situ and physically protected during construction activities. The original tower location is no longer under consideration. The Council believes that the relocation was a prudent action.

At the revised location, the Applicant proposes to construct a 150-foot stealth tree monopole tower inside a 60-foot by 70-foot equipment compound. The tower's faux tree branch material would result in a total height to the "tree top" of 157 feet above ground level (agl). AT&T would install 12 antennas on T-arm mounts at the 146-foot level of the tower. The tree branch material is intended to disguise such tower-mounted equipment. The tower setback radius will remain within the subject property boundaries. Thus, no yield point is necessary. AT&T would install its radio equipment in an 11-foot 5-inch by 16-foot equipment shelter inside the fenced compound.

Access to the site would extend from Canaan Road over an existing paved access drive, then continue north along an existing gravel access drive towards the school's boathouse area, and then turn east for approximately 500 feet over a new, proposed gravel drive that utilizes an existing logging road path to reach the tower compound.

Telephone utility service would run underground approximately 1,400 feet in a northerly direction from an existing demarcation point near the maintenance garage. Then, it would turn eastward and run underground for about 500 feet parallel to the new, proposed gravel driveway. Electric utility service would connect to an existing distribution line on the existing gravel boathouse access drive, and run underground parallel to the telephone access to reach the compound.

In the event an outage of commercial power occurs, AT&T will utilize a 50-kW diesel generator located inside the fenced compound and next to its equipment shelter. This generator would have a

200-gallon diesel fuel tank that would be double-walled to protect against leakage. It would provide about 48 hours of backup power at full load, based on the size of its fuel tank. Also, to prevent a “reboot” condition, AT&T will have battery backup to provide seamless power in the event of a power interruption. If the generator fails to start, the battery backup system alone could provide approximately four to six hours of emergency power.

At least one additional commercial wireless carrier, Cellco Partnership d/b/a Verizon Wireless (Cellco), has expressed an interest in co-locating on the tower in the future, but did not intervene in this proceeding. The Town, as well as Litchfield County Dispatch, have also expressed an interest in co-locating on the tower in the future. However, the specific details of their co-locations have not been finalized at this time. Thus, while the proposed backup generator will be for AT&T’s needs only, the Council will require that the Applicant reserve space in the equipment compound for a future shared generator.

The site contains existing vegetation consisting mainly of mixed deciduous hardwood species interspersed with scattered stands of conifers. The average tree height in the vicinity of the tower site is approximately 85 feet.

The tower is expected to be visible year-round from approximately 138 acres and seasonally visible from approximately 343 acres within a two-mile radius. The tower would be visible year-round from fewer than ten homes and seasonally visible from 10 to 12 homes. Residential halls and faculty residences located at Salisbury School campus will also likely experience some year-round views of the tower. Some year-round views from Lake Washinee (one of the “Twin Lakes”) are also possible. The proposed tower would not be visible from the Appalachian Trail. Although the proposed facility is located within the Upper Housatonic Valley National Heritage Corridor (UHVNHC), it is not expected to adversely impact the UHVNHC because of limited visibility and stealth “tree” design. While the Council is concerned about visibility of the tower from Lake Washinee and nearby residences, the Council believes that the tree design will help mitigate the visual impact. Furthermore, the faux tree branch material will conceal the antennas and other tower-mounted equipment.

There are two wetlands on the host property: Wetland 1 to the northeast of the proposed site and Wetland 2 to the south and southwest of the site. Wetland 1 is located approximately 211 feet to the northeast of the proposed facility compound and approximately 275 feet to the northeast of the proposed access drive. Wetland 2 is located approximately 119 feet to the southwest of the proposed facility compound at its closest point. It is located approximately eight feet to the south of the proposed gravel access drive at its closest point.

While an alternate access route could have been designed farther to the north to increase the distance from Wetland 2, such an alternative would have been associated with a greater disturbance to forested uplands. In addition, it would require greater tree removal. Thus, the Applicant proposes to utilize the existing logging road. The Council concurs and supports minimizing tree removal and disturbance to forested uplands. The Council also recommends that the underground utility service be run along the northerly side of the proposed access drive to increase the distance to Wetland 2. The details of the utility service would be included in the D&M Plan. Finally, as long as the project complies with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* and the *2004 Connecticut Stormwater Quality Manual* (also to be included in the D&M Plan), it will not likely result in an adverse impact to wetland resources.

The northern long-eared bat, a State-designated Species of Special Concern, is known to occur in the vicinity of the tower site. Accordingly, the Connecticut Department of Energy and Environmental Protection (DEEP) recommends that tree cutting be conducted from November 1 through March

30 to ensure that bats are safely situated in their hibernacula, and that large diameter trees 12 inches diameter or greater be retained wherever possible. The Applicant agrees to take such measures. Accordingly, the Council will require that they be included in the D&M Plan.

The site is not proximate to an Important Bird Area. The proposed tower will comply with the U.S. Fish and Wildlife Services Guidelines for minimizing impacts to birds.

A review of historic resources data indicates that no sites listed on the National Register of Historic Places are located within a 0.5-mile radius of the site.

The Council concludes that the propose facility will have no substantial adverse environmental effect. In considering the public need for a facility, the Council notes that the FCC preempts state or local regulation on matters that are exclusively within the jurisdiction and authority of the FCC, including, but not limited to, network operations. Notwithstanding this pre-emption, and on the basis of extensive experience with the rapid increase in public demand for wireless services and the evidence in this record, the Council finds that the proposed site would provide coverage to identified service-deficient areas. Thus, the Council will approve the facility with a monopole or "tree trunk" tower height of 150 feet above ground level to accommodate AT&T's proposed antenna centerline height of 146 feet agl.

The tower is not proposed to be expandable in height. However, the Council believes that it would be prudent to design the tower for a possible future expansion to accommodate future co-locations such as Cellco, which has antenna height requirements that are not yet known. In order to accommodate at least one additional carrier at a height not less than that of AT&T, the Council will require that the tower and foundation be designed to accommodate an expansion in tower height.

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 antennas proposed to be installed on the tower have been calculated by Council staff to amount to 24.1% of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal standards established for the frequencies used by wireless companies. If federal 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 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 150-foot tree monopole telecommunications facility at the proposed site at Tax Assessor Map 16 Lot 5, 250 Canaan Road, Salisbury, Connecticut.