

DOCKET NO. 454 – Tower Holdings, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Farmington Tax Assessor Parcel ID Maps 25 and 26, Lots 3A and 3B, 199 Brickyard Road, Farmington, Connecticut.	} } }	Connecticut Siting Council
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June 11, 2015

Opinion

On November 7, 2014, Tower Holdings, LLC, (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/tower training facility at 199 Brickyard Road in Farmington, Connecticut. The tower would be constructed by the Applicant for telecommunications use by New Cingular Wireless PCS LLC (AT&T), training purposes for Northeast Towers (NET), a tower construction company affiliated with the Applicant, and collocation by other entities that are non-jurisdictional to the Council. Parties to the proceeding are the Applicant and the Town of Farmington. The intervenor is AT&T.

The property on which the proposed facility would be located is owned by Farmington River Properties. The property comprises 2.5 acres and is zoned industrial. The property is developed with a commercial building and an associated equipment storage yard that serves as the headquarters of NET. Land use within a quarter-mile of the tower site includes earth extraction, industrial, recreational and residential.

The proposed tower site is located on the eastern portion of the parcel in an area used for equipment storage. The Applicant would construct a 180-foot self-supporting lattice tower at the site. The tower, triangular in shape, would taper as it rises. The distance from tower leg to tower leg would be 18 feet at the base, 8 feet at a tower height of 100 feet and 5 feet from 140 feet to 180 feet. An equipment compound would be constructed at the base of the tower to house the equipment of telecommunication providers.

AT&T is the only telecommunications carrier that would locate on the tower, as no other telecommunication carrier intervened in this matter. AT&T proposes to install 12 panel antennas on standoff arms at the 140-foot level of the tower. Non-jurisdictional entities that would locate on the tower include Dunning Sand and Gravel, which would locate a whip antenna at 160 feet for company communications; Marcus Communications, which would install a whip antenna at the 170-foot level to provide additional capacity to its radio system that serves various emergency, bus, and government entities; and WBMW Radio, which would install a radio antenna at 175 feet to expand its service area.

The Applicant designed the tower so that the upper 40 feet, from 140 feet to 180 feet, could be used for training purposes. The Applicant contends 40 feet of tower space would provide realistic simulations of climbing much taller lattice structures that NET primarily services. Tower training would feature the use of gin poles, narrow lattice poles that serve as tower cranes, to raise and lower lattice tower sections and dummy antennas. A lattice tower is proposed because most of NET's work is on lattice structures and there are no current towers in the eastern U.S. that are specific to tower training. Most importantly, gin poles can only be used on lattice towers. Gin poles used at the site would extend to a height no more than 199 feet above ground level, to maintain compliance with Federal Aviation Administration criteria for the marking of aviation hazards.

Trainees would practice scaling the tower and affixing various training antennas and lattice tower sections to the tower. Training would be limited to NET employees and would occur over four separate one-week periods during warm weather months.

During the proceeding, the Town expressed concerns regarding visibility of the proposed 180-foot lattice tower to the Highlands, a residential development a quarter-mile west of the site. The Council agrees that the tower's visual impact is primarily to the Highlands and the Winding Trails recreation area to the east. Areas to the north are mostly wooded and open areas to the south are on Dunning's property. The greatest visual impact would occur during leaf-off conditions, where it is estimated 100 residential properties, mostly within the Highlands, could have views of the tower. Indeed, some residences in the Highlands would have year-round views: these are the residences located at a higher elevation than the site and on the side of an east-facing hill where areas of little or no screening occur as the hill slopes down to Brickyard Road.

On account of its visibility concerns, the Town stated that if a tower were to be approved at the site a monopole should be constructed, as it would offer a reduced visual profile compared to a lattice structure. In response, the Applicant stated it would be willing to construct a lattice tower limited to a height of 140 feet. A tower at this lower height would still be able to provide for both gin pole/lattice tower training and telecommunications use by AT&T and other carriers. However, the Applicant further stated it would not be willing to build a monopole, as that type of structure, although not material could not be used for gin pole/lattice tower training.

By stating on the record that a monopole would not be constructed to meet telecommunications needs for telecommunication carriers, the Applicant implies the tower's primary purpose is for training, rather than for telecommunications use. This conclusion is supported by the fact that the Applicant originally introduced the 180-foot lattice tower design to the Town in March 2013 strictly as a training tower. The Applicant produced a visibility analysis of the tower without telecommunications carriers for the Town's use at a Planning and Zoning meeting scheduled for April 9, 2013. The Applicant withdrew from that meeting, however, for various reasons, the one most relevant for this proceeding being that the application had become complicated by AT&T's interest in locating on the tower, although at an undetermined height.

After that point, the Applicant proceeded by filing its application for a 180-foot lattice tower to the Council, proposing both training and telecommunications uses, which, it argued, were both under the Council's purview, either for telecommunications purposes or for contributing to public safety. The Applicant did offer use of the tower to the Town for locating emergency communication equipment on it, but the Town indicated they were not interested. Although the Council is sympathetic to the lack of proper training facilities for tower workers, the Council finds the training aspect of the proposed tower does not meet any defined public safety benefit under the Council's jurisdiction; thus, the Council does not find a need for a 180-foot lattice tower.

Moving on to the question of telecommunications use alone, the Council first noted that a lattice tower has no greater usefulness than a monopole in terms of providing telecommunications. Next, the Council examined information provided by AT&T as to its wireless service needs. AT&T was not the applicant in this proceeding, but it does have a history of site searches in the vicinity, and had previously looked at several sites where existing structures were located that could support telecommunications use, including a smokestack, a rooftop and a cupola. The Council finds, however, that in the case at hand AT&T did not perform an exhaustive search specific to its needs. For instance, it did not examine several other industrially-zoned parcels are located south of the proposed site that may be more suitable for a telecommunications tower. Also, a 100-acre parcel owned by Dunning Sand and Gravel (Dunning) is located east of the proposed site, and although the Applicant stated the Dunning property was examined, no specific tower locations on this property were identified as being considered. The Council notes this parcel is farther away from the Highlands than the proposed site is.

The Council further considered AT&T's propagation modeling re the tower's height. It shows that with antennas located at a tower height of 140 feet some areas of the Highlands, specifically the Pinewood Drive area and Crestwood Road area, would not have improved service. Drive-testing demonstrates that an antenna height of 140 feet at the site would provide a mix of in-vehicle and in-building service to the east

centered along the Cambridge Crossing development rather than the robust in-building service that seemingly would be necessary for adequate service to a residential area, especially given current high data-use patterns. Drive-test data conducted with an antenna height of 170 feet indicates stronger in-building coverage to this residential area; nonetheless, AT&T stated 140 feet was acceptable. Their acquiescence to a maximum height of 140 feet furthers the Council's finding that the 180-foot tower was designed first and foremost to maintain 40 feet of height at the top of the tower for unencumbered tower training activities: in other words, the proposed height meets a training need, not a telecommunications need.

Additionally undercutting AT&T's claimed need for the proposed tower is the fact that RF mapping shows a large portion of in-building service covering a relatively undeveloped area consisting of the Dunning property, Winding Trails to the east of the Dunning property and a large woodland north of the site that extends to Old Farms Road in Avon. Now and for the foreseeable future, these are all places where in-building service would be unnecessary.

Although pursuant to Connecticut General Statutes § 16-50p, there shall be a presumption of public need for personal wireless services, the Council is limited to consideration of a specific need for any proposed facility to be used to provide such services to the public. The Council finds that AT&T's evidence of need for the proposed facility is not convincing. Indeed, the evidence suggests that AT&T's telecommunications needs may be better met by another site in the area. This possibility, however, was never fully explored during the current proceeding.

None of the non-jurisdictional entities that propose to locate on the tower intervened in this proceeding, and the information provided in the record was neither detailed nor thorough enough for the Council to evaluate any of their claimed needs. The Council particularly would have been interested in hearing more detail from Marcus Communications, as their network purportedly supports a variety of services, including emergency services. The Council is not sure how critical it would be for Marcus' network to include antennas installed on the proposed tower, given that Marcus would not have backup power there to serve their clients in the event of power outages, quite possibly the times when emergency services would be needed most.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and operation of a telecommunications/training 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 possible to weigh when compared to need, whether by the need being outside the Council's jurisdiction, or the need not having been established in evidence, and, as such, cannot be determined to be in harmony with policies of the State concerning such effects, thus presenting cause to deny this application. Therefore, the Council will deny this application without prejudice and will not issue a Certificate for the construction, maintenance, and operation of a telecommunications facility at 199 Brickyard Road, Farmington, Connecticut.