

<p>DOCKET NO. 484 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility at one of three locations at 72 Ragged Hill Road, Pomfret, Connecticut.</p>	<p>} } }</p>	<p>Connecticut Siting Council</p>
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November 8, 2018

Opinion

On July 9, 2018, 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 wireless telecommunications facility at one of three locations at 72 Ragged Hill Road in Pomfret, Connecticut. The purpose of the proposed facility is to provide reliable wireless service to service deficient areas in the northwest Pomfret, northeast Eastford and southwest Woodstock region.

The United States Congress recognized a nationwide need for high quality wireless services through the adoption of the Federal Telecommunications Act of 1996 and directed the Federal Communications Commission (FCC) to establish a market structure for system development and develop technical standards for network operations. 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 and radio frequency emissions. Preservation of state or local authority extends only to placement, construction and modifications of telecommunications facilities based on matters not directly regulated by the FCC, such as environmental impacts. The Council’s statutory charge is to balance the need for development of proposed wireless telecommunications facilities with the need to protect the environment.

Cellco is currently located on six existing telecommunications facilities within a six-mile radius of the proposed sites and these existing facilities cannot provide adequate coverage to the target service area. Cellco customers experience unreliable 700 MHz LTE service to large land areas and roadways within the area surrounding the proposed sites. Deficient service on major roads includes 1.5 miles of Route 44, 1.8 miles of Route 244, and 2.1 miles of Route 198, and the land areas abutting these roads. Additionally, service is deficient in Mashamoquet Brook State Park in Pomfret, potentially posing a safety hazard to park users who may need to access Cellco’s network during an emergency.

Cellco established a search ring for its “Pomfret Center” facility in January 2009 and determined there were no existing structures available within the search area to locate on. Cellco then searched for suitable properties to develop a tower. Cellco investigated a total of 14 different tower sites, 11 of which were deemed not suitable due to proximity to exiting residences, environmental constraints or inferior wireless coverage.

Cellco identified the subject property as suitable for a new tower facility and developed the proposed Site A facility. Cellco put the proposed project on hold in May 2010, reactivating it in December 2016. Based on consultation with the Town in 2017 and a subsequent public information hearing in Pomfret, Cellco identified two additional tower locations on the site property for consideration. Besides Site B and Site C, other locations on the property were examined but ultimately rejected due to environmental issues or deficient wireless coverage.

Although the Town did not participate as a party to the proceeding, the Pomfret First Selectman Maureen Nicholson submitted correspondence to the Council expressing opposition to all three proposed sites, stating that a new tower would not fit in with the rural character of the Town and that wireless service in Town is adequate.

To resolve the identified coverage deficiencies, Cellco proposes a new monopole facility at one of three locations on a 627-acre parcel owned Raynham, Inc. The three site locations are referred to as Site A, Site B and Site C. Site A and Site B would both consist of a 150-foot monopole facility. Site C, due to a higher ground elevation, would consist of a 130-foot monopole facility. Cellco would install six panel antennas and six remote radio heads on an antenna platform at the top of the proposed towers.

An analysis of Cellco's coverage models and related information indicates Site C offers better service than Site A or Site B to the area as a whole, with an estimated coverage footprint of 21 square miles, compared to 20 square miles for Site A, and 16 square miles for Site B. It also provides more service to the southeast, offering reliable service to a section of Route 97, and to portions of Mashamoquet Brook State Park and the Airline State Park Greenway Trail. Sites A and B would not be able to provide reliable service to most of these areas.

Cellco would also deploy 2100 MHz service at the site and although the service footprint appears limited, it is used by Cellco to deploy carrier aggregation technology which expands customer bandwidth that enhances Cellco's voice and data services.

Although the site is designed to improve Cellco's coverage footprint, the proposed facility would also provide capacity relief to adjacent facilities. However, none of these adjacent facilities are currently at risk of exhausting capacity.

All three of the proposed sites would consist of a monopole tower and a 50-foot by 50-foot fenced equipment compound within a 100-foot by 100-foot lease area at the base of the tower, enclosed by an eight-foot tall chain link fence. Minimal grading would be required to develop the sites. All three proposed sites would be accessed by following an existing logging road that extends from Swedetown Road into the interior of the parcel. The existing logging road would be upgraded as necessary to create a stable road surface.

Proposed Site A is located in a wooded area approximately 260 feet east of Swedetown Road with the nearest off-site residence approximately 420 feet southwest of the proposed 150-foot tower. Two residences are within 1,000 feet of the proposed site. Vehicle access to the compound would follow the existing logging road for 140 feet, then follow a new 12-foot wide, 120-foot long gravel drive extending southeasterly to the compound. No wetlands would be affected by site construction.

Proposed Site B is located in a wooded area approximately 570 feet due east of Swedetown Road with the nearest off-site residence approximately 850 feet southwest of the proposed 150-foot tower. One residence is within 1,000 feet of the proposed site. Vehicle access to the compound would follow the existing logging road for 625 feet, then follow a new 12-foot wide, 50-foot long gravel drive extending east to the compound. No wetlands would be affected by site construction.

Proposed Site C is located in a wooded area approximately 1,300 feet due east of Ragged Hill Road with the nearest off-site residence is approximately 1,500 feet southwest of the proposed site. No residences are within 1,000 feet of the proposed site. Vehicle access to the compound would follow the existing logging road for approximately 2,000 feet to a new 12-foot wide, 20-foot long gravel drive extending east to the compound.

The existing logging road that would be used to access Site C passes through a wetland for 60 linear feet and extends along a wetland edge for an additional 135 feet. Several vernal pools are located along the edge of this existing logging road. Improving the logging road to create a stable access drive to Site C would result in 1,500 square feet of permanent wetland impacts, consisting of the addition of gravel and the installation of a French Mattress wetland crossing that would allow for unimpeded water flow through the access road bed. No disruption to the hydrology of the adjacent vernal pools is anticipated from the proposed improvements to the logging road. Cellco would implement vernal pool Best Management Practices (BMPs) to reduce potential impacts to the vernal pools and vernal pool obligate species. The BMPs consist of several components including the installation of appropriate erosion controls, periodic inspection and maintenance of isolation structures, herpetofauna sweeps, contractor education, and reporting.

An underground utility line would be installed along the access road to the respective tower sites from a proposed utility pole on Ragged Hill Road. Cellco proposes to install a 30-kilowatt diesel-fueled emergency generator within the compound for its own use. It could run for approximately 130 hours under normal loading conditions. A battery unit would also be installed in the event Cellco's generator does not start or ceases to function.

The proposed facilities will have no effect on historic properties. No records of any species listed on the Department of Energy and Environmental Protection's Natural Diversity Database occur at the subject parcel. The proposed facilities are not located near an Important Bird Area, as designated by the National Audubon Society. The design of the proposed facilities would comply with United States Fish and Wildlife Service guidelines for minimizing the potential impact of telecommunications towers to bird species. Minimal tree removal would occur to develop the sites.

The subject property is located within the Last Green Valley National Heritage Corridor but no identified heritage resources would be impacted by the proposed facilities. A State-designated scenic road, Route 244, is located approximately 0.54 miles south of Site C, the nearest proposed tower site to this resource. None of the three sites would be visible from Route 244.

The proposed sites are located within a relatively undeveloped area with rolling terrain. Based on a visibility field reconnaissance study, the top portions of all three towers would be visible from a section of Hopkins Road, approximately 1.4 to 1.6 miles northwest of the sites and from a small section of a residential property on Ragged Hill Road, approximately 1,050 feet from Site A. Leaf-off views of Sites A and B would be mostly limited to areas within a quarter-mile of each site but also include a section of Quarry Road, approximately 0.8 mile north of the sites, and portions of Swedetown Road to the east of the sites. Site C is not expected to be seasonally visible from off-site locations.

After considering the record in this matter, the Council finds that Site C would best meet Cellco's coverage objectives by providing the largest wireless service footprint as well as providing service to portions of Mashamoquet Brook State Park, the Airline State Park Greenway Trail, and Route 97 - areas that the other two proposed sites cannot reach. Site C is also isolated from a nearby residential area and is the farthest site from any adjacent residence, thereby limiting any potential year-round or leaf-off views of the facility. Although the proposed access road to Site C passes through a wetland,

Cellco has submitted information and site plans that demonstrate it could adequately mitigate any impact to this wetland and adjacent vernal pools. The proposed project would be constructed in compliance with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*.

To promote tower sharing, the tower would be designed to support the co-location of additional telecommunication carriers as well as municipal emergency service antennas, if needed. No other wireless carriers or emergency response entities have expressed interest in co-locating of the facility at this time. The tower and foundation would be designed to support an extension of up to 20 feet if the need arises for a taller tower to meet future wireless objectives by another carrier.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the radio frequency power density level of Cellco's antennas would 29.0 percent of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, as measured at the base of the Site C tower. This is conservatively based on all antennas of a given sector pointing down to the ground and emitting maximum power. 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, operation, and maintenance of the telecommunications facility at proposed Site C, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture 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 to Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance, and operation of a 130-foot monopole telecommunications facility at proposed Site C located at 72 Ragged Hill Road in Pomfret, Connecticut.