

ORIGINAL

DOCKET NO. 144 - An application of the Connecticut Light and Power Company for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications tower in the Town of Newtown, Connecticut. The proposed prime site is north of Barnabas Road approximately 400 feet west of the intersection of Tunnel and Barnabas Roads. The proposed alternate site is located south of Barnabas Road approximately 800 feet west of the intersection of Tunnel and Barnabas Roads.

Connecticut

Siting

Council

November 20, 1991

OPINION

On June 13, 1991, the Connecticut Light and Power Company (CL&P) 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 telecommunications facility in the Town of Newtown, Connecticut.

Under Connecticut State Law, the Council must balance the need to develop the proposed facility with the need to protect the environment, including public health and safety, and to minimize damage to the State's scenic, historic, and recreational values.

The telecommunications facility is proposed to replace communications lost from vacating the Bethel telecommunications facility as well as to upgrade the existing telecommunications system via a microwave link with other CL&P telecommunications systems. Services at the proposed telecommunications facility designed to serve CL&P's Newtown service area, which includes the Towns of Bethel, Brookfield, Danbury, Monroe, Newtown, and Ridgefield, Connecticut, would consist of VHF low-band antennas that would provide mobile radio coverage used to coordinate most field activities; a VHF high-band antenna that would be used to page essential personnel as well as signaling the Remote Control Load Management System that controls CL&P's supply-side and demand-side load management; and a microwave dish that would be used to tie the Newtown Area Work Center into the entire Northeast Utilities communication and information network.

CL&P's proposed Newtown prime site is adjacent to the northeast corner of CL&P's Newtown Area Work Center office building on a 23.9 acre, industrially-zoned parcel north of Barnabas Road, approximately 400 feet west of the intersection of Tunnel and Barnabas Roads in Newtown, Connecticut. CL&P has proposed to erect a 180-foot above ground level (AGL), self-supporting

lattice tower at the prime site. Three VHF low-band antennas, one VHF high-band antenna, and one microwave dish would be placed on the tower at various heights. With the antennas, the overall height of the prime site tower would be 199 feet AGL. Equipment for the proposed prime facility would be housed in a communications room inside the Newtown Area Work Center office building. Utilities would be supplied from within the Work Center office building.

CL&P's proposed Newtown alternate site is located approximately 650 feet southwest of the proposed Newtown prime site on a 2.2 acre parcel, zoned for agricultural and residential use, south of Barnabas Road, approximately 800 feet west of the intersection of Tunnel and Barnabas Roads in Newtown, Connecticut. CL&P has proposed to erect a 150-foot AGL, self-supporting, lattice tower at the alternate site. The proposed alternate site tower would be 30 feet shorter than the proposed prime site tower because the elevation above mean sea level of the alternate site is 30 feet higher than the prime site. The same number and types of antennas proposed for the prime tower would be attached to the alternate tower at the same relative elevations above mean sea level. An 11-foot by 16-foot equipment building would be adjacent to the proposed alternate tower in order to house the electrical equipment. Utility access for the radio equipment would be placed underground from the Work Center.

There are no wetland soils nor are there any known existing federally recognized endangered or threatened species, or Connecticut species of special concern occurring at the proposed Newtown Area Work Center prime or alternate sites.

In addition, the erection of a tower at either the proposed prime or alternate Newtown Area Work Center sites would have no effect on the State's historic, architectural, or archeological resources listed on or eligible for the National Register of Historic Places.

Although electromagnetic radio frequency power density is a concern of the Council, the proposed prime or alternate facility's power density at the area 100 feet around the tower base would be well below the State standard for the frequencies used by the proposed telecommunications services.

Visual effects are the primary environmental concern associated with the construction of either the proposed prime or alternate telecommunications tower. However, there would be little or no difference in the visual effects associated with either tower because of the near proximity of the prime and alternate sites to each other and the similar relative height above mean sea level of both proposed towers. Therefore, there is no distinct visual advantage for either tower.

Nonetheless, the proposed Newtown Area Work Center prime site has the advantage over the proposed Newtown Area Work Center alternate site because the prime site is already cleared and developed as well as being industrially zoned. In addition, the tower fall zone at the prime site is entirely within the applicant's leased property. If the alternate site tower were to fall, westbound travel lanes of Interstate 84 or Barnabas Road could be blocked. Furthermore, the adjacent communications link of the proposed prime site would offer increased reliability and a savings of \$114,600 when compared to the non-adjacent proposed alternate site.

Based on the record in this proceeding, we find that the effects associated with the construction, operation, and maintenance of a telecommunications facility and its associated equipment at the proposed Newtown Area Work Center prime 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 the policies of the State concerning such effects, and are not sufficient reason to deny the application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a telecommunications facility at the proposed Newtown Area Work Center prime site. The Council will require the Certificate holder to submit a Development and Management (D&M) plan for approval by the Council prior to commencement of any construction at the facility site. This D&M plan shall include detailed plans of the tower, antenna placement, tower foundation, tower pedestal, and barriers to protect the tower from traffic.

Although the need for this facility is adequately justified and the site is well suited for its intended use because of its near proximity to the Newtown Area Work Center, we are disappointed that this proposal was not placed before us prior to the development of the Work Center. While it is true that the Council has no jurisdiction over the siting of CL&P work centers, the integrated nature of this Work Center and its telecommunications functions have a pre-emptive effect on selecting remote telecommunications site alternatives. Consequently, the development of this new Work Center may have resulted in the de facto selection of this telecommunications facility site by the applicant. This confinement has limited the telecommunications site alternatives available for consideration and may have reduced the opportunity for the public to participate in the siting of this facility in an unconstrained manner. While this confinement is not substantial enough to deny this application, applicants will continue to bear the responsibility of justifying the selection of a site, regardless of the fact that the applicant may have acquired land and/or an interest therein for the purpose of constructing the facility which is the subject of the application.