

DOCKET NO. 244 - Omnipoint Facilities Network 2, L.L.C., a }
subsidiary of T-Mobile, USA, Inc. application for a Certificate of }
Environmental Compatibility and Public Need for the }
construction, maintenance and operation of a wireless }
telecommunications facility at the New Canaan Country Club, 95 }
Country Club Road, New Canaan, Connecticut.

Connecticut

Siting

Council

February 18, 2004

Opinion

On March 3, 2003, Omnipoint Facilities Network 2, LLC a subsidiary of T-Mobile, USA, Inc. (T-Mobile) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, operation, and maintenance of a wireless telecommunications facility at the New Canaan Country Club, 95 Country Club Road, New Canaan, Connecticut. The Citizens for Responsible Cellular Planning (CRCP), John Corcoran and Wanda Corcoran and James E. Lineberger and Harrietjo Lineberger, Lewis D. Bakes, the Town of New Canaan, and Thomas A. Champion were parties in this proceeding. AT&T Wireless PCS, LLC d/b/a AT&T Wireless intervened in the proceeding and expressed a willingness to share the proposed telecommunications facility. The Country Club of New Canaan, Inc. (Country Club) was a party in this proceeding but withdrew from party status on October 7, 2003. The purpose of the proposed facility is to provide wireless telecommunications service to a coverage gap along Smith Ridge Road (Route 123) in New Canaan.

The public need for wireless telephone facilities has been determined both by the Federal Communications Commission (FCC) and the Federal Telecommunications Act of 1996 which has declared a general public need for wireless service, established a market structure for system development, and developed technical standards that have restricted the design of facilities. These pre-emptive determinations by the FCC have resulted in a system of numerous wireless telecommunications facilities in nearly all areas of the country. Connecticut State law directs the Council to balance the need for development of proposed wireless telecommunications facilities with the need to protect the environment, including public health and safety.

On June 26, 2002, a meeting was held at the New Canaan Town Hall with town officials and T-Mobile representatives. The Town of New Canaan suggested that T-Mobile provide additional information regarding alternative technologies and alternative sites. At a public information meeting on August 13, 2002, the Town asked T-Mobile to investigate alternative locations including other Country Club sites and Town owned property located on Michigan Road. An alternative facility location within the interior of the Country Club property was identified by T-Mobile which would be farther away from Route 123 and nearby residences but would have a lower ground elevation and would therefore require a higher tower. T-Mobile could not reach an agreement with the Country Club regarding an alternate interior location for a facility.

A tower placed at the Michigan Road parcel would not provide adequate coverage to the target area, and would have to be located near the road close to abutting property lines with visibility to surrounding residences due to wetlands located within interior locations of the property. Radio frequency coverage was evaluated from the Michigan Road parcel at 110 feet above ground level (agl) and 150 feet agl but neither of these heights would provide the overlap coverage required due to its location a mile north of the proposed site.

The proposed site would include a 110-foot silhouette pole, which would be painted brown to blend in with the surrounding trees between the Country Club fairway and Smith Ridge Road. The proposed site is within a 153-acre property owned by the Country Club and is zoned 4-acre residential. The removal of two or three trees would be required for the construction of the proposed site. There are eight residences within a 1,000-foot radius of the proposed site, the nearest of which is 200 feet to the east of the proposed site. The proposed tower location is 36 feet from the edge of Smith Ridge Road.

The proposed 110-foot silhouette pole would be designed to accommodate three sets of antennas, which would be contained within the pole. T-Mobile would install antennas at the 106-foot level and the 99-foot level, and AT&T would install antennas at the 89-foot level of the proposed structure. The proposed compound would consist of a 23-foot by 19-foot area, which would be surrounded by a six-foot chain link fence and six-foot arborvitae or similar shrubs.

Access to the proposed site would be directly from Smith Ridge Road using an existing parking area along the road.

Development of the proposed site would not affect historic, architectural or archeological resources listed on or eligible for the National Register of Historic Places.

After considering the proposed site, the Council finds that a silhouette tower that is appropriately colored would minimize the appearance of the structure. Visibility of the proposed structure would primarily impact sections of Smith Ridge Road (Route 123) to the northwest and southeast of the proposed site, a section of Country Club Road near the intersection of with Smith Ridge Road, and a section of Oenoke Ridge Road. The proposed tower would be visible from approximately 15 to 20 homes on Smith Ridge Road, and approximately 10 to 15 homes on Oenoke Ridge Road; however, in this case the public need for wireless telecommunications service in this area is sufficient to outweigh the visibility impact of the proposed structure.

Radio frequency power density levels at the base of the proposed tower would be well below federal and State standards for the frequencies used by wireless companies. If federal or State standards change, the Council will require that the facility be brought into compliance with such standards. The Council will require that the power densities be remodeled in the event other carriers locate at this facility.

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 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, operation, and maintenance of a 110-foot silhouette structure at the proposed site located at 95 Country Club Road in New Canaan.