DOCKET NO. 412 – SBA Towers III and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at Wewaka Brook Road, Bridgewater, Connecticut.	}	Connecticut Siting Council

January 5, 2012

Opinion

On November 19, 2010, SBA Towers III (SBA) and New Cingular Wireless PCS, LLC (AT&T) (collectively, the Applicant) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and management of a wireless telecommunications facility to be located at Wewaka Brook Road in the Town of Bridgewater, Connecticut. The purpose of the proposed facility would be to provide wireless communication coverage in the eastern portion of Bridgewater. The parties in this proceeding are the Applicant and the Town of Bridgewater.

SBA is seeking to develop the facility on property owned by Mary Allen. This property is largely undeveloped and is currently used for agricultural purposes. Surrounding land uses are agricultural and residential in nature.

Specifically, SBA proposes to construct a 170-foot monopole and associated compound on the 51.2-acre parcel owned by Mary Allen. The tower and compound area will be located on the northwest portion of the parcel. No landscaping is proposed. Vehicular access to the proposed facility would extend from Wewaka Brook Road westerly along an existing access drive and over a bridge to be replaced. Access then continues over a new gravel access drive for a total distance of 2,495 feet to the proposed compound. Utility service for the proposed facility would be extended underground from pole number 1242 on Wewaka Brook Road and generally follow the access drive to the site.

AT&T would install up to 12 panel antennas at the 167-foot level of the tower. The top of the antennas would not exceed the tower height of 170 feet. The tower would be designed to support the antennas of at least three additional carriers. The setback radius of the proposed tower would remain within the boundaries of the subject property. Thus, no yield point is necessary for the tower design.

AT&T had initiated a search ring for this area in 2007, due to gaps in its coverage for the area, but was unable to find a suitable site other than the one proposed by SBA. None of the eight communications towers within a radius of approximately four miles of the proposed site were found to be adequate for AT&T's coverage purposes; and none of an additional 17 sites the Applicant investigated in the course of this proceeding were adequate. AT&T did identify a site at 111 Second Hill Road, Bridgewater, that could provide coverage for gaps in their network farther north, but that site has no bearing on the current one, and, at any rate, an application for that site has not yet been submitted to the Council. In sum, the Council finds the need for coverage in this part of Bridgewater.

The proposed tower would be visible on a year-round basis from approximately 62 acres within a two-mile radius of the proposed site, and seasonally visible from an additional approximately 61 acres. Seventeen residential properties within this radius would have year-round views; 19 more would have seasonal views. Having examined potential ways of mitigating these visual impacts,

the Council finds no evidence that the height can be reduced. The minimum height at which AT&T could achieve its coverage objectives is the proposed height of 170 feet AGL with an antenna centerline height of 167 feet AGL. At lower heights, such as 157 feet AGL, coverage along Route 133 would be significantly compromised. Furthermore, even if the 111 Second Hill Road application is filed, reviewed, and approved in the future, the height of the proposed tower could not be reduced because the two coverage areas are different.

SBA's proposed facility is not located near an Important Bird Area (IBA) as designated by the National Audubon Society. There are no known extant populations of Federal or State Endangered, Threatened or Special Concern Species that occur on the property where the proposed facility would be located. The State Historic Preservation Office determined that the proposed facility would have no adverse effect on historic or cultural resources.

The most difficult environmental challenges posed by development of this site have to do with potential impacts to six wetlands in the vicinity of the site. The access road must cross Wewaka Brook and two more of the six wetlands, while two other wetlands of the six contain vernal pools that must be protected.

Concerned about minimizing wetland impacts, the Council considered in detail an alternate access route suggested by the Town of Bridgewater to eliminate two proposed crossings of Wetland 4. This alternate would enter the subject property via the same bridge over the Wewaka Brook on the existing access drive as proposed, but would turn to the north and then run closely parallel to the northern property boundary to reach the site. The total length of the alternate would be approximately 2,290 feet. It would result in 5,800 square feet of wetland impact on Wetland 4, and 1,300 square feet of impact on Wetland 3. This is over 6,000 square feet of additional permanent wetland impact area versus the proposed access. The number of trees to be cleared for the alternate would be at least comparable to the number for the proposed access—102—and possibly greater. Thus, the Council chose the proposed access road for its significantly lesser impacts. However, the Council has also taken care to identify and account for those impacts with protective measures as follows.

The replacement project for the bridge over Wewaka Brook would have three phases. First, culverts would be placed to fill in the narrowest portion of Wewaka Brook and provide temporary passage. Next, the existing bridge would be demolished and a new bridge put in its place. At this point, the culverts initially placed would be removed. Approximately 400 square feet of the perennial stream would be temporarily impacted. Once the replacement bridge is completed, the banks of the Wewaka Brook would be properly restored with native stream materials and native plantings.

Wetland 1 is an isolated depressional palustrine forested wetland located approximately 178 feet northwest of the closest construction area. A wildlife survey found spotted salamander egg masses and numerous wood frog tadpoles. Both species are considered vernal pool species. Thus, this wetland is considered to contain both the physical and biological characteristics of a vernal pool. No direct or indirect impact to Wetland 1 is expected.

Wetland 2 is a depressional palustrine forested and scrub/shrub wetland located approximately 100 feet southwest of the closest construction area. A wildlife survey also found spotted salamander egg masses and numerous wood frog tadpoles within this wetland. Both species are considered vernal pool species. This wetland is considered a cryptic type of vernal pool habitat. No direct or indirect impact to Wetland 2 is expected.

Wetland 3 is a narrow headwater palustrine forested wetland that would be directly impacted by the proposed access drive due to the culvert and road fill material. Approximately 819 square feet of Wetland 3 would be permanently filled.

Wetland 4 is a palustrine wetland with forested, scrub/shrub, wet meadow and agricultural disturbed habitats. The proposed access drive deviates off the existing trail to avoid major direct impacts; however, approximately 63 square feet of permanent wetland impacts and 150 square feet of temporary wetland impacts are expected.

Wetland 5 is a riparian corridor that consists of the delineated banks of Wewaka Brook. The first-phase culvert crossing of Wewaka Brook would temporarily impact 400 square feet of stream resource. Any adverse effects are not likely to be permanent, however, considering the mitigating protective design.

Wetland 6 is a small man-made pond adjacent to the north driveway entrance from Wewaka Brook Road. No direct or indirect impact to Wetland 6 would result from the proposed development.

Although no direct or indirect impacts to the vernal pools in Wetlands 1 and 2 are predicted, the Council wishes to assure environmental protection through the following measures recommended by the Applicant's environmental consultant, VHB, Inc.

a) An extensive erosion and sedimentation control plan should be developed in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control to properly protect these vernal pools and the wildlife dependent upon them, particularly amphibians. Silt fencing will act as an exclusion to amphibians from active construction areas and avoid amphibian mortality associated with construction equipment traffic.

b) A thorough cover search of the construction area should be performed for amphibians by a properly qualified professional for amphibians prior to and following the installation of silt fencing to remove amphibians from the work zone at the start of construction activities.

c) A properly qualified professional independent of the site contractor should monitor the installation and maintenance of erosion and sedimentation controls throughout the construction project and perform periodic sweeps for amphibians to ensure that nearby wetlands are protected and amphibians are not trapped within the construction zone of the project.

d) Construction of the wireless telecommunications facility should be seasonally restricted from occurring between March 1 and May 15 to avoid construction activities and potential disturbance during the peak amphibian migration and breeding period. Access drive construction activities located more than 750 feet from the vernal pools need not be seasonally restricted from this period, excepting in-stream work associated with the bridge replacement previously described.

e) Any ruts or artificial depressions that could hold water created unintentionally by site clearing/construction activities should be properly filled in and permanently stabilized with vegetation to avoid the creation of decoy pools that could intercept amphibians moving towards the vernal pools.

f) The use of herbicides and pesticides at the proposed wireless telecommunications facility and along the proposed access drive should be restricted.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined worst-case radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated by Council staff to amount to 4.56% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state 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.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance, and management 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 management of a 170-foot monopole telecommunications facility at Wewaka Brook Road, Bridgewater, Connecticut.