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| **DOCKET NO. 456** – 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 located at Plymouth Tax Assessor Map 054/065/016A-1, 33 Keegan Road, Plymouth, Connecticut. | } | Connecticut |
| | } | Siting |
| | } | Council |
| | | July 9, 2015 |

## Opinion

On February 13, 2015, 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 a 140-foot monopole wireless telecommunications facility to be located at 33 Keegan Road in the Town of Plymouth, Connecticut. The purpose of the proposed facility is to replace an existing 180-foot Cellco telecommunications facility located at 42 South Street in Plymouth, approximately 0.35 miles west-northwest of the proposed site. The proposed site would allow Cellco to continue to provide reliable wireless service to Route 6, Route 262, and surrounding areas once the existing South Street facility is decommissioned.

The United States Congress recognized a nationwide need for high quality wireless services in part 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. 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.

The existing 42 South Street facility was approved by the Council in 1993 under Docket 156. Cellco assumed ownership of the facility and associated lease when it acquired Alltel Communications, the former Certificate Holder, in 2008. The existing lease expires at the end of 2018. Cellco attempted to renegotiate new lease terms with the landlord and extend the lease but could not reach an agreement. Under the lease terms and the Council's Docket 156 Decision and Order, Cellco would be required to remove the tower and all associated equipment from the 42 South Street site by the end of 2018. No other carriers would assume ownership of the lease or site. Although Cellco is required to remove the existing South Street tower by the lease expiration date, the Council will order that the South Street facility be removed within six months of the commencement of site operation of the proposed 33 Keegan Road facility.

The proposed site would provide reliable wireless service to a large portion of eastern Plymouth including the Route 6 and Route 262 areas. An analysis of Cellco's wireless service models indicates the proposed antenna height of 140 feet would offer comparable coverage to that of Cellco's existing installation on the South Street facility, where it is located at a tower height of 180 feet. Additionally, the shorter tower and lower ground elevation at the proposed site allows Cellco to effectively manage overlapping wireless service with existing surrounding Cellco sites, particularly in the Thomaston area to the west.

Although no other telecommunications carriers intervened in the proceeding, Cellco indicated that MetroPCS, a current tenant at the South Street facility, intends to locate on the proposed tower at 130 feet. New Cingular Wireless PCS LLC (AT&T), while not on the existing South Street tower because that tower is not structurally adequate to support its equipment, intends to locate on the proposed tower at 120 feet.

Considering at least Cellco's, MetroPCS's and AT&T's need for a tower in order to maintain wireless services in the area once the existing South Street tower is removed, the Council finds a need for the proposed facility.

The 140-foot monopole and associated compound would be located on a 12.4 acre parcel located at 33 Keegan Road. The wooded parcel is zoned residential and is located in a rural residential area of Plymouth. The tower site is at the top of a ridge on the western portion of the parcel, approximately 400 feet from Keegan Road and 400 feet from the nearest property not owned by the lessor. Other more interior areas of the parcel are not suitable for a tower site due to steep slopes, rough terrain, and a low ground elevation.

Cellco would construct a gravel access drive extending east from Keegan Road to the proposed tower site. Originally, Cellco designed a 525-foot access drive to extend perpendicular from Keegan Road, cutting through a steep embankment that fronts Keegan Road. This design would require lengthy retaining walls to stabilize steep side slopes against the abrupt, 45-degree embankment. Also, to control stormwater, drainage swales were originally proposed between the access drive and the base of the retaining walls. This design could be problematic if the swales filled with debris, causing stormwater to be diverted over the road surface. Other access routes to avoid the embankment were not possible as the landlord did not want access extending through his abutting property at 41 Keegan Road, and a route from 55 Keegan Road was deemed not viable as it would pass through a wetland area, creating additional environmental impact.

In response to the Council's concerns regarding the proposed access drive, on May 8, 2015 Cellco submitted a design for an alternative access drive. It would angle upward along the edge of the embankment at a 20-degree slope before turning eastward to the tower site over moderate terrain. Side slopes in the embankment area would be controlled using rip-rap and a much shorter retaining wall. A preliminary stormwater control plan includes the use of rip-rap for steep 2:1 side slopes, drainage swales along the access drive, and a new catch basin at the base of the access drive that would tie into the Town's stormwater sewer system on Keegan Road. Final stormwater control details would be provided in the Development and Management Plan for the project. The new design would also require removing fewer trees with a minimum diameter of six inches at breast height: the number would decrease from 55 to 28. The Council finds the alternative access drive preferable as it is approximately 100 feet shorter in length, reduces the construction of costly retaining walls, allows for better management of stormwater, and reduces the amount of tree clearing.

Utility connections would be routed underground within the access drive from a utility pole on Keegan Road. Cellco and AT&T each propose to install separate emergency power generators for their own use. MetroPCS does not intend to have emergency backup power.

No wetlands are located on the site property. The nearest wetland, consisting of an unnamed perennial stream, is located 130 feet west of the property. The proposed site is in proximity to known records of the eastern box turtle, wood turtle, and whip-poor-will, all State species of special concern. In accordance with Department of Energy and Environmental Protection recommendations, Cellco would implement a Turtle Protection Program to protect both turtle species, and implement a no construction restriction from May 1 to July 31 to protect potential whip-poor-will nests.

The State Historic Preservation Office reviewed the project and determined the tower would have no adverse effect on resources listed on or eligible for the National Register of Historic Places (NRHP) as long as the tower is painted to match adjacent materials. Although the proposed tower is 0.75 miles south of the Plymouth Center Historic District, an area listed in the NRHP, the tower would not be visible from the district. The existing South Street tower is visible from portions of the district.

The tower's visibility in the area would be limited somewhat by the existing woodland on the parcel. Most views of the facility would be from roadways and open areas along adjacent ridgelines within a half-mile of the site. Approximately 11 residences within a half-mile radius of the site would have views of the upper portion of the tower. During the hearing, the Council inquired about the suitability of designing the tower as a monopine, but upon further review, the Council finds that a monopine would appear bulky and more prominent than a monopole, especially in areas where the tower extends well above the tree canopy.

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 levels of the proposed antennas operated by Cellco, AT&T and MetroPCS would be 55.2 percent of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, as measured at the base of the tower. This percentage is 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, maintenance and operation of the proposed telecommunications facility with the alternative access drive design, 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 operation of a 140-foot monopole telecommunications facility, with the alternative access drive, at 33 Keegan Road in Plymouth, Connecticut.