

<p>DOCKET NO. 458 – Florida Tower Partners LLC d/b/a } North Atlantic Towers Application for a Certificate of } Environmental Compatibility and Public Need for the } construction, maintenance, and operation, of a } telecommunications facility at one of two locations at Bethel Tax } Assessor’s Map 65, Block 57, Lot 122, 62-64 Codfish Hill Road, } Bethel, Connecticut.</p>	<p>Connecticut Siting Council September 17, 2015</p>
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Opinion

On March 19, 2015, Florida Tower Partners LLC d/b/a North Atlantic Towers (NAT) 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 wireless telecommunications facility to be located at one of two locations at 62-64 Codfish Hill Road in Bethel, Connecticut. The purpose of the proposed facility is to provide reliable wireless service in the eastern section of Bethel and western section of Newtown. The intervenors in this proceeding are Cellco, which would locate at the proposed facility, and the Codfish Hill Environmental Trust.

The proposed sites were initially developed by NAT in collaboration with New Cingular Wireless PCS, LLC (AT&T) who intervened in the proceeding but withdrew its intervenor status due to business reasons. Initially, NAT and AT&T separately established search areas for a facility in the eastern Bethel - western Newtown region in 2010, and subsequently worked together to find a suitable location for a telecommunications facility. Properties were examined within the search area that could support a telecommunications tower. The property selection process included an analysis of the properties’ physical characteristics as well as an evaluation of radio frequency performance from the property. If a parcel was determined to be suitable for a telecommunications tower, the land owner has to be willing to negotiate a lease. Besides the host property, NAT/AT&T examined 13 other properties for a telecommunications facility, including locations recommended by the Town of Bethel, but none of these other locations were feasible. Cellco intervened after the application was filed with the Council, stating that either proposed site would meet its wireless service needs.

The proposed sites are located on a 49-acre residentially-zoned parcel at 62-64 Codfish Hill Road. The property, located on the north side of Codfish Hill Road, consists of a mix of woodlands, wetlands and old fields. The property owner’s residence is located on the parcel, adjacent to Codfish Hill Road.

Proposed Site 1 is located in a wooded area on the eastern portion of the parcel. NAT would construct a 120-foot monopole and an associated 75-foot by 75-foot equipment compound in this location. The nearest property boundary from the proposed tower is approximately 330 feet to the south. There are 15 residential dwellings within 1,000 feet of the site and the property owner’s residence is located approximately 1,120 feet south of the site.

Proposed Site 2 is located in a more central area of the property, in a wooded area adjacent to an old field. NAT would construct a 150-foot monopole and an associated 75-foot by 75-foot equipment compound in this location. The nearest property boundary from the proposed tower is approximately 475 feet to the southeast. There are 10 residential dwellings within 1,000 feet of the site and the property owner’s residence is located approximately 610 feet south of the site.

Access to both sites begins at the paved driveway serving the property owner's residence along Codfish Hill Road. From the residence, the access drive to both sites would generally follow an existing dirt road through wooded areas on the property, with the longer access drive to Site 1 cutting across a field area. The dirt road would be re-graded, widened to 12 feet and surfaced with gravel. The Site 1 driveway would be 1,650 feet long whereas the Site 2 driveway would be 860 feet long. Utility connections would be routed underground within the access drive, originating from a utility pole on Codfish Hill Road. In the event of a power outage, Cellco would rely on a diesel-fueled emergency power generator installed within its equipment shelter to provide up to 68 hours of power before the generator would need refueling.

As for Cellco's wireless service needs, Cellco currently operates four facilities that provide service to portions of the eastern Bethel - western Newtown area; however, Cellco, through radio frequency propagation modeling demonstrated a need to provide wireless service to several existing service gaps in the area and has presented a need to offload capacity from adjacent sites created by high volumes of customer data traffic. At either proposed site, Cellco would deploy 700 MHz (long-term evolution - LTE) and 2100 MHz (advanced wireless service - AWS) services. Both the 700 MHz and 2100 MHz frequencies would provide LTE data and voice services. Cellco would also install antennas capable of providing 850 MHz and 1900 MHz equipment to provide Code Division Multiple Access (CDMA) voice and data services. Cellco would need an antenna height of 120 feet at proposed Site 1 and 150 feet at proposed Site 2 to meet wireless service objectives.

Either of the proposed sites would meet Cellco's objectives by providing reliable 700 MHz and 850 MHz wireless service to identified service gaps on Route 302, Route 58, Old Hawleyville Road, Plumtrees Road and surrounding areas. Necessary service would also be provided for the 1900 MHz and 2100 MHz networks but some service gaps would still remain after deployment due to the limited range of these frequencies. The proposed facility would also provide capacity relief to Cellco's adjacent sites, particularly to the 700 MHz alpha sector at Cellco's 38 Spring Hill Road, Bethel facility which has already reached capacity. After reviewing the record, the Council finds a need for wireless service in the area that would be served by the proposed facility.

Cellco would install an equipment shelter within the compound. Noise from the equipment shelter's air conditioning units would comply with State noise control criteria. The Site 2 location would have less of a noise impact to area receptors than Site 1 as it is more centrally located on the parcel.

Development of either site would require the removal of a similar amount of trees with a diameter of six inches or greater at breast height: 67 trees for Site 1 and 63 trees at Site 2. NAT could reconfigure the proposed Site 1 access drive to avoid the removal of five large trees adjacent to an old field area.

The host property is proximate to known records of the eastern box turtle and the wood turtle, both State listed species of special concern. NAT would implement a Turtle Protection Program for both species that includes Department of Energy and Environmental Protection recommended construction practices to reduce the potential for construction related impacts to turtle populations that may occur in the vicinity of the site.

Five wetlands were identified on the host property, generally located within wooded areas between the old field areas. None of the wetlands exhibited vernal pool characteristics. The access drives to both sites would pass within 85 feet of wetland resources. The Site 1 compound development area is approximately 180 feet south of the nearest wetland whereas the Site 2 development area is approximately 50 feet north and southeast of the nearest wetland areas. There is no significant difference in regards to construction related impact between the two proposed sites. To protect wetland resources during construction, NAT would implement and maintain appropriate soil erosion and sedimentation control measures in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*.

Although the proposed facilities comply with the United States Fish and Wildlife Service guidelines for minimizing the potential for telecommunications towers to impact bird species, site construction would require the removal of trees and mature vegetation that could support breeding birds protected by the federal Migratory Bird Treaty Act. To reduce the potential of disturbance to breeding birds, the Council will order that tree clearing activities not occur from April 15 through July 15.

The State Historic Preservation Office reviewed the project and determined that development of either site would have no effect on historic properties or cultural resources. There are no properties or districts listed on the National Register of Historic Places within a half-mile of the site property.

The visual impact of both sites is similar as both proposed sites are located within mature wooded areas on the parcel that serve to screen the facility from near view areas. Visibility modeling of areas within two-miles of each site indicates Site 1 would be visible year-round from 77 acres and seasonally visible from an additional 321 acres. Site 2 would be visible year-round from 139 acres and seasonally visible from an additional 264 acres. Although the Site 1 location has less of a land area with year-round visibility than Site 2, it would be visible year-round within three quarters of a mile from 12 more residences than Site 2. During the hearing, the Council inquired about the suitability of designing the tower as a monopine, but upon further consideration, the Council finds that a monopine would appear bulky and more prominent than a monopole, especially when viewed from areas where the tower extends well above the tree canopy.

After reviewing Cellco's wireless service needs and the environmental and visibility impacts of both proposed sites, the Council finds Site 2 preferable as it is more centrally located on the parcel, a location recommended by the Town during the pre-application municipal consultation process, offering more screening from a majority of the surrounding roads and residential areas surrounding the parcel than Site 1. Site 2 is also closer and more visible to the property owner's residence than Site 1. Development of Site 2 would also minimize disturbance to the property as it requires a shorter access drive and avoids disturbance to the woodland and adjacent wetlands on the east side of the property.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the worst-case radio frequency power density levels of Cellco's proposed antennas would be 17.4 percent of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, as measured at the base of the Site 2 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 proposed 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 at proposed Site 2, 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 150-foot monopole telecommunications facility at Site 2 at 62-64 Codfish Hill Road, and deny the certification of Site 1.