



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

10 Franklin Square
New Britain, Connecticut 06051
Phone: (860) 827-2935
Fax: (860) 827-2950

November 22, 1996

David S. Malko, P.E. Manager
Engineering & Regulatory Services
Bell Atlantic NYNEX Mobile
20 Alexander Drive, P.O. Box 5029
Wallingford, CT 06492

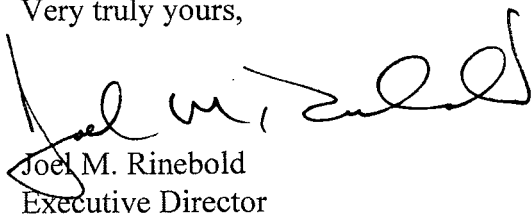
RE: DOCKET NO. 175 - Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a cellular telecommunications facility at the Groton Police Department, Groton Long Point Road, Groton, Connecticut.

Dear Mr. Malko:

By its Decision and Order dated November 21, 1996, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility located at the Groton Police Department, Groton Long Point Road, Groton, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,



Joel M. Rinebold
Executive Director

JMR:FOC:mmmb
Enclosures (4)

c: Council Members
Kenneth C. Baldwin, Esq.



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

10 Franklin Square
New Britain, Connecticut 06051
Phone: (860) 827-2935
Fax: (860) 827-2950

November 22, 1996

TO: Parties and Intervenors

FROM: Joel M. Rinebold, Executive Director

RE: DOCKET NO. 175 - Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a cellular telecommunications facility at the Groton Police Department, Groton Long Point Road, Groton, Connecticut.

By its Decision and Order dated November 21, 1996, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a cellular telecommunications facility located at the Groton Police Department, Groton Long Point Road, Groton, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

JMR:FOC:mmmb
Enclosures (4)

c: Council Members
State Library



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

10 Franklin Square
New Britain, Connecticut 06051
Phone: (860) 827-2935
Fax: (860) 827-2950

November 22, 1996

TO : Classified/Legal Supervisor
The Day Publishing Co.
47 Eugene O'Neill Drive
Box 1231
New London, CT 06320-1231

FROM: Stanley J. Modzelesky, Executive Secretary

A handwritten signature in dark ink, appearing to read "SJM", written over the printed name of Stanley J. Modzelesky.

RE: DOCKET NO. 175 - Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a cellular telecommunications facility at the Groton Police Department, Groton Long Point Road, Groton, Connecticut.

Please publish the attached notice as soon as possible, but not on a Saturday, Sunday, or holiday.

Please send an affidavit of publication and invoice to my attention.

SJM:FOC:mmmb
Enclosure



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

10 Franklin Square
New Britain, Connecticut 06051
Phone: (860) 827-2935
Fax: (860) 827-2950

NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on November 21, 1996, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving Docket No. 175, an application of Celco Partnership d/b/a Bell Atlantic NYNEX Mobile for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a cellular telecommunications facility at the Groton Police Department, Groton Long Point Road, Groton, Connecticut. The application record is available for public inspection in the Council's office, 10 Franklin Square, New Britain, Connecticut.

DOCKET NO. 175 - An application of Cellco }
Partnership d/b/a Bell Atlantic NYNEX }
Mobile for a Certificate of Environmental }
Compatibility and Public Need for the }
construction, maintenance, and operation of a }
cellular telecommunications facility at the }
Groton Police Department headquarters, }
Groton Long Point Road, Groton, Connecticut.

Connecticut

Siting

Council

November 21, 1996

FINDINGS OF FACT

INTRODUCTION

1. Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile (BANM) in accordance with provisions of General Statutes §§ 16-50g through 16-50aa applied to the Connecticut Siting Council (Council) on June 13, 1996, for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, operation, and maintenance of a telecommunications facility in the Town of Groton, Connecticut. The purpose of the facility would be to expand and improve cellular service in the Town of Groton and New London, New England County Metropolitan Area (NECMA). (BANM 1, Section I, pp. 1 and 2)
2. Public notice of the application, as required by General Statutes § 16-50l (b) was published in The New London Day on June 11 and 12, 1996. (BANM 1, p. 5, and Tab 5; BANM 2)
3. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on the application September 16, 1996, beginning at 3:30 p.m., and reconvening at 7:00 p.m., in the Lower Meeting Room, Groton Town Hall, Groton, Connecticut. (Council Hearing Notice; Transcript, September 16, 1996, 3:30 p.m. (Transcript 1) and 7:00 p.m. (Transcript 2))
4. The Council and its staff made an inspection of the proposed tower site on September 16, 1996. (Council Hearing Notice)
5. Springwich Cellular Limited Partnership is an intervenor in this proceeding. (Transcript 1)

BACKGROUND

6. On May 20, 1993, the Council ruled that BANM would not require a Certificate to temporarily attach antennas to an existing 110-foot town-owned tower and to house radio equipment in the Groton Police Department building. This was the first phase of an agreement between BANM and the Town of Groton for the development of an upgraded telecommunications tower at the Town of Groton Municipal Services Complex (Town Complex). (BANM 1, Tab 2, pp. 4, and 5; Council Administrative Notice No. 6, Petition No. 350, p. 6 and Exhibit E)
7. In October 1993, the Town of Groton Planning Commission and Town Council were both in favor of leasing Town property to BANM for the construction of a new telecommunications tower and new addition to the Groton Police Department building. The Town Council noted that the proposed agreement would enhance town radio transmission, provide additional space for the police dispatch center, and generate a source of revenue for the town. In December 1993, the Representative Town Meeting accepted a resolution to authorize the Town Manager to lease Town property to BANM for the

development of the proposed telecommunications facility. (BANM 1 Tab 2, p. 9; Petition No. 350, pp. 7 and 8)

8. On March 12, 1996, the Town of Groton Planning Commission approved site plans for a new 50-foot by 78.8-foot building addition to the Groton Police Department building at the Town Complex. (BANM 3)
9. On March 28, 1996, the Council ruled that a BANM proposal to construct a new 148-foot self-supporting lattice tower and remove a 50-foot guyed tower, adjacent to an existing 110-foot self-supporting lattice tower to the Groton Police Department building, and remove antennas from the roof of the Police Department building might have a substantial environmental effect and therefore would require a Certificate. (BANM 1, pp. 2, 21, and 22, Tab 2, pp. 5 and 9; Council Administrative Notice No. 6, Petition No. 350)

NEED

10. The Federal Communications Commission (FCC) has determined that there is a public need for cellular service, and applicants for cellular facilities are not required to demonstrate a general public need for cellular service to state regulators. The FCC has also pre-empted state regulation of cellular telephone service in the areas of technical standards and market structure. (BANM 1, pp. 6-8; BANM Administrative Notice No. 1, Docket No. 126, Findings of Fact, No. 8)
11. To encourage development of competitive cellular service nationwide, the FCC issued two licenses for cellular service at the wholesale level in each market area. Pursuant to FCC authorization BANM is the non-wireline cellular service provider in the Fairfield County, New Haven, Hartford, and New London NECMAs and the Windham Rural Service Area. Springwich Cellular Limited Partnership (Springwich) is the wireline carrier for cellular service in the State of Connecticut. (BANM 1, pp. 6-8; BANM Administrative Notice No. 1, Docket No. 126 Findings of Fact, No. 10)
12. The Federal Telecommunications Act of 1996 further emphasizes and expands the FCC's determination of a nationwide public need for high quality wireless communications services, including cellular service. This act seeks to promote competition and reduce regulation to encourage technical innovation and foster lower prices for wireless customers. (BANM 1, p.6)
13. The purpose of the proposed tower is to replace the existing cell site at the Town Complex to improve coverage, enhance portable telephone coverage along U.S. Route 1 and Interstate 95, and to improve the site's capacity to off-load traffic from existing adjacent BANM cell site facilities in Stonington, North Stonington, Montville, and New London. (BANM 1, p.8, Tab 2, p. 10)
14. The existing cell site consists of 18 channels operating on two, six-foot omni-directional transmit/receive whip antennas. The proposed tower would support three sectors, each sector operating 18 channels on 12 directional transmit/receive panel-type antennas. Sectoring the Groton site would increase off-loading capability and limit interference with adjacent cell sites including those operating on Long Island, New York. (BANM 1, Tab 1, p. 1; Tr. 1., pp. 12-14)

CELLULAR COVERAGE

15. A cellular system service area consists of an overlapping arrangement of transmit/receive stations known as cell sites. Cell site transmissions must conform to FCC standards regarding coverage, interference, and radiated power. This system design allows for the configuration of cell sites so that the same frequencies can be used at the same time in different cells (frequency reuse) and to provide uninterrupted service throughout a service area (hand-off). (BANM 1, p. 9; BANM Administrative Notice No. 1, Docket No. 126 Findings of Fact, No. 12)
16. BANM uses signal threshold levels of -75 decibels (dbm) to provide acceptable service to hand held portable telephones and -90 dbm for mobile telephones. Springwich uses a signal threshold of -85 dbm for acceptable coverage. (BANM 1, Tab 3; Springwich 1, Q. 1; Tr. 1, pp. 14 and 15)
17. At a coverage level of -90 dbm, with the existing Groton facility in operation, BANM experiences a 1.5 mile coverage gap along Interstate 95, a 1.0 mile coverage gap along U.S. Route 1, 2.5 mile coverage gap along Route 27, a 1.5 mile coverage gap along Route 117, and a 3.0 mile coverage gap along Route 184 in the north and east Groton area.

Existing Coverage from the 110-foot tower within a five mile radius.

Routes	Covered Miles		Uncovered Miles		Total Miles
	≥-75 db	≥-90 db	≤75 db	≤90 db	
95	0.50	9.00	10.00	1.50	10.50
1	4.00	14.00	11.00	1.00	15.00
27	0.00	0.00	2.50	2.50	2.50
184	0.00	5.00	8.00	3.00	8.00
117	0.00	4.00	5.50	1.50	5.50
215	1.75	4.00	2.25	0.00	4.00
Total	6.25	36.00	39.25	9.50	45.50

(BANM 1, Tab 3)

18. At a coverage level of -90 dbm, with the proposed Groton facility in operation, BANM would experience a 1.5 mile coverage gap along Interstate 95 and a 0.5 mile coverage gap along U.S. Route 1, 1.75 mile coverage gaps along Routes 27 and 184, and a 0.75 mile coverage gap along Route 117 in the north and east Groton area.

Proposed Coverage from a 148-foot tower with a five mile radius.

Routes	Covered Miles		Uncovered Miles		Total Miles
	≥-75 dbm	≥-90 dbm	≤-75 dbm	≤-90 dbm	
95	1.50	9.00	9.00	1.50	10.50
1	5.00	14.50	10.00	0.50	15.00
27	0.00	0.75	2.50	1.75	2.50
184	0.00	6.25	8.00	1.75	8.00
117	0.75	4.75	4.75	0.75	5.50
215	2.00	4.00	2.00	0.00	4.00
Total	9.25	39.25	36.25	6.25	45.50

(BANM 1, Tab 3; Tr. 1, pp. 16-18)

19. Based on analysis of propagation from the proposed tower and existing coverage, BANM would still need a new cell site between northeast Groton and western Stonington. (BANM 1, Tab 3; Tr. 1, pp. 18-20)
20. Springwich presently shares the existing Groton Police Department tower with their antennas mounted at the 50-foot level of the tower. The increase in antenna height would provide additional cellular coverage for Springwich within the Groton area. (BANM 1, pp. 3 and 12, Tab 1, p. 9; Springwich 1, Q. 1; Tr. 2, p. 5 and 6)
21. Without a Groton site, Springwich would experience significant gaps in coverage in the Groton Long Point/Mystic area. The existing Groton site provides some coverage but has quarter-mile gaps in coverage along U.S. Route 1 and along Interstate 95 east and north of the site; it also has limited coverage in the Mystic area. The proposed tower would provide additional coverage, but would not fully cover these gaps in coverage. (Springwich 1, Q. 1)

PROPOSED PRIME SITE

22. The proposed site is a leased 40-foot by 60-foot parcel located approximately 250 feet east of Groton Long Point Road and immediately south of the planned Groton Police Department addition. The leased parcel is on the northerly portion of a 37.6± acre Town Complex located off Groton Long Point Road, Groton, Connecticut. The Town Complex consists of the Groton Police Department, the Groton Public Works Department garage and maintenance facility, a town-operated recycling facility, and a dog pound. (BANM 1, p. 12, Tab 1, pp. 1, 3, 4, and 11; Council Administrative Notice No. 6 Petition No. 350, Site Plan Attachment)
23. The topography of the Town Complex slopes down from a ground elevation of 200 feet above mean sea level (amsl) from the north portion of the property to 140 feet amsl at the south portion of the property. The site elevation is 170 feet amsl. The proposed leased area slopes 20 percent to the south away from the Police Department parking area. Minimal clearing would be required except for a single six-inch tree within the leased parcel which would be relocated elsewhere on the complex. BANM

proposes to construct a retaining wall and back fill the site to maintain a relative level grade around the tower base. (BANM 1, Tab 1, p. 4; Council Administrative Notice No. 6 Petition No. 350, Site Plan Attachment, Tr. 1, p. 28)

24. No wetlands or watercourses are within the leased area. The nearest wetland is approximately 650 feet to the southeast. BANM would install erosion and sedimentation controls, consistent with the Connecticut Guidelines for Soil Erosion and Sediment Control, prior to the start of construction, protecting areas down slope of the proposed site. (BANM 1, p. 20, Tab 1, pp. 4 and 11, and Bulk File 2, Inland Wetlands and Watercourse Map; Tr. 1 pp. 27 and 28)
25. An existing driveway and parking area at the Town Complex would serve as a vehicle access to the proposed tower site. (BANM 1, p. 14, Tab 1, pp. 3-5)
26. The Town Complex property and proposed leased area is zoned RS-20. The Town Zoning Regulations specifically prohibit the development of commercial broadcast antennas in this zone. Services of the Town of Groton are permitted in this zone as a matter of right, subject to applicable RS-20 restrictions, which include towers occupying not more than an aggregate ten percent of the building area and not used for human occupancy, erected to a reasonable and necessary height as determined by the Zoning Commission. (BANM 1, Bulk File 1, Town Zoning Regulations and Map)
27. Land use adjacent to the Town Complex is mixed development within R-12, RS-20, and RU-20 residentially zoned districts. To the west of the Town Complex is Saint Mary's Church and the Robert E. Fitch Senior High School. To the north of the Town Complex is two residential dwellings, additional town-owned land, and a 92.5-foot cylindrical water tower owned and operated by the City of Groton. To the south of the Town Complex is residential development, and to the east is undeveloped woodland. (BANM 1, p. 18, Tab 1, p. 5)
28. There are four houses located within 1,000 feet of the proposed tower. The closest house is approximately 375 feet northwest of the proposed tower. Also, located within 1,000 feet of the proposed cell site is the Town's Public Works Department and Police Department, Saint Mary's Church and an accessory church building. (BANM 1, Tab 1, p. 13; BANM 6, Q. 1)

PROPOSED FACILITY

29. BANM proposes to construct a 148-foot, self-supporting steel lattice tower measuring approximately 22 feet between three leg bases tapering to approximately five feet at the top. BANM would mount twelve, 52-inch by 12-inch panel-type directional antennas on side arms with the center line of radiation at 146 feet. BANM's radio equipment would be stored in a 20-foot by 30-foot room within the new Groton Police Department addition. The tower would be surrounded by an eight-foot high, chain link, security fence. The 40-foot by 60-foot compound would be .14 percent of the 37.6 acre parcel. (BANM 1, p. 12 and 13, Tab 1, pp. 1, 4, 6, 8, 9, and 11; Tr. 2, pp. 5 and 6)
30. The Town of Groton proposes to relocate antennas from the top of the Police Department building roof, and from the existing 50-foot tower to the existing 110-foot tower and proposed tower. The Town has not determined the number and type of antennas to be transferred to the proposed tower and the existing 110-foot tower. Following relocation of Town antennas from the 50-foot tower, this tower

would be removed. (BANM 1, pp. 3, 17, and 21; Council Administrative Notice No. 6 Petition No. 350, pp. 4, 5, 8 and 9)

31. Springwich would mount panel-type directional antennas with the center line radiation at the approximate 125-foot level of the proposed tower. Springwich would locate its radio equipment in a room of the new Groton Police Department addition. (BANM 1, p. 12, Tab 1, p. 11; Tr. 2, pp. 5 and 6)
32. The tower would be designed to Electronic Industries Association, EIA-RS-222E, specifications to withstand 90 mile per hour winds with a one-half inch solid ice accumulation. (BANM 1, Tab 1, p. 6)
33. The proposed tower would be constructed by BANM with ownership of the tower reverting to the Town of Groton upon completion of construction. BANM, Springwich, and the Town of Groton would be co-users of the tower. (BANM 1, pp. 3, and 21; Tr. 1, pp. 45 and 61)
34. The tower's fall zone would remain within the Town Complex property. The Police Department building including the new addition, the existing 110-foot tower, a portion of the Town's recycling center, and a parking area behind the police department building would be within the tower's fall zone. (BANM 1, Tab 1, pp. 2 and 11; Council Administrative Notice No. 6 Petition No. 350, Site Plan Attachment)
35. The Federal Aviation Administration (FAA) determined the proposed 148-foot tower would not be a hazard to air navigation provided the structure is obstruction marked and lighted. The FAA would not approve an overall tower height greater than 148 feet because of the proximity to the Groton-New London Airport approximately 1.5 nautical miles southwest from the proposed tower. BANM proposes dual lighting (white medium intensity strobes by day and red obstruction by night) in accordance with FAA Advisory Circular AC 70/7460-1H. The existing 110-foot tower is currently lighted at the top with a red light 24 hours a day. (BANM 1, pp. 13, 22, and 23; Tab 1, p. 8; Council Administrative Notice No. 6, Petition No. 350, Exhibit G; Tr. 1, pp. 30 and 31; Tr. 2, p. 9)
36. Electric and telephone utilities would be independent of the existing service to the Police Department building. These utilities would be placed underground from Groton Long Point Road on the south side of new building addition. A new electric transformer would be installed near BANM's equipment room. (BANM 1, p. 14, Tab 1, pp. 1 and 5; BANM 6, Q. 6)
37. Construction of the Groton Police Department building addition and new tower would commence immediately upon affirmative approval for this project. (BANM 1, p. 23, Tab 1, p. 7)

ALTERNATIVES

38. An 80-foot tower owned by a local amateur radio organization, and a 50-foot and 110-foot tower owned by the Town are located within the Town Complex. BANM and the Town discussed the option of consolidating all the antennas onto one tower, but the Town was not in favor of putting all the equipment on one structure because of the possibility of interference, complex lease arrangements, and the overall height of the tower was limited to 148 feet by the FAA. (BANM 1, pp. 2 and 13, Tab 2, pp. 6 and 7; Council Administrative Notice No. 6 Petition No. 350; Petition No. 350, Response to Council Interrogatory No. 1)

39. An existing 92.5-foot cylindrical water tank is located approximately 1,300 feet north of the proposed Town Complex at an elevation of 227.5 feet amsl, with the top of the tank at 320 feet amsl. The top of the water tank would be at the same level as the proposed tower above mean sea level. The Town preferred that BANM upgrade the existing telecommunications site at the Groton Police Department. There are no other existing towers or other structures of adequate height to provide adequate mobile and portable telephone coverage in the Groton area. (BANM 1, pp. 11 and 12; Tab 1, p. 10, Tab 2, pp. 6 and 7; Council Administrative Notice No. 6 Petition No. 350; Petition No. 350, pp. 5 and 6)

HEALTH EFFECTS

40. BANM measured power densities at the Town Complex twice on September 10, 1996. The readings are expressed as a percentage of the American National Standard Institute (ANSI) standard for uncontrolled environments and represent power density across the entire radio spectrum.

Location	Average	Peak
Base of Tower No. 1	5.0%	24.0%
Base of Tower No. 2	4.5%	22.0%
Base of Tower No. 3	3.5%	11.0%
Inside Dispatch CTR.	6.0%	23.0%

(BANM 6, Q. 8; Tr. 1, pp. 40-43)

41. The ANSI standard for cellular frequencies, 870 to 880 megahertz, used by cellular telephone is 0.583 milliwatts per centimeter squared (mW/cm^2) which has been adopted by the State of Connecticut as the State standard pursuant to General Statutes § 22a-162. Using FCC guidelines in OST Bulletin No. 65, the electromagnetic radio frequency power density at the base of the proposed tower, with all antennas transmitting simultaneously on all channels at full power, would be as follows:

Co-user	Power Density - mW/cm^2	Percent of ANSI Standard
BANM	0.032	5.5
Springwich	0.037	6.3
Town of Groton	unknown	unknown

The Town would be a co-user of the proposed tower; however, a total power density analysis can not be determined until a comprehensive antenna configuration can be finalized by the Town. (BANM 1, pp. 16 and 17; Tab 1, p. 12; OST Bulletin No. 65, Evaluating Compliance with FCC Specified Guidelines for Human Exposure to Radio Frequency Radiation, FCC, Office of Science and Technology, October 1985; IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 Ghz, approved by the American National Standards Institute, November 18, 1992; Tr. 1, p. 34)

ENVIRONMENTAL EFFECTS

42. The proposed tower would be visible from the intersection of U.S. Route 1 and Route 215 approximately 750 feet north of the proposed tower including a cemetery east of this intersection, but would be obscured farther east or west due to topography and trees. The tower would be visible through a clearing of trees from short sections of Crosswinds Drive approximately 4,500 feet southeast of the proposed tower. The tower would not be visible from Haley Farm State Park located approximately 3,750 feet south of the proposed site because of topography and trees. The existing 110-foot tower, the 92.5-foot water tank, and the proposed tower are visible from the Groton Long Point Road, and the Palmer Cove Bridge crossing approximately 8,500 feet south of the Town Complex. The proposed tower and the existing towers at the Town Complex would be visible from the church and high school both located across the street from the Town Complex. (BANM 1, Tab 1, pp. 13-21, Bulk File 1; BANM 7; Tr. 1, pp. 25-27)
43. The Groton Plan of Development has identified the view from Fort Hill at the intersection of U.S. Route 1 and Route 215 as a scenic resource. The Groton Police Department and existing towers at the Town Complex existed prior to the 1990 adoption of the Town Plan of Development. (BANM 1, Bulk File 3; Tr. 1, p. 23-25)
44. Noise emanating from the proposed facility would be temporary during construction, and thereafter when a heating, ventilation, and air conditioning system are operating. During normal operations, no water or air pollutants would be emitted from the physical structures on the site. (BANM 1,16, Tab 1, pp. 11 and 12)
45. There are no known extant populations of federal or State endangered, threatened, or species of special concern occurring at the proposed site. (Department of Environmental Protection letter dated July 8, 1996)
46. The proposed tower would have no effect on natural, historical, or recreational resources. (BANM 1, p. 16, Tab 1, p. 13)

COSTS

47. The estimated cost to construct the proposed facility is estimated as follows:

Radio equipment	\$322,800
Tower and antenna equipment	41,000
Power and common equipment	13,500
Equipment Room	20,000
Miscellaneous	105,000
TOTAL	<hr/> \$502,300

(BANM 1, p. 23)

DOCKET NO. 175 - An application of Celco Partnership d/b/a Bell Atlantic NYNEX Mobile for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility at the Groton Police Department headquarters, Groton Long Point Road, Groton, Connecticut.	} } } }	Connecticut Siting Council November 21, 1996
--	------------------	---

Opinion

On June 13, 1996, Celco Partnership d/b/a Bell Atlantic NYNEX Mobile (BANM) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) to construct, operate, and maintain a cellular telecommunications facility in the Town of Groton, Connecticut.

The public need for cellular telephone facilities has been determined by the Federal Communications Commission (FCC) which has declared a general public need for cellular 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 cellular telecommunications facilities in nearly all areas of the country. Under federal law, the Council's jurisdiction has been limited by the FCC to facility siting. Under Connecticut State law, the Council must determine siting by balancing the need to develop the proposed site as a telecommunications facility with the need to protect the environment, including public health and safety.

BANM proposes to construct a new 148-foot self-supporting, lattice tower south of the Groton Police Department building and 250 feet east of Groton Long Point Road. This site is in the northern portion of 37.6 acre parcel of property owned and operated by the Town of Groton as a Municipal Services Complex (Town Complex). The Town Complex consists of the Groton Police Department, the Groton Public Works Department garage and maintenance facility, a town-operated recycling facility, and a dog pound. Access to the proposed site would be along an existing drive and parking area to the Groton Police Department. Separate utilities would be brought in underground approximately 250 feet from Groton Long Point Road. The Town of Groton would become the owner of the proposed tower after construction, and would share space on the proposed tower with BANM and Springwiche Cellular Limited Partnership (Springwiche).

Since 1993, the Town of Groton and BANM have been negotiating terms for the construction of a new telecommunications tower at the Groton Police Department building. On March 12, 1996, the Town Planning Commission approved site plans for a 50-foot by 80-foot building addition to the Groton Police Department. This addition would provide more storage area to the Groton Police Department, and provide secure areas to locate BANM and Springwiche radio equipment.

Although an existing 110-foot lattice tower is being used by the Town of Groton, BANM, and Springwiche, gaps in cellular coverage still exist along U.S. Route 1, Interstate 95, and local roads in Groton. The proposed 148-foot lattice tower would increase antenna height up to 38 feet and expand coverage to the Town of Groton for all shared users on the proposed tower. Furthermore, BANM proposes to change the existing site from omni-directional to directional antennas allowing for increased capacity, hand-off capability between adjacent cell sites, and minimize interference with cell sites operating on Long Island, New York.

Due to the close proximity of the Groton-New London Airport, the proposed tower and appurtenances can not exceed 148 feet above ground level per Federal Aviation Administration (FAA) recommendations. The proposed tower would be lighted with a white medium strobe by day and red light by night in accordance with FAA guidelines. Presently, the existing 110-foot tower is lit with a red light 24 hours a day per FAA recommendations.

An 80-foot guyed tower, 50-foot lattice tower, and 110-foot lattice tower exist at the Town Complex. The applicant was unable to use these existing towers because neither tower is structurally sound enough to hold the proposed antennas and the tower heights would not provide optimal coverage. The Town has requested that the three towers not be consolidated because of potential interference, complex lease issues, and the FAA would not approve of a tower greater than 148 feet in height.

While visibility is a concern, the proposed site supports three existing structures and a 92.5-foot water tank located approximately 1,300 feet north of the proposed tower. With the construction of the proposed tower, the 50-foot lattice tower would be removed creating a zero net gain of towers on the Town Complex property. Furthermore, the scenic view south from Fort Hill, as identified in the Town of Groton Plan of Development at the intersection of U.S. Route 1 and Route 215, would not be impaired by the construction of the proposed tower, as the proposed tower would be east of the area identified as a scenic view.

Even though the proposed site and adjacent land use is zoned residential, mixed development including a water tank and municipal buildings surround the proposed site. Subsequently, we believe construction of the proposed tower would not significantly affect or alter existing land uses as established by the Town.

Electromagnetic radio frequency power density levels are a concern of the Council. In this proceeding, the applicant measured the radio frequency power densities at the base of the three existing towers and within the Groton Police Department building. The average and peak power densities for all frequencies operating at the Groton site are approximately 6 percent and 24 percent, respectively, of the 1992 American National Standards Institute standards, as adopted by the State and federal governments for radio frequency emissions. If federal or State standards change, we will require that this tower be brought into compliance with such standards. To confirm these measurements, we will order that the applicant recalculate or remeasure the power densities at the proposed site after the Town of Groton completes their placement of antennas on the proposed 148-foot tower and the existing 110-foot tower.

The Council denied a petition on this project to receive public comment on issues involving tower and antenna consolidation, visual effects, compatibility with adjacent land use, and public health and safety. We are now confident that this project is necessary, compatible with existing land use, and safe. Construction of the tower and installation of the utilities would involve disturbance of soil; therefore, we will order that the applicant install erosion and sediment controls consistent with Connecticut Guidelines for Erosion and Sediment Control, as amended, prior to the start of construction.

Based on the record in this proceeding, we find 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, we will issue a Certificate for the construction, operation, and maintenance of a telecommunications facility at the proposed Town Complex site located off Groton Long Point Road, Groton Connecticut.

DOCKET NO. 175 - An application of Celco Partnership d/b/a Bell Atlantic NYNEX Mobile for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility at the Groton Police Department headquarters, Groton Long Point Road, Groton, Connecticut.	} } } } }	Connecticut Siting Council November 21, 1996
--	-----------------------	---

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a cellular telecommunications tower at the proposed prime site in Groton, Connecticut, 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 and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Celco Partnership d/b/a Bell Atlantic NYNEX Mobile (BANM) for the construction, operation, and maintenance of a cellular telecommunications tower and associated equipment at the proposed site, located within a 37.6-acre parcel at the Town of Groton Municipal Services Complex, Groton Long Point Road, Groton, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as proposed, no taller than necessary to provide the proposed communications service, sufficient to accommodate the antennas of Bell Atlantic Nynex Mobile, Springwiche Cellular Limited Partnership and the Town of Groton, and not to exceed a height of 148 feet above ground level in accordance with Federal Aviation Administration recommendations.
2. The Certificate holder shall submit an erosion and sedimentation control plan as approved by the Town of Groton and consistent with the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
3. The Certificate Holder shall provide notice to the Council two weeks prior the commencement of tower construction, the commencement of operation, and the transfer of ownership of the tower to the Town of Groton.
4. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall provide the Council a recalculated report or measurement of electromagnetic radio frequency power density after the Town of Groton completes their transfer of antennas to the 148-foot and 110-foot towers.

6. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
7. If the facility does not initially provide, or permanently ceases to provide cellular services following completion of construction, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapplication for any continued or new use shall be made to the Council before any such use is made.
8. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within three years of the effective date of this Decision and Order or within three years after all appeals to this Decision and Order have been resolved.
9. The Certificate Holder shall notify the Council upon completion of construction and provide the final cost to construct the facility.

Pursuant to General Statutes § 16-50p, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in The New London Day.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

APPLICANT

Cellco Partnership d/b/a
Bell Atlantic NYNEX Mobile

ITS REPRESENTATIVE

Kenneth C. Baldwin, Esq.
Brian C. S. Freeman, Esq.
Robinson & Cole
One Commercial Plaza
Hartford, CT 06103-3597

Mr. David S. Malko, P.E.
Jennifer Young Gaudet, Manager -
Regulatory
Bell Atlantic NYNEX Mobile
20 Alexander Drive
Wallingford, CT 06492

INTERVENOR

Springwich Cellular Limited Partnership

ITS REPRESENTATIVE

Peter J. Tyrrell, Esq.
Springwich Cellular Limited Partnership
500 Enterprise Drive
Rocky Hill, CT 06067-3900



STATE OF CONNECTICUT

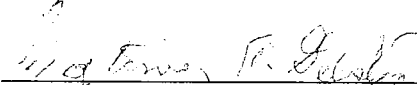
CONNECTICUT SITING COUNCIL

10 Franklin Square
New Britain, Connecticut 06051
Phone: (860) 827-2935
Fax: (860) 827-2950

CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 175

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council (Council) hereby issues a Certificate of Environmental Compatibility and Public Need to Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile, for the construction, operation, and maintenance of a cellular telecommunications facility located at the Groton Police Department, Groton Long Point Road, Groton, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on November 21, 1996.

By order of the Council,


Mortimer A. Gelston, Chairman

November 21, 1996

CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case, or read the record thereof, in Docket No. 175, and voted to approve this application of Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile and grant a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a cellular telecommunications facility at the Groton Police Department, Groton Long Point Road, Groton, Connecticut, as follows:


Council Members

Vote Cast

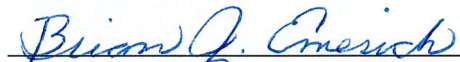


Mortimer A. Gelston
Chairman

YES

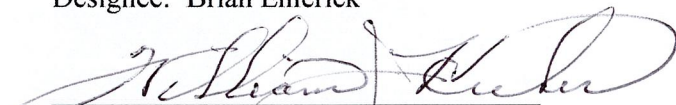

Commissioner Reginald J. Smith
Designee: Gerald J. Heffernan

YES

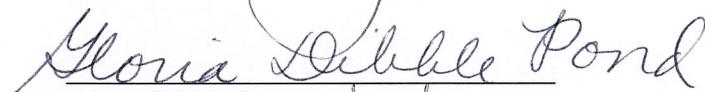


Commissioner Sidney J. Holbrook
Designee: Brian Emerick

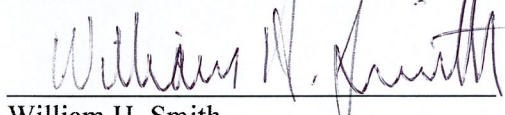
YES


William J. Huber

ABSTAIN


Gloria Dibble Pond

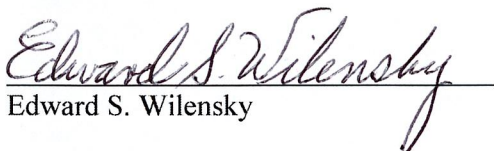
YES


William H. Smith

YES


Colin C. Tait

YES


Edward S. Wilensky

YES

Dana J. Wright

ABSENT

Dated at New Britain, Connecticut, November 21, 1996.

STATE OF CONNECTICUT)

ss. New Britain, Connecticut

COUNTY OF HARTFORD) November 22, 1996

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

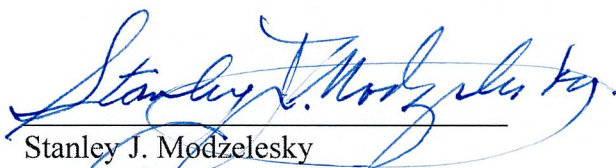
ATTEST:



Joel M. Rinebold
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 175 have been forwarded by Certified First Class Return Receipt Requested mail on November 22, 1996, to all parties and intervenors of record as listed on the attached service list, dated August 28, 1996.

ATTEST:



Stanley J. Modzelesky
Executive Secretary
Connecticut Siting Council

Date: August 28, 1996

Docket No. 175

Page 1 of 1

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Cellco Partnership d/b/a Bell Atlantic NYNEX Mobile, Inc.	Kenneth C. Baldwin, Esq. Brian C.S. Freeman, Esq. Robinson & Cole One Commercial Plaza Hartford, CT 06103-3597 (860) 275-8200 Mr. David S. Malko, P.E. Ms. Jennifer Young Gaudet Bell Atlantic NYNEX Mobile 20 Alexander Drive Wallingford, CT 06492 (203) 269-8858
Intervenor	Springwich Cellular Ltd. Partnership	Peter J. Tyrrell, Esq. Springwich Cellular Ltd. Partnership 500 Enterprise Dr., flr. 4 Rocky Hill, CT 06067-3900 (860) 513-7673