

An application of Metro Mobile CTS of New Haven, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a cellular telephone tower and associated equipment in the Town of North Haven, Connecticut.

Docket No. 117

Connecticut  
Siting  
Council

January 16, 1990

#### OPINION

On August 24, 1989, Metro Mobile CTS of New Haven, Inc., (Metro Mobile) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) to construct, maintain, and operate a cellular telecommunications tower and associated equipment, in the Town of North Haven, Connecticut.

A determination of public need for cellular telephone facilities has been pre-empted by the Federal Communications Commission (FCC). Under Connecticut State law, the Council must balance the need to develop the proposed site as a cellular telephone facility with the need to protect the environment, including public health and safety.

In finding a proposed tower site, an applicant must locate a site or existing tower to share, offering the necessary coverage that would not have a substantial effect on the environment, and be adequately distant from wetlands, public recreation areas, and adjacent homes. Because Metro Mobile does not have the authority to take land through eminent domain, acquisition of a site requires consent of the property owners to lease or sell the property. These requirements restrict the number of potential tower sites within defined search areas.

The proposed or alternate site would function as a secondary cellular facility, located near the intersection of three existing, primary cellular facilities in Hamden, North Branford, and Meriden, Connecticut. The projected future cellular service demand is expected to exceed the call-handling capacity of these three facilities. The proposed North Haven site would provide additional overlapping coverage between these cells for the continuous transfer of calls from New Haven to Meriden, from which there is presently inadequate coverage weak signals, and interference. The proposed and alternate sites would provide equal coverage and call handling capability throughout the area.

The proposed site would be developed in the rear of private property located at 289 Washington Avenue on land abutting and

east of railroad tracks and an electric transmission line running parallel with the tracks. The proposed 133-foot, self-supporting monopole tower and antenna structure would be located approximately 30 feet from the railroad track and 80 feet from the electric transmission line west of the proposed site. The fall zone of the tower would encompass the railroad track, the electric transmission line, and an auto repair office and garage located on adjacent property. A single-story equipment building, measuring 20 feet by 30 feet would be constructed on the site. Vehicle access to the proposed site would use an existing dirt drive through the owner's property. A utility easement through this property has been secured. Small shrubs, underlying vegetation, and about 20 to 25 trees, three inches to five inches in diameter would be cleared from the site and utility easement area. The current agreement with the land owner does not allow the relocation of the leased site within the owner's parcel.

The alternate site would be located on a parcel of land in the rear of the North Haven Shopping Center at 117 Washington Avenue. The 133-foot, self-supporting monopole tower and antenna structure would be constructed abutting a concrete ramp located on the west side of an existing building owned by the lessor. The tower base would be placed 85 feet from the adjacent railroad tracks and 100 feet from the electric transmission line. The fall zone of the alternate tower would encompass the railroad track, the electric transmission line, a portion of a abutting building's parking lot, and structures of the lessor's property. None of the existing structures on the abutting properties or the parking areas of the shopping center would lie within the proposed tower's fall zone. The facility's equipment would be installed in the adjoining building. Vehicle access to the cell site would be over existing shopping center parking lots. Existing overhead utilities at the site would be available to the facility. No vegetation would be cleared from the site.

Electromagnetic radio frequency power density is a health and safety concern of the Council. However, the power density level measured at the base of the proposed or alternate towers would be approximately 0.068 milliwatts per square centimeter ( $\text{mW}/\text{cm}^2$ ), well below the American National Standard Institute (ANSI) safety standard of  $2.92 \text{ mW}/\text{cm}^2$ , as adopted by the Connecticut Department of Environmental Protection as the State standard. The power density would rapidly decrease as distance from the tower increases.

Tower visibility is an issue of concern to people living near the site of a proposed cellular tower. There are two residences located within 1,000 feet of the proposed tower site with the nearest residence about 630 feet northeast of the site. Ten residences are located within 1,000 feet of the alternate site with the nearest residence about 700 feet southeast of the site. The visibility of the alternate tower would be mitigated by the buildings of the shopping center and a multi-story building to the northeast.

Consultation with North Haven town officials indicated a tower site should be located in an area zoned for industrial use. Both the proposed and alternate sites are located in industrially zoned areas with surrounding land comprising mostly industrial and commercial uses with some residential and open space use.

No wetlands or water courses exist at either site. No water flow and/or quality changes would be expected to result from the construction and operation of either the proposed or the alternate facilities.

There are no existing records of federally endangered or threatened species or Connecticut species of special concern occurring in the area of the proposed or alternate sites, according to the latest available information from the Connecticut Department of Environmental Protection Natural Resources Center. Construction of either facility would not have a significant effect on historic or archaeological resources listed on or eligible for the National Register of Historic Places.

The alternate facility would cost an estimated \$612,700 to construct, approximately \$108,300 less than the proposed facility.

Although both the proposed and alternate sites would have few environmental effects and would be suitable sites for the development of a cellular facility, the alternate site is superior because the tower fall zone would not intersect existing off-site buildings and would be visually less obtrusive due to its location behind the existing shopping center structures. Because the proposed site is industrially zoned, yet not fully developed, the placement of a tower and small equipment building on this site may result in the loss of an opportunity to develop the site further to its greatest potential. Clearly, the alternate site has been nearly fully developed and because placement of the tower at this site would not require the construction of an equipment building, the existing site would be more efficiently used.

Because construction costs of the alternate facility would be \$108,300 less than costs of the proposed facility, the price of cellular service to consumers could be lower.

In addition, although there is substantial testimony regarding the strength of the proposed monopole structure, the fall zone that extends onto an abutting property's structure at the proposed site could be avoided by selection of the alternate site.

Based on its record in this proceeding, the Council is of the opinion that the effects associated with the construction, operation, and maintenance of a cellular site and associated equipment at the alternate site, including the 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 would be less than the effects created by construction of the cellular facility at the proposed site. Construction of the facility at the alternate site would not be in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application.

The Council will require Metro Mobile to submit a Development and Management (D&M) plan for approval prior to the commencement of any construction at the proposed site or accessway. This D&M plan shall include detailed plans for site preparation including the specifications of the tower foundation.

TEF/bw

4008E1-3