

DOCKET NO. 137 - An application of Metro Mobile Connecticut
CTS of Hartford, Inc., for a Certificate of Siting
Environmental Compatibility and Public Need Council
for the construction, maintenance, and operation of cellular facilities in the Towns of East Hartford, South Windsor, and Windsor, Connecticut. November 14, 1990

OPINION

On May 17, 1990, Metro Mobile of CTS Hartford, Inc. (Metro Mobile), applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) to construct, operate, and maintain two cellular telecommunications towers and associated equipment in the Towns of East Hartford, South Windsor, and Windsor, 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 sites as cellular telecommunications facilities with the need to protect the environment, including public health and safety.

In finding a proposed tower site, an applicant must find a site or suitable tower to share, offering the desired coverage that would not have substantial effect on the environment and adjacent landowners. Because Metro Mobile does not have the power to take land through eminent domain, acquisition of a site requires consent of the property owners to either lease or sell land rights.

The proposed or alternate sites would be added to an existing cellular network grid to help eliminate the overload of calls between adjacent cell sites on the existing system. However, this added capacity to the existing cellular grid would not expand the existing coverage area, as licensed by the FCC.

The proposed East Hartford site would be located within an industrial zoned area approximately 605 feet south of 303 Burnham Street. The proposed East Hartford site is on level terrain with a small plantation of fruit and pine trees. A low-density residential area is adjacent to the site. Metro Mobile would construct a 100-foot monopole tower with six cellular antennas attached to the top adding 13 feet for an overall structure height of 113 feet above ground level (AGL). A fall zone of this tower would encompass three properties and a private road including Metro Mobile's equipment building and a small concrete building owned by the lessor. An access road

from Dolores Drive has been proposed by the applicant, however, the availability is not certain. The Town of East Hartford approved the construction of Dolores Drive but has not accepted the private road for public use. An alternate accessway over 600 feet from Burnham Road has been proposed but this would cause the removal of more trees if constructed. This alternate access would result in unnecessary construction since it would be parallel to Dolores Drive. In addition, the drainage rights and plans to relocate an existing drainage pipe that crosses Metro Mobile's leased parcel to Dolores Drive are provisional because of the uncertain status of Dolores Drive.

The alternate South Windsor site is within an industrially zoned area approximately 382 feet north of 190 Burnham Street. Metro Mobile would construct a 110-foot monopole tower with six cellular antennas attached to the top adding 13 feet for an overall structure height of 123 feet AGL. The fall zone of the alternate tower would encompass seven properties including a railway as well as the applicant's equipment building. However if the tower and building were moved within the leased parcel the number of properties within the fall zone could be reduced to five. Access to the alternate site would be along an existing driveway. The South Windsor alternate site is on level terrain within a previously disturbed area off the edge of a parking lot with some shrub growth. A stand of pine trees are located along the northern boundary of the leased parcel. If approved, we would require the applicant not to disturb these trees as they could provide screening for the alternate facility.

The Town of East Hartford is not in favor of the proposed tower location because of the visibility to a near by residential area. While the proposed East Hartford site is zoned industrial it does abut an area zoned residential and has some uncertainty where the access road would be constructed as well as the potential to impact a plantation of trees. On the other hand, the Town of South Windsor stated that the alternate tower would be consistent with existing landuses. Although the alternate tower is ten feet higher than the proposed tower, there is little difference in elevation relative to mean sea level and the taller tower would not substantially effect visibility or increase the quality of the applicant's service. Furthermore, we believe the alternate tower is more suitable than the proposed tower because it is well within an established commercially developed area, is closer to compatible transportation arteries, has an existing access road, and is partially screened by some mature pine trees. Consequently, the Council will deny the proposed East Hartford site and issue a Certificate for the alternate South Windsor site.

The proposed Windsor tower site would be located within a public/quasi-public zoned area approximately 285 feet east of the nearest property line and approximately 620 feet southwest of the L.P. Wilson Community Center building. The proposed Windsor site is within a wooded area with trees standing 40 to 80 feet high and surrounded on three sides by a wetland and intermittent stream. Metro Mobile would construct a 100-foot monopole tower with six cellular antennas attached to the top adding 13 feet for an overall structure height of 113 feet AGL. The fall zone of the proposed tower would be completely within the lessor's property with Metro Mobile's building the only structure within the fall zone. The fall zone of the tower would not encroach on any of the nearby playing fields. The accessway would be over a recreation area between two playing fields leading to the site at the edge of the wooded area. The substrate of the accessway would be reinforced for the first 100 feet with the remaining area to be rehabilitated to its original grass state after construction.

The alternate Windsor tower would be within an industrially zoned area approximately 130 feet south of East Barber Street. This site is a two acre lot with a south facing slope covered with shrub-scrub vegetation and a wetland on the southern portion of the parcel. The applicant would construct a 130-foot monopole tower with six cellular antennas attached to the top adding 13 feet for an overall structure height of 143 feet AGL. The fall zone would be within the leased parcel and Metro Mobile's equipment building would be the only structure within the fall zone of the tower. Access to the leased parcel would be directly from East Barber Street and no construction or facility boundaries would impact the wetland, however, the alternate Windsor site is within a 100 year flood plain and approximately 1,300 feet east of the Connecticut river. This area of the Connecticut river serves as a wintering habitat for the federally endangered bald eagle.

The proposed and alternate Windsor tower sites are in two different ecological habitats creating their own individual site characteristics. Although the proposed Windsor tower is within a wooded area, most of the trees to be removed are small in diameter and no trees of significant size would be removed. After construction the proposed Windsor tower would remain mostly sheltered to adjacent land uses by the heavily wooded area surrounding the proposed site. Nonetheless, we would require the applicant to plant additional shrubs and trees along the border of the leased parcel facing the playing fields to provide screening for the facility. Also, the blind nature of the access road would help diminish the presence of the facility on town property. Furthermore, we find no substantial

conflict between the use of the recreational fields and the proposed towers. In addition, the Town of Windsor has received an Inland Wetland and Watercourse permit to develop the proposed site and its Town Council and Board of Education have voted to develop this parcel as a cellular site.

The alternate Windsor tower site is within a flood plain. Although there is some industrial and residential development in the immediate area we do not believe it prudent to build in a flood plain. In relation to ground level, the alternate tower would be 30 feet taller than the proposed tower, and because of the low vegetation growth surrounding this tower site it would be more visible than the proposed tower. Therefore the Council will deny the alternate Windsor site and issue a Certificate for the proposed Windsor site.

Electromagnetic radio frequency power densities are a concern to the Council and residents living in the vicinity of any telecommunications tower. In this proceeding, the power density level at the base of the proposed Windsor and alternate South Windsor towers would be 19 and 23 times, respectively, below the American National Standards Institute safety standards for the proposed frequencies.

There are no known existing populations of Connecticut species of special concern or federal endangered or threatened species occurring at the proposed Windsor and alternate South Windsor sites. The construction of the proposed Windsor and alternate South Windsor towers would have no effect on the State's historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.

Furthermore, the development of these facilities and their access roads are not likely to have any substantial effects on the natural environments of the sites including effects on the quality of the air, water, and ecology of the sites.

Based on its record in this proceeding, the council finds that the effects associated with the construction, operation, and maintenance of a cellular facility and its associated equipment building at the proposed Windsor and alternate South Windsor sites, 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 need not be in conflict either alone or cumulatively with other effects, and are not sufficient reasons 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 or clearing at the proposed Windsor and alternate South Windsor sites. This D&M plan shall include detailed plans of the towers, tower foundations, soil boring reports, equipment buildings, access roads, security fences, erosion and sedimentation control plans consistent with the Connecticut Guidelines of Soil Erosion and Sedimentation Control, and landscaping plans.

4850E