DOCKET NO. 138 - An application of SNET Cellular, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of cellular facilities in the Towns of Plymouth, Harwinton, Winchester, and New Milford, Connecticut.

Connecticut

Siting

Council

November 26, 1990

OPINION

On May 23, 1990, SNET Cellular, Inc., (SNET), applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) to construct, operate, and maintain four cellular telecommunications towers and associated equipment in the Towns of Plymouth, Harwinton, Winchester, and New Milford, Connecticut.

The public need for cellular telephone facilities has been determined 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 proposed tower sites, an applicant must secure a site or suitable existing tower to share, offering the desired coverage that would not have substantial effect on the environment and adjacent landowners. Because SNET does not have the power to take land through eminent domain, acquisition of a site requires consent of the property landowner(s) to either lease or sell land rights.

The proposed or alternate sites in this application would become part of SNET's existing cellular network grid and would extend call coverage to cell sites not presently covered by the SNET system. The proposed Plymouth, Harwinton, and Winchester sites would overlap coverage of each other and the existing Waterbury facility, and provide primary coverage to the Cities and Towns of Barkhamsted, Bristol, Burlington, Goshen, Harwinton, Litchfield, Morris, New Hartford, Plymouth, Thomaston, Torrington, Watertown, and Winchester, principally along Route 8 north from Interstate 84 (I-84) to parts of Colebrook and the state line. The proposed New Milford site would overlap coverage from the existing Danbury facility, and provide coverage in the Towns of New Milford, Kent, Sherman, and Washington, principally north from I-84 along Route 7.

The proposed Plymouth site would be located in a rural residentially-zoned area within a wooded parcel. Although the undeveloped proposed site is basically level to slightly

sloped, and bordered by mature trees along the western and northern borders, some vegetative clearing and site grading would be required. The site would be accessed by a new 265-foot gravel driveway extension from an existing approximately 850-foot long driveway serving the property owner's residence from North Street. The applicant would construct a 180-foot monopole tower with cellular antennas attached to the top, adding 12 feet for an overall structure height of 192 feet above ground level (AGL). The fall zone of the tower structure would lie entirely within the parcel owner's property and would include the 12-foot by 26-foot by 10-foot high equipment building constructed by the applicant. The proposed tower would be visible above existing treelines, creating a visual appearance to a few nearby neighbors; however, the visibility of the structure would be mitigated by the appearance of an adjacent transmission line and by painting the structure a blue-gray color to blend against the sky. As an alternative to this site, the applicant proposed another facility on this same property.

The alternate Plymouth site is within the same rural residentially-zoned parcel as the proposed site, and would be accessed from North Street from the same existing driveway as the proposed site. The alternate site would be approximately 28 feet higher in elevation than the proposed site. The site is bordered on the northern and eastern sides by some trees and brush. The applicant would construct a 150-foot monopole tower with cellular antennas attached to the top, adding 12 feet for an overall structure height of 162 feet AGL. The fall zone of the tower structure would lie entirely within the parcel owner's property and would include the equipment building constructed by the applicant.

The proposed and alternate Plymouth tower sites are within the same ecological habitat; consequently, the effects of construction on the environment of each site would be similar. The two sites would provide comparable cellular coverages to the Plymouth area. Although the top of the alternate tower would be two feet shorter in height above mean sea level (AMSL) than the top of the proposed tower, the alternate tower and equipment building would be more visible to area residences due to the closer proximity to North Street and less screening by mature trees and other vegetation.

Therefore, we feel the proposed Plymouth site has a slight advantage over the alternate Plymouth site due to less visibility of the proposed facility.

The proposed Harwinton site would be located in a rural residentially-zoned area within a sloped, undeveloped, and forested plot approximately 100 feet east of Weingart Road. An electrical transmission line is located north and adjacent to the site. The site would be accessed from Weingart Road via a new, approximately 300-foot long bituminous concrete driveway rising approximately 40 feet over its length. The applicant

would construct a 180-foot monopole tower with cellular antennas attached to the top, adding another 12 feet for an overall height of 192 feet AGL. The fall zone of the tower structure would lie entirely within the landowner's property, and would include the approximately 12-foot by 26-foot by 10-foot high equipment building constructed by the applicant. The site and accessway would require the removal of mature trees, underbrush, and boulders. Grading and leveling of the site for placement of the tower foundation would be necessary. Additional removal of trees, other vegetation, and boulders would be needed for construction of the driveway. While the tower would be screened by surrounding trees, the visual impact of the tower structure could be mitigated by moving the tower site further from existing residences and closer to the nearby transmission line structures, and by painting it a mixed blue-gray color.

The alternate Harwinton site would be situated in a rural residentially-zoned area about 150 feet east of Windmill Road. This site is an undeveloped, slightly sloped vacant building lot adjacent to the parcel owner's residence and located in an area surrounded by single family residences. The site would be accessed by a new 120-foot driveway. The applicant would construct a 150-foot monopole tower with cellular antennas attached to the top, adding another 12 feet for an overall height of 162 feet AGL. The site elevation is about 31 feet higher than the proposed site. The fall zone of the tower would include the landowner's property, two abutting properties, and the equipment building constructed by the applicant. The vegetation of the alternate site consists of grass, shrubs, and several small trees. The lack of mature screening trees would render the facility more visible to residents living in the immediate area.

The proposed and alternate Harwinton tower sites are in two slightly different environments. Construction effects on the environment at the proposed site would be more pronounced due to more extensive clearing of vegetation and grading of the accessway. However, after construction, the proposed Harwinton tower would remain mostly screened to adjacent land uses by the surrounding wooded area and nearby electric transmission line. Although the proposed tower would be 30 feet higher than the alternate tower to compensate for the change in site elevations, the tower tops would be at nearly the same elevation AMSL and cellular coverage of the two sites would be essentially the same. The main differences between the proposed and alternate sites would be the greater number of houses near the alternate site. Due to the lesser visual intrusion of the proposed site created by the proximity of the overhead electric transmission line corridor and the screening of trees and other vegetation, the proposed site is the better choice for the Harwinton facility.

The proposed Winchester site would be located in a residentially-zoned area about 470 feet northeast of the northern end of Oakdale Avenue. The site is located on a hilltop within an undeveloped, heavily wooded, mostly level area on a hilltop. Mature stands of trees surround the site, but would only partially shield the visibility of the facility from view from surrounding neighborhoods. The site would be accessed by an approximately 460-foot long, sloping bituminous concrete driveway which would cross a cleared, 30-to 35-foot wide swath containing a buried gas transmission line owned by the Tennessee Gas Company. Approximately 400 feet of tree and brush clearing, and cutting and filling would be needed to prepare the accessway. Clearing and some grading of the essentially level site would also be required. Some blasting of ledge rock may be necessary. The applicant would construct a 150-foot monopole tower with cellular antennas attached to the top, adding another 12 feet for an overall height of 162 feet AMSL. The fall zone of the tower would lie entirely within the landowners' property as well as the equipment building constructed by the applicant.

The Winchester alternate site would be located approximately 150 feet northeast of the cul-de-sac at the northern end of Oakdale Avenue and about 250 feet south of the proposed site. The alternate site is situated in a residentially-zoned area within an undeveloped, sloped, and wooded area that would be accessed by a new, approximately 130-foot long bituminous concrete driveway from Oakdale Avenue. The driveway would cross the same cleared swath containing the underground gas transmission line. The applicant would construct a 180-foot monopole tower with cellular antennas attached to the top, adding another 12 feet for an overall height of 192 feet AGL. The fall zone of the tower would encompass the landowner's property and part of one abutting property, as well as the equipment building constructed by the applicant. The accessway and alternate tower site would require the clearing of mature trees, underbrush, and boulders and could require the blasting of ledge rock.

Although the 180-foot alternate tower would be 30 feet higher AGL than the proposed 150-foot tower, the base of the alternate tower would be about 50 feet lower AMSL than the base of the proposed tower and the top of the alternate tower would be about 20 feet lower AMSL than the top of the proposed tower structure. While both towers would be visible to surrounding areas, the visibility of the alternate tower would be mitigated by the lower elevation and the screening effects of surrounding mature trees and other vegetation. In addition, the alternate tower site would be suitable as a cellular site because it would have a shorter accessway and could be protected to minimize soil erosion from water runoff. Consequently, we will deny the proposed Winchester site and issue a Certificate for the alternate Winchester site. We will, however, require the applicant to design a driveway that will not present a direct view of the entire tower structure from Oakdale Avenue and to paint the tower structure a mixed blue-gray color to blend against the sky.

The proposed New Milford site would be located within the northern section of property owned by the Canterbury School, Inc., in a residentially-zoned area. The site is approximately 800 feet north of Elkington Farm Road and 1300 feet east of Aspetuck Avenue. The tower site would lie about 200 feet southeast of an existing 60-foot high New Milford Water Company water tank, and adjacent to athletic fields of Canterbury School. The site is basically level, sparsely vegetated, and would be accessed by a new approximately 800-foot long gravel driveway proceeding from Elkington Farm Road Extension along a tree line bordering an open field. Some grading and brush, small tree, and boulder removal would be required to prepare the driveway and tower site. The applicant would construct a 150-foot monopole tower with cellular antennas attached to the top, adding another 12 feet for an overall height of 162 feet AGL. The fall zone of the tower structure would lie entirely within the landowner's property and would include the equipment building constructed by the applicant. The fall zone would not include the water tank or any of the school's athletic fields.

The proposed tower would rise above the bordering treelines along the western and northern edges. Although, the tower structure would be visible to some adjacent neighborhoods and sections of New Milford since the site is open to the east and south, few of the closest residences to the north would be substantially affected by the tower's visibility because of the presence of an existing water tank. The tower could be made further compatible with the surrounding area if it were painted a mixed blue-gray color to blend against the sky and screened by additional appropriate landscaping.

Electromagnetic radio frequency power densities are a concern to the Council and residents living in the vicinity of any telecommunications tower. In the present cases, the power density level at the bases of all of the proposed towers would be well 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 any of the proposed and alternate sites. The construction of the proposed 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. There are no wetlands on or adjacent to any of the proposed and alternate sites nor any wetlands crossed by new accessways. Furthermore, the development of the facilities and access roads are not likely to have any lasting effects on the natural environment 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 telecommunication tower and equipment building at the proposed Plymouth, Harwinton, New Milford, and

alternate Winchester 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; are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application.

Therefore, the Council will issue a Certificate for the construction of the proposed Plymouth, proposed Harwinton, proposed New Milford, and alternate Winchester tower sites. The Council will require the Certificate Holder to submit a Development and Management (D&M) Plan to the Council for each site for approval prior to the commencement of any construction at each of the tower sites. This D&M Plan shall include detailed plans for the tower, tower pedestal, tower foundation, soil boring reports, antenna structure, equipment building, access road, security fencing, erosion and sedimentation control consistent with Connecticut Guidelines for Soil Erosion and Sedimentation Control, and landscaping plans where necessary to screen the equipment building from adjacent land uses.

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