

DOCKET NO. 56A

METRO MOBILE CTS OF NEW HAVEN, INC., : CONNECTICUT SITING
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY :
AND PUBLIC NEED FOR THE CONSTRUCTION, : COUNCIL
MAINTENANCE, AND OPERATION OF FACILITIES :
TO PROVIDE CELLULAR SERVICE IN NEW HAVEN :
COUNTY; AMENDMENT RESOLUTION. : September 10, 1986

O P I N I O N

On May 28, 1986, the Council resolved to initiate an amendment proceeding to Docket 56, pursuant to Connecticut General Statutes (CGS) Section 16-501(d), for the limited purposes of reconsidering the approval of the Metro Mobile CTS of New Haven ("Metro Mobile") tower site located in Hamden on West Rock Ridge and to insure that the applicant had sufficiently studied all alternatives to the West Rock Ridge State Park site. The Council's action was in response to requests by the Town of Hamden and West Rock Ridge Park Association to reopen Docket 56. A copy of the resolution for amendment was given to the parties listed in the Decision and Order which accompanies this Opinion, pursuant to CGS Section 16-501(b). Docket Number 56A was assigned to the amendment proceeding. The Council subsequently conducted a public hearing on the Hamden site on July 10, 1986, in the Hamden Town Hall.

In Docket 56, the Council granted a certificate to Metro Mobile to share the use of an existing 250' tower on West Rock Ridge. This existing tower is a commercial tower located on private property within a state park as approved by the Hamden Zoning Board of Appeals in 1978.

The Town of Hamden and the West Rock Ridge Park Association are opposed to the addition of antennas to the existing 250' tower on West Rock Ridge as certificated in Docket 56. The basis of their argument is centered on the principle of the inviolate nature of a state park, and the belief that no commercial operations should be located within state parks.

The Council recognizes that towers might have a significant impact on the environment. The Council is also aware that the public need for cellular telephone systems has been sanctioned by the Federal Communications Commission and the Connecticut State Legislature. Therefore, the Council has the responsibility to balance the need for these towers against their environmental effects pursuant to Section 16-50g of the CGS.

If West Rock Ridge were completely excluded as an antenna site, the north-south configuration of this ridgeline would produce a blockage of cellular signals, making the construction of two or three additional tower sites necessary in the New Haven NECMA. The shared use of existing commercial AM radio towers and possible alternative sites in New Haven, Hamden, and Woodbridge would result in unacceptable signal interference and/or inadequate signal coverage. The Council finds that in this case the use of an existing tower to support five additional antennas is preferable to building two or more towers to the west, north, and east of the West Rock Ridge site. The Council has the responsibility to evaluate towers, not to simply count their numbers; however, there is sufficient evidence in this case to conclude that placement of additional towers to provide adequate coverage of the NECMA would pose a greater environmental effect than to use the existing tower at the proposed site.

The Council has consistently urged parties applying for certificates to share existing towers whenever possible in order to avoid the construction of new towers which could have an additional detrimental

environmental impact. The Town of Hamden and the West Rock Ridge Park Association have offered no compelling evidence that increasing the number of existing antennas on the existing tower from 19 to 24 would have a significant adverse effect on the West Rock Ridge State Park. Metro Mobile's proposal to add antennas to the existing tower would further the Council's policy of shared tower use.

At the public hearing, the Council made it clear that it was seeking new evidence regarding the Hamden site, not reiterations of previous objections on the record in Docket 56. After considering the evidence offered in this hearing, the Council finds that no new evidence was offered which would justify an amendment to the original certificate of environmental compatibility and public need.

The Council also finds that the use of this existing tower is preferable to the construction of a new 180' tower and does not have a significant adverse environmental effect. Accordingly, the Council finds that no amendment to the certificate of environmental compatibility and public need, granted to Metro Mobile CTS of New Haven in Docket 56, is warranted by the evidence. In Docket 56, the Council explicitly ordered that this equipment be removed when the tower is removed; this and all Docket 56 orders remain in effect.

The Decision and Order in Docket 56 required the certificate holder to submit a Development and Management Plan (D&M Plan) for the Hamden site, which would include plans for the screening at the equipment building by planting evergreens. The Council will closely monitor the D&M Plan to ensure minimal site disturbance during the construction of the equipment building and will carefully consider the placement of trees to obtain maximum screening of the equipment building.