

DOCKET NO. 155 - An application of Metro Mobile CTS of Fairfield County, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telephone telecommunications tower, antennas, associated equipment, and building on a 17-acre parcel of land used and owned by the Town of Darien as the Town waste transfer station off Ledge Road, with an alternative site on a 1 acre parcel owned by the Noroton Heights Fire Department, Inc., located immediately adjacent to the Noroton Heights Fire Department Building at 209 Noroton Avenue in the Town of Darien, Connecticut.

Connecticut

Siting

Council

December 30, 1992

OPINION

On June 17, 1992, Metro Mobile CTS of Fairfield County 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 a cellular telecommunications tower, building, and associated equipment in the Town of Darien, Connecticut.

The Federal Communications Commission (FCC) has determined that there is a general public need for cellular service. However, the Council must balance the need to develop the proposed site as a cellular telecommunications facility with the need to protect the environment, including public health and safety, and minimize damage to the State's scenic, historic, and recreational values.

In the course of finding a proposed cell site, an applicant must find a site or suitable structure to share which offers the required coverage. Because Metro Mobile does not have the power to take land through eminent domain, acquisition of a site requires consent from a willing land owner to develop a facility site. For this application Metro Mobile identified a prime site on land owned by the Town of Darien and an alternate site on land owned by the Noroton Heights Fire Department, Incorporated.

Metro Mobile's proposed Darien prime site is located in the southeast east corner of a 17-acre parcel off Ledge Road. Metro Mobile would construct a 100-foot self-supporting monopole tower and attach eight of its antennas to this tower. These antennas would add 13 feet to the tower structure for a total height of 113 feet above ground level.

The proposed alternate site is located within a one-acre parcel approximately 65 feet west of Noroton Avenue and immediately adjacent to a fire station building. At this site, Metro Mobile would erect a monopole tower with the same dimensions and characteristics as described for the proposed prime site.

Either of these proposed sites would provide coverage to existing gaps in coverage along Interstate 95 (I-95) and U.S. Route 1 in the Darien area. The proposed facility would also provide additional cellular traffic handling capacity in the Towns of Darien, Norwalk, and Stamford by off-loading cellular traffic from existing Metro Mobile sites in Norwalk and Stamford.

Although the Council has a legislative charge to promote the sharing of existing towers whenever legally, technically, environmentally, and economically possible, there are no existing facilities that could be shared. Nonetheless, through this proceeding, Metro Mobile has offered to share tower space with the Town of Darien to maximize the use of this tower and to avoid the construction of additional towers.

While Metro Mobile has documented a need for the proposed facility at this time, we are concerned that the overall demand for cellular service may grow faster than the pace to develop and use new technology. It is our strongest intent to promote and require the implementation of advanced technology, including digitization and the use of micro-cell repeaters, in order to meet proven increased demand for additional cellular service without the need to construct additional towers.

Both the proposed prime and alternate sites are in areas of land use with unique characteristics. The proposed prime site is within a large parcel used by the Town for its landfill transfer station and public works activity. Also, it is adjacent to a car dealership, construction equipment storage area, and an interstate highway, which are not inconsistent land uses to be adjacent to a telecommunications tower. The proposed alternate site is in a residential area bordering well-groomed little league fields and a former building and site of the first home for disabled veterans in the nation. The proposed alternate tower would affect these recreation fields, residential homes, and buildings and property with potential historical significance. The erection of the proposed facility at the proposed prime site would have no effect on the State's historic, architectural, or archeological resources listed on or eligible for the National Register of Historic Places. Neither site has any known existing federally recognized endangered or threatened species, or Connecticut species of special concern.

Visual effects are the primary effects associated with the construction of this tower. While the alternate site would be clearly visible from a large residential area and recreation center, the proposed prime site would only be marginally visible from portions of Middlesex Common Condominiums, approximately 600 feet due north of the proposed prime facility. Moreover, the visibility of the prime site would not affect a pristine view because of existing adjacent land uses including an existing smokestack of the Town of Darien solid waste incinerator. Although this incinerator stack is only 50 feet high and no longer functional, the visual presence of this

smokestack in conjunction with a former Town landfill has served to casually discourage the development of residential uses and other possibly inconsistent land uses near to it and the proposed prime site.

Even though no clearing or grading is necessary at the proposed alternate site, no vegetation of substantial height is nearby to screen the facility. Minimal clearing and grading would be necessary at the proposed prime site, but adjacent vegetation to the east, reaching heights of 65 feet, would remain to help screen the facility. In addition, the applicant is agreeable to supplement screening with landscaping on the site and on property of the Town and Middlesex Common Condominiums.

Although electromagnetic radio frequency power density is a concern of the Council, the proposed facility's radio frequency power density at either cell site fence would be well below the State standard for the frequencies used by cellular telephone service.

Based on the record in this proceeding, we find that the effects associated with the construction, operation, and maintenance of a cellular telephone facility and an associated equipment building at the proposed Darien prime 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, 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 facility at the proposed Darien prime site.

The Council will require the Certificate holder to submit a Development and Management (D&M) plan for approval by the Council prior to commencement of any construction or proposed clearing at the facility site. This D&M plan shall include detailed plans of the tower, tower foundation, equipment building, access road, utility connection, security fence, and erosion and sedimentation controls. In addition, the D&M Plan shall include detailed landscaping plans for the facility site, with optional plantings north of the site along the Town property boundary and on Middlesex Common Condominium property subject to their approval.

FOC

6690E