

DOCKET NO. 161 - An application of Metro Mobile CTS of Hartford Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility. The proposed prime site is located off of Old Blue Hills Road approximately 2,000 feet from the end of the improved portion of the road in Durham, Connecticut. The proposed alternate sites are located at 199R Cherry Lane and 100 New Haven Road, Durham, Connecticut.

Connecticut

Siting

Council

March 11, 1994

OPINION

On September 30, 1993, Metro Mobile CTS of 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 a cellular telecommunications tower, building, and associated equipment in the Town of Durham, Connecticut.

The Federal Communications Commission (FCC) has determined that there is a general public need for cellular service. Therefore, under Connecticut State Law, 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 potential site requires consent from a willing landowner to either lease or sell land rights.

The proposed Durham site would be added to an existing cellular network to provide telecommunications coverage to areas not presently or inadequately covered in the Metro Mobile system along portions of State Routes 17, 68, 77, 79, 147, 157, and other roadways in Durham. This facility would interconnect and hand-off with existing adjacent facilities in North Branford, Guilford, Meriden, Middletown, Killingworth, Haddam, and Wallingford.

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, Metro Mobile has offered to share tower space with the Town of Durham, Durham Volunteer Ambulance Corps, Amateur Radio Emergency Service, and Valley Shore Emergency Communications, Inc., to maximize the use of the proposed tower, and

possibly avoid the construction of additional towers. We are pleased that the applicant has offered to share space on the tower and we encourage Metro Mobile to develop tower sharing agreements with these entities and others now and in the future.

The initial Metro Mobile proposal put before the Town of Durham consisted of two sites. The Town offered several preferred sites of which the proposed prime site is one. We commend both parties in their diligent efforts to work together and to place before us three proposals for consideration. We are pleased these alternatives were not mere variations on sites within the same parcel and allowed earnest public participation in an open siting process.

Metro Mobile's proposed prime site is located in the north end of a wooded nine-acre parcel off of a recently Town adopted extension of Old Blue Hills Road in Durham. The proposed prime site is situated on an undeveloped hilltop, is zoned farm/residential, and has a tower base approximately 650 feet west of the nearest residence. Metro Mobile proposes to construct a 100-foot self-supporting monopole tower and attach eight of its antennas. The total height of this tower with antennas would be 113 feet above ground level (agl). Utilities would be extended overhead along Old Blue Hills Road to the point where Metro Mobile would enter its leased parcel. The utilities would be placed underground along the accessway to the site.

The proposed alternate Cherry Lane site is located at the south end of a six-acre parcel that is used for agricultural purposes and a home. This proposed alternate site is on an open and fairly level hilltop, is zoned farm/residential, and has a tower base approximately 200 feet east of the nearest residence. At this site, Metro Mobile would erect a monopole tower with the same dimensions and characteristics as described for the proposed prime site. Utilities would be placed underground within an access easement to the site.

The proposed alternate New Haven Road site is located at the east end of a 1.5-acre parcel between New Haven Road (State Route 17) and Birch Mill Road. This proposed alternate site is on rocky and wooded terrain, is commercially zoned, and has a tower base approximately 120 feet east of the nearest residence. The property is used for a restaurant. Metro Mobile proposes to construct a 185-foot self-supporting lattice tower and attach eight antennas. The total height of this tower with antennas would be 193 feet agl. Utilities would be placed underground within an access easement to the site.

The primary effects associated with the construction of this tower are visual. While the Council generally favors tower sites in commercially or industrially zoned districts, we find that the proposed alternate New Haven Road site, with a 185-foot lattice tower structure, would be a highly visible feature to the Town's historic district, and to adjacent residences which are 120 feet away and within the tower fall zone.

The proposed prime site off Blue Hills Road and the alternate Cherry Lane site are only 2,800 feet apart and have similar towers proposed for construction, but the topography and vegetation at these sites are distinctly different. The proposed prime site is within a heavily wooded and hilly area while the proposed alternate Cherry Lane site would be on a hill within an open agricultural field. The proposed prime site is farther from the Town's Historic District and any residences than the proposed alternate tower sites. Although numerous trees would be cleared at the proposed prime site, many more would remain to provide a natural screen for the facility versus the proposed alternate Cherry Lane site which would have no trees surrounding the facility.

There are two non-contiguous parcels of State forest adjacent to the proposed prime site; however, these parcels would not be significantly affected by the proposed facility. In fact, this wooded open space would remain as a natural buffer and further screen the facility from adjacent properties.

The Mattabesett Trail exists partly along Old Blue Hills Road which would be improved with the construction of the proposed prime site tower. This trail would not be directly affected by the development of the proposed prime site because the trail is located over 200 feet away and 105 feet below the ridge where the proposed prime tower base is situated. Indirect visual effects from the tower on the trail are of great concern, but these effects should not be significant because of the distance between the tower and the trail, the lower sheltered location of the trail, and the dense vegetation between the tower and the trail which will offer a visual screening.

An archaeological site named the Merwin Caves, located approximately 1,800 feet east of the proposed prime site on the Mattabesett Trail, would become more accessible and subject to vandalism. Since there is no documentation of a previous survey of Merwin Caves, we shall order a Phase I archaeological reconnaissance survey, subject to the consent of the landowner, to document the integrity of this archaeological resource before it is lost forever.

Even though Metro Mobile would need to improve the existing Old Blue Hills Road right-of-way and associated drainage system for approximately 1,600 feet to access its leased parcel, we believe that the manner and method of these enhancements should be subject to Town approval.

There are no inland wetlands within the proposed facility sites. There are no known populations of federal or State endangered and threatened species or State species of special concern occurring on the proposed prime and alternate sites.

Although electromagnetic radio frequency power density is a concern of the Council, the proposed facility's radio frequency power density at the fenced boundary of the proposed prime or alternate cell sites would be well below the State standard and the 1991 recommended American National Standards Institute standard for the frequencies used by the cellular telephone industry.

Based on the record in this proceeding, we find that the effects associated with the construction, operation, and maintenance of a cellular telephone facility at the proposed Durham 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 Durham prime site off of Old Blue Hills Road. We find the effects on scenic resources and adjacent land uses of the alternative sites to be significant, and therefore deny certification of these sites.

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 proposed construction or clearing at the facility site. This D&M plan shall include detailed plans of the tower, antenna placement on the tower including entities sharing tower space, tower foundation, equipment building, access road, utility connection, security fence, and erosion and sedimentation controls.