DOCKET NO. 165 - An application of Metro Mobile CTS of Hartford, Inc., for a Certificate of Environmental Compatibility and Need for the construction, maintenance, and operation of a cellular telecommunications facility located at 46 Brendan Street, Stafford, Connecticut.	:	Connecticut Siting Council December 5, 1994

OPINION

On June 24, 1994, 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, associated equipment, and building in the Town of Stafford, Connecticut.

The public need for cellular telephone facilities has been determined by the Federal Communications Commission (FCC) which has partially pre-empted the Council's jurisdiction by declaring that there is a general public need for cellular service and that cellular service shall be provided by two competing companies. These rulings coupled with technical standards, also established by the FCC, have resulted in a system of numerous cellular telecommunications facilities in nearly all areas of this State. While the Council's jurisdiction has been limited in considering public need, flexibility to consider site locations and alternatives remains an important element in our deliberations. Under Connecticut State law, the Council must balance the need to develop a proposed site as a cellular telecommunications facility with the need to protect the environment, including public health and safety.

In finding suitable tower sites, an applicant must secure a site or an appropriate existing tower to share that can provide suitable coverage without creating substantial negative effects on the environment. Because Metro Mobile does not possess the power to acquire land through eminent domain, proposed development of a site requires consent of the site's land owner(s) to either lease or sell the rights of the land.

The proposed Stafford prime or alternate site would become part of Metro Mobile's existing cellular network and would extend call coverage to areas not presently or inadequately covered in the Metro Mobile cellular system, particularly along sections of State Routes 19, 30, 32, 140, and 190, and other streets in Stafford. This facility would interconnect and off-load cellular traffic from existing cell sites in Willington and Somers, Connecticut, and Monson and East Longmeadow in Massachusetts.

Electromagnetic radio frequency power density levels are of concern to the Council. However, the maximum power density levels at the proposed prime and alternate sites from the proposed

cellular antennas, operating at maximum worst-case levels and measured at the proposed towers' bases, would be considerably lower than the 1992 American National Standards Institute standard for human exposure to radio frequency electromagnetic fields in the cellular telephone bands, as adopted by the State of Connecticut.

Under mandates promulgated in Public Act 93-268 and Public Act 94-242, to be codified in Connecticut General Statutes (CGS) section 16-50p, the Council is charged to promote the sharing of existing towers whenever legally, technically, environmentally, and economically possible. Metro Mobile investigated 17 potential facility locations and determined that there are no existing towers in the area that could feasibly be shared. Nonetheless, in compliance with this law, Metro Mobile has offered to share tower space on their proposed tower with the Town of Stafford and other entities to possibly avoid the future construction of additional towers.

Upon its initial search for a tower location, Metro Mobile, in 1991, proposed to Town of Stafford officials that a tower be constructed on the roof of the then unbuilt Stafford Middle School building. Metro Mobile also discussed potential tower sites for a free-standing tower elsewhere on school grounds. The Middle School Building Committee rejected Metro Mobile's proposal in August 1991 and May 1992. In March and November 1994, when again approached by Metro Mobile, Town officials remained adamant in rejecting a tower on school property and also would not lease land for an accessway from the school grounds to the proposed tower site.

To provide the necessary coverage, Metro Mobile proposes to construct a new 115-foot, steel, self-supporting monopole tower on the prime site or a similar 150-foot monopole tower on the alternate site. The cellular antennas would be affixed to a triangular antenna support platform located at the top of the tower. At either site, Metro Mobile would construct a new 21-foot by 30-foot, single-story equipment building; install a diesel-fueled emergency generator; and enclose the site with an eight-foot high, 60-foot by 60-foot security fence. A 12-foot wide driveway, surfaced with crushed stone, would be constructed at either site from an existing unimproved pathway originating from Brendan Street, Stafford Springs. Estimated costs to construct the prime site would be approximately $42,000 more than costs for the alternate site's construction, primarily due to a difference of $50,000 to prepare the site and construct the longer access road and utility line.

Although the prime site would involve the construction of a longer access road, this site would require the use of a tower 35 feet lower in height than the alternate tower, and would be farther removed from a large condominium development south of the site. This lower height and isolation would make the tower less visible, mitigating the most obvious environmental effect associated with the facility. Conversely, the alternate site would be more visible, but environmental effects associated with the accessway would be less. In addition, the alternate site would cost less, allowing a potential savings to be passed along to the consumer

All things considered, we believe the mitigation of visibility to be more significant than environmental effects associated with the construction of a longer accessway. Furthermore, construction and mitigation measures for the longer accessway will not be significant because: much of the existing access route now exists as a trail that may have once been an unimproved road; existing roads and development adjacent to the proposed sites have not proven to be excessively destructive to the environment or detrimental to the surrounding land uses; and the environmental effects can be effectively controlled with erosion, sedimentation, and storm water management techniques.

Consequently, we approve the proposed prime site with a condition that its location be modified with a Development and Management (D&M) Plan designed to refine the site for the purposes of minimizing visibility to homes located west of the site; reducing grading at the site to accommodate the tower, building, and accessway; and providing acceptable coverage with the shortest tower possible. In addition, the D&M Plan can be used to ensure that the access road is properly stabilized to prevent washout and erosion.

To conclude, based on the record in this proceeding, we find that the effects associated with the construction, operation, and maintenance of the cellular facility at the proposed prime Stafford 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 when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, we deny certification of the alternate Stafford site and will issue a Certificate for the construction, maintenance, and operation of a cellular telecommunications facility at the proposed prime site located at 46 Brendan Street in Stafford, Connecticut.

Such certification will be conditioned upon the Certificate Holder submitting a D&M Plan for approval by the Council prior to commencement of any construction at the facility site. This D&M Plan shall include detailed plans for the tower location and tower foundation, the placement of all antennas to be attached to this tower; placement of the emergency generator, equipment building, fuel storage tank, access road, utility line, and security fence; site clearing and tree trimming; and water drainage and erosion and sedimentation controls consistent with the Connecticut Guidelines for Soil Erosion and Sedimentation Control (as amended).