

DOCKET NO. 167 - An application of Springwich Cellular Limited Partnership for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility located approximately 2,000 feet east southeast of the intersection of Old Redding Road and Mountain Road with an alternate site located approximately 2,400 feet east of the intersection of Old Redding Road and Mountain Road, in the Town of Redding, Connecticut. } Connecticut } Siting } Council } August 9, 1995

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### OPINION

On February 24, 1995, Springwich Cellular Limited Partnership (Springwich) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, operation, and maintenance of a cellular telecommunications facility in the Town of Redding, Connecticut.

The public need for cellular telephone facilities has been determined and partially pre-empted by the Federal Communications Commission (FCC) which has declared a general public need for cellular service, established a market structure for system development, and developed technical standards that have restricted the design of facilities. These pre-emptive determinations by the FCC have resulted in a system of numerous cellular telecommunications facilities in nearly all areas of the country. While the Council's jurisdiction has been limited by the FCC, 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 the course of finding a proposed cell site, the applicant has searched for an existing structure to share; however, Springwich was unable to locate such a structure that would offer the required coverage. Because Springwich 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.

When issuing a Certificate for a facility, the Council may impose such reasonable conditions as it deems necessary to promote immediate and future shared use of such facilities and avoid the unnecessary proliferation of towers in the State as mandated pursuant to General Statutes § 16-50p (b) (2). In compliance with State law, Springwich has offered to share tower space with the Connecticut State Police (CSP), the Department of Motor Vehicles (DMV), and the Northwest Connecticut Public Safety Communications Center (CMED) service.

The proposed Redding facility would consist of either a 180-foot above ground level (AGL) lattice tower at the prime site or a 240-foot AGL lattice tower at the alternate site. Either site would have a 100-foot by 100-foot leased parcel with a security fence, 17-foot by 56-foot equipment building, and require the construction of an access road.

Springwich has proposed the Redding facility to fill coverage gaps and to provide additional call handling capacity to the Redding area. Without a facility to add coverage and capacity, the availability and reliability of the cellular service in this area might be compromised. Six years ago the Council denied without prejudice a site in Redding that was proposed for this purpose. Despite Springwich's efforts to improve its service without having to construct a tower in Redding, we are again faced with a proposal to develop a new tower.

With the CSP sharing the facility, the Council recognizes the public safety aspect of the proposed facility. This facility will not only improve public safety in Redding and Ridgefield, but will also improve public safety in the Troop A (Southbury) and Troop G (to be in Bridgeport) areas by adding the safeguard of a completed microwave "loop" or "ring" to maximize redundancy which should prevent a catastrophic loss of police communications during a potential crisis.

Our analysis has first examined alternatives to use existing towers and then to use combinations of towers that would meet coverage needs and minimize visual impacts and other environmental effects. One of these alternatives was the use of two 75-foot AGL tower structures along Route 7. However, this alternative and others failed to meet existing and future coverage needs of the proposed tower's users which would have resulted in the further development of additional towers in an uncoordinated fashion. With the proposal before us now, we are confident that the necessary coverage needs of several users will be adequately provided, thus minimizing the need for additional towers in the future. While this approach may not comfort those who live closest to the proposed facility, it should provide a sense of security to the general public which we are obligated by State law to protect.

It is a goal of the Council to avoid the unnecessary proliferation of towers, yet with the construction of the new Springwiche tower and the removal of an existing DMV tower, the net gain of towers in the Town of Redding will be zero. To ensure that this happens, we will order that the DMV and CMED antenna co-location and the DMV tower removal are certainties before construction of the proposed tower can happen and that the removal of the DMV tower happens in a timely manner.

Recognizing that the major environmental effect of almost any tower is its visibility, we favor the non-lighted and non-marked 180-foot AGL tower at the prime site. A tower at this site will be well screened from adjacent residences by the undulating terrain and tree cover. In this proceeding, we have the choice for two access roads. We favor the alternate access road via the lessors property to minimize disruption to wetlands and other ecological resources located along the proposed prime access road.

Even though this parcel is proposed open space, within greenbelts, and near natural and recreation/scenic areas, substantial development is still possible. In fact, a residential subdivision has already been approved by the Town of Redding in an adjacent parcel with the same preservation designations. Although speculative, the development of this tower on this 145 acre parcel may help to curb future development of the remainder of the site consistent with the parcel's proposed open space and greenbelt designations.

Although electromagnetic radio frequency power density levels are a concern of the Council, the proposed facility at the prime site would have levels below the exposure limits set by State law and the American National Standards Institute. The Council believes that the power density levels will be below the legal standards; nevertheless, we will order that the power density levels are tested by Springwiche to prove compliance.

Construction of the facility could inevitably have some environmental effect such as erosion and sedimentation. Consequently, the Council will require a Development and Management Plan to be prepared by the applicant and monitored and enforced by the Council to ensure that these possible environmental effects are properly mitigated during construction.

Based on the record in this proceeding, we find the effects associated with the construction, operation, and maintenance of a cellular telecommunications facility and associated equipment building at the proposed prime site and the proposed alternate access road in Redding, 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 State policy, and are not sufficient reasons to deny this proposed prime site and alternate access road. Therefore, we will issue a Certificate for the proposed prime site and alternate access road with conditions to ensure that its development is consistent with this Opinion and with the record of this application.