DOCKET NO. 169 - An application of Bell Atlantic NYNEX Mobile, for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications tower and associated equipment located within a 56+/- acre parcel at 56 East Hampton Road, in Marlborough, Connecticut. The proposed alternatives are located within a 21.7+/- acre parcel at North Main Street and within a 2.5+/- acre parcel at 9-11 South Main Street, in Marlborough, Connecticut.	}	Connecticut
	}	Siting
	}	Council
	}	October 25, 1995

OPINION

On April 7, 1995, 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 Marlborough, Connecticut. On July 7, 1995, Metro Mobile, a subsidiary of Bell Atlantic Enterprises International, Inc. (Bell Atlantic) notified the Council that the applicant has changed from Metro Mobile to Cellco Partnership, a joint venture of Bell Atlantic and NYNEX Corporation, and that this application is made on behalf of Cellco Partnership by the managing general partner, Bell Atlantic NYNEX Mobile, Inc. (BANM).

The public need for cellular telephone facilities has been determined 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. Under federal law, the Council's jurisdiction has been limited by the FCC to determining siting. 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.

The proposed Marlborough facility would consist of a new tower site with a 21-foot by 30-foot equipment building and a 100-foot lattice tower at the prime site, or a 160-foot lattice tower at the first alternate site, or a 180-foot monopole tower at the second alternate site. Access to the prime site would be along a 1310-foot easement with a new gravel driveway extending from an existing paved driveway off East Hampton Road for approximately 600 feet, with utilities brought in overhead. At the first alternate site, vehicles and utilities would use a new gravel access road approximately 800 feet in length extending from an established parking lot at the Marlborough Country Barn and following the route of an existing logging road to the site. Utilities would be brought in underground from North Main Street to the Marlborough Country Barn property and then be installed overhead along the access road to the site. Vehicle access to the second alternate site would be along an existing driveway from South Main Street through an existing parking area, a distance of approximately 630 feet, with utilities extended underground from South Main Street.

The proposed prime tower site, while on a wooded parcel of approximately 56 acres, has 25 homes within a 1000-foot radius. The tower itself would be approximately 275 feet from the nearest home on Sherwood Lane, which would have an imposing view of this tower, whose base would be approximately 120 feet from the nearest homeowner's property. Furthermore, coverage from this tower results in gaps of over a mile along Route 2.

The second alternate tower would be the most visible of the three proposed towers, as it would be 180 feet in height, unscreened by mature trees, located in the central business district of the Town, and would likely require lighting by the Federal Aviation Administration (FAA). Although more removed from nearby homes, this tower's location, height and expected lighting would have significant effects on the environment when compared to the first alternate site. Furthermore, there would be coverage gaps from this tower of over a mile along Route 2 and over a mile along Route 66.

The first alternate site would affect fewer homes with only 12 homes within a 1000-foot radius, the nearest of which is 800 feet away, and is well buffered within the central portion of a 21.7 acre site. The visibility of this tower would be screened by 75 to 80-foot trees, and buffered by two wood lots with a combined size of over 77 acres. The nearest inland wetland is on another parcel of land approximately 750 feet away. The proposed access road would lead through an existing commercial parking lot leading to an existing logging road, thereby minimizing tree clearing and disruption of the site required for a completely new route. Consequently, we consider the first alternate site to be superior from an environmental perspective.

Parties and intervenors, including the Town of Marlborough, have suggested alternative tower sites, and questioned the need for a tower to improve coverage in Marlborough. We have systematically reviewed all alternatives, including existing towers and such alternative sites as the Marlborough Commons, the Marlborough Town landfill, and the East Glastonbury Fish and Game Club properties. The applicant has provided future planned facilities under a protective order. While improved coverage is obtainable from these alternatives, the first alternate site provides the best coverage to both portable and mobile cellular telephone units with the least coverage gaps in the area near the intersection of Route 2 and Route 66, from a site that would have the least adverse environmental effects.

The Council prefers tower fall zones to be within the property of the lessor. While this is not possible in this case, it is practicable for the tower location to be moved in a northerly direction to increase the buffer between the adjacent property and the proposed tower.

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 by General Statutes § 16-50p (b) (2). In compliance with State law, BANM has offered to share tower space with the Town of Marlborough and others. While the use of a monopole may make tower sharing more difficult, a monopole at the alternate one site would still accommodate all conceivable sharing and

would lessen those visual effects of this tower which may have the most demonstrable effects on the environment.

Electromagnetic radio frequency power density levels are a concern of the Council; however, the radio frequency power densities at the base of all of the proposed towers would be well below the 1992 American National Standards Institute standard, adopted as the State standard, for the frequencies used by cellular companies.

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 first alternate 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 policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, we will issue a Certificate for the construction, maintenance, and operation of a cellular telecommunications facility at the proposed first alternate site located off of North Main Street in Marlborough, Connecticut. We find the effects on scenic resources and adjacent land uses of the prime site and second alternate site to be significant, and will therefore deny certification of these sites.

Our decision will be conditioned upon the Certificate Holder submitting a Development and Management (D&M) Plan for approval by the Council prior to commencement of any construction at the facility site.