

<p><b>DOCKET NO. 303</b> – Sprint Spectrum, L.P. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 723 Farmington Avenue, New Britain, Connecticut.</p>	<p>} } }</p>	<p>Connecticut Siting Council June 28, 2005</p>
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**Findings of Fact**

**Introduction**

1. Sprint Spectrum, L.P. d/b/a Sprint PCS (Sprint), in accordance with the provisions of General Statutes § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on January 27, 2005 for the construction, operation, and maintenance of a 110-foot wireless telecommunications facility located at 723 Farmington Avenue, New Britain, Connecticut. (Sprint 1, p. 4)
2. The party in this proceeding is the applicant. New Cingular Wireless PCS LLC (New Cingular) is an intervenor. (Transcript 1- 4:00 p.m. [Tr. 1], p. 5)
3. The purpose of the proposed facility is to provide personal communication service to coverage gaps identified by Sprint in the Farmington Avenue/Corbin Avenue area of New Britain. New Cingular seeks to enhance existing coverage to the same geographic area. (Sprint 1, p. 6; New Cingular 1, Q. 1)
4. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on April 12, 2005, beginning at 4:00 p.m. and continuing at 7:00 p.m. at the New Britain City Hall, 27 West Main Street, New Britain, Connecticut. (Council's Hearing Notice dated March 4, 2005; Tr. 1, p. 3; Transcript 2 – 7:00 p.m. [Tr. 2], p. 3)
5. The Council and its staff conducted an inspection of the proposed site on April 12, 2005, beginning at 3:00 p.m. During the field inspection, steady winds of 10 to 15 miles per hour prevented the applicant from flying a balloon to simulate the height of the proposed facility. (Council's Hearing Notice dated March 4, 2005; Tr. 1, p. 9)
6. Notice of the application was provided to all abutting property owners by certified mail. In addition, Sprint sent additional notice to six abutters that had no record of certified mail receipt. (Sprint 1, p. 5; Sprint 2, Q. 6)
7. Public notice of the application was published by the applicant in the Hartford Courant and the New Britain Herald on January 18 and 20, 2005. (Sprint 1, p. 5)
8. Sprint provided 60-day notice to the Mayor of the City of New Britain, Timothy T. Stewart, on November 5, 2004. (Sprint 1, p. 11)
9. The City of New Britain did not comment on the proposal. (Sprint 1, p. 11)
10. Sprint would provide space on the tower for the City of New Britain and any public safety entity for no compensation, provided any such use is compatible with the structural integrity of the tower. (Sprint 1, p. 7)

11. Pursuant to General Statutes § 16-50j (h), on March 4, 2005 and April 13, 2005, the following State agencies were solicited to submit written comments regarding the proposed facility; Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the DOT. (Record)
12. The following agencies did not respond with comments on the application: DEP, DOT, DPH, CEQ, DPUC, OPM, and the DECD. (Record)

### **Telecommunications Act**

13. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 7)
14. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. Sprint is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service in thirty-two major United States trading areas, including Connecticut. (Council Administrative Notice Item No. 7, Sprint 1, p. 5)
15. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)
16. The Telecommunications Act of 1996, a Federal law passed by the United States Congress, prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 7)

### **Site Selection**

17. Sprint established a search ring for the target service area in December of 2002. Sprint defined a specific area, centered on a portion of Stanley Quarter Park that could provide coverage to the entire target service area. (Sprint 2, Q. 1)
18. Sprint attempted to reach an agreement with the City of New Britain for placement of a facility in Stanley Quarter Park in late 2003-early 2004. On March 24, 2004, the City withdrew from negotiations, stating that placement of a telecommunication tower within the park is inconsistent with the intent of the park. (Sprint 1, p. 10, Attachment 9)
19. As an alternative to Stanley Quarter Park, the City of New Britain suggested the Polish Falcons Alliance of America property. The City did not offer lease space at the Pulaski Middle School, adjacent to the proposed site. (Sprint 1, Attachment 10; Tr. 1, pp. 32-33)

20. During development of the search ring and prior to Sprint attempting to negotiate a lease with the City of New Britain for use of Stanley Quarter Park, Sprint investigated eight other parcels in the area, all of which were rejected due to inadequate coverage to the target service area. (Sprint 1, p. 10; Sprint 2, Q. 8, Q. 9; Tr. 1, pp. 9-10)

### **Site Description**

21. The proposed site is located on a 31-acre parcel owned by Nest 88 of the Polish Falcons Alliance of America, Inc. The parcel contains athletic fields, a picnic pavilion, and several outbuildings. The parcel contains a paved access road extending east from Farmington Avenue. (Sprint 1, p. 12, Attachment 10)
22. The parcel is zoned two-family residential, T-3, and business, B-2. The proposed facility is located on the portion of the property zoned T-3. (Sprint 1, p. 12, Sprint 1d)
23. The tower site is located in a cleared, grassy area in the northeast corner of the parcel. (Sprint 1, Attachment 10)
24. Sprint would construct a 110-foot monopole at the site. The tower would be designed to support three levels of antennas with a ten-foot vertical separation. The tower would be constructed in accordance with the American National Standards Institute TIA/EIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Support Structures". The final design of the monopole and foundation would be based on specified tower loading and soil analyses for the site. (Sprint 1, p. 13, Attachment 10)
25. Sprint would install 12 panel antennas mounted on a triangular platform at a centerline height of 108 feet above ground level (agl). The overall height of the facility with antennas would not exceed 110 feet agl. (Sprint 1, p. 13; Attachment 10)
26. Sprint would be willing to use t-arm antenna mounts at the site. (Tr. 1, pp. 27-28)
27. A 75-foot-by-75-foot equipment compound would be established at the base of the tower. Sprint would install equipment and battery cabinets on a concrete pad within the compound. Sprint would be willing to reduce the size of the compound to 50 feet by 50 feet to reduce site disturbance. (Sprint 1, p. 12, Attachment 10; Tr. 1, p. 18)
28. Access to the facility would be provided by a 12-foot wide, 100-foot long gravel road extending from the existing paved driveway on the property. Electric and telephone utilities would be installed underground to the compound from an existing utility pole on the property. (Sprint 1, pp. 12, 14, Attachment 10)
29. The tower setback radius would be contained within the site property. (Sprint 1, Attachment 10)
30. The nearest abutting properties to the tower site are A.W. Stanley Park, 111 feet to the east and Pulaski Middle School, 120 feet to the north. (Sprint 1, Attachment 10)
31. There are 43 residences within 1,000 feet of the site. The nearest residential structure from the tower site is approximately 662 feet to the southeast. (Sprint 2, Q. 2)

32. Land use within a quarter mile of the site is a mix of commercial, residential, municipal school property and public parkland. (Sprint 1, p. 12; Attachment 10)
33. The estimated construction cost for the proposed facility, not including antennas, is:

Site Work	\$35,000.
Monopole	35,000.
Electrical & Telephone	30,000.
Foundation	30,000.
Landscaping	3,000.
<u>Site Access</u>	<u>\$ 3,000.</u>
Total	\$136,000.

(Sprint 1, Attachment 12)

### **Environmental Considerations**

34. The proposed facility would have no effect on archaeological resources listed on or eligible for the National Register of Historic Places or upon properties of traditional cultural importance to Connecticut's Native American community. (Sprint 1, Attachment 16)
35. The proposed site contains no known existing populations of Federal or State Endangered, Threatened or Special Concern Species. The site contains suitable habitat for the eastern box turtle, a state special concern species. The DEP recommends construction activities occur during the turtle's active season, April 1 to November 1, with a daily visual survey of the work area prior to site disturbance. (Sprint 1, p. 19, Attachment 16; Sprint 5; Tr. 1, p. 15)
36. The proposed site is in a maintained lawn area of the property. No trees will be removed during site development. (Sprint 1, p. 20, Attachment 10)
37. No wetlands or watercourses would be impacted during site development. The nearest wetland is 200 feet to the west, associated with Bass Brook. (Sprint 1, p. 18)
38. Aircraft hazard obstruction marking or lighting of the tower would not be required. (Sprint 4)
398. According to methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), assuming all Sprint antennas are oriented towards the base of the tower and all channels operating simultaneously, the maximum power density at the base of the proposed tower would be 0.186 mW/cm<sup>2</sup> or 18.6% of the standard for Maximum Permissible Exposure (MPE) as adopted by the FCC. (Sprint 1, Attachment 15)

### **Visibility**

40. The proposed tower and compound would be visible year-round from approximately 5 acres located on the lessor's property (refer to Figure 1). (Sprint 1, Attachment 14; Sprint 2, Q. 11)
41. The upper portion of the proposed tower would be visible year-round from approximately 144 acres within a two-mile radius of the site. A majority of this area is located within a half-mile of the site and includes residential areas to the south and west (refer to Figure 1). (Sprint 1, Attachment 14)

42. The upper portion of the tower would be visible year-round from 49 residences within a half-mile of the site. An additional 40 residences within a half-mile would have seasonal views of the upper portion of the tower. (Sprint 1, Attachment 14; Sprint 2, Q. 11)
43. The Joy Lane neighborhood abuts the Falcons Club property to the south. The residences at 130, 136, 142, and 150 Joy Lane are approximately 650 feet south of the site, abutting the Falcon Club athletic fields. These residences would have year-round views of a majority of the tower and four intervening 60-foot light poles associated with the athletic fields. (Sprint 1, Attachment 10, Attachment 14; Tr. 1, pp. 19-20)
44. Visibility of the proposed tower from specific locations within a half-mile radius of the site is presented in the table below:

<b>Location</b>	<b>Visible</b>	<b>Approx. Portion of Tower Visible</b>	<b>Distance from Tower</b>
Intersection of Kim Drive and Carroll Street	Yes	25 feet - unobstructed	0.3 miles south
Vicinity of 142 Joy Lane	Yes	50 feet - unobstructed	0.1 miles south
Farmington Avenue at Ruth Road	Yes	20 feet - unobstructed	0.3 miles southwest
Farmington Avenue at entrance to Pulaski Middle School	Yes	25 feet - unobstructed	0.3 miles west
Intersection of Yeaton Street and Lurton Street	Yes	25 feet - unobstructed	0.4 miles west
Intersection of Alexander Road and Miriam Road	Yes	35 feet - unobstructed	0.5 miles north
Corbin Avenue east of Lurton Street	Yes	20 feet - unobstructed	0.4 miles southwest

(Sprint 1, Attachment 14; Tr. 1, p. 20)

45. The tower would be visible from select portions of Batterson Park, approximately 0.5 miles to the north, and Stanley Quarter Park, approximately 0.3 miles to the south. (Sprint 1, Attachment 14)
46. The tower would be seasonally visible from the abutting wooded portion of A.W. Stanley Park and the abutting parking lot of the Pulaski Middle School. (Sprint 1, Attachment 14; Sprint 2, Q. 10)
47. There are no Connecticut Forest and Parks Association public use hiking trails or state designated scenic roads within two miles of the site. (Sprint 1, Attachment 14)

**Sprint - Existing and Proposed Wireless Coverage**

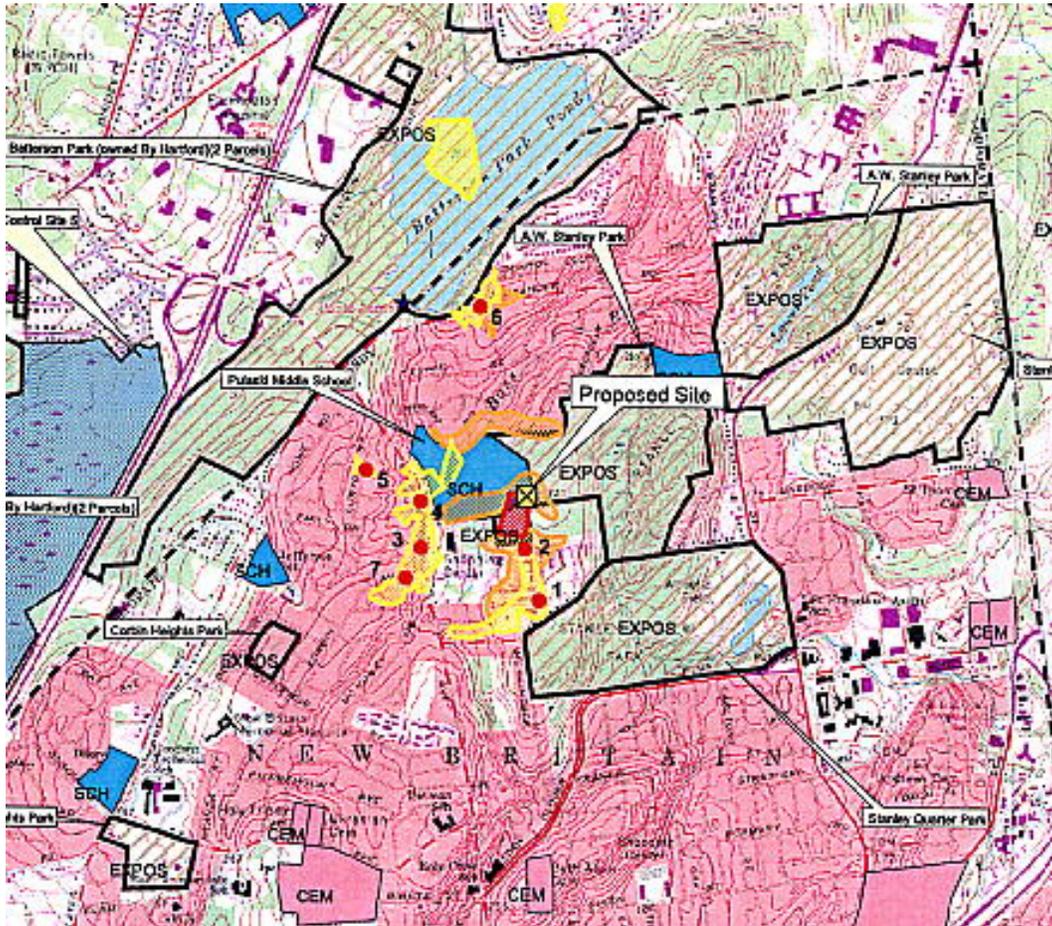
48. Sprint operates in the 1950 - 1965 MHz frequency bands and at a signal level service design of -84 dBm for this area, sufficient for urban areas. (Sprint 1, pp. 9, 15, Attachment 13)
49. Sprint currently experiences coverage gaps of approximately one mile on Farmington Avenue, one mile on Corbin Avenue, and in residential areas surrounding Lewis Road, north of the site, and Emily Drive, west of the site (refer to Figure 2). (Sprint 1, Attachment 13)
50. Installing antennas at the 108-foot level of the tower would provide adequate coverage to Farmington Avenue and the residential areas surrounding Lewis Road and Emily Drive (refer to Figure 3). (Sprint 1, Attachment 10)

51. The proposed site would improve coverage on Corbin Avenue; however, coverage gaps would remain in the area of the Diloreto Magnet School (refer to Figure 3). Sprint would need an additional facility to provide coverage to this area. (Sprint 1, Attachment 13; Tr. 1, p. 13)

**New Cingular - Existing and Proposed Wireless Coverage**

52. New Cingular seeks to provide in-building coverage to the Farmington Avenue/Corbin Avenue areas of New Britain. New Cingular's current signal level in the target service area ranges from -80 dBm to -90 dBm (refer to Figure 4). New Cingular seeks to upgrade the existing signal to -75 dBm, sufficient for in-building coverage. (New Cingular 1, Q. 1)
53. New Cingular operates in both the 800 and 1900 MHz frequency bands. New Cingular would install 800/1900 MHz dual band antennas at the 100-foot level of the proposed tower. (New Cingular 1, Q. 2, Q. 3, Q. 4)
54. Installing antennas at the 100-foot level of the tower would provide sufficient in-building coverage to the residential areas surrounding Farmington Avenue and Corbin Avenue (refer to Figure 5). (New Cingular 1, Q. 3, Q. 5)

**FIGURE 1  
 LOCATION AND VISIBILITY OF PROPOSED SITE**



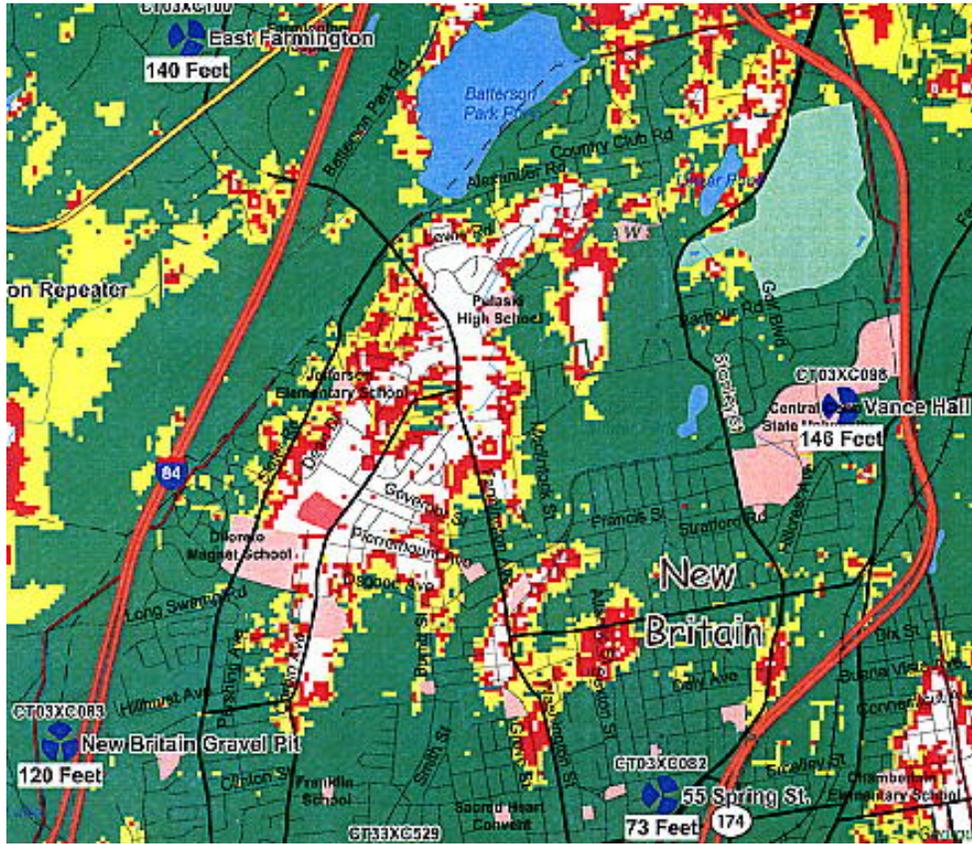
**LEGEND**

-  Proposed Tower Location (Includes area of visibility approximately 500 feet around facility)
- Photopoint Locations - October 8, 2004
  -  Balloon visible above trees
  -  Year-round visibility - Upper portion of tower is visible above surrounding tree cover (Approximately 52 acres)
  -  Year-round visibility - Areas where tower and compound may be visible (Approximately 5 acres)
  -  Seasonal visibility (Approximately 36 acres)

1" = 2000'

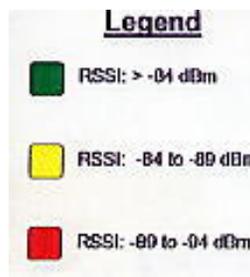
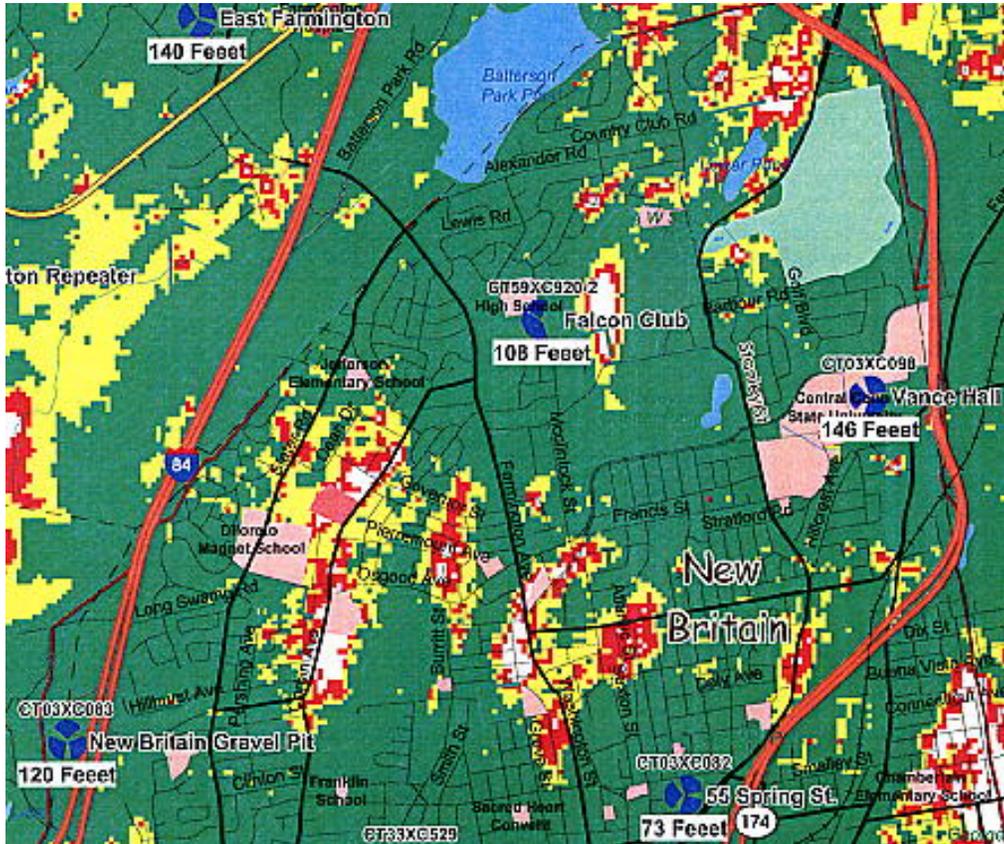
(Sprint 1, Attachment 14)

**FIGURE 2  
SPRINT EXISTING COVERAGE**



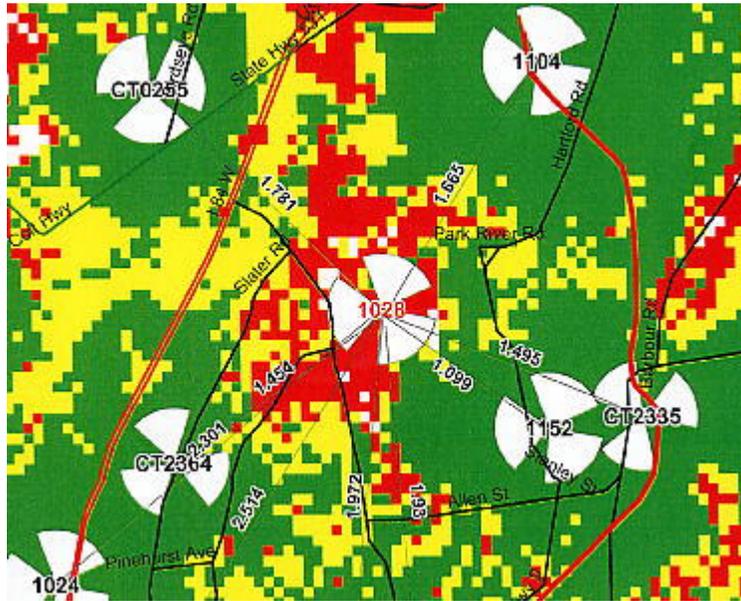
(Sprint 1, Attachment 13)

**FIGURE 3**  
**SPRINT EXISTING AND PROPOSED COVERAGE**

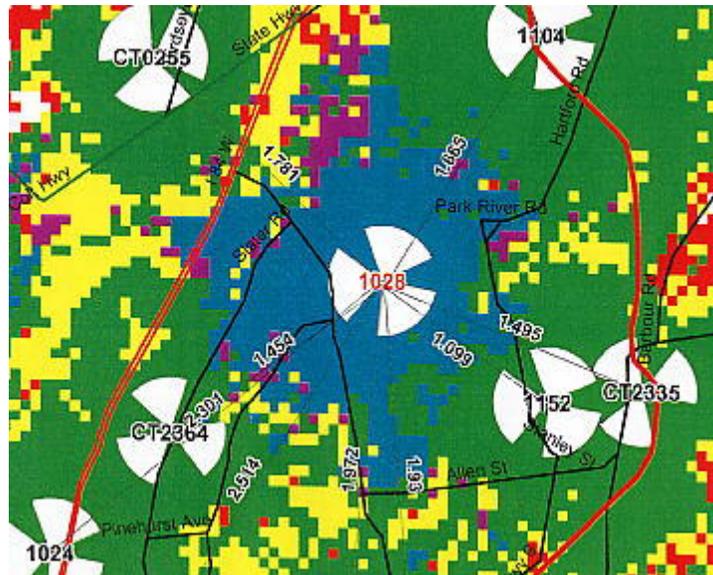


(Sprint 1, Attachment 13)

**FIGURE 4  
NEW CINGULAR EXISTING COVERAGE**



**FIGURE 5  
NEW CINGULAR EXISTING AND PROPOSED COVERAGE**



(New Cingular 1, Q. 4, Q. 5)