

An application of Metro Mobile CTS of New London Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a cellular telephone tower and associated equipment in the Town of East Lyme, Connecticut. : Docket No. 116
: Connecticut Siting Council
: January 3, 1990

OPINION

On July 14, 1989, Metro Mobile CTS of New London, Inc., (Metro Mobile) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) to construct, maintain, and operate a cellular telecommunications tower, associated equipment, and building in the Town of East Lyme, Connecticut.

A determination of public need for cellular telephone facilities has been pre-empted by the Federal Communications Commission (FCC). Under Connecticut State law, the Council must balance the need to develop the proposed site as a cellular telephone facility with the need to protect the environment, including public health and safety.

In finding a proposed tower site, an applicant must find a site or existing suitable tower to share, offering the desired coverage that would not have a substantial effect on the environment and adjacent landowners. Because Metro Mobile does not have the power to take land through eminent domain, acquisition of a site requires consent of the property owners to lease or sell the property.

The proposed or alternate site would offer cellular coverage to areas presently not covered by the Metro Mobile system. Coverage of this area would help build an integrated statewide system that could transfer calls from one area to another, as contemplated by the FCC.

The proposed site would be developed on property owned by the Town of East Lyme, adjacent to the town landfill. The proposed 160-foot, self-supporting, lattice tower would be located approximately 360 feet west of the landfill, 80 feet south of a quarry pond, and 300 feet east of a water tank also located on town property. The accessway to the proposed site would be via an existing ingress/egress to the landfill.

The alternate site would be east of the proposed site on a privately owned parcel abutting the eastern portion of East Lyme landfill. A 180-foot, self-supporting, lattice tower and a new 800-foot access road would be constructed on this site.

There are 76 homes within a 1000-foot radius and the nearest residence is approximately 400 feet from both the proposed and alternate sites. There are no wetlands on the proposed and alternate sites or accessways. The proposed and alternate sites have no existing records of federally endangered or threatened species or Connecticut "species of special concern." The construction of the proposed or alternate facility would not have significant effect on historic and archaeological resources or the East Lyme landfill operations.

Electromagnetic radio frequency power density is a public health and safety concern of the Council. However, at the base of the proposed tower, the power density level would be approximately 0.0370 milliwatts per square centimeter (mW/cm^2) and at the base of the alternate tower, the power density level would be approximately 0.0288 mW/cm^2 . Both of these modeled calculations are well below the American National Standard Institute safety standard as adopted by the Department of Environmental Protection as the State standard, and they would quickly become much lower as distance increases from the towers.

The proposed and alternate tower sites are in a relatively remote area of the town near the town landfill. Consequently, future land uses will remain under the direct control of the Town of East Lyme and the development of a cellular telecommunications facility on either the proposed or alternate sites would not result in an inconsistent or visually obtrusive land use on adjacent land uses now or in the long-term future. In addition, the town has accepted an offer to upgrade their existing communications system through an arrangement with Metro Mobile to share space on the proposed tower and within the proposed equipment building. The Council would allow construction and use of a lattice tower to support town antennas and possibly avoid construction of another tower by the town. However, the Council would require the proposed tower and antennas be no higher than 343 feet AMSL, the minimum height necessary for Metro Mobile's and the Town of East Lyme's antennas to provide adequate service.

The alternate site would require construction of a new access road. Since Metro Mobile was unable to gain easement rights for use of the town road and since no arrangements were made to share tower space with the town at this alternate site, the Council will deny the alternate site on the private parcel abutting the East Lyme landfill and issue a Certificate for the proposed site on property owned by the Town of East Lyme.

Based on its record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of a cellular site and associated equipment building at the proposed 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 significant 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.

The Council will require Metro Mobile to submit a Development and Management (D&M) plan for approval prior to the commencement of any construction or clearing at the proposed site or accessway. This D&M plan shall include detailed plans of the site preparation with compacted fill and for adjustment of the tower height in relation to the new site elevation.

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