

DOCKET NO. 139 - An application of
Metro Mobile CTS of Hartford, Inc., : Connecticut
for a Certificate of Environmental :
Compatibility and Public Need for : Siting
the construction, maintenance, and : Council
operation of cellular facilities in :
the Towns of Enfield, East Hartford, :
and Wethersfield, Connecticut. September 18, 1991

Opinion

On September 12, 1990, 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) for the construction, operation, and maintenance of three cellular telecommunications facilities and associated equipment in the Towns of Enfield, East Hartford, and Wethersfield, Connecticut.

On March 11, 1991, following a public hearing for this application, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving the construction, operation, and maintenance of the proposed Wethersfield, Connecticut, facility. The facilities proposed for the Towns of Enfield and East Hartford, Connecticut, were denied without prejudice.

On April 2, 1991, Metro Mobile requested the Council to reconsider its March 11, 1991, Findings of Fact, Opinion, and Decision and Order because new evidence that would affect the outcome of the proceeding was available. The Council reopened the proceeding and held a public hearing on June 10, 1991, for the purpose of receiving new evidence.

The Council's March 11, 1991, Opinion stated that not enough information was provided by the applicant for the Council to make a fair determination of the criteria used to reject possible alternative sites in the Town of Enfield. Specifically, we were interested in the availability of a site in the Enfield Memorial Industrial Park (EMIP) and on the existing Continental Cablevision (Continental) tower.

The new evidence and testimony given to us by Metro Mobile concerning a possible facility at the Continental tower demonstrates that this site would not be a workable site for a facility. Evidence showed that if customers were handed-off to a facility at the Continental tower, they would encounter background noise and other signal interference, or their incoming or outgoing calls would be unintelligible which would be inconsistent with the Federal Communications Commission's recognition of the public need for a high quality of service.

Metro Mobile also submitted new evidence concerning three sites in the EMIP suggested to them by the Town of Enfield following

the Council's March 11, 1991, decision. After discussions with the three landowners, Metro Mobile's lease offers were rejected by two of the landowners. The third landowner, Mr. James Bianco of Control Module, has not made any firm commitment for use of his property as a site. Even if Mr. Bianco approved of Metro Mobile's lease proposal, the restrictive covenants of the EMIP would require the Enfield Town Council, the Enfield Planning and Zoning Commission, the Enfield Development Agency, the Regional Planning Agency, the State of Connecticut Department of Economic Development, and all of the 20 or more owners in the EMIP, to approve the construction. The Town of Enfield, as a party to this proceeding, had offered to assist Metro Mobile in getting approval from the municipal agencies involved. However, during a March 14, 1991, meeting of the Enfield Development Agency, no decision was made concerning a possible Metro Mobile facility in the EMIP.

The Town of Enfield did decide on May 13, 1991, that it would offer town land to Metro Mobile for site consideration; however, this information was not submitted before the pre-filing deadline, nor was it made known to Metro Mobile until June 6, 1991, only four days before the June 10, 1991, hearing on the new evidence. The Town of Enfield also submitted evidence at the June 10, 1991, hearing concerning frontage for a property that Metro Mobile had originally identified as not having frontage. However, there is no evidence that these parcels would be superior sites with fewer environmental effects than the proposed prime or alternate site.

Based on the information from the Council's initial hearing and record, and new information provided to us during the reconsideration at a second hearing, it is our opinion that the possible alternatives in the Town of Enfield that were provided to us and rejected by Metro Mobile are not workable alternative sites and were justifiably rejected.

The development of either of the proposed Enfield sites would not be likely to have any substantial effects on the natural environment, including effects on the quality of air, water, and ecology of the sites. However, the proposed Enfield prime site at the existing self-storage facility has little or no vegetative screening and would be visible to surrounding parcels and certain areas within the Town. The proposed Enfield alternate site, zoned residential and presently used for agriculture, has the benefit of having some trees for screening and is adjacent to the Interstate 91 right-of-way. This screening, the near proximity to Interstate 91, a consistent urban land use, and the fact that there would be only one residence within 1150 feet of the facility proposed for this site would lessen the visual effect of a tower when compared to a tower at the proposed Enfield prime site. Therefore, we will deny the proposed Enfield prime site and issue a Certificate for the proposed Enfield alternate site.

Our March 11, 1991, Opinion concerning the facilities proposed for the Town of East Hartford stated that we would deny without prejudice the proposed East Hartford facility because of questions regarding the present need for additional call handling capability and the potential for superior alternatives in this area. During the reconsideration of this case at the second hearing, we were given ample evidence concerning sites that might have been feasible alternatives. We conclude that construction at these areas, including land owned by the State of Connecticut, would have either restricted access or a disproportionate environmental effect when compared to the sites originally proposed. For these reasons, we agree with Metro Mobile's rejection criteria for these possible alternative parcels.

The future need for a facility in East Hartford has been demonstrated. At the present time, without an East Hartford facility, Metro Mobile's existing system is capable of handling all of the traffic in the Interstate 91, 84, and Route 2 corridors into 1992. A digital upgrade to increase call handling capability of existing facilities is not expected until late 1993 or later. Because this new technology is not currently available and its availability speculative, there is a need for an East Hartford facility.

The proposed East Hartford sites are only 375 feet apart on the same residentially-zoned parcel of land that is presently used for agriculture. Development of either of the proposed East Hartford sites would have similar environmental effects, including the effects on air, water, and ecological quality of the sites. However, the proposed East Hartford prime site would have screening provided by an adjacent barn to the north and a tree line and dense understory vegetation 50 feet to south. The east side of the proposed East Hartford alternate site that faces the majority of the residences in the area would only be nominally screened by an adjacent cornfield. The proposed East Hartford prime site would offer substantially better screening of the tower and equipment building due to the existing barn and vegetation providing a buffer to residences; therefore, we will deny the proposed East Hartford alternate site and issue a Certificate for the proposed East Hartford prime site.

There are no known existing federally recognized endangered or threatened species, nor Connecticut species of special concern occurring at either the proposed Enfield alternate site or the proposed East Hartford prime site. The erection of the proposed tower and the development of the proposed Enfield alternate site or the proposed East Hartford prime site would have no effect on the State's historic, architectural, or archeological resources listed on or eligible for the National Register of Historic Places.

Electromagnetic frequency power density is a concern of the Council. However, the power density at the fence of either the

proposed Enfield alternate site or the East Hartford prime site would be well below the state standard for the frequencies used by cellular telephone service.

Based on the record in this proceeding, we find that the effects associated with the construction, operation, and maintenance of cellular facilities and their associated equipment buildings at the proposed Enfield alternate site and proposed East Hartford prime 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 the application. Therefore, the Council will issue a Certificate for the construction, operation, and maintenance of cellular telecommunications facilities at the proposed Enfield alternate and the proposed East Hartford prime sites.

The Council will require the Certificate Holder to submit a Development and Management (D&M) plan for approval by the Council prior to commencement of any construction or clearing at the facility sites. This D&M plan shall include detailed plans of the towers, tower foundations, soil boring reports, equipment buildings, access roads, security fences, landscaping plans, and detailed erosion and sedimentation control plans. In addition, the D&M plan shall include for Council consideration detailed plans and itemized costs for the placement of service utilities underground in order to further mitigate the visual effect of the facilities.

SMH:bw

5533E