

Daniel F. Caruso
Chairman

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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May 27, 2008

Julie Kohler, Esq.
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115 Broad Street
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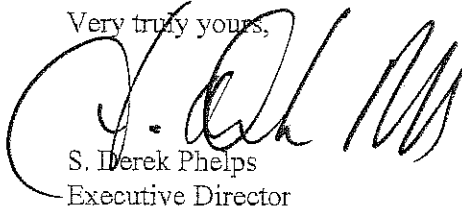
RE: **DOCKET NO. 342** - Optasite Towers LLC and Omnipoint Communications, Inc.
application for a Certificate of Environmental Compatibility and Public Need for the
construction, maintenance and operation of a telecommunications facility located at 425
Litchfield Road, New Milford, Connecticut.

Dear Attorneys Kohler and Larson:

By its Decision and Order dated May 22, 2008, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located at 425 Litchfield Road, New Milford, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

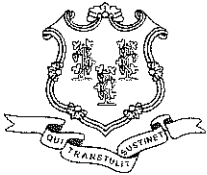
Very truly yours,



S. Derek Phelps
Executive Director

SDP/cm

Enclosures (4)



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CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 342

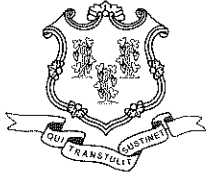
Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Optasite Towers LLC for the construction, maintenance and operation of a telecommunications facility located at 425 Litchfield Road, New Milford, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on May 22, 2008

By order of the Council,

May 22, 2008



Daniel F. Caruso, Chairman



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Chairman

STATE OF CONNECTICUT

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May 27, 2008

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 342** - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 425 Litchfield Road, New Milford, Connecticut.

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Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/cm

Enclosures (3)

c: Julie Kohler, Cohen and Wolf
Carrie Larson, Cohen and Wolf
State Documents Librarian

DOCKET NO. 342 - Optasite Towers LLC and Omnipoint }
Communications, Inc. application for a Certificate of }
Environmental Compatibility and Public Need for the }
construction, maintenance and operation of a telecommunications }
facility located at 425 Litchfield Road, New Milford, }
Connecticut.

Connecticut

Siting

Council

May 22, 2008

Findings of Fact

Introduction

1. Optasite Towers LLC (Optasite) and Omnipoint Communications, Inc. (T-Mobile), collectively referred to as the "Applicant", in accordance with provisions of General Statutes §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on June 22, 2007 for the construction, operation, and maintenance of a wireless telecommunications facility at 425 Litchfield Road, New Milford, Connecticut. (Applicant 1, p. 1)
2. The purpose of the proposed 140-foot tower is to provide wireless service to Route 202 in the Northville area of New Milford. (Applicant 1, p. 1)
3. Optasite is a Delaware corporation with an administrative office located in Westborough, Massachusetts. Optasite would be the Certificate Holder and would construct and maintain the facility. T-Mobile is a Delaware corporation with an administrative office in Bloomfield, Connecticut. T-Mobile would be a tenant on the Optasite tower. (Applicant 1, pp. 2-3)
4. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on September 10, 2007, beginning at 4:00 p.m. and continuing at 7:00 p.m. at the New Milford High School, New Milford, Connecticut. (Council's Hearing Notice dated August 6, 2007; Transcript 1 – 09/10/07, 4:00 p.m. [Tr. 1], p. 2; Transcript 2 – 09/10/07, 7:00 p.m. [Tr. 2], p. 2)
5. The Council and its staff conducted an inspection of the proposed site on September 10, 2007, beginning at 3:00 p.m. The Applicant flew a balloon from 8:00 a.m. to 6:00 p.m. at the site to simulate the height of the proposed tower. The balloon reached the desired height of 140 feet above ground level (agl). (Council's Hearing Notice dated August 6, 2007; Applicant 10)
6. Notice of the application was sent to all abutting property owners by certified mail. Public notice of the application was published in the New Milford Spectrum on June 18, 2007 and The News-Times on June 18 and 20, 2007. (Applicant 2, Q. 1; Applicant 3)
7. The Applicant installed a four-foot by six-foot sign at the beginning of the proposed access road on August 22, 2007 that described the proposed project and provided contact information. (Applicant 9; Tr. 2, p. 9)
8. Pursuant to CGS § 16-501 (b), the Applicant provided notice to all federal, state and local officials and agencies listed therein. (Applicant 1, p. 4)
9. The Council closed the hearing on September 10, 2007. (Tr. 2, p. 52)

10. On December 7, 2007, Celco Partnership d/b/a Verizon Wireless (Verizon) submitted an application (D 355) to the Council for a proposed telecommunication facility at 359 Litchfield Road in New Milford. The proposed Verizon facility would provide coverage to the Route 202 corridor in Northville area of New Milford. (Verizon 1, p. 2)
11. The Verizon site is approximately 0.6 miles south of the proposed site. (Applicant 1, Tab J; Verizon 1, Tab 12)
12. On December 18, 2007, the Council, pursuant to Connecticut General Statute § 16-50m(d), voted to hold a common evidentiary hearing for D 342 and D 355 to determine, in part, whether one tower could meet the mobile telecommunications needs of the area. (Council meeting minutes of December 18, 2007)
13. The Council, after giving due notice thereof, held a public hearing regarding D 342 and D 355 on March 11, 2008, beginning at 3:00 p.m. and continuing at 7:00 p.m. at the New Milford High School, New Milford, Connecticut. The public hearing was continued on April 4, 2008 at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut. (Council's Hearing Notice dated February 8, 2008; Transcript 3 – 03/11/08, 3:00 p.m. [Tr. 4], p. 3; Transcript 4 – 03/11/08, 7:00 p.m. [Tr. 4], p. 3; Transcript 5 – 04/04/08, 10:00 a.m. [Tr. 5], p. 3)
14. The Council voted to reopen Docket 342 on March 11, 2008. (Tr. 3, pp. 12-14)
15. The party in this proceeding is the applicant. The intervenor in this proceeding is Verizon. (Tr. 3, p. 8)

State Agency Comment

16. Pursuant to General Statutes § 16-50j (h), on August 6, 2007, September 12, 2007, February 8, 2008, and April 7, 2008, 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 Department of Transportation (DOT). (Record)
17. The Council received a written response from the DOT's Bureau of Engineering and Highway Operations on January 17, 2007, stating that they have no comment. (Record)
18. No response was received from the DEP, DPH, CEQ, DPUC, OPM, or DECD. (Record)

Municipal Consultation

19. The Applicant submitted a technical report to the Town on March 16, 2007. (Applicant 1, p. 19)
20. The Applicant met with the Mayor of New Milford, Patricia Murphy, on April 24, 2007 to discuss the project. Ms. Murphy had no comment regarding the tower itself but was pleased to hear the project would lead to improvement of the property. (Applicant 1, p. 19)

21. The Applicant attended a New Milford Zoning Commission public hearing on August 14, 2007. After hearing comments from area residents and the Applicant, the Commission concluded the following;
- a. Based on the visual analysis, the tower would have a minimal visual impact;
 - b. The cleanup of the property must continue and the Applicant should work with the property owner to facilitate the cleanup; and
 - c. The Council should review all telecommunications proposals for the Route 202 corridor to ensure the unnecessary proliferation of telecommunication facilities.
- (Applicant 7)

Public Need for Service

22. 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)
23. 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. (Council Administrative Notice Item No. 7)
24. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)
25. The Telecommunications Act of 1996 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

26. The Applicant established a search ring in the Northville area in February of 2006. (Applicant 1, Q. 2)
27. The nearest existing tower facility to the search ring is approximately 2.7 miles southeast of the proposed tower site at 399 Chestnut Lane in New Milford. T-Mobile is not located on this facility; however, coverage modeling concludes the site would not provide adequate coverage to the target service area. (Applicant 1, Tab G, Tab H; Applicant 8; Tr. 1, pp. 22-25, 28-33; Tr. 2, pp. 30-32)
28. T-Mobile examined potential coverage from the facility proposed in D 332, a 150-foot Verizon tower at 6 Mountain Road in New Milford. Coverage modeling indicates that if T-Mobile located at the 140-foot level of this tower, a two-mile coverage gap on Route 202 south of Northville would remain. (Applicant 11; Tr. 2, p. 28-30; Tr. 5, p. 72)

29. After determining there were no viable structures within the search area, the Applicant searched for properties suitable for tower development. The Applicant investigated seven parcels and selected one for site development. The six rejected parcels and reasons for their rejection are as follows:
- a) Wheaton Drive - Town parcel used as a park and within close proximity to area residences;
 - b) Upland Road - Town parcel with development restrictions;
 - c) 9 Little Bear Road - Insufficient site screening;
 - d) 333 Litchfield Road - Owner decided not to pursue lease agreement.
 - e) 387 Litchfield Road - No response from owner, insufficient site screening;
 - f) Northville Fire Department - No response from owner. Property is under lease with Verizon and unavailable to the Applicant. Property is at a lower elevation, is smaller, and has less visual screening than the proposed site.

(Applicant 1, Tab I; Tr. 2, pp. 35-48)

Site Description

30. The proposed site is located on a 28.86-acre parcel owned by the Estate of Edward J. Drazel at 425 Litchfield Road (Route 202) in New Milford. The property is on the west side of Route 202 (refer to Figure 1). (Applicant 1, p. 2)
31. The property has two zoning designations: general business, B-2, along Route 202, and residential, R-40, on the hillside. The tower and compound is located in the residential portion of the property. The site access road would extend through both the business and residential zones. (Applicant 1, p. 2; Tab B, Tab J, Verizon 1 e; Tr. 5, pp. 76, 78)
32. The property, which slopes upward from Route 202, consists of woodland, fields, and a cleared area along Route 202 that contains several dilapidated structures, granite slabs and abandoned vehicles and equipment. (Applicant 1, p. 17, Tab B)
33. The property owner is in the process of removing all debris from the property in advance of future development plans. The removal of all visible debris should be completed by early summer of 2008. (Tr. 5, p. 92)
34. The tower site is located in a comparatively level area of a hillside at an elevation of 640 feet above mean sea level (amsl). (Applicant 1, Tab B)
35. The Applicant proposes to construct a 140-foot monopole at the site. It would be designed to support four levels of antennas with a 10-foot center-to-center vertical separation. (Applicant 1, p. 9)
36. T-Mobile proposes to install six panel antennas on a platform at a centerline height of 137 feet agl. (Applicant 1, p. 9)
37. The Applicant proposes to construct a 70-foot by 70-foot equipment compound within an 100-foot by 100-foot lease area at the base of the tower (refer to Figure 2). An eight-foot high chain link fence would enclose the compound. Within the compound, T-Mobile proposes to install equipment cabinets on a concrete pad. A battery cabinet would provide emergency power. (Applicant 1, pp. 9-10, Tab B; Tr. 1, p. 19)
38. Access to the site would extend from Route 202 using an existing gravel road that merges with an old dirt logging road that ascends the hillside to the site. The old logging road would be resurfaced with gravel and cleared, as necessary. The 12-foot wide access road would be approximately 1,200 feet in length. (Applicant 1, Tab B; Tr. 1, pp. 16-17)

39. A majority of the access road has an 18% grade. Drainage swales would be installed as necessary to control runoff. (Tr. 5, pp. 58, 79-80)
40. Utilities would be installed underground along the access road from a new pole near the access road entrance. (Tr. 1, pp. 18-19)
41. The estimated cost of construction to Optasite, not including T-Mobile's base station equipment and antennas, is:
- | | |
|-------------------------|----------------|
| a. Tower and foundation | 74,000. |
| b. Site development | 66,000. |
| c. Utilities | <u>28,000.</u> |
| Total estimated cost | \$168,000. |
- (Applicant 1, p. 21)

42. The nearest abutting property to the tower site is approximately 272 feet to the south, owned by Michael and Debra Foss. (Applicant 1, Tab B)
43. There are seven residences within 1,000 feet of the site. (Applicant 2, Q. 7)
44. The nearest residence to the proposed tower site is approximately 590 feet to the west, owned by John Kuck. (Applicant 1, Tab B)
45. Route 202 travels through the Northville area in a southwest to northeast direction and, at its nearest point, the road is approximately 665 feet east of the proposed tower site. (Applicant 1, Tab B)
46. Two other nearby roads are McNulty Drive, located approximately 1,200 feet north of the tower site, and Geiger Road, located approximately 1,470 feet west of the tower site. Both roads ascend or travel along the west ridge of the Route 202 valley. (Applicant 1, Tab B, Tab J)
47. Surrounding land use is mainly residential, although some small commercial use is present. The Town Conservation and Development Plan identified Route 202 as a heavily traveled corridor. (Applicant 1, pp. 15-18)

Environmental Concerns

48. The proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Applicant 6)
49. The proposed site contains no known existing populations of federal or State endangered, threatened or State special concern species. (Applicant 6)
50. Construction of the facility would require the removal of 42 trees with a diameter of six inches or greater, primarily in the compound area. Trees along the access road would be trimmed. (Applicant 1, Tab B; Applicant 2, Q. 16; Tr. 1, p. 16)
51. Construction of the compound would require a moderate amount of grading with 1,900 cubic yards of cut and 1,700 cubic yards of fill. The elevation and width of the access road would not be altered. (Tr. 5, pp. 34-35)

52. Site construction would not affect any wetlands or watercourses. No wetlands were identified on the property. (Applicant 1, p. 18)
53. The tower would not require aircraft hazard obstruction marking or lighting. (Applicant 6)
54. The cumulative maximum power density from radio frequency emissions from T-Mobile's proposed antennas is calculated to be 3.5 % of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Applicant 1, Tab L)

Visibility

55. The tower would be visible year-round above the tree canopy from approximately 38 acres within a two-mile radius of the site (refer to Figure 3). The tower would be seasonally visible from an additional 18 acres. (Applicant 1, Tab J)
56. The tree canopy surrounding the site is approximately 65 feet agl. (Applicant 1, Tab J)
57. The tower is on an east-sloping ridge. To the west, the ridge rises steeply to an elevation of 800 feet above mean sea level (amsl) and then gradually rises to several summits. The tower would reach a height of 780 feet amsl. East of the tower, the ridge descends to Route 202 to an elevation of 500 feet amsl. East of Route 202 a ridge rises to an elevation of 900 feet amsl. (Applicant 1, Tab J)
58. A majority of the tower would be visible from within a half-mile of the site, primarily from the Route 202 valley east and northeast of the site. Views from the west would be obscured by topography and vegetation except for two residences on McNulty Drive located on top of the ridgeline immediately west of the tower that may have views of the top of the tower. (Applicant 1, Tab J; Tr. 1, p. 45)
59. Approximately 25 residential properties would have partial, year-round views of the tower. This includes residences on Route 202, Sandpit Road, Sandy Acres Lane, Wheaton Road, Hillendale Drive, Hearthstone Terrace, and Upland Road. An additional 10 residences in these areas may have seasonal views of the tower. (Applicant 1, Tab J)
60. Two locally designated scenic roads would have views of the tower: Sandpit Road and Old Mill Road. Year-round views from Sandpit Road would be of the upper portion of the tower for approximately a tenth of a mile. Views from Old Mill Road would be seasonal for approximately a quarter of a mile. (Applicant 1, Tab J)
61. The upper 25 to 45 feet of the tower would be visible year-round from a few isolated locations on Route 202 east and north of the site. (Applicant 1, Tab J)
62. The tower would be seasonally visible from a 0.2 mile section of Route 202 directly east of the site. (Applicant 1, Tab J)
63. The tower would be visible year-round from isolated locations on Upland Road, Sandy Acres Lane, Sandpit Road, Hearthstone Terrace, Hillendale Drive, and Wheaton Road. (Applicant 1, Tab J)

64. Year-round visibility of the tower from specific locations within a two-mile radius of the site is as follows:

Location	Visible	Approximate Portion of Tower Visible	Distance from Tower
Sandpit Road, adjacent to #1	Yes	30 feet - unobstructed	0.2 mile south
Sandy Acres Lane	Yes	55 feet – unobstructed.	0.2 mile east
Hearthstone Terrace, adjacent to #3	Yes	25 feet – unobstructed.	0.4 mile east
Hillendale Drive Extension, adjacent to #39	Yes	50 feet – unobstructed.	0.6 mile north
Upland Road, adjacent to #109	Yes	25 feet – unobstructed with hillside as a backdrop.	0.5 mile east
Upland Road, adjacent to #77	Yes	25 feet - unobstructed with hillside as a backdrop.	0.5 mile east
Upland Road, adjacent to #95	Yes	30 feet – unobstructed with hillside as a backdrop.	0.5 mile east
Upland Road, adjacent to #117	Yes	20 feet – unobstructed with hillside as a backdrop.	0.5 mile east
Upland Road, adjacent to #21	Yes	20 feet – unobstructed	0.5 mile south
Wheaton Road	Yes	50 feet – unobstructed	0.3 mile northeast
Wheaton Road, adjacent to #57	Yes	15 feet – unobstructed	0.8 mile northeast
Route 202 at 425 Litchfield Road	Yes	45 feet- unobstructed	0.1 mile east
Route 202 adjacent to #469	Yes	25 feet – unobstructed	0.3 mile north

(Applicant 1, Tab J)

65. There are no hiking trails maintained by the DEP or the Connecticut Forest and Parks Association within a two-mile radius of the site. (Applicant 1, Tab J)

66. Visual mitigation by use of a stealth tree design at the proposed site would not be effective since many views from the Route 202 corridor would not have a hillside as a backdrop. (Tr. 5, pp. 60-61)

T-Mobile - Existing and Proposed Wireless Coverage

67. T-Mobile operates in the 1900 MHz frequency bands. T-Mobile’s design thresholds for this area are -84 for in-vehicle coverage and -76 dBm for in-building coverage. (Applicant 2, Q. 9, Q. 10)

68. T-Mobile has no reliable, continuous coverage on Route 202 in the Northville area. Coverage from its site to the south, a facility on an electric transmission support structure, extends north to Mill Road, just south of Northville (refer to Figure 4). (Applicant 1, Tab G, Applicant 2, Q. 3)

69. The proposed site with antennas at 137 feet agl would provide approximately six miles of coverage on Route 202, extending from Mill Road to approximately one mile south of New Preston village in Washington (refer to Figure 5). (Applicant 1, Tab G)

70. Installing antennas at 127 feet agl would cause a 0.3-mile gap in coverage on Route 202 south of the proposed site in the Mill Road area. (Tr. 1, pp. 49-50)

71. T-Mobile does not have any funded, active search rings to provide service on Route 202 northwest of the proposed site. (Tr. 5, p. 33)

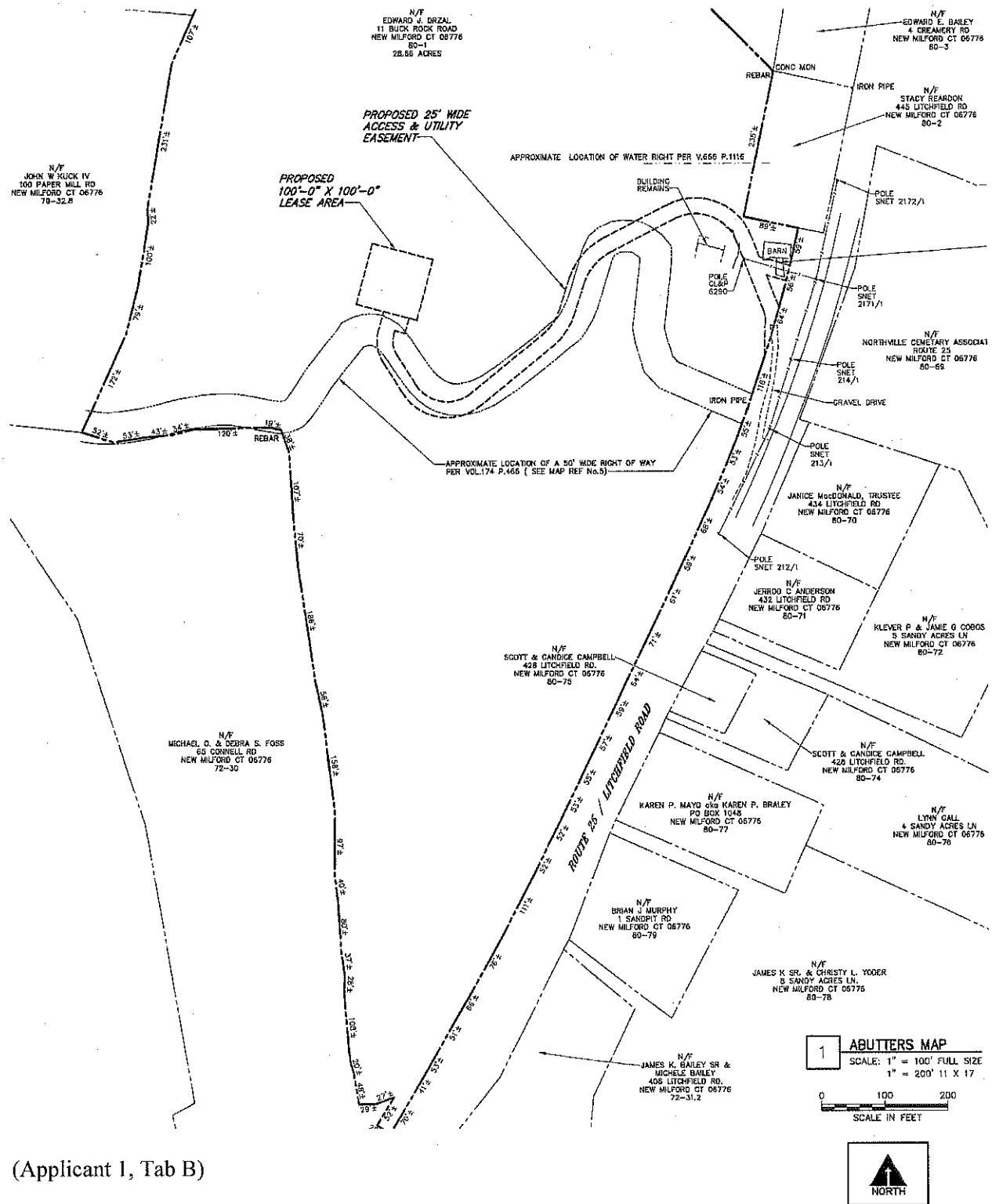
72. T-Mobile experiences non-reliable coverage Route 202 heading east for 16 to 18 miles until Route 202 reaches an existing T-Mobile site in Torrington. (Tr. 5, pp. 36-37, 41, 63)
73. T-Mobile does not have any roaming agreements with other carriers that serve the Route 202 corridor. (Tr. 5, pp. 41-42)
74. The proposed site would provide a greater coverage footprint than the proposed D 355 Verizon site, (assuming antennas were located on the Verizon tower at 140 feet), extending approximately two miles farther north along the Route 202 corridor into the Town of Washington, ending near New Preston village (refer to Figures 5 & 6). (Tr. 5, pp. 42, 52)
75. Although T-Mobile does not have any active search rings north of the site, T-Mobile would examine whether the proposed site could handoff to a potential Optasite location in Warren that T-Mobile may utilize in the future. If handoff were not possible, T-Mobile would establish a search ring in the Washington area. (Tr. 5, pp. 52-55)
76. From a coverage perspective, the most effective search ring for continuous coverage to the north, would be centered approximately 1.5 miles north of the existing D 332 Verizon site in Washington. T-Mobile would also examine whether to locate on this existing Verizon site since antennas at this location would extend T-Mobile's coverage approximately 1.2 miles to the north on Route 202, filling any remaining gap between the D 342 site currently proposed and the Optasite location in Warren. (Tr. 5, pp. 36, 44-50, 52-55, 65-66)
77. If T-Mobile were to locate on the proposed Verizon D 355 site, the next search ring, from a coverage perspective, would be in the area of the existing Verizon D 332 site. (Tr. 5, pp. 38, 53-54)

FIGURE 1
LOCATION OF SITE



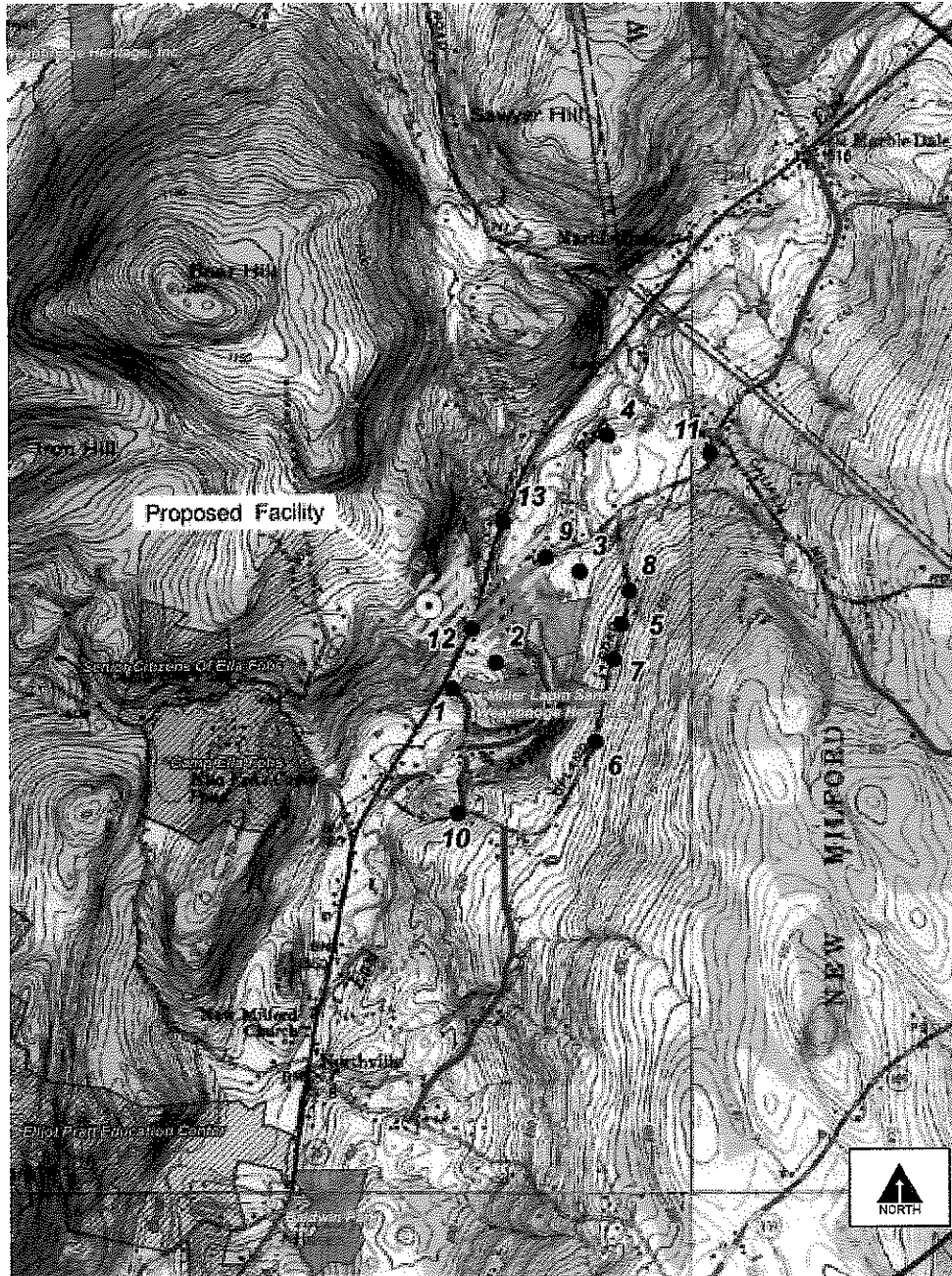
(Applicant 1, Tab B)

**FIGURE 2
 SITE PLAN**







(Applicant 1, Tab B)

**FIGURE 3
VISIBILITY OF SITE**

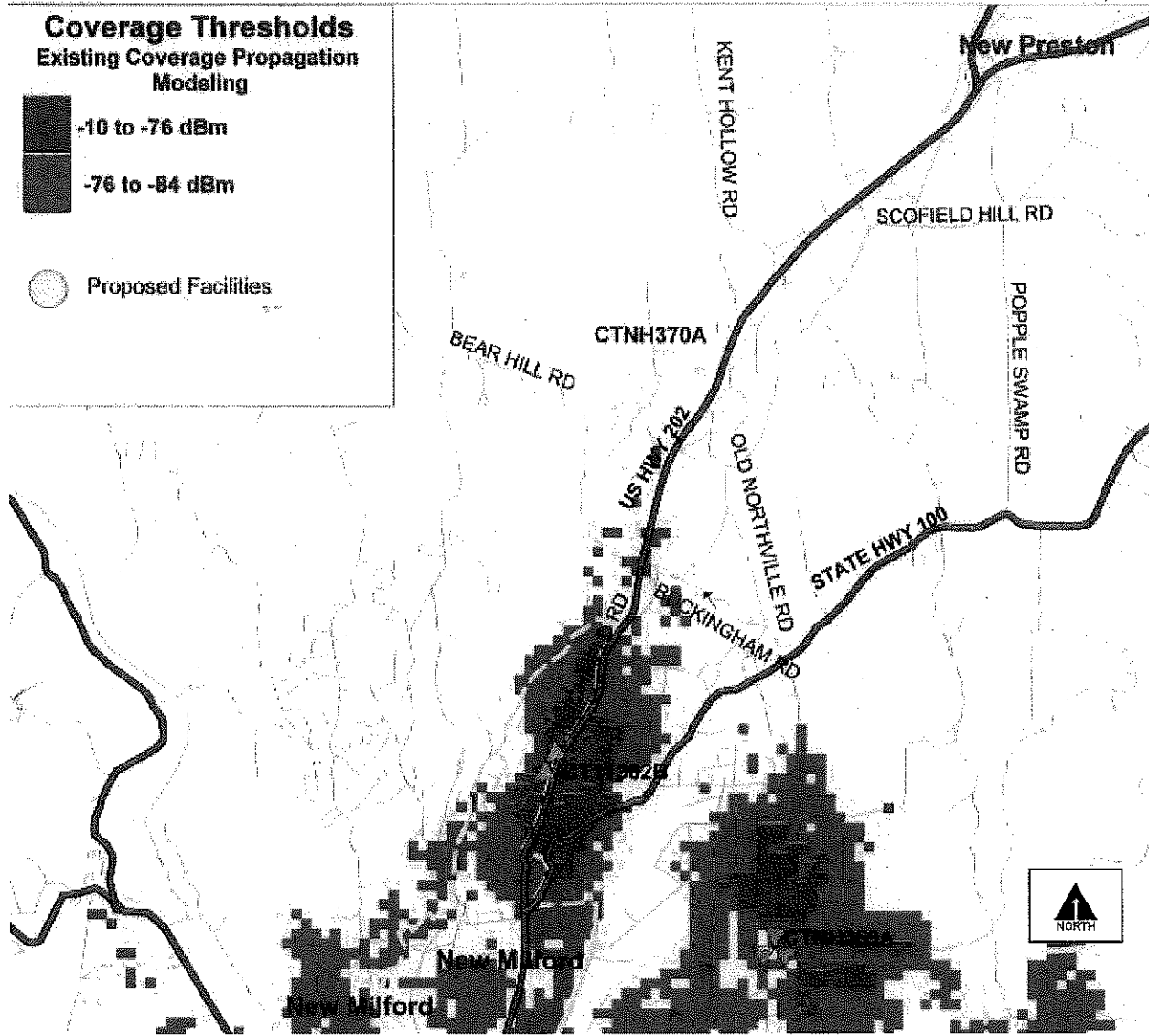


Legend

-  Proposed Monopole Location (Includes select areas of visibility approximately 500 feet around facility)
- Photographs - June 8, 2007
-  Balloon visible above trees
-  Year Round Visibility (Approximately 38 Acres)
-  Anticipated Seasonal Visibility (Approximately 16 Acres)

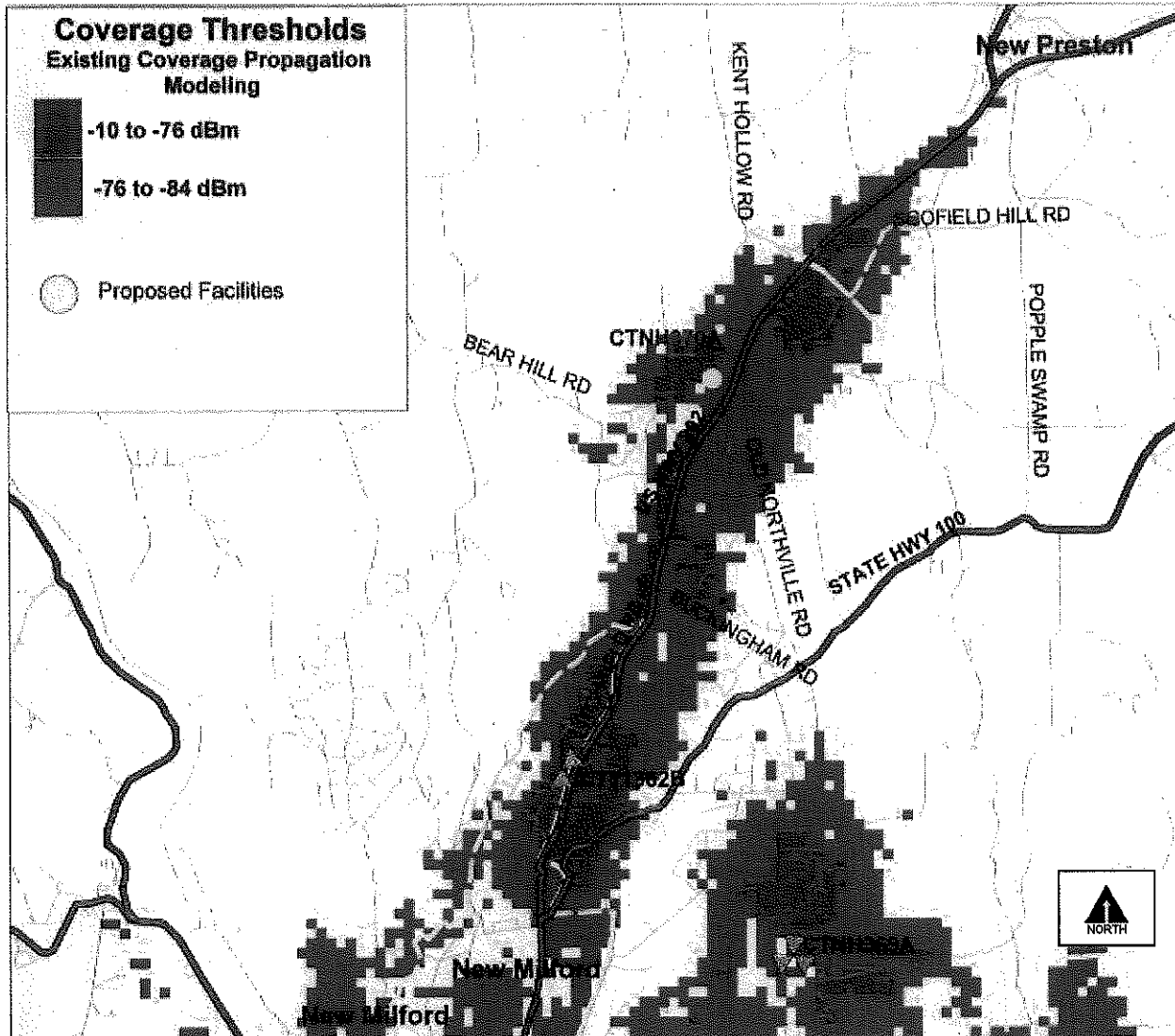
(Applicant 1, Tab J)

FIGURE 4
EXISTING T-MOBILE COVERAGE



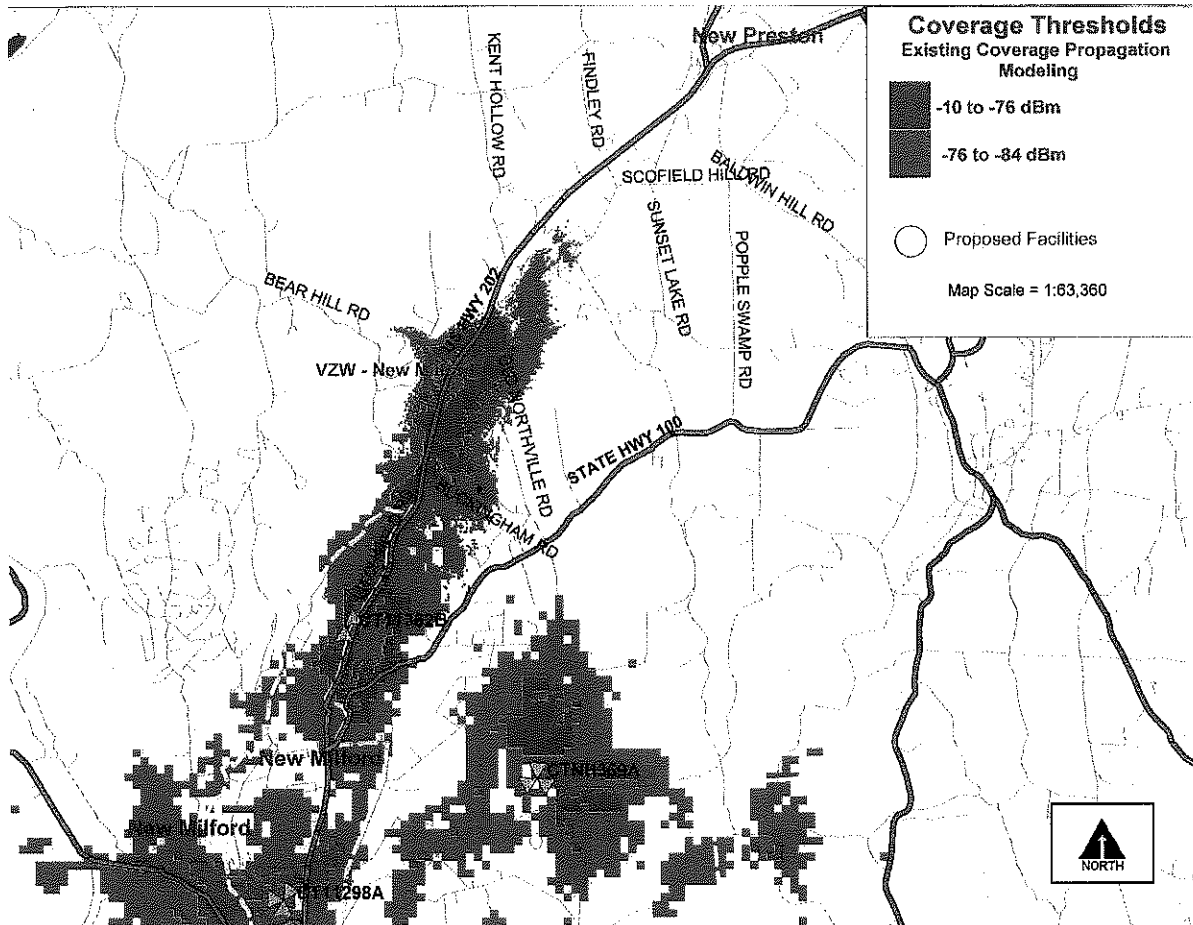
(Applicant 1, Tab G)

FIGURE 5
PROPOSED T-MOBILE COVERAGE FROM
425 LITCHFIELD ROAD @ 137 FEET AGL



(Applicant 1, Tab G)

FIGURE 6
PROPOSED T-MOBILE COVERAGE FROM
359 LITCHFIELD ROAD AT 140 FEET AGL



(Applicant 16, Q. 1)

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Connecticut.

Connecticut

Siting

Council

May 22, 2008

Opinion

On June 22, 2007, Optasite Towers LLC (Optasite) and Omnipoint Communications, Inc. (T-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 a wireless telecommunications facility at 425 Litchfield Road, in New Milford, Connecticut. The proposed 140-foot tower would be owned and maintained by Optasite. T-Mobile would be a tenant on the Optasite tower.

The purpose of the proposed facility is to provide wireless telecommunication service to Route 202 in the Northville area of New Milford. Cellco Partnership d/b/a Verizon Wireless (Verizon) also identified a need for a facility in the Northville area and submitted a separate application to the Council on December 7, 2007 for a 150-foot tower in the same general area, designated as Docket 355. The Council held a common evidentiary hearing to determine, in part, whether one tower could meet the mobile telecommunications needs of both Verizon and T-Mobile in the Northville area.

Optasite proposes to construct a 140-foot tower on a 28.86-acre parcel owned by the Estate of Edward J. Drazel. The parcel fronts the west side of Route 202, approximately a half-mile north of Northville village and the proposed Verizon D 355 site. Route 202 in the Northville area runs in a southwest to northeast direction through a deep valley with high ridges to the east and west.

The parcel slopes upward from Route 202, becoming progressively steeper as it occupies a portion of a steep ridge. The tower site is located in a somewhat level, wooded area in the center of the parcel. Optasite would construct a 70-foot by 70-foot equipment compound within a 100-foot by 100-foot lease area at the base of the tower. Vegetative clearing and a moderate amount of grading would be required to develop the compound area. An old dirt road that leads to the tower site from Route 202 would be improved to provide site access. Utilities to the site would be installed underground along the access road.

Since the site is located on an undeveloped hillside in the center of a large parcel, it is remote from area development. The nearest property line and residence are approximately 272 feet and 590 feet distant, respectively. Route 202 is approximately 665 feet east of the proposed tower site and no other public roads are within 1,000 feet. Seven residences are within 1,000 feet of the site.

The nearest existing tower facility to the target service area is located 2.7 miles southeast of the Northville area at 399 Chestnut Land Road (Route 109) in New Milford. T-Mobile is not located on this facility; however, coverage modeling concludes the site would not provide adequate coverage to the target service area. T-Mobile also examined potential coverage from a 150-foot Verizon tower under construction at 6 Mountain Road in Washington (D 332) and determined coverage objectives could not be met since a two mile gap would remain on Route 202 between the Verizon site and an existing T-Mobile site north of New Milford center. Based on the substantial gaps in existing coverage and the lack of suitable existing structures, the Council finds a need for a new tower.

Due to the site's location on a high point in the valley with down slopes to the north and south along Route 202, the site would provide T-Mobile with approximately six miles of coverage on Route 202, connecting to the existing T-Mobile site near New Milford center and extending past the D 332 facility in Washington. T-Mobile currently lacks coverage in areas north of the site and would seek to develop an additional site, possibly in close proximity to the D 332 facility. Although the Council is concerned about the proliferation of towers, the Council is confident T-Mobile would seek to expand coverage through the use of existing towers even if adjacent coverage footprints may partially overlap. The Council also examined T-Mobile's coverage models prepared for the proposed D 355 Verizon tower, which is over 200 feet lower in elevation, and determined the Verizon site would offer significantly less coverage to T-Mobile than the proposed site, with coverage not even extending into Washington due to terrain obstructions.

Views of the proposed tower would primarily occur along Route 202 and in a rural residential area east and northeast of the site. Year-round views of the upper portion of the tower are expected from 25 residential properties in the area, most of which are over 1,000 feet away from the site. One residence approximately 700 feet east of the tower on Route 202 would have year-round views of the upper 40 feet of the tower. Most of the remaining visibility from residences occurs at a distance of 0.2 to 0.4 miles away, primarily on Sandy Acres Lane, Sandpit Road, and Route 202, where the upper 25 to 55 feet of the tower would be visible. Additionally, the Council finds the visual impact of the proposed site is less than that of the proposed D 355 Verizon tower, which has year-round visibility from several residences in close proximity to the tower and from continuous sections of area roads.

Development of the site would not affect any wetlands or watercourses or any rare, endangered, or special concern species. The proposed facilities would have no effect on archaeological or historic resources. Aircraft obstruction lighting or marking would not be required.

Radio frequency power density levels at the base of the proposed tower will be well below federal and state standards for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the facility be brought into compliance with such standards. The Council will require that the power densities be remodeled in the event other carriers locate at this facility.

After reviewing the record in both this application and that of D 355, the Council finds the site proposed in this application preferable due to the large size of the site parcel, the tower site's remoteness from adjacent residential parcels, minimal visibility to adjacent residential properties, a location on a steep hillside that allows for the tower to blend into the backdrop from many viewpoints, superior radio frequency coverage, and comments from the Mayor of New Milford indicating a preference for the site that provides greater radio frequency coverage and increased emergency response capabilities. The Council finds that the D 355 site is visually obtrusive to the surrounding area, offers less radio frequency coverage to T-Mobile, has a tower setback radius that extends onto an abutting property, and requires significant earthwork.

Based on the record in this and the D 355 proceedings, the Council finds that the effects associated with the construction, operation, and maintenance of a proposed telecommunications facility 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 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, the Council will issue a Certificate for the construction, operation, and

maintenance of a 140-foot monopole telecommunications facility at 425 Litchfield Road in New Milford, Connecticut.

DOCKET NO. 342 - Optasite Towers LLC and Omnipoint }
Communications, Inc. application for a Certificate of }
Environmental Compatibility and Public Need for the }
construction, maintenance and operation of a telecommunications }
facility located at 425 Litchfield Road, New Milford, }
Connecticut.

Connecticut

Siting

Council

May 22, 2008

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility, 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, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Optasite Towers LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility located at 425 Litchfield Road in New Milford, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of T-Mobile and other entities, both public and private, but such tower shall not exceed a height of 140 feet above ground level. The height at the top of T-Mobile's antennas shall not exceed 140 above ground level.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of New Milford for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping;
 - b) antenna mounting configuration; and
 - c) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
3. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.

4. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of New Milford public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
8. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of New Milford. Any proposed modifications to this Decision and Order shall likewise be so served.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in The News Times and the New Milford Spectrum.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant

Optasite Towers LLC and
Omnipoint Communications, Inc

Intervenor

Cellco Partnership d/b/a Verizon Wireless

Representative


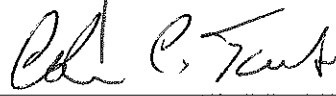
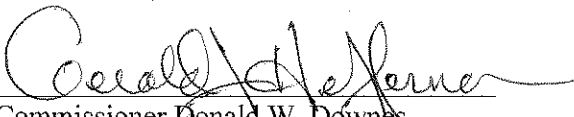

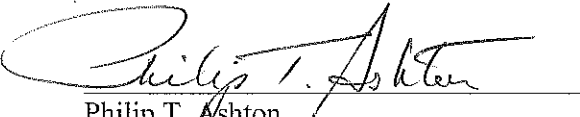
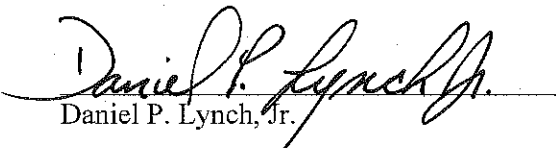

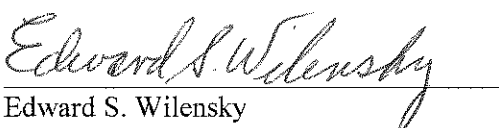
Julie Kohler, Esq.
Carrie L. Larson, Esq.
Cohen and Wolf, P.C.
115 Broad Street
Bridgeport, CT 06604

Representative

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 342** - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 425 Litchfield Road, New Milford, Connecticut, and voted as follows to approve the proposed telecommunications facility:

<u>Council Members</u>	<u>Vote Cast</u>
 Daniel F. Caruso, Chairman	Yes
 Colin C. Tait, Vice Chairman	Yes
 Commissioner Donald W. Downes Designee: Gerald J. Heffernan	Yes
 Commissioner Gina McCarthy Designee: Brian Golembiewski	Yes
 Philip T. Ashton	Yes
 Daniel P. Lynch, Jr.	Yes
_____ James J. Murphy, Jr.	Absent
 Dr. Barbara Currier Bell	Yes
 Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, May 22, 2008.

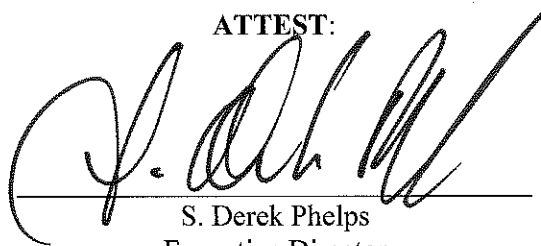
STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

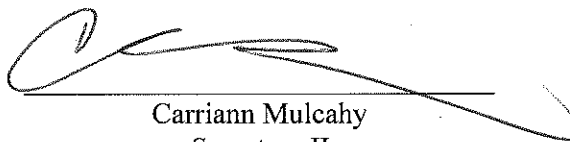
ATTEST:



S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 342 has been forwarded by Certified First Class Return Receipt Requested mail, on May 27, 2008, to all parties and intervenors of record as listed on the attached service list, dated February 4, 2008.

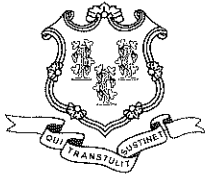
ATTEST:



Carriann Mulcahy
Secretary II
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Optasite Towers LLC and Omnipoint Communications, Inc.	Julie Kohler, Esq. Carrie L. Larson, Esq. Cohen and Wolf, P.C. 115 Broad Street Bridgeport, CT 06604 (203) 368-1821 (203) 394-9901 jkohler@cohenandwolf.com clarson@cohenandwolf.com
Intervenor (Approved 1/24/08)	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax Kbaldwin@rc.com



Daniel F. Caruso
Chairman


STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051
Phone: (860) 827-2935 Fax: (860) 827-2950
E-Mail: siting.council@ct.gov
Internet: ct.gov/csc

May 27, 2008

TO: Classified/Legal Supervisor
342070806
The News Times
333 Main Street
Danbury, CT 06810

Classified/Legal Supervisor
New Milford Spectrum
45-B Main Street
New Milford, CT 06776

FROM: Carriann Mulcahy, Secretary II 

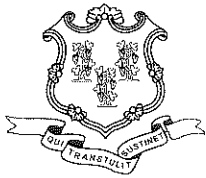
RE: **DOCKET NO. 342** - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 425 Litchfield Road, New Milford, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

CM



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on February 6, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Optasite Towers LLC and Omnipoint Communications, Inc. for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 425 Litchfield Road, New Milford, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut