



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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March 26, 2010

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 390** – T-Mobile Northeast LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at 15 Orchard Park Road, Madison, Connecticut.

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By its Decision and Order dated March 26, 2010, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at 15 Orchard Park Road, Madison, Connecticut.

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

SDP/CDM/laf

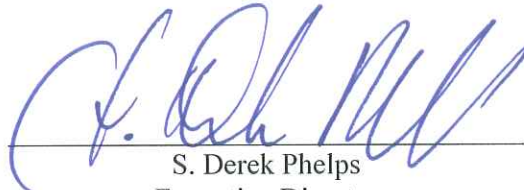
Enclosures (3)

c: State Documents Librarian

STATE OF CONNECTICUT        )  
ss. New Britain, Connecticut    :  
COUNTY OF HARTFORD        )

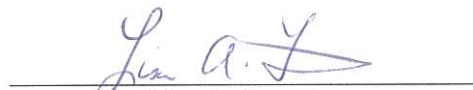
I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

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. 390 has been forwarded by Certified First Class Return Receipt Requested mail, on March 30, 2010, to all parties and intervenors of record as listed on the attached service list, dated January 6, 2010.

ATTEST:

  
\_\_\_\_\_  
Lisa A. Fontaine  
Fiscal Administrative Officer  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	T-Mobile Northeast, LLC	Julie D. Kohler, Esq. Monte E. Frank, Esq. Jesse A. Langer, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax <a href="mailto:jkohler@cohenandwolf.com">jkohler@cohenandwolf.com</a> <a href="mailto:mfrank@cohenandwolf.com">mfrank@cohenandwolf.com</a> <a href="mailto:jlanger@cohenandwolf.com">jlanger@cohenandwolf.com</a>
Party (granted on 01/05/2010)	<input checked="" type="checkbox"/> U.S. Mail	Town of Madison	Marilyn Ozols Planning and Zoning Administrator Town of Madison 8 Campus Drive Madison, CT 06443 (203) 245-5632 (203) 245-5613 fax <a href="mailto:ozolsmm@madisonct.org">ozolsmm@madisonct.org</a>

**DOCKET NO. 390** – T-Mobile Northeast LLC application for a } Connecticut  
Certificate of Environmental Compatibility and Public Need for }  
the construction, maintenance and operation of a } Siting  
telecommunications facility at 15 Orchard Park Road, Madison, }  
Connecticut. } Council

March 26, 2010

## **Findings of Fact**

### **Introduction**

1. Pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes (CGS), as amended, and Section 16-50j-1 et. seq. of the Regulations of Connecticut State Agencies (RCSA), T-Mobile Northeast, LLC (T-Mobile) applied to the Connecticut Siting Council (Council) on October 8, 2009 for the construction, operation, and maintenance of a telecommunications facility, which would include a 100-foot tall monopole tower, to be located at 15 Orchard Park Road in the Town of Madison, Connecticut. (See Figures 1, 2, and 3) (T-Mobile 1, p. 1)
2. T-Mobile is a limited liability company, organized under the laws of Delaware, with a Connecticut office at 35 Griffin Road South, Bloomfield, Connecticut. The company and its affiliated entities are licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless services system in Connecticut. (T-Mobile 1, p. 2)
3. The parties in this proceeding are T-Mobile and the Town of Madison. (Transcript, January 5, 2010, 3:00 p.m. [Tr. 1], pp. 6-7)
4. The proposed facility is one of a series of facilities T-Mobile is proposing to fill coverage gaps along the Amtrak rail line in Connecticut. The facility would also provide coverage to Route 1, Neck Road, Mungertown Road, I-95, and residential areas in the vicinity of the proposed site. (T-Mobile 1, p. 1)
5. Pursuant to CGS § 16-50l(b), notice of the applicant's intent to submit this application was published on August 13 and August 15, 2009 in the New Haven Register. (T-Mobile 1, pp. 3-4; Exhibit F)
6. Pursuant to CGS § 16-50l(b), T-Mobile sent notice of its intent to file an application with the Council to each person appearing of record as owner of property abutting the property on which the site is located. (T-Mobile 1, p. 4; Exhibit G)
7. T-Mobile received return receipts from all but two of the abutting property owners to whom it sent notice. T-Mobile sent a second notice to the abutters from whom it did not receive return receipts. Both of the second notices T-Mobile sent to these two abutters were returned unclaimed. (T-Mobile 3, A1)

8. Pursuant to CGS § 16-50f (b), T-Mobile provided a copy of its application to all federal, state, regional, and local officials and agencies listed therein. (T-Mobile 1, p. 3, Exhibit E)
9. On December 14, 2009, T-Mobile posted a sign on the host property informing the public of its pending application. Information on the sign included the time and date of the Council's scheduled public hearing on this application and contact information for the Council. (T-Mobile 5: Pre-filed testimony of Raymond Vergati)
10. Pursuant to CGS § 16-50m, the Council held a public hearing on January 5, 2010, beginning at 3:00 p.m. and continuing at 7:00 p.m. in the Memorial Town Hall, 8 Meetinghouse Lane, Madison, Connecticut. (Tr. 1, p. 3 ff.)
11. The Council and its staff conducted an inspection of the proposed site on January 5, 2010 beginning at 2:00 p.m. On the day of the field inspection, T-Mobile flew a balloon from approximately 7:30 a.m. to 4:30 p.m. to simulate the height of the proposed tower. Periodic winds ranging in speed up to 30 miles per hour made it difficult to keep the balloon at the height of the proposed tower. (Tr. 1, pp. 38-39; T-Mobile 9 – Affidavit Regarding Balloon Float)

#### State Agency Comments

12. Pursuant to CGS § 16-50f, the Council solicited comments on this application on November 30, 2009 and January 6, 2010 from the following state departments and agencies: Department of Agriculture, Department of Environmental Protection (DEP), Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, and the Department of Transportation. (CSC Hearing Package dated November 30, 2009; Letter to State Department Heads dated January 6, 2010)
13. The Connecticut Department of Transportation (ConnDOT) responded to the Council's solicitation with no comments. (ConnDOT letter dated December 4, 2009)
14. The Connecticut Department of Public Health (DPH) responded to the Council's solicitation with the comment that, because the proposed site is within the source water areas of public water system Orchard Park Ind Area-50 Mungertown (CT0769123), it recommends the following Best Management Practices be followed to ensure the safety of the drinking water supply:
  - Refueling of vehicles or machinery and storage of any fuel or hazardous material should take place on an impervious pad with secondary containment designed to contain fuels;
  - A fuel spill remediation kit should be stored on-site so that any spills may be contained and cleaned quickly; and
  - Orchard Park Ind Area-50 Mungertown should be contacted prior to starting this project to review the scope of the project.

(Memorandum from DPH, dated January 14, 2010)

15. T-Mobile would follow DPH's recommended Best Management Practices at the proposed facility. (Applicant's Letter dated February 3, 2010)
16. Other than ConnDOT and the DPH, the Council did not receive comments from any of the other state agencies from which comments were solicited. (Record)

#### Municipal Consultation

17. On May 28, 2009, T-Mobile submitted a technical report with specific information about its proposed facility to Madison's First Selectman. (T-Mobile 1, p. 18)
18. On July 27, 2009, T-Mobile met with the Madison Conservation Commission and provided the Commission with materials relating to its proposed facility, including a visual resources evaluation report and viewshed analysis. (T-Mobile 1, pp. 8, 18)
19. On August 3, 2009, the Madison Conservation Commission issued a letter recommending two conditions intended to protect a wetlands system near the proposed facility. The two conditions were: that the facility compound be graded to drain southward, away from the adjacent wetland; and that extra soil erosion and sedimentation measures such as double silt fencing be installed prior to construction. (T-Mobile 1, p. 9; Exhibit Q)
20. On August 6, 2009, T-Mobile met with Madison's Planning and Zoning Commission about its proposed facility. (T-Mobile 1, p. 9; Exhibit Q)
21. The Town of Madison's Land Use Office submitted a letter to the Council in which it expressed the following concerns:
  - a. that coverage information for T-Mobile's antennas approved for a tower at 258 Ridge Road was not included in T-Mobile's application;
  - b. that, at 100 feet, the proposed tower may be too low for other carriers to effectively co-locate on the tower;
  - c. that the application's visual analysis was based on a 100-foot tall tower although a taller tower may be necessary to allow for feasible co-location;
  - d. that no visual analysis under leaf-off conditions or from Johnson Lane, the nearest residential street, was provided;
  - e. that the proposed tower may not be able to allow three additional carriers to effectively co-locate on the tower; and
  - f. that the visual analysis provided is insufficient to determine the proposed tower's full visual impact.

(Letter from Town of Madison Land Use Office, dated November 19, 2009)

22. T-Mobile conducted two balloon flights at the site of its proposed tower prior to the Council's field review. The first flight was conducted on July 7, 2009 in connection with a visual resource evaluation. The second flight was conducted at the request of the town and held on July 11, 2009. The second flight was publicly noticed to give concerned citizens an opportunity to attend and ask questions. (T-Mobile 1, p. 9; Exhibit Q)

23. T-Mobile performed an additional balloon flight on December 14, 2009 to determine the potential visibility of a tower at the respective heights of 100, 120 and 140 feet above grade level. (T-Mobile 4, A1; Tr. 1, p. 40)
24. T-Mobile would provide space for municipal public safety antennas on its proposed tower free of charge. (T-Mobile 1, p. 10)

#### **Federal Designation for Public Need**

25. 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 - Telecommunications Act of 1996; T-Mobile 1, p. 4)
26. 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 - Telecommunications Act of 1996)
27. The Telecommunications Act of 1996 prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice No. 7 - Telecommunications Act of 1996)
28. The Telecommunications Act of 1996 prohibits any state or local agency 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 No. 7 - Telecommunications Act of 1996; T-Mobile 1, p. 4)
29. Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act) in order to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (T-Mobile 1, p. 6)
30. As an outgrowth of the 911 Act, the Federal Communications Commission has mandated that wireless carriers provide enhanced 911 services (E911) as part of their communications networks. (T-Mobile 1, p. 6)
31. T-Mobile's proposed facility would comply with E911 requirements. (T-Mobile 1, p. 6)

**Applicant's Existing and Proposed Wireless Coverage**

32. Within in the New Haven Basic Trading Area, which includes Madison, T-Mobile is licensed to operate on the following frequencies:

Global System for Mobile Communications (GSM)

Upper 2/3 PCS A Band

Transmit: 1935.000 MHz to 1945.000 MHz

Receive: 1855.000 MHz to 1865.000 MHz

PCS C4 Band

Transmit: 1980.200 MHz to 2145.000 MHz

Receive: 1900.200 MHz to 1904.800 MHz

Universal Mobile Telecommunications System (UMTS)

Transmit 1: 2140.000 MHz to 2145.000 MHz

Receive 1: 1740.000 MHz to 1745.000 MHz

Transmit 2: 2110.000 MHz to 2120.000 MHz

Receive 2: 1710.000 MHz to 1720.000 MHz

(T-Mobile 3, A10)

33. T-Mobile's minimum signal strength design thresholds are -84 dBm for In-Vehicle coverage and -76 dBm for In-Building coverage. (T-Mobile 3, A11)
34. T-Mobile's existing signal strength in the area that would be covered by the proposed facility ranges from approximately -80 dBm to levels below -110 dBm. (T-Mobile 3, A12)
35. T-Mobile's dropped call percentage in the vicinity of the proposed facility is approximately 1.9 percent. (Applicant's Late File Exhibits Letter dated February 3, 2010)
36. T-Mobile experiences the following coverage gaps on the main arteries in the vicinity of the proposed facility:

Amtrak rail line: 0.5 mile

Interstate 95: 0.75 mile

Route 1: 1.77 miles

Mungertown Road: 1.17 miles — 0.35 mile south of I-95 and 0.82 mile north of I-95

(T-Mobile 3, A13)



37. T-Mobile's proposed facility would cover a distance of:

- 3.13 miles along the Amtrak rail line
- 1.8 miles along Interstate 95
- 2.68 miles along Route 1
- 0.72 miles along Neck Road
- 1.15 miles along Mungertown Road

(T-Mobile 3, A14)

38. T-Mobile's proposed facility would cover a total area of 10.48 square miles. (See Figure 5) (T-Mobile 3, A15)

39. T-Mobile's site at 258 Ridge Road (approved under Docket 363) cannot provide service to the proposed facility's coverage objective due to distance and intervening terrain obstructions. (See Figure 4) (Tr. 1, p. 27)

40. From the proposed facility, T-Mobile's antennas would hand off signals to the facilities identified in the table below

Site Address	Facility Type	Structure Height	T-Mobile Antenna Height	Status
8 Old Route 79, Madison	Monopole	150 feet	120 feet	On air
135 New Road, Madison	Guyed tower	180 feet	162 feet	On air
119 Tanner Marsh Road, Guilford	Monopole	150 feet	163 feet	On air
17 Cottage Street, Madison	Monopole	120 feet	117 feet	On air
1919 Boston Post Road, Guilford	Monopole	150 feet	147 feet	On air
131 Manor Road, Guilford	Monopole	150 feet	128 feet	On air
258 Ridge Road, Madison	Monopole	150 feet	147 feet	On air

(T-Mobile 3, A16)

41. T-Mobile's signal strength would deteriorate at heights below 100 feet, which is the height at which T-Mobile can best achieve its coverage goals in this vicinity. (T-Mobile 3, A17)

42. With its antennas at 90 feet, T-Mobile would experience a coverage gap along the Route 1 corridor due to the effects of the tree canopy and topography. (Tr. 1, pp. 28-29)

43. T-Mobile's proposed facility would be an integral component of its wireless network in the Town of Madison. (T-Mobile 1, p. 5)

44. T-Mobile has received consistent feedback from customers about the need for improved service in the area that would be covered by the proposed facility. (Tr. 1, p. 24)

**Site Selection**

45. T-Mobile initiated its search for a site in this area of Madison on or about August 28, 2006. (T-Mobile 3, A6)
46. T-Mobile's search area was centered in an area between Johnson Lane and Orchard Park Road, off of Mungertown Road. The radius of the search area was 0.5 miles. The objective of the site search was to find a location that would provide coverage to the Amtrak rail line, Route 1, Interstate 95, and secondary roadways around Mungertown Road in this area of Madison. (T-Mobile 3, A6)
47. T-Mobile did not aggressively investigate the possibility of locating antennas on nearby transmission line poles because the power lines would have to be shut down to allow T-Mobile to do maintenance work or modify its antennas. (Tr. 1, p. 97)
48. T-Mobile identified 5 communications towers within approximately four miles of its proposed site. None of these towers was found to be adequate or located close enough to the target area for its coverage purposes. The towers are listed in the table below.

<b>Tower Location</b>	<b>Height and Type Of Tower</b>	<b>Tower Owner</b>	<b>Approx. Distance and Direction</b>
Tanner Marsh Road & Route One, Guilford	150' monopole	SNET/AT&T	1.83 miles to W
Tanner Marsh Road & Route One, Guilford	90' lattice tower	TCI/Sprint	1.84 miles to W
135 New Road, Madison	180' guyed lattice	CL&P	2.49 miles to E
8 Old Route 79, Madison	150' monopole	Spectrasite	1.18 miles to E
39 Ciro Road, North Branford	170' monopole	SBA	3.46 miles to N

(T-Mobile 1, Exhibits I and J)

49. There is an additional telecommunications tower located at 258 Ridge Road in Madison, approximately 1.88 miles to the northeast of the proposed tower. The tower was approved under Docket 363 and is owned by Crown Communications. T-Mobile has antennas at a centerline height of 147 feet on this tower. (Madison Land Use Office letter dated November 19, 2009; Tr. 1, p. 26)
50. T-Mobile investigated a number of different properties in the area of its proposed site. Properties that were investigated include:
  - a. USI Company, 98 Fort Path Road: This site is approximately 0.5 miles to the east of the target area. It is the location of a three-story commercial office building that abuts the Amtrak rail line. The ground elevation of this property is 12 feet lower than the property on which the proposed facility would be located. T-Mobile's radio frequency engineers determined that antennas on the roof of the building on this property would be too low to achieve the coverage objectives.

- b. 170 Fort Path Road: This property is approximately 0.25 miles to the east of the proposed facility. There is a 20-foot tall commercial building on this property. T-Mobile engineers determined that antennas on the roof of this building would be too low to achieve the coverage objectives. Also, the owner does not want a tower on this property.
- c. 150 Mungertown Road: There is a 20-foot tall commercial building on this property, but T-Mobile engineers determined that antennas on the roof of this building would be too low to achieve the coverage objectives. This property has the same owner as the property at 170 Fort Path Road. The owner does not want a tower on the property.

(T-Mobile 1, Exhibit J)

- 51. Following its meeting with the Madison Planning and Zoning Commission on August 6, 2009, T-Mobile investigated three additional sites suggested by the commission: property owned by the Sunshine House, a hospice for children, on Fort Path Road; property owned by the town on Nathan Lane; and a Bus Fueling Yard off of Fort Path Road. The results of T-Mobile's investigations were: the board of Sunshine House decided not to pursue a lease with T-Mobile; the Nathan Lane property was too far to the west to achieve T-Mobile's coverage objectives; the Bus Yard was too close to an existing T-Mobile site on Old Route 79 in Madison and would result in an unacceptable level of redundant coverage. (T-Mobile 1, Exhibits J and Q)
- 52. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to provide service within the coverage area that T-Mobile is seeking to serve due to significant terrain variations and tree cover in the area, as well as other practical considerations. (T-Mobile 1, p. 7)

#### Amtrak

- 53. T-Mobile has a non-exclusive, master license agreement with Amtrak that would allow the carrier to use Amtrak's right-of-ways on which to locate facilities. (Tr. 1, pp. 19, 112)
- 54. T-Mobile has a corporate initiative to locate facilities that would provide better service to Amtrak passengers throughout the northeast corridor from Washington, D.C. to Boston. (Tr. 1, p. 23)
- 55. T-Mobile investigated the possibility of installing antennas on the catenaries along the rail line, but Amtrak policy does not permit such installations. (Tr. 1, p. 19)
- 56. In the Madison area, T-Mobile did not find an area within Amtrak's right-of-way that would be large enough to accommodate a wireless facility. (Tr. 1, p. 21)
- 57. Even if the Amtrak line were not located nearby, T-Mobile would still have a need for its proposed facility. (Transcript, January 5, 2010, 7:00 p.m. [Tr. 2], p. 58)

### Facility Description

58. The proposed facility would be located at 15 Orchard Park Road on a 3.51 acre parcel owned by 15 Orchard Park Road LLC. The property is used for a multi-unit self-storage facility and a garage for truck trailers. It abuts the Amtrak rail line on its northerly boundary. (T-Mobile 1, pp. 8, 10; Exhibits B and M)
59. The property at 15 Orchard Park Road is located within a Light Industrial zoning district. Madison's zoning regulations do not directly address wireless telecommunications towers. (T-Mobile 1, p. 11; Bulk Filing – Town of Madison Zoning Regulations )
60. The height limit for towers in Light Industrial zoning districts is 150 feet. (Applicant's Letter dated February 3, 2010 – Attachment A: Section 2.7 of the Madison Zoning Regulations)
61. T-Mobile's proposed facility would be located in the southeastern corner of the host property. (T-Mobile 1, Exhibit B, Drawings A-1 and SP-1)
62. The proposed facility would consist of a 100-foot tall steel monopole tower within a 40-foot by 45-foot (1,800 square feet) compound that would be enclosed by an eight-foot chain link fence. T-Mobile would lease a total area of 2,009 square feet; 209 square feet of which would be an irregularly shaped area where the utility service backboard and utility transformer would be located. (See Figure 3) (T-Mobile 1, p. 10; Exhibit B, Drawing SP-2)
63. The overall height of the proposed tower with antennas and other appurtenances would be approximately 102 feet. (Tr. 1, pp. 101-102)
64. The proposed facility would be built with a retaining wall on its north, east, and south faces. (Tr. 1, p. 37)
65. The proposed facility would be located at 41° 16' 59" north latitude and 72° 37' 27.6" west longitude. Its ground elevation would be 20 feet above mean sea level (amsl). (T-Mobile 1, Exhibit R; Exhibit B, Drawing SP-1)
66. The proposed tower would be designed in accordance with the specifications of the Electronic Industries Association Standard ANSI/TIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Support Structures" consistent with the International Building Code. The diameter of the tower would be between 18 and 24 inches at its top and between 36 and 48 inches at its base. The tower would be designed to accommodate the antennas of four wireless carriers and municipal public safety antennas. (T-Mobile 1, p. 10; T-Mobile 3, A2)
67. T-Mobile can design this tower to be extendable by 10 to 20 feet. (Tr. 1, pp. 36-37)
68. Soil conditions in the vicinity of the proposed facility are capable of supporting a tower up to a height of 160 feet. (Pre-filed testimony of Scott Chasse; T-Mobile 6 - Geotechnical Engineering Report)

69. T-Mobile would install nine antennas (three per sector) at a centerline height of 100 feet above ground level (agl). (T-Mobile 1, p. 10)
70. For back-up power, T-Mobile would utilize a self-contained 48 VDC battery system with sealed batteries rated at an approximate 4 to 12 hour duration. (T-Mobile 3, A7)
71. Development of the proposed facility would require 130 cubic yards of fill for the compound with 30 cubic yards of crushed stone for the surface of the facility. The facility would also require 65 cubic yards of cut for a retaining wall and 135 cubic yards of cut for the utility trench. (T-Mobile 3, A3)
72. Vehicular access to the proposed facility would extend from Orchard Park Road over an existing paved driveway and parking lot. (T-Mobile 1, p. 10)
73. Utilities for the proposed compound would be extended underground from an existing transformer near the entrance to the host property on Orchard Park Road. (T-Mobile 1, p. 10; Exhibit B, Drawing SP-1)
74. T-Mobile does not anticipate a need for any blasting to develop the proposed facility. Rock chipping and/or hoe ramming could be required for the utility trench. (T-Mobile 3, A4)
75. The edge of the proposed compound would be approximately five feet from the nearest property line to the east and approximately 55 feet from same adjacent property's boundary to the south. The adjacent property is owned by Ray and Katherine McGetrick. (T-Mobile 1, Exhibit, Drawing SP-1)
76. The proposed tower's setback radius would extend to the east and south onto an adjacent property. The setback radius would extend approximately 83 feet at its widest onto the adjacent property. (T-Mobile 1, Exhibit B, Drawing SP-1)
77. T-Mobile would design a yield point into the tower at about the 83-foot height. (Tr. 1, p. 35)
78. There are 32 single-family residences and 10 condominium units within 1,000 feet of the proposed facility. (T-Mobile 1, Exhibit L; T-Mobile 3, A8)
79. The nearest residence to the proposed facility is located 239 feet to the southwest. It is owned by Jeffrey and Jennifer Rowell. It is located on Rowell Lane, a private road. (T-Mobile 1, Exhibit L and Exhibit B, Drawing A-1)
80. Land use in the vicinity of the proposed facility consists of a mix of residential and commercial/light industrial development to the east and west, undeveloped woodlands to the north and south, and the Amtrak railroad corridor to the north of the host property. (T-Mobile 1, Exhibit M, p. 1; Exhibit B, Drawing SP-1)

81. The estimated cost of the proposed facility, not including antennas and related equipment, is:

Tower and foundation costs	\$ 71,000
Site development costs	68,000
<u>Utility installation costs</u>	<u>48,000</u>
Total estimated costs	\$ 187,000

(T-Mobile 1, p. 20)

82. T-Mobile's antennas and related ground equipment would cost an estimated \$75,000. (T-Mobile 3, A9)

### Environmental Considerations

83. The proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (T-Mobile 1, Exhibit N-Letter from Deputy State Historic Preservation Officer)
84. There are no State and Federal listed species or significant natural communities in the vicinity of the proposed facility. (T-Mobile 1, Exhibit N-DEP Natural Diversity Database Map for Madison)
85. The proposed facility would not affect any of the "listed" categories of the National Environmental Policy Act (NEPA): wilderness preserves; endangered or threatened species; critical habitats; National Register historic districts, sites, buildings, structures or objects; Indian religious sites; flood plains; or federal wetlands. (T-Mobile 1, p. 20; Exhibit P)
86. There are three roads within a two-mile radius of the proposed site that are designated as state or local scenic roads. These roads include: an approximately 3.2 mile stretch of U.S. Route 1 (Boston Post Road), an approximately two mile stretch of State Route 79 (Durham Road), and a 1.2 mile stretch of Neck Road. (T-Mobile 1, Exhibit J – Viewshed Analysis Map)
87. The proposed facility is located within the coastal boundary as defined by the Connecticut Coastal Management Act (CCMA). There are no coastal resources located on the host property. No federal or state regulated tidal wetlands or watercourses are on the host property. The proposed facility would be located outside the 100-year and 500-year flood plains. The nearest tidal wetlands are associated with Bailey Creek and are located approximately 2,000 feet to the southwest. (T-Mobile 1, Exhibit N – Coastal Consistency Analysis)
88. Vegetation in the vicinity of the proposed facility is mixed deciduous hardwood species, many of which are mature oaks, with an average height approaching 75 feet. (Tr. 1, p. 30)
89. No trees would be removed to construct the proposed facility. (T-Mobile 1, p. 8)

90. There is a forested wetland system approximately 12 feet from the proposed facility's northeast corner at its closest point. (T-Mobile 1, p. 17; Exhibit B, Drawing SP-1)
91. Drainage from the proposed facility would not adversely impact the nearby wetland. (Tr. 1, pp. 45-46)
92. T-Mobile would establish and maintain appropriate soil erosion and sedimentation control measures, in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control established by the Connecticut Council for Soil and Water Conservation, in cooperation with the Connecticut Department of Environmental Protection, throughout the construction period of the proposed facility. (T-Mobile 1, pp. 17-18)
93. T-Mobile would take measures during construction of the proposed facility to comply with the conditions requested by the Madison Conservation Commission in order to reduce any potential for impact to the nearby wetland system. (T-Mobile 1, p. 9 and Exhibit Q; T-Mobile 1, p. 18)
94. T-Mobile would stabilize its proposed facility with loam and a New England Conservation/Wildlife seed mix, which would provide a permanent cover of forbs, wildflowers, legumes, and grasses. This mix would add wildlife habitat value and good erosion control. (T-Mobile 5 – Pre-filed testimony of Dean Gustafson, p. 3)
95. T-Mobile evaluated its proposed facility for aeronautical safety and found that it did not require notice to the Federal Aviation Administration or marking and lighting. (T-Mobile 1, Exhibit R)
96. The cumulative worst-case maximum power density from the radio frequency emissions of the proposed T-Mobile antennas is calculated to be  $0.10622 \text{ mW/cm}^2$  or 10.62% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of 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, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower. (T-Mobile 1, Exhibit O)

#### Visibility

97. T-Mobile's proposed tower would be at least partially visible year-round from approximately 712 acres in the surrounding vicinity. The majority of this acreage occurs over the Cedar Island/East River/Neck River tidal marshes, located between approximately 0.75 miles to two miles southwest of the proposed facility, and/or over open water on Long Island Sound, located approximately one to two miles to the south. These areas account for approximately 690 of the 712 acres with visibility. The distance of these areas from the proposed site would make the views of the tower minimal. (See Figure 7) (T-Mobile 1, Exhibit M, p. 4; Tr. 1, pp. 102-103)

98. The proposed tower would not significantly alter the natural features of vistas and viewpoints within the CCMA coastal boundary and would not have significant visibility from coastal resource areas. (T-Mobile 1, Exhibit N – Coastal Consistency Analysis, p. 2)
99. There would be some small areas of year-round visibility along select portions of US Route 1, which is designated as a scenic road in this area, and Stony Lane, located approximately 0.36 and 0.31 miles to the southeast, respectively, of the proposed facility. (T-Mobile 1, Exhibit M, p. 4, Viewshed Analysis Map)
100. There would be no views of the proposed tower, year-round or seasonal, from the other designated scenic roads within a two-mile radius of the site: State Route 79 (Durham Road) or Neck Road. (T-Mobile 1, Exhibit J – Viewshed Analysis Map)
101. The visibility of the proposed tower from different vantage points in the surrounding vicinity is summarized in the table below.

<b>Location</b>	<b>Visible</b>	<b>Approx. Portion of (100') Tower Visible (ft.)</b>	<b>Approx. Distance and Direction to Tower</b>
1 – US Route 1, west of Stony Lane	Yes	20'	1,900 feet; NW
2 – 26 Stony Lane	Yes	10'	1,600 feet; NW
3 – 25 Circle Beach Road	No	n/a	9,650 feet; NE
4 – Green Hill Road, @ High School	No	n/a	5,280 feet; SW
5 – US Route 1 @ Madison Town Center	No	n/a	7,400 feet; NW
6 – 57 West Wharf Road	No	n/a	5,500 feet; NW

(T-Mobile 1, Exhibit M: Visual Resource Evaluation Report – Photographic Documentation Views)

102. The proposed tower would be seasonally visible from approximately an additional 59 acres. These acres are generally limited to the general vicinity of the proposed facility, within approximately 0.35 mile of the site. (T-Mobile 1, Exhibit M, p. 5)
103. The proposed tower would not be visible from the Rockledge Drive vista, Tuxis Pond, or Tuxis Island. (T-Mobile 1, Exhibit M, p. 4)
104. The proposed tower would not be visible from the Madison Green Historic District. (T-Mobile 1, Exhibit Q, Letter to Madison Planning and Zoning Administrator, p. 3)
105. In mid-December of 2009, T-Mobile conducted another balloon flight to determine the potential visibility of a 120-foot and 140-foot tower. This balloon flight, which was conducted with leaf-off conditions, allowed T-Mobile to fine-tune its assessment of the proposed tower's visibility. (Tr. 1, pp. 39-40)
106. The proposed 100-foot tower would not be visible from Mungertown Road, from Easterly Farms Road, or from Stonewall Lane. (Tr. 2, pp. 53-55)



107. The following table summarizes the visibility of the proposed 100-foot tower from residential properties in the surrounding area, based on the findings of the December balloon flight. (Tr. 1, pp. 41-44)

Street/Road	Residential Properties w/ year-round views	Residential Properties w/ seasonal views	Total Number of Residential Properties with some views	Distance and Direction to Site
Johnson Lane	3	6	9	800'; NW
Route 1	1	2	3	1800'; SE
Stony Lane	3	2	5	1500'; SE
Rowell Lane	3	-	3	280'; SW
Fort Path Road	-	2	2	800'; E
<b>Total Properties</b>			<b>22</b>	

108. A 120-foot tower at the proposed facility site would be visible year round from portions of Johnson Lane. Six residences on Johnson Lane would have seasonal views of a 120-foot tower. Most of these residences are located on the south side of Johnson Lane and have rear yards that have a line of sight to the facility. The views would be at or just above the tree canopy. (T-Mobile 4, A1)

109. A 140-foot tower at the proposed facility site would be visible year round from portions of Johnson Lane. Eight residences on Johnson Lane would have seasonal views of a 140-foot tower. Most of these residences are located on the south side of Johnson Lane and have rear yards that have a line of sight to the proposed facility. The views would extend at least 20 feet above the tree canopy. (T-Mobile 4, A1)

110. The comparative visibility of a tower at the heights of 100 feet, 120 feet, and 140 feet is summarized in the following table.

	100' tower	120' tower	140' tower
Overall visibility acreage	771	1,091	1,371
<b>Roads with visibility (Y-year-round, S-seasonal)</b>			
Johnson Lane	Y/S	Y/S	Y/S
Route 1	Y/S	Y/S	Y/S
Stony Lane	Y/S	Y/S	Y/S
Mungertown Road	No	Y/S	Y/S
Fort Path Road	S	Y/S	Y/S
Green Hill Road	No	Y	Y
Rowell Lane	Y	Y	Y
Stonewall Lane	No	S	Y/S

(T-Mobile 4, A2)

111. The majority of the acreage from which a tower at 120 or 140 feet would be visible occurs more than one mile away over open water on Long Island Sound and/or tidal marshes located to the southwest of the proposed facility. (T-Mobile 4, A2)
112. Owners of property at 103 Boston Post Road (Route 1) expressed concern that they would have direct views of the proposed tower and its compound from their property. The parcel is undeveloped, but the owners plan to construct a residence, which would be approximately 365 feet from the proposed facility. (Attachments B and C of T-Mobile's Post-Hearing Submission, dated February 3, 2010)
113. Some limited seasonal views of the tower might be possible from portions of the 103 Boston Post Road property, but no views of the compound are likely to be possible due to the existing, dense, mature vegetation between the two locations. Privacy slats in the compound fence could reduce any potential for seasonal views. (Attachments B and C of T-Mobile's Post-Hearing Submission, dated February 3, 2010)

Figure 1: Location Map



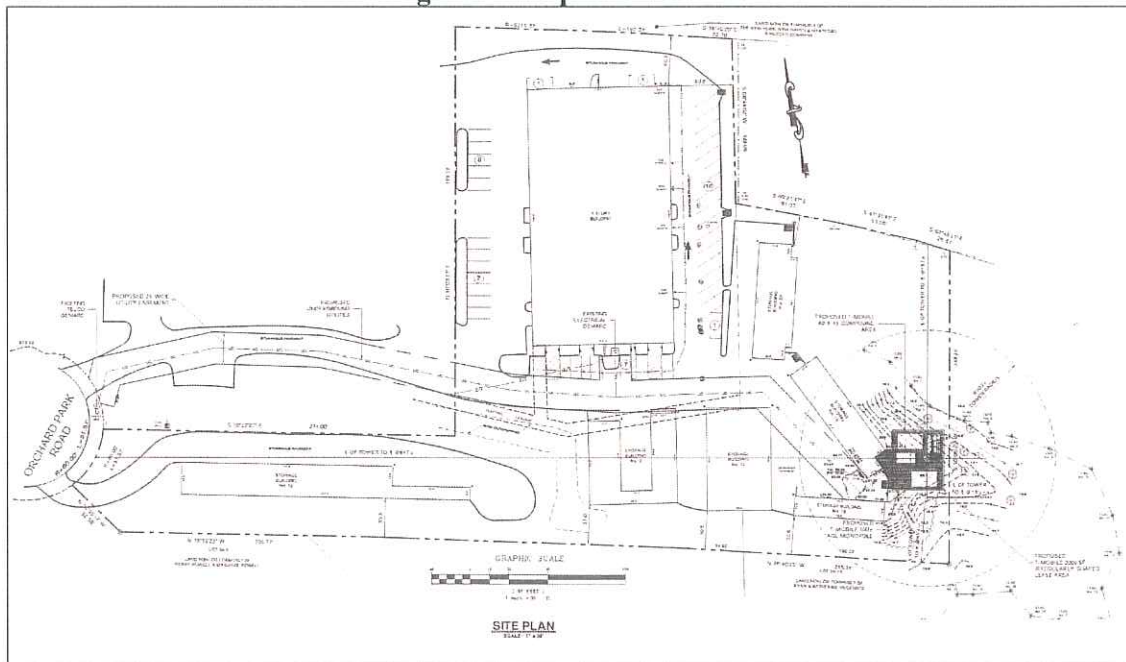
(T-Mobile 1, Exhibit C)

Figure 2: Aerial Photograph of Proposed Location



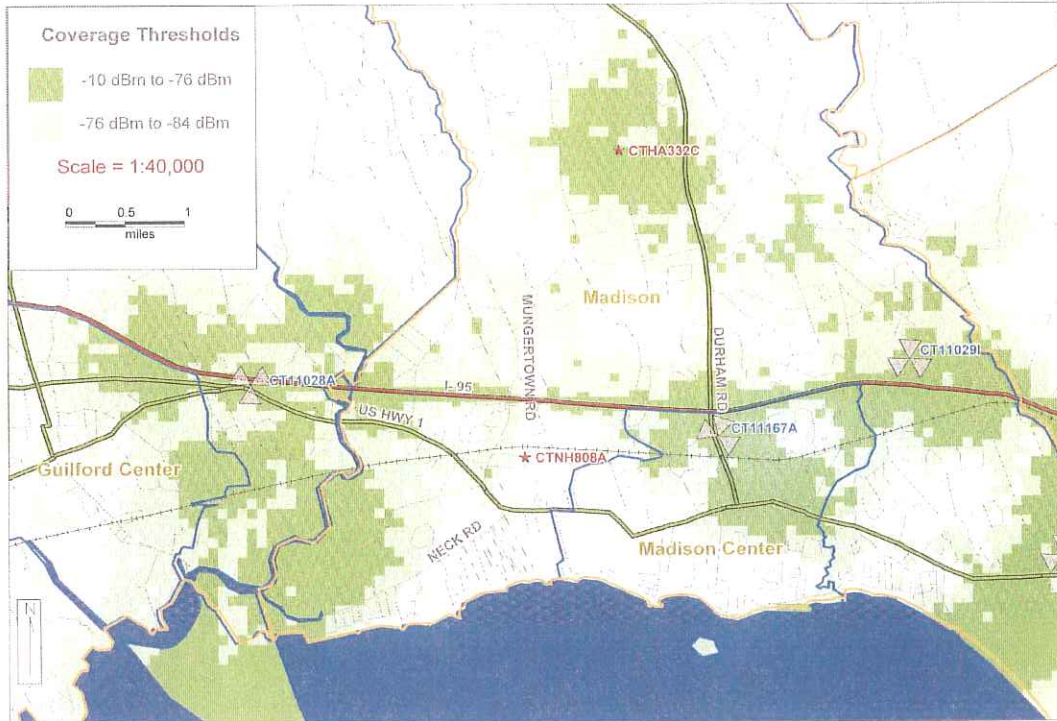
(T-Mobile 1, Exhibit B)

Figure 3: Proposed Site Plan



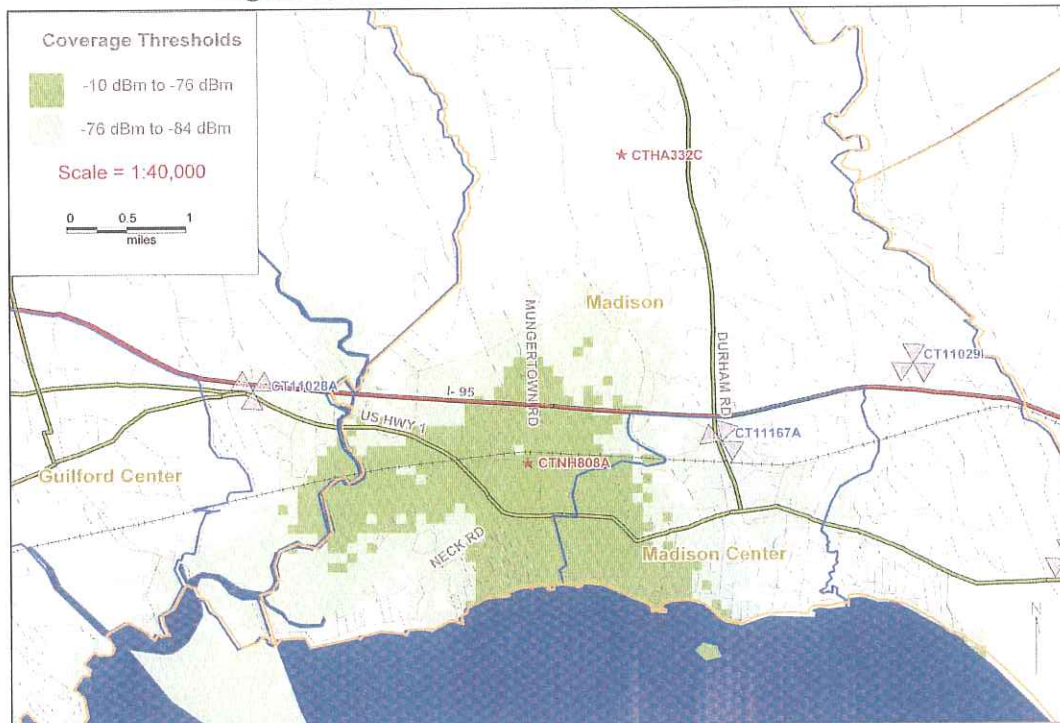
(T-Mobile 1, Exhibit B, Sheet SP-1)

**Figure 4: T-Mobile's Existing Coverage (with Ridge Road Site)**



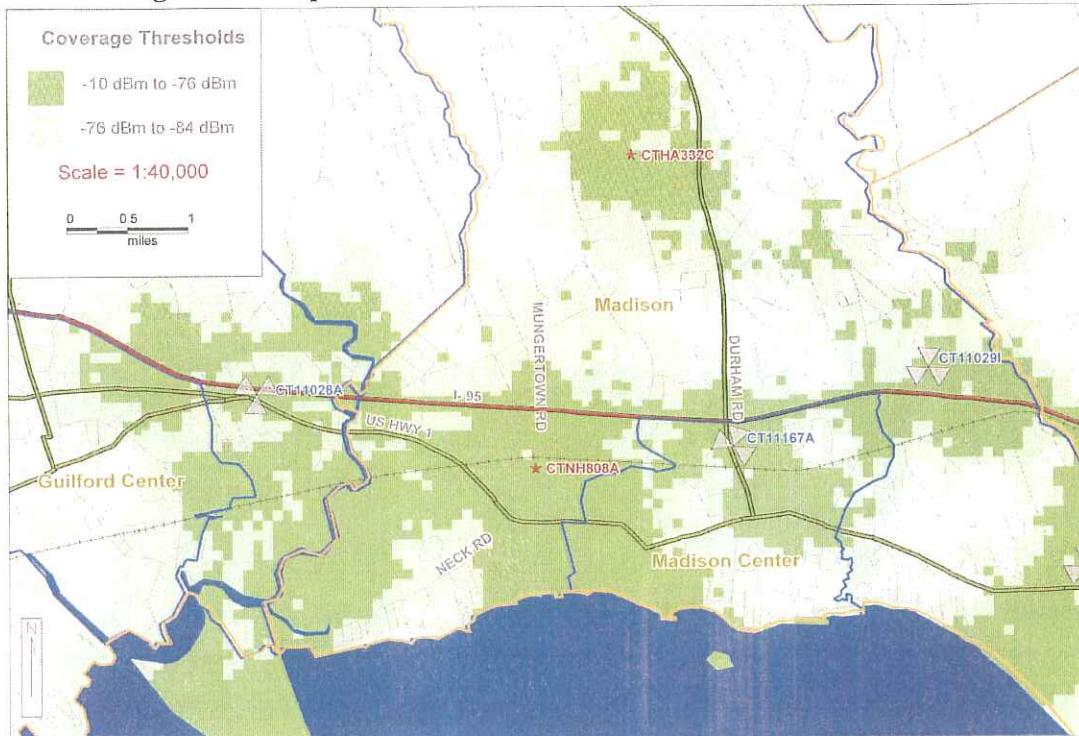
(T-Mobile 3, Attachment B)

**Figure 5: T-Mobile's Coverage from Proposed Site**



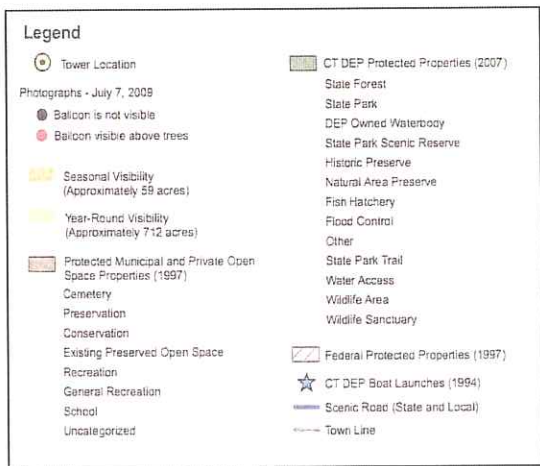
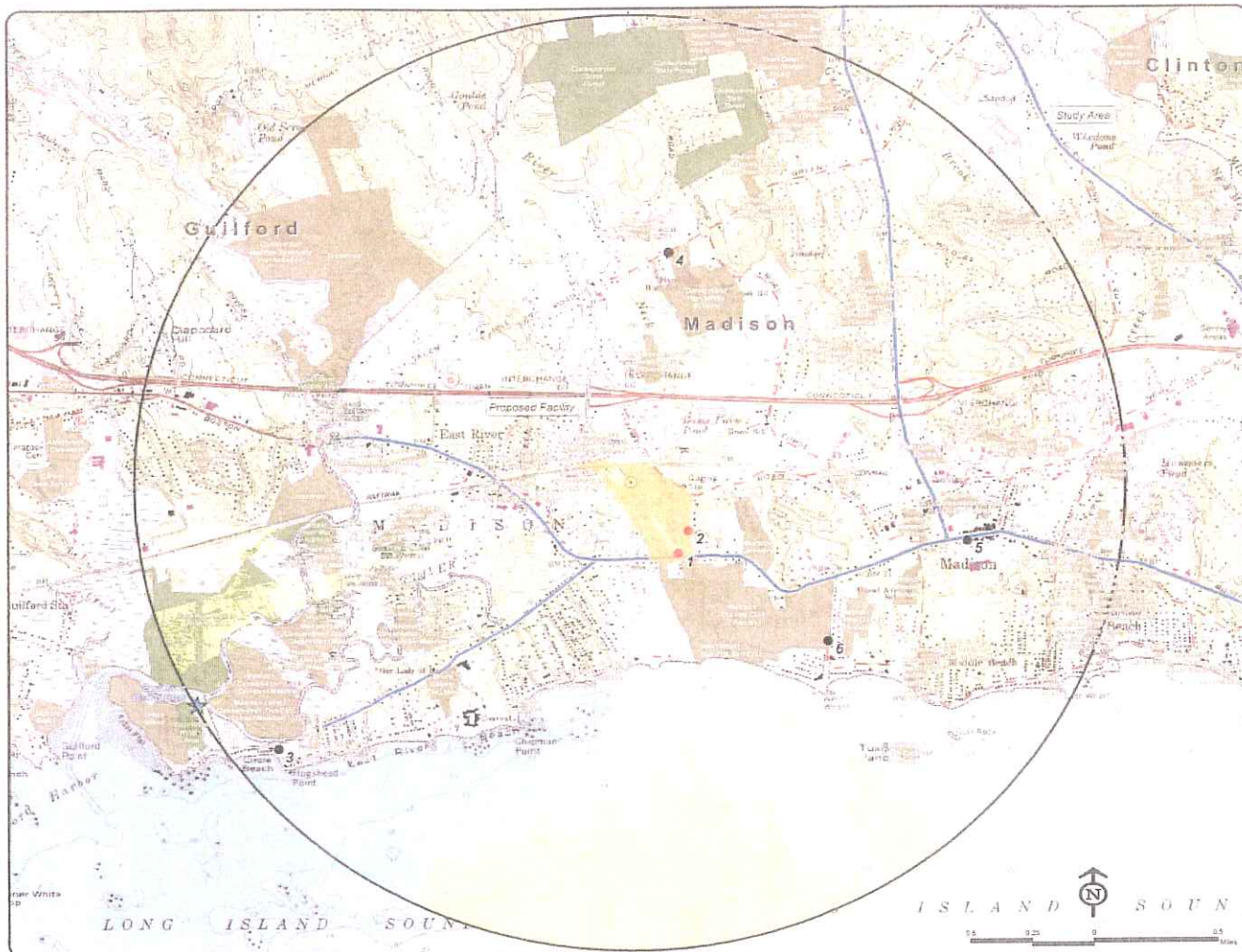
(T-Mobile 3, Attachment B)

**Figure 6: Composite – T-Mobile’s Existing and Proposed Coverage**



(T-Mobile 3, Attachment B)

**Figure 7: Visual Analysis of Proposed 100-foot Tower**



(T-Mobile 1, Exhibit M – Visual Resource Evaluation Report)

**DOCKET NO. 390** – T-Mobile Northeast LLC application for a } Connecticut  
Certificate of Environmental Compatibility and Public Need for }  
the construction, maintenance and operation of a } Siting  
telecommunications facility at 15 Orchard Park Road, Madison, }  
Connecticut. } Council

March 26, 2010

### Opinion

On October 8, 2009, T-Mobile Northeast LLC (T-Mobile) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and management of a wireless telecommunications facility to be located in the Town of Madison, Connecticut. T-Mobile is seeking to develop a facility on property owned by 15 Orchard Park Road LLC, which is used as a multi-unit self-storage facility and a garage for truck trailers. T-Mobile's objective in locating a facility at this location is to provide service along the Amtrak rail line, Route 1, Neck Road, Mungertown Road, I-95, and residential areas in the vicinity of the proposed site. The Town of Madison participated as a party in this proceeding.

T-Mobile proposes to construct a 100-foot monopole and associated compound on a 3.51-acre parcel that abuts the Amtrak right-of-way on its northerly boundary. The tower and compound would be located in the southeastern corner of the host property on the edge of an existing paved area. Utilities would be extended underground from an existing transformer near the entrance to the host property on Orchard Park Road. The tower would be designed to support the antennas of a total of four wireless carriers, municipal emergency service antennas, and a twenty-foot extension if additional height is needed in this location for additional carriers.

The location of the proposed site is within an area zoned for light industrial use. Towers up to 150 feet high are permissible in such use districts under the Town of Madison's zoning regulations.

One of T-Mobile's objectives for this site is to provide coverage to its customers using Amtrak's rail service. T-Mobile has a non-exclusive agreement with Amtrak that permits it to locate facilities within the railroad right-of-way where possible. However, T-Mobile could find no suitable location within Amtrak's right-of-way in the vicinity of the area it was seeking to cover from the proposed site. Furthermore, T-Mobile is prohibited from using the catenaries along the rail line to mount its antennas. Even if the Amtrak line were not located nearby, T-Mobile would have a need for a facility in this area.

The tower setback radius would extend approximately 83 feet at its widest onto the adjacent property to the east. To prevent the tower from encroaching onto the adjacent property in the event of a failure, T-Mobile could design a yield point into the tower at about the 83-foot height.



T-Mobile's proposed tower would be at least partially visible year-round from approximately 712 acres in the surrounding vicinity. The majority of this acreage occurs over the Cedar Island/East River/Neck River tidal marshes, located between approximately 0.75 miles to two miles southwest of the proposed facility, and/or over open water on Long Island Sound, located approximately one to two miles to the south. These areas account for approximately 690 of the 712 acres with visibility. The distance of these areas from the proposed site, however, would make the views of the tower minimal.

The record of this docket contains visual analyses of tower heights of 100 feet, 120 feet, and 140 feet. These analyses were undertaken in response to concerns expressed by the Town of Madison that other carriers would need to use the proposed tower at heights above that at which T-Mobile would locate its antennas. T-Mobile conducted four balloon flights to document the likely visual impacts of towers at the different heights.

Approximately 10 residences would have at least partial, year-round views of the proposed 100-foot tower. An additional, approximately 12 residences would have seasonal views of the proposed tower. A 120-foot tower at the proposed location would only be marginally more visible than the 100-foot tower. A 140-foot tower would significantly expand the areas of visibility.

The proposed facility is located approximately 12 feet from a forested wetland system, which lies to the north and east. In order to minimize any impact on this wetland system, T-Mobile would establish and maintain appropriate soil erosion and sedimentation control measures, in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control throughout the construction period of the proposed facility. It would also stabilize its proposed facility with loam and a New England Conservation/Wildlife seed mix, which would provide a permanent cover of forbs, wildflowers, legumes, and grasses. This mix would add wildlife habitat value and good erosion control.

During the municipal consultation period, the Madison Conservation Commission issued a letter recommending two conditions intended to protect the nearby wetlands system. The two conditions were: that the facility compound be graded to drain southward, away from the adjacent wetland; and that extra soil erosion and sedimentation control measures such as double silt fencing be installed prior to construction. No landscaping is proposed due to the abundance of mature vegetation to the east and south of the compound and interference with drainage improvements T-Mobile would make to comply with the Commission's recommendations. The Council will order T-Mobile to comply with these recommendations during the construction of the facility.

The proposed facility is also located within the coastal boundary as defined by the Connecticut Coastal Management Act (CCMA). However, the facility would have no effect on coastal resources and would not significantly alter the natural features of vistas and viewpoints within the CCMA coastal boundary. The tower would be visible from portions of Long Island Sound, but these views would be from distances greater than one mile and would not be significant and would include other, similar features of the viewscape.

There are no State and Federal listed species or significant natural communities in the vicinity of the proposed facility.

The proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.

After reviewing the record in this proceeding, the Council finds that there is a need for coverage in the area that would be served by the proposed facility. Because the proposed site is within an area zoned for light industrial use, it is in an appropriate location. We are also sensitive to the concerns expressed by the Town of Madison that the tower, at its proposed height of 100 feet, may not be tall enough to allow other carriers to effectively locate their antennas on it. Therefore, we will order that the tower be designed to be extendable to a height of 120 feet. In order to minimize the potential visual impact of the facility's compound on the nearest residential neighbors, we will also order that privacy slats be installed in the compound's chain link fence.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated to amount to  $0.10622 \text{ mW/cm}^2$  or 10.62% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency 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.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, management, and maintenance of the 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, management, and maintenance of a 100-foot monopole telecommunications facility, extendable to a total height of 120 feet, at 15 Orchard Park Road in Madison, Connecticut.

**DOCKET NO. 390** – T-Mobile Northeast LLC application for a } Connecticut  
Certificate of Environmental Compatibility and Public Need for }  
the construction, management, and maintenance of a } Siting  
telecommunications facility at 15 Orchard Park Road, Madison, }  
Connecticut. } Council

March 26, 2010

### 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, management, 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 T-Mobile Northeast LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at 15 Orchard Park Road, located in Madison, Connecticut.

Unless otherwise approved by the Council, the facility shall be constructed, managed, 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 Northeast LLC and other entities, both public and private, but such tower shall not exceed a height of 100 feet above ground level. The tower shall be designed so that its height may be extendable to 120 feet 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 Madison 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) 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, including extra controls to protect nearby wetlands;
  - c) a tower with a yield point at approximately 83 feet above ground level;
  - d) privacy slats installed in the chain link fence enclosing the compound; and
  - e) a grading plan that drains the facility to the south.

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 Madison 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. At least one wireless telecommunications carrier shall install their equipment and shall become operational not later than 120 days after the tower is erected. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
9. 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 Madison. Any proposed modifications to this Decision and Order shall likewise be so served.
10. 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.
11. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

12. 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 New Haven Register.

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**

T-Mobile Northeast, LLC

**Its Representative**

Julie D. Kohler, Esq.  
Jesse A. Langer, Esq.  
Cohen and Wolf, P.C.  
1115 Broad Street  
Bridgeport, CT 06604

**Party**

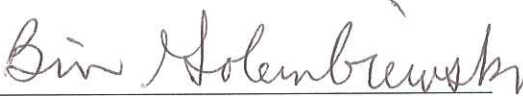
Town of Madison

**Its Representative**

Marilyn Ozols  
Planning and Zoning Administrator  
Town of Madison  
8 Campus Drive  
Madison, CT 06443

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. 390** – T-Mobile Northeast LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at 15 Orchard Park Road, Madison, Connecticut, and voted as follows to approve the telecommunications facility at 15 Orchard Park Road, Madison, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Daniel F. Caruso, Chairman	Yes
 _____ Colin C. Tait, Vice Chairman	Yes
_____ Commissioner Kevin M. DelGobbo Designee: Position Vacant	Absent
 _____ Commissioner Amey Marrella Designee: Brian Golembiewski	Yes
 _____ Philip T. Ashton	Yes
_____ Daniel P. Lynch, Jr.	Absent
 _____ James J. Murphy, Jr.	Yes
 _____ Dr. Barbara Currier Bell	Yes
 _____ Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, March 26, 2010



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](mailto:siting.council@ct.gov)

Internet: [ct.gov/csc](http://ct.gov/csc)

March 30, 2010

Julie D. Kohler, Esq.  
Cohen and Wolf, P.C.  
1115 Broad Street  
Bridgeport, CT 06604

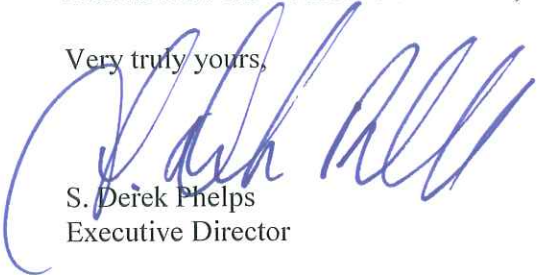
RE: **DOCKET NO. 390** – T-Mobile Northeast LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at 15 Orchard Park Road, Madison, Connecticut.

Dear Attorney Kohler:

By its Decision and Order dated March 26, 2010, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and management of a telecommunications facility at 15 Orchard Park Road, Madison, Connecticut.

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

Very truly yours,



S. Derek Phelps  
Executive Director

SDP/CDM/laf

Enclosures (4)



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Internet: [ct.gov/csc](http://ct.gov/csc)

**CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 390**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to T-Mobile Northeast LLC for the construction, maintenance and management of a telecommunications facility at 15 Orchard Park Road, Madison, 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 March 26, 2010.

By order of the Council,

  
\_\_\_\_\_  
Daniel F. Caruso, Chairman

March 26, 2010





Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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Internet: [ct.gov/csc](http://ct.gov/csc)

March 30, 2010

TO: Classified/Legal Supervisor  
**290100105**  
The New Haven Register  
40 Sargent Drive  
New Haven, CT 06511

Classified/Legal Supervisor  
**290100105**  
Shoreline Times, The (Weekly) Guilford  
29-32 Long Hill Road, P.O. Box 349  
Guilford, CT 06437-0349

FROM: Lisa A. Fontaine, Fiscal Administrative Officer <sup>4</sup>

RE: **DOCKET NO. 390** – T-Mobile Northeast LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at 15 Orchard Park Road, Madison, 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.

LAF



*Daniel F. Caruso*  
*Chairman*

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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Internet: [ct.gov/csc](http://ct.gov/csc)

### NOTICE

Pursuant to General Statutes § 16-50p (e), the Connecticut Siting Council (Council) announces that, on March 26, 2010, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from T-Mobile Northeast LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility at 15 Orchard Park Road, Madison, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.