



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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October 25, 2010

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *LR*

RE: **DOCKET NO. 392** - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 387 Shore Road, Old Lyme, Connecticut.

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By its Decision and Order dated September 23, 2010, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 387 Shore Road, Old Lyme, Connecticut.

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

LR/jbw

Enclosures (3)

c: State Documents Librarian

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

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<b>Applicant</b>	<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>
<b>Party</b> <i>(granted on December 18, 2009)</i>	<input checked="" type="checkbox"/> U.S. Mail	Town of Old Lyme	The Honorable Timothy C. Griswold Office of the Selectmen Town of Old Lyme 52 Lyme Street Old Lyme, CT 06371 <a href="mailto:firstselectman@oldlyme-ct.gov">firstselectman@oldlyme-ct.gov</a>
<b>Party</b> <i>(granted on February 4, 2010)</i>	<input checked="" type="checkbox"/> U.S. Mail	Mary Staley 5805 Ogden Road Bethesda, MD 20816 <a href="mailto:mstaley@kelleydrye.com">mstaley@kelleydrye.com</a>	

**DOCKET NO. 392** - 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 located 387 Shore Road, Old Lyme, }  
Connecticut. } Council

September 23, 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 15, 2009 for the construction, maintenance, and operation of a telecommunications facility, which would include an 80-foot monopole tower, located at 387 Shore Road in the Town of Old Lyme, 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, the Town of Old Lyme (Town), and Mary Staley. (Transcript 3 – March 2, 2010, 11:15 a.m. [Tr. 3], p. 4)
4. T-Mobile's proposed facility would provide coverage to Route 156, Connecticut Road, Oak Ridge Drive, Hatchetts Point Road just south of Interstate 95, and the Amtrak rail line that passes through the area. (T-Mobile 1, p. 1)
5. Pursuant to CGS § 16-50(b), notice of the applicant's intent to submit this application was published on July 23 and 25, 2009 in the New London Day. (T-Mobile 1, pp. 3-4 and Tab F)
6. Pursuant to CGS § 16-50(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. Notices were sent on July 21, 2009. T-Mobile received return receipts from all of the property owners to whom it sent notices. (T-Mobile 1, p. 4 and Tab G; T-Mobile 2, response 5)
7. Pursuant to CGS § 16-50(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 and Tab E)
8. On or about January 20, 2010, T-Mobile posted a sign giving public notice of T-Mobile's pending application for the proposed tower at 387 Shore Road and the public hearing scheduled for it. Per Council request, the sign was posted along Shore Road, on the host property, so that the public could see it more easily. (T-Mobile 4, Pre-Filed Testimony of Raymond Vergati, response 11 and Attachment A)



9. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on February 4, 2010, beginning at 3:00 p.m. and continuing at 7:00 p.m. in the Old Lyme Meeting Hall, Town Hall, 52 Lyme Street, Old Lyme, Connecticut. This was a consolidated hearing for three T-Mobile tower applications in Old Lyme: Docket No. 391 – 232 Shore Road (Self-storage Site); Docket No. 392 – 387 Shore Road (Laundromat Site); and 61-1 Buttonball Road (Commercial Complex Site). The 3:00 p.m. hearing session began with Docket No. 391. The 7:00 p.m. hearing session included all three dockets. (Council's Hearing Notice dated December 23, 2009; Transcript 1 – February 4, 2010 at 3:05 p.m. [Tr. 1], pp. 3-4, 8, 13; Transcript 2 – 7:00 p.m. [Tr. 2], p. 3)
10. The Council and its staff conducted an inspection of three proposed sites on February 4, 2010, beginning at 1:00 p.m. at the Laundromat Site and continuing to the Self-storage Site, and then the Commercial Complex Site. On the day of the field inspection, T-Mobile flew a black balloon up to four-feet in diameter to simulate the height of the proposed tower at the Laundromat Site beginning at approximately 7:00 a.m. and continuing to 10:00 a.m. The balloon was flown again beginning at 12:30 p.m. At approximately 2:20 p.m., T-Mobile was approached by Amtrak personnel requiring that the balloon float be abandoned because the balloon might cross Amtrak's right of way. By approximately 2:30 p.m., the balloon was taken down. During the balloon float, the weather conditions were not favorable, due to a fairly sustained 10 miles per hour wind. The balloon briefly reached its proposed height of 80 feet above ground level (agl), but it was very fleeting due to the wind. (Council Field Review Notice dated January 27, 2010; Tr. 1, p. 4, 24-29; Tr. 3, p. 21)
11. The Council held continued hearings in New Britain on March 2, April 20, and June 23, 2010. (Transcript 3 – 11:15 a.m. [Tr. 3], p. 3; Transcript 4 – 1:15 p.m. [Tr. 4], p. 3; Transcript 5 – 1:10 p.m. [Tr. 5], p. 4)

#### State Agency Comments

12. Pursuant to CGS § 16-50i, the Council solicited comments on this application on December 23, 2009 from the following state departments and agencies: Department of Agriculture, Department of Environmental Protection (DEP), Department of Public Health, Council on Environmental Quality (CEQ), 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 December 23, 2009)
13. Pursuant to CGS § 16-50i, the Council solicited additional comments on this application on July 24, 2010 from the following state departments and agencies: Department of Agriculture, DEP, Department of Public Health, CEQ, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, Department of Transportation, and the Department of Emergency Management and Homeland Security. (Letter to State Department Heads dated June 24, 2010)

14. The CEQ responded to the Council's solicitation with comments. The CEQ notes that the visual impact of towers that are very close to the Long Island Sound shoreline cannot be fully assessed without a virtual simulation of their appearance from the waters of this major recreational resource. CEQ is also concerned that the proximity of multiple tall structures to preserved lands, refuges and coastal marshes raises the issues of possible impacts on resident and transient bird populations. (CEQ Comments dated January 27, 2009)
15. Except for CEQ, no state agencies submitted comments in response to the Council's solicitation. (Record)

#### **Municipal Consultation**

16. On May 28, 2009, T-Mobile submitted a technical report on its proposed facility to Old Lyme's First Selectman, Timothy Griswold. (T-Mobile 1, p. 17; T-Mobile 1, Tab R)
17. On June 25, 2009, T-Mobile met with the First Selectman Griswold and the Zoning and Inlands Wetlands Enforcement Officer to discuss the proposed facility. (T-Mobile 1, p. 17)
18. By letter dated October 21, 2009, First Selectman Griswold indicated that the Town had executed a lease with SBA Towers II, LLC for the development of a telecommunications facility at 14 Cross Lane, Old Lyme. The tower was proposed as 170 feet tall, and, since it would be centrally located, the Town believed T-Mobile would not need additional sites in Old Lyme; thus, a Cross Lane site would avoid the proliferation of towers in Connecticut. The Town believes that a one-site solution would be beneficial to the Town and the wireless customers who reside in or visit Old Lyme. (Town Comment Letter dated October 21, 2009)
19. In January 2010, the Cross Lane site was brought before a Town meeting and was defeated due to various citizen concerns, including the site's proximity to a school. The Cross Lane site is no longer available for consideration. (Tr. 1, pp. 10-11)
20. At both February 4, 2010 hearing sessions, First Selectman Griswold made a statement on behalf of the Board of Selectman and residents in Old Lyme indicating an interest in improving cell reception in Old Lyme, particularly the beach area. (Tr. 1, pp. 9-11; Tr. 2, pp. 12-13)
21. First Selectman Griswold also stated that the Town requested tower space for its emergency services communications. The equipment would require approximately 160 feet of tower height on any one of the proposed towers. However, the Town has not expressed a specific interest in this tower. (Tr. 1, p. 11; Tr. 2, pp. 12-13; Tr. 3, p. 25)
22. T-Mobile would make space on its proposed tower available for the Town's public safety communications free of charge. (T-Mobile 4, Pre-Filed Testimony of Raymond Vergati, response 10)



**Federal Designation for Public Need**

23. 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)
24. 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)
25. 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)
26. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects, which include human health 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)
27. 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, pp. 5-6)
28. As an outgrowth of the 911 Act, the FCC has mandated that wireless carriers provide enhanced 911 services (E911) as part of their communications networks. (T-Mobile 1, p. 6)
29. The proposed facility would be an integral component of T-Mobile's E911 network in southeastern Connecticut and would comply with FCC's E911 requirements. (T-Mobile 1, p. 6)

**Existing and Proposed Wireless Coverage**

**T-Mobile**

30. T-Mobile experiences a coverage gap in the area around the proposed facility, specifically along the shore line and the Amtrak rail line, as well as on Route 156, Connecticut Road, Oak Ridge Drive, and Hatchetts Point Road just south of Interstate 95. (T-Mobile 1, pp. 4-5)
31. The proposed facility would provide service in the area of T-Mobile's coverage gap. (T-Mobile 1, p. 5)

- 32. T-Mobile utilizes Personal Communications Services (PCS) in this area of the state through the deployment of wireless transmitting sites. Its licensed operating frequencies in the New London Basic Trading Area include 1935 to 1944.8 MHz, 1983 to 1984 MHz, and 2140 to 2145 MHz. (T-Mobile 1, p. 6 and Tab P)
- 33. T-Mobile's minimum design signal strength for in-vehicle coverage is -84 dBm. For in-building coverage, it is -76 dBm. (T-Mobile 2, responses 2 and 3)
- 34. T-Mobile's existing signal strengths in the area that would be covered by the proposed facility range from -84 dBm to below -100 dBm. (T-Mobile 2, response 1)
- 35. The lengths of the coverage gaps T-Mobile experiences on the major arteries and the lengths of the proposed coverage areas are listed in the following table.

<b>Transportation Artery</b>	<b>Coverage Gap</b>	<b>Distance Covered at Proposed Antenna Height of 77 feet</b>
Route 156	3.36 miles	1.05 miles
Amtrak Rail Line	4.62 miles	1.89 miles

(T-Mobile 2, responses 14 and 15)

- 36. The total area T-Mobile could cover from the proposed site with antennas at a height of 77 feet would be approximately 0.96 square miles. (T-Mobile 2, response 16)
- 37. The lengths of T-Mobile's coverage areas on the major arteries at lower antenna heights are listed below.

<b>Transportation Artery</b>	<b>Distance Covered at Antenna Height of 67 feet</b>	<b>Distance Covered at Antenna Height of 57 feet</b>
Route 156	0.97 miles	0.86 miles
Amtrak Rail Line	1.23 miles	1.08 miles

(T-Mobile 2, response 15)

- 38. The total area T-Mobile could cover from the proposed site at the lower antenna heights of 67 feet and 57 feet would be 0.70 square miles and 0.54 square miles, respectively. (T-Mobile 2, response 16)

39. T-Mobile's antennas at the proposed facility would hand off signals to the existing sites identified in the following table.

<b>Site Address</b>	<b>Facility Type</b>	<b>Structure Height</b>	<b>T-Mobile's Antenna Height</b>	<b>Distance &amp; Direction to proposed facility</b>
125 Mile Creek Road, Old Lyme	Monopole	160 feet	160 feet	2.11 miles SE
62-1 Boggy Hole Road, Old Lyme	Monopole	175 feet	175 feet	3.13 miles SE
38 Hattchetts Hill Road, Old Lyme	Monopole	190 feet	187 feet	1.60 miles S
93 Roxbury Road, Old Lyme	Self-support Tower	160 feet	103 feet	3.13 miles SW

(T-Mobile 2, response 9)

#### Site Selection

40. T-Mobile initiated its search for a site in this vicinity on or about July 24, 2008. (T-Mobile 2, response 4)
41. T-Mobile's site search was centered at the intersection of Old Cart Path Road and the Amtrak rail line. The radius of the search area was approximately 0.2 miles. (T-Mobile 2, response 4)



42. T-Mobile identified six telecommunications towers within approximately four miles of its proposed site. 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 from Proposed Tower Location</b>
93 Roxbury Road, East Lyme	150-foot self-supporting lattice tower	Crown	3.33 miles NE
62-1 Boggy Hole Road, Old Lyme	175-foot monopole	Wireless Solutions	3.04 miles NW
132 Whippoorwill Road, Old Lyme	100-foot guyed lattice tower	Mr. & Mrs. Andrew Pfeiffer	2.92 miles NW
30 Short Hill Road, Old Lyme	180-foot monopole	Sprint	1.70 miles NW
38 Hatchetts Hill Road, Old Lyme	190-foot monopole	T-Mobile	1.63 miles N
125 Mile Creek Road, Old Lyme	160-foot monopole	Cellco	2.05 miles NW

(T-Mobile 1, Exhibits I; T-Mobile 3, response 3)

43. Two of the existing telecommunications towers within a four-mile radius are too far away to meet T-Mobile’s coverage objectives. These towers are located at 132 Whippoorwill Road, Old Lyme and 30 Short Hills Road, Old Lyme. (T-Mobile 3, response 3)
44. The remaining four existing telecommunications towers within a four-mile radius already have T-Mobile co-located on them. These towers are 93 Roxbury Road, East Lyme; 62-1 Boggy Hill Road, Old Lyme; 38 Hatchetts Hill Road, Old Lyme; and 125 Mile Creek Road, Old Lyme. (T-Mobile 3, response 3)
45. There are no large areas of commercial or industrial use in or around the target coverage area. The area is heavily comprised of residential homes. Thus, T-Mobile investigated one commercial property to see if it was suitable for a tower. The site is listed below:
- a. Sicuranza Electric, 389 Shore Road: This parcel is only 0.60 acres and has little to no natural screening for a tower. The existing building is approximately 15 feet high, which is too low to afford adequate coverage.
46. During this proceeding, another alternative site at 14 Cross Lane, Old Lyme was explored. This is the site of a proposed SBA Towers II, LLC tower on Town property. This proposed tower would not provide adequate coverage to T-Mobile, and the site is no longer available. (T-Mobile 2, response 17)

47. An outdoor Distributed Antenna System (DAS) would not be a feasible alternative to a tower because of the following reasons:
- a) The unavailability of a sufficient number of existing utility poles on which to string fiber-optic cable and install DAS nodes in the coverage area;
  - b) The existing utility poles are generally low in height;
  - c) The existing uneven terrain and mature vegetation would prevent DAS nodes from providing reliable coverage throughout the target area;
  - d) The unavailability of unused fiber-optic cables to serve as the backbone of the DAS network in the area; and
  - e) There would be a need to enter into access easements, enter into pole attachment agreements, etc. which would be compounded by the large amount (roughly 45) of DAS nodes required to cover the total area to be served by the three towers proposed in Docket Nos. 391, 392, and 393.

(T-Mobile 20)

48. Repeaters, microcell transmitters, and other types of transmitting technologies are not 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, the relatively large size of the coverage area compared with the devices' limited transmission range, and other practical considerations. (T-Mobile 1, p. 7)

#### Overview of Three Tower Configuration

49. If approved, this tower will not eliminate the need for the other two towers proposed as Docket Nos. 391 and 393. (Tr. 3, pp. 246-247)
50. Increasing the height of any of the proposed facilities (i.e. Docket Nos. 391 through 393) would not obviate the need for any of the facilities or allow T-Mobile to reduce the height of any of the facilities. (Tr. 3, pp. 246-247)

#### Facility Description

51. The proposed facility would be located at 387 Shore Road on a 2.11 acre parcel owned by Gregory Benoit (the Benoit property) and contains a laundromat. The Amtrak rail line right-of-way abuts the Benoit property to the south. (See Figures 1 and 2) (T-Mobile 1, pp. 1, 9 and Exhibits B)
52. The Benoit property is zoned Commercial (C-30). Telecommunications towers are allowed in a C-30 zoning district with a special permit. (T-Mobile 1, p. 9; T-Mobile 1b – Town of Old Lyme Zoning Regulations)
53. The proposed facility would be located in the eastern half of the host property. (T-Mobile 1, Tab B)
54. For its proposed facility, T-Mobile would lease a 2,400 square foot area (40 feet by 60 feet). The facility would include an 80-foot tall steel monopole tower within a 20-foot by 40-foot (800 square feet) compound. The compound would be enclosed by an eight-foot high chain link fence. (See Figure 3) (T-Mobile 1, p. 9 and Tab B)



55. T-Mobile could install anti-climbing weave mesh on the compound fence. T-Mobile could also install a standard chain-link fence with barbed wire if required by the Council. T-Mobile could use privacy slats on the chain-link fence or use an eight-foot stockade fence if requested by the Council. (T-Mobile 2, response 19; Tr. 3, p. 52, 55)
56. The proposed tower would be located at 41° 17' 47.37" north latitude and 72° 15' 35.02" west longitude. Its ground elevation would be 38 feet above mean sea level (amsl). (T-Mobile 1, Tab B)
57. The proposed tower would be designed as a monopole in accordance with the 2005 Connecticut State Building Code and the Electronic Industries Association Standard ANSI/TIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Support Structures" for New London County. (T-Mobile 1, Tab B)
58. The tower would be designed for one carrier only, but could be designed for more if requested by the Council. (Tr. 1, p. 37)
59. T-Mobile would install nine panel antennas (three per sector) at a centerline height of 77-foot 9-inch AGL on T-arm mounts. (T-Mobile 1, p. 9 and Tab B; T-Mobile 2, response 10)
60. The top of T-Mobile's antennas would be flush with the top of the tower at 80 feet. (T-Mobile 1, Tab B; Tr. 3, p. 25)
61. T-Mobile could utilize flush-mounted antennas, but that configuration would require T-Mobile to occupy two levels instead of one, with the second 10 feet higher. (T-Mobile 2, response 11)
62. T-Mobile considered alternative stealth tower designs such as evergreen tree tower, but did not think an evergreen tree tower would fit it with the existing deciduous trees. (Tr. 3, p. 27)
63. A dead tree or snag tower may be feasible, but would likely only accommodate one, possibly two carriers due to the internal antenna array. (Tr. 3, p. 27)
64. T-Mobile would install two radio equipment cabinets on a concrete pad within the fenced compound. (Tr. 3, p. 22)
65. T-Mobile would use battery backup power for its proposed facility. The battery power system could operate for 4 to 12 hours. (T-Mobile 2, response 11)
66. The equipment area would contain a service light with a motion sensor. The light would not normally be on. (Tr. 3, p. 22)
67. Construction of the proposed facility would require a total of 115 cubic yards of cut and 75 cubic yards of fill. (T-Mobile 2, response 18)
68. The facility compound cannot be easily moved closer to Shore Road due to existing mature trees, rocky outcroppings, and a sewer line slightly to the north. (Tr. 3, p. 29)



69. Vehicular access to the proposed facility would extend from Shore Road over an existing paved driveway and then across an existing gravel parking lot for a total distance of approximately 120 feet. (T-Mobile 1, p. 9; T-Mobile 1, Tab B)
70. Utility service would extend underground approximately 150 to 200 feet to reach utility poles on Shore Road. The electrical and telephone connections would be on separate poles. (T-Mobile 1, p. 9 and Tab B)
71. The tower's setback radius would extend approximately 60 feet onto the Amtrak rail line right-of-way. (T-Mobile 1, Tab B)
72. To reduce the tower's setback radius, T-Mobile would incorporate a yield point, or hinge point, into the design of the tower at approximately 60 feet agl. (Tr. 3, p. 24)
73. The nearest adjacent properties are the Amtrak right-of-way, which is located approximately six feet immediately to the south, and other residential properties to the north on the opposite side of Shore Road. (T-Mobile 1, Tab B)
74. There are 35 single-family residences within 1,000 feet of the proposed facility. (T-Mobile 1, Tab L; Tr. 3, p. 15)
75. The nearest single-family residence not on the host property is located 185 feet away at 2 North Road and is owned by David and Lina Tuck. (T-Mobile 1, Tabs B and L; Tr. 3, p. 14)
76. Land use in the vicinity of the proposed facility consists of existing Amtrak right-of-way, several commercial establishments along Route 156, and medium-density residential development to the south. (T-Mobile 1, Tab N)
77. The estimated cost of the proposed facility is the following:

Tower and foundation costs	\$ 71,000
Site development costs	73,000
Utility installation costs	41,000
Equipment cabinets	30,000
<u>RF components e.g. antennas and cable</u>	<u>15,000</u>
Total estimated costs	\$230,000

(T-Mobile 1, pp. 18-19; T-Mobile 3, response 1)

#### **Environmental Considerations**

78. 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, Tab O, Letter from SHPO dated June 17, 2009)
79. The proposed facility would not affect any threatened or endangered species or designated critical habitats. (T-Mobile 1, p. 13)

80. The proposed facility would not affect any of the “listed” categories of the National Environmental Policy Act (NEPA): wilderness preserves; critical habitats; National Register historic districts, sites, buildings, structures or objects; flood plains; or federal wetlands. (T-Mobile 1, p. 19; Tab Q)
81. The proposed facility is not located with the 100-year or 500-year floodplain. (T-Mobile 1, Tab Q)
82. Development of the proposed facility would require the removal of three trees with a diameter of six inches or greater at breast height. (T-Mobile 1, Tab M)
83. T-Mobile’s proposed 80-foot tower would not require notification to the Federal Aviation Administration or marking or lighting. (T-Mobile 1, Tab S)
84. The nearest wetland system is located approximately 250 feet west of the proposed facility. The proposed development is not expected to impact wetlands. (T-Mobile 1, p. 9 and Tab K)
85. 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, p. 16)
86. A dirt/debris pile to the west of the compound already existed at the time of T-Mobile’s environmental review of the site. (Tr. 3, pp. 21-22)
87. The cumulative worst-case maximum power density from the radio frequency emissions of the proposed T-Mobile antennas is calculated to be 21.33 percent 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, p. 12)

#### Visibility

88. The majority of the year-round visibility of the tower is over open water. Approximately 662 acres, or over 97 percent of the 679 acres of year-round visibility, is over open water on Long Island Sound to the south, at a distance of 0.55 miles to 2 miles within the study area. (T-Mobile 1, Tab N)
89. The tower would be visible year-round on land from approximately 17 acres within a two-mile radius of the site. The tower would be seasonally visible from approximately 31 acres on land within a two-mile radius of the site. (T-Mobile 1, Tab N)

90. Specific areas of year-round visibility of the tower on land include the immediate vicinity of the proposed tower site along Shore Road and the existing Amtrak right of way, extending 0.25 to 0.50 miles along the railroad corridor. Areas of limited year-round visibility also include the Point O' Woods residential development to the south/southeast of the proposed tower site. (T-Mobile 1, Tab N)
91. Approximately 12 residences would have year-round visibility of the proposed tower, including four residences on Shore Road and roughly eight residences located within the Point O' Woods development. (T-Mobile 1, Tab N)
92. A total of approximately 14 additional homes located on select portions of Shore Road and the Post O' Woods development would have seasonal views of the proposed tower. (T-Mobile 1, Tab N)
93. Visibility of the proposed tower from specific locations in the surrounding area is summarized in the table below.

<b>Location</b>	<b>Visible</b>	<b>Approx. Portion of 80' Tower Visible (ft.)</b>	<b>Approx. Distance and Direction to Tower</b>
1 – Route 156 (Shore Road) approaching proposed tower, looking northeast	Yes	30 feet – above tree line	0.19 miles NE
2 – Route 156 (Shore Road) at Connecticut Road, looking southwest	Yes	20 feet – above tree line	0.09 miles SW
3 – Walnut Road adjacent to house #2, looking northwest	Yes	10 feet – through trees	0.23 miles NW
4 – Hillcrest Road at Connecticut Road, looking southwest	Yes	30 feet – through trees	0.08 miles SW
5 – North Road at Shore Acres Road, looking northwest	Yes	30 feet – through trees	0.06 miles NW
6 – Tony's Nose Overlook within Rocky Neck State Park, looking southwest	No	n/a	0.67 miles SW
7 – Swan Avenue, looking northeast	No	n/a	1.24 miles NE
8 – Route 156 (Shore Road), looking northeast	No	n/a	0.30 miles NE
9 – Mile Creek Road west of Chestnut Hill Road, looking southeast	No	n/a	0.57 miles SE
10 – Route 156 (Shore Road) at Oakridge Drive, looking southwest	No	n/a	0.26 miles SW

(T-Mobile 1, Tab N)

Coastal Management Act

94. The tower would be located approximately 0.8 miles to the north of Long Island Sound. (T-Mobile 1, Tab N).



95. Although the proposed facility is located within the Connecticut Coastal Management Act's (CCMA) coastal boundary, there are no coastal resources on the subject property. The nearest coastal resources are tidal wetlands associated with Threemile River, which is located approximately 500 feet southwest of the proposed tower. No coastal resources, as defined in the CCMA, would be adversely affected by the proposed tower. (T-Mobile 1, p. 14)
  
96. Views of the tower from Long Island Sound would be distant and rising topography to the north provides the backdrop of the view. (T-Mobile 21)

Figure 1: Location Map of Proposed Site



(T-Mobile 1, Tab C)



**Figure 2: Aerial Photograph of Proposed Site Location**



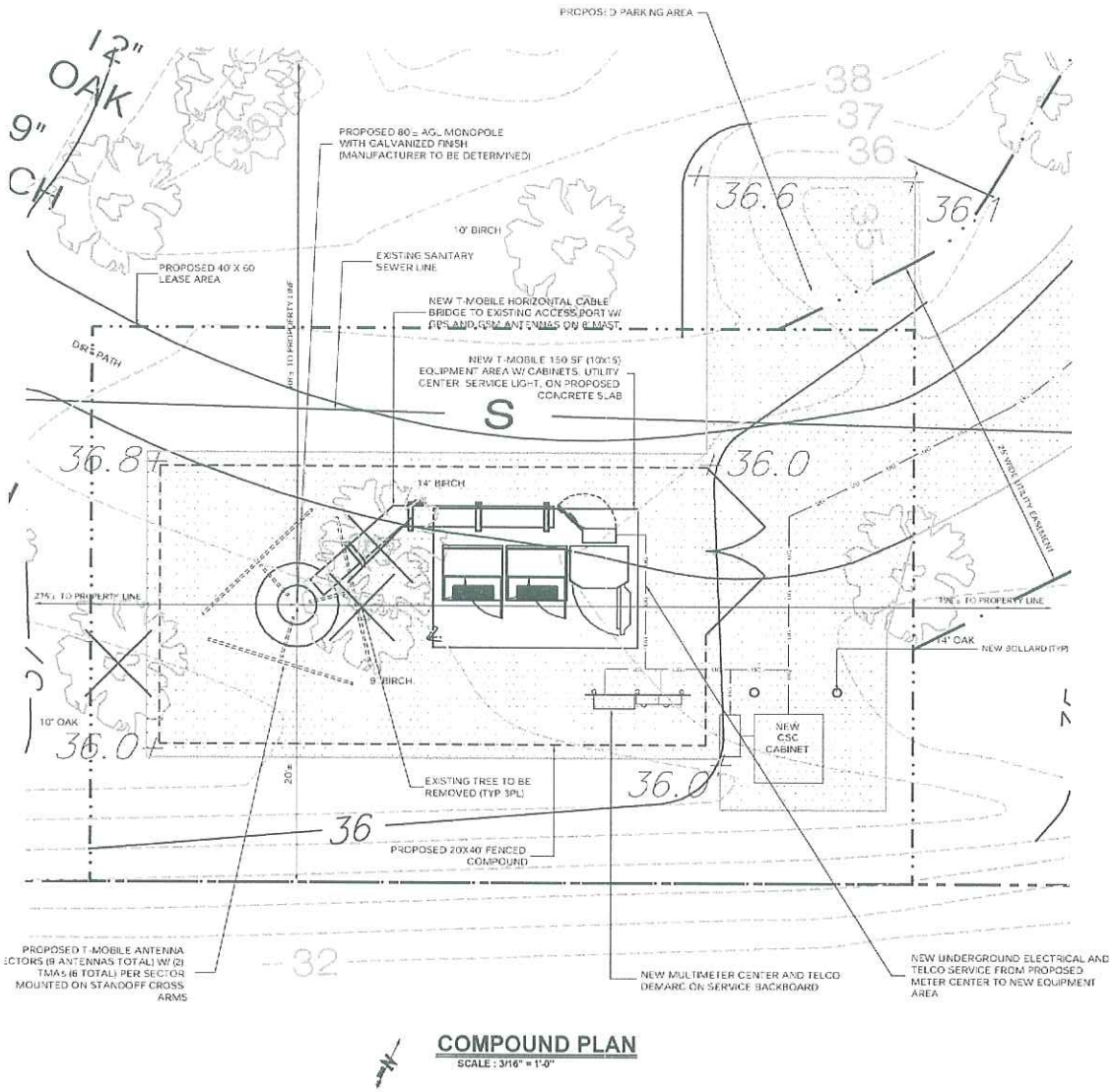
**AERIAL MAP**  
SCALE : 1" = 500'-0"

(T-Mobile 1, Tab B)

GRAPHIC SCALE

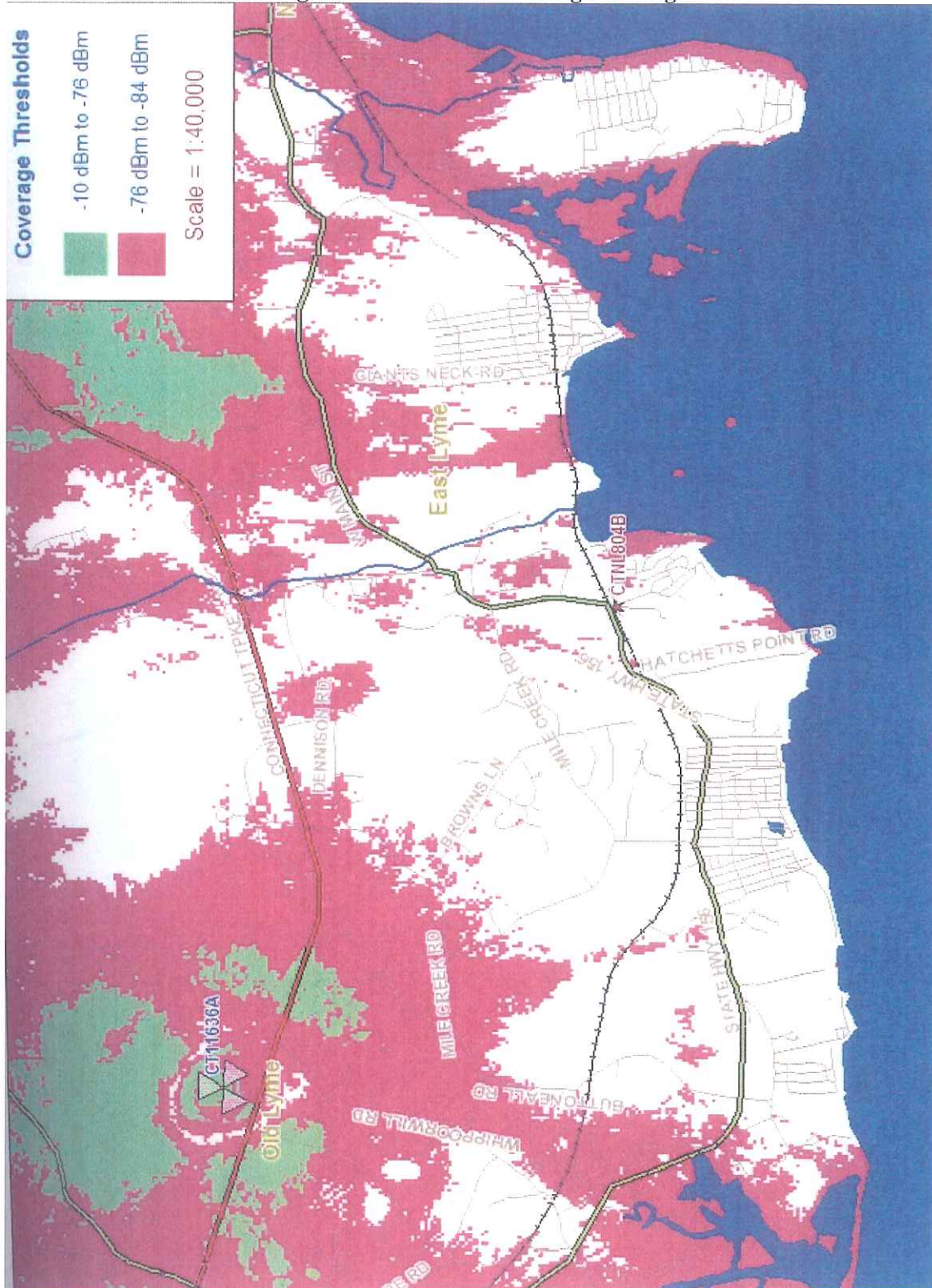


Figure 3: Proposed Facility Site Plan



(T-Mobile 1, Tab B)

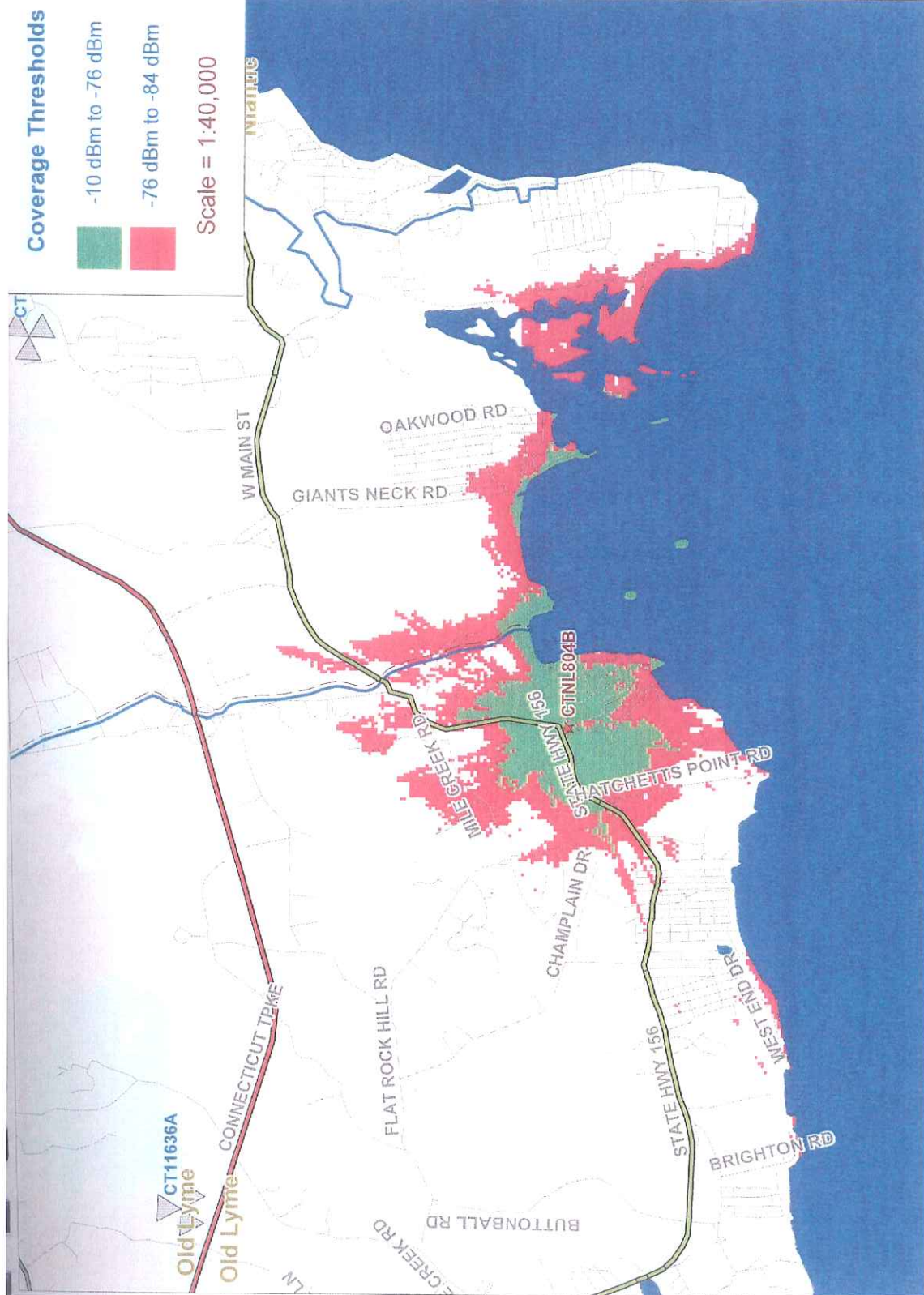
Figure 4: T-Mobile's Existing Coverage



(T-Mobile 1, TabH)



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



(T-Mobile 1, Tab H)





Figure 7: T-Mobile's Existing and Proposed Coverage from all Three Towers (Dockets 391 through 393)

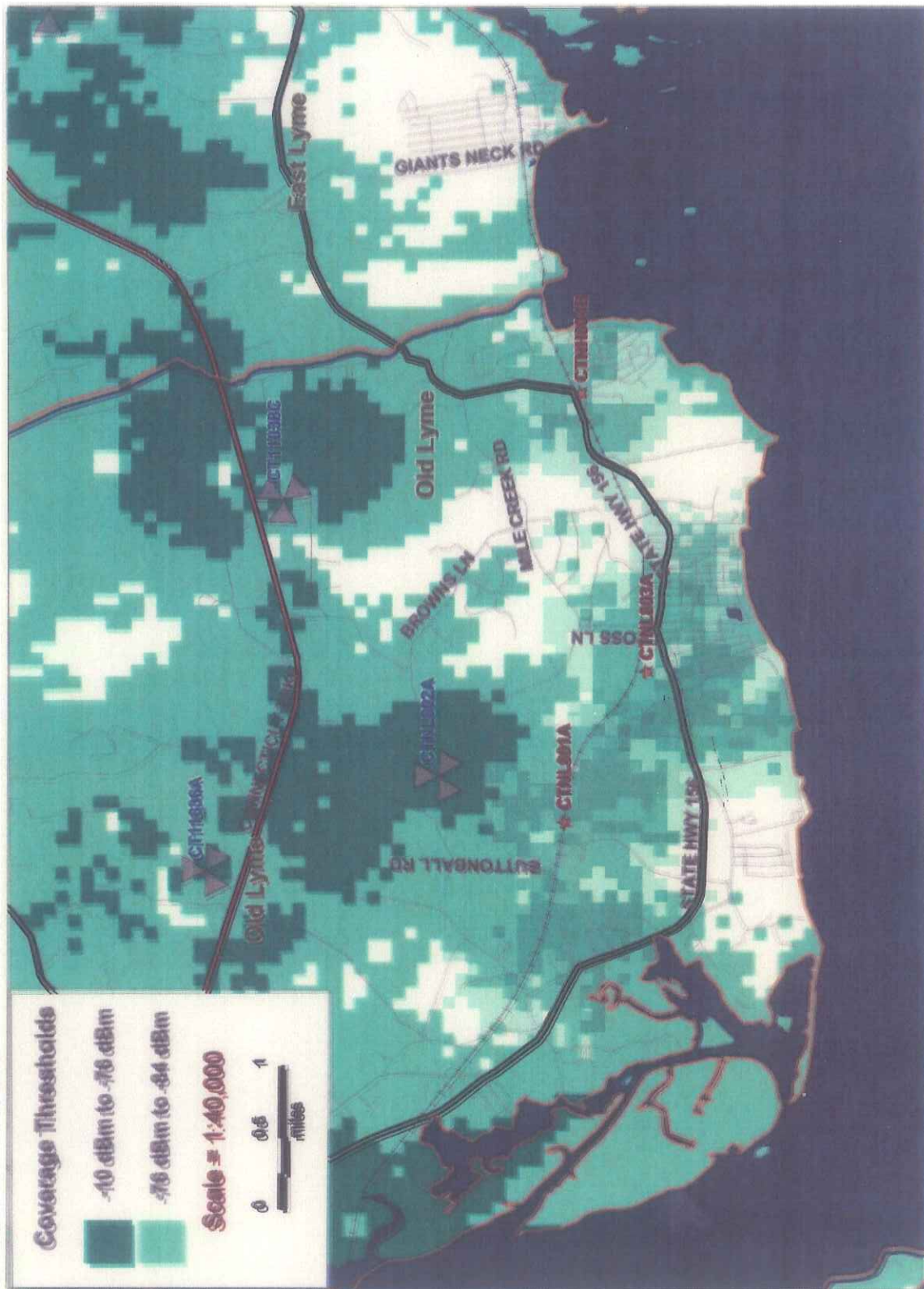
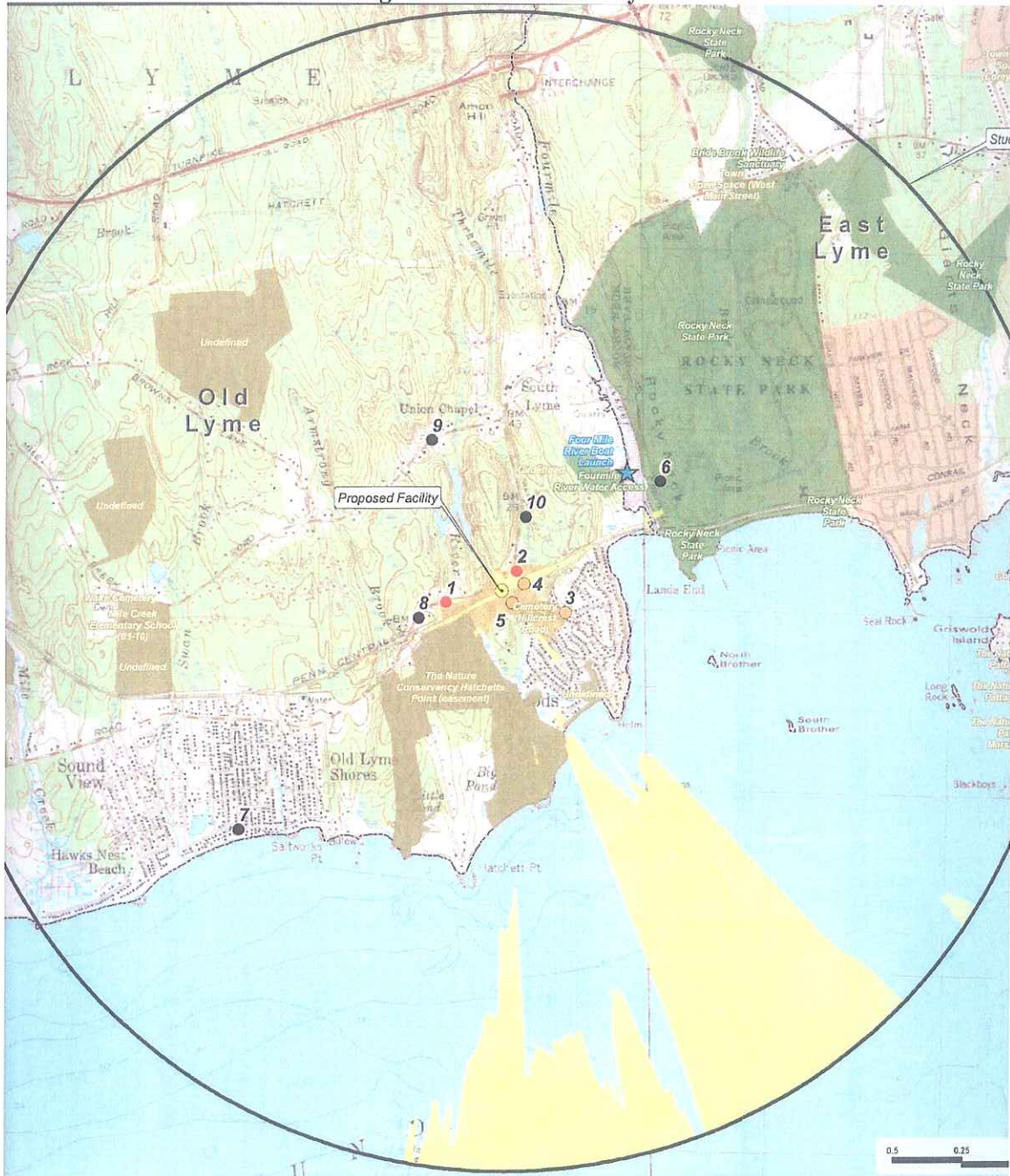




Figure 8: Viewshed Analysis















(T-Mobile 1, Tab M)



**Figure 9: Viewshed Analysis Key**

Map Compiled July, 2009

**Legend**

-  Tower Location
- Photographs - May 11, 2009
  -  Balloon is not visible
  -  Balloon visible through trees
  -  Balloon visible above trees
-  Year-Round Visibility (Approximately 679 acres)
-  Seasonal Visibility (Approximately 31 acres)
-  Protected Municipal and Private Open Space Properties (1997)
  - Cemetery
  - Preservation
  - Conservation
  - Existing Preserved Open Space
  - Recreation
  - General Recreation
  - School
  - Uncategorized
-  CT DEP Protected Properties (2007)
  - State Forest
  - State Park
  - DEP Owned Waterbody
  - State Park Scenic Reserve
  - Historic Preserve
  - Natural Area Preserve
  - Fish Hatchery
  - Flood Control
  - Other
  - State Park Trail
  - Water Access
  - Wildlife Area
  - Wildlife Sanctuary
-  Federal Protected Properties (1997)
-  CT DEP Boat Launches (1994)
-  Scenic Road (State and Local)
-  Town Line

(T-Mobile 1, Tab M)

**DOCKET NO. 392** - 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 located 387 Shore Road, Old Lyme, }  
Connecticut. } Council

September 23, 2010

### Opinion

On October 15, 2009, T-Mobile Northeast, Inc. (T-Mobile) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility to be located at 387 Shore Road in the Town of Old Lyme, Connecticut. T-Mobile is seeking to develop a facility on property owned by Gregory Benoit, which contains a laundromat. This proposed tower in Docket No. 392 is known as the “Laundromat Site.” To further improve coverage in Old Lyme, T-Mobile also filed applications for two other towers: Docket No. 391, known as “the Self-Storage Site” located at 232 Shore Road, Old Lyme; and Docket No. 393, “the Commercial Complex Site” located at 61-1 Buttonball Road to further improve coverage in Old Lyme.

T-Mobile’s objective for the proposed facility in this area is to provide coverage to existing gaps along the shore line and the Amtrak rail line, as well as on Route 156, Connecticut Road, Oak Ridge Drive, and Hatchetts Point Road just south of Interstate 95. The Town of Old Lyme (Town) and Mary Staley both participated as parties in this proceeding.

T-Mobile established a search ring for its target service area on or about July 24, 2008. T-Mobile’s search area was centered at the intersection of Old Cart Path Road and the Amtrak rail line and had a radius of approximately 0.2 miles. T-Mobile identified six existing structures suitable for telecommunications use within a four-mile radius of the proposed location. T-Mobile is already co-located at four of these structures. The remaining two sites would not meet T-Mobile’s coverage objectives because they are too far away.

T-Mobile also investigated a raw land site. This site has no natural screening for a tower. In addition, the existing building is too low to allow coverage via co-location. T-Mobile also considered co-location at an SBA facility that was originally proposed for 14 Cross Lane, Old Lyme. This site is no longer available. T-Mobile also considered co-locating on Amtrak’s catenary structures, but found that Amtrak does not allow telecommunications co-locations on these structures.

T-Mobile also, at the Council’s request, reviewed the feasibility of a distributed antenna system (DAS) in lieu of a tower. The DAS alternative is not feasible because the uneven terrain and mature vegetation in the area would necessitate the installation of numerous DAS nodes (roughly 45), while, at the same time, the area lacks both a sufficient number of utility poles high enough for the purpose and sufficient installed fiber-optic capacity. After reviewing the original alternatives in T-Mobile’s application, as well as others brought up during the proceeding, the Council finds no feasible or available alternatives to the proposed site.

T-Mobile proposed an 80-foot steel monopole on which it would install nine panel antennas at a centerline height of 77-feet 9-inches above ground level (agl). The tower would be visible year-round on land from approximately 17 acres within a two-mile radius of the site. It would be

seasonally visible from approximately 31 acres on land within a two-mile radius of the site. Most of the year-round visibility of the tower – over 97 percent – is over open water on Long Island Sound, approximately 0.55 to 2.0 miles away within the study area.

Residences with year-round visibility of the tower on land include 20 in the immediate vicinity of the proposed tower site along Shore Road and within the Point O' Woods neighborhood. Approximately 14 additional homes along select portions of Shore Road and within the Post O' Woods neighborhood would have seasonal views of the proposed tower.

Based on this visibility profile, the Council will order a monopole in order to fit in with the surrounding area and minimize the visual impacts. To further minimize the visual impact and provide a uniform visual profile, the Council will also require T-arms for all wireless carriers on the tower.

T-Mobile's facility would include a 20-foot by 40-foot fenced compound surrounded by an eight-foot high chain link fence. The Council will require privacy slats on the chain link fence to help minimize views of the ground equipment.

The 80-foot tower would have a setback radius that extends 60 feet onto the Amtrak rail line right-of-way. To ensure that the tower setback radius remains on the subject property, the Council will require that the tower be designed with a yield point at 60 feet.

Vehicular access to the proposed facility would extend from Shore Road over an existing paved driveway and across an existing gravel parking lot for approximately 120 feet to the proposed compound. Utility service would extend underground approximately 150 to 200 feet to the proposed facility from existing poles on Shore Road.

The nearest wetland system is located approximately 250 feet west of the proposed facility. The proposed development is not expected to impact wetlands. Notwithstanding, as a precaution, T-Mobile would establish and maintain appropriate soil and erosion control measures in accordance with the 2002 Connecticut Guidelines for Soil and Erosion Control. The development of the facility would require the removal of three trees with a diameter of six inches or greater at breast height.

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; flood plains; or federal wetlands.

The Council is concerned about impacts to migratory birds. The entire Atlantic seaboard is a migratory bird flyway. However, towers less than 200 feet agl generally do not have a significant adverse effect on birds or result in increased bird strikes. In addition, no areas in Old Lyme have been designated by the Audubon Society as important bird concentration areas for bird breeding, stopovers, or other activities critical to survival.

Although the proposed facility is located within the Connecticut Coastal Management Act's (CCMA) coastal boundary, it is 0.8 miles from the coastline, and there are no coastal resources on the subject property. Thus, no coastal resources, as defined in the CCMA, would be adversely affected by the facility. Furthermore, the facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.



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 T-Mobile antennas proposed to be installed on the tower have been calculated by Council staff to amount to 21.33% 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, maintenance, and operation of the telecommunications facility at the proposed subject property, 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, maintenance, and operation of an 80-foot monopole telecommunications facility at 387 Shore Road, Old Lyme, Connecticut.

**DOCKET NO. 392** - T-Mobile Northeast, LLC application for a }  
Certificate of Environmental Compatibility and Public Need for }  
the construction, maintenance and operation of a }  
telecommunications facility located 387 Shore Road, Old Lyme, }  
Connecticut. }

Connecticut

Siting

Council

September 23, 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, maintenance, and operation 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 (T-Mobile), hereinafter referred to as the Certificate Holder, for a telecommunications facility at the proposed site, located at 387 Shore Road, Old Lyme, Connecticut.

Unless otherwise approved by the Council, 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 Certificate Holder and other entities, both public and private, but such tower shall not exceed a height of 80 feet above ground level (agl). The height at the top of T-Mobile's antennas shall not exceed 80 feet above ground level. The wireless antennas shall be attached to the tower via T-arm mounts.
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 Old Lyme 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 with privacy slats, radio equipment, access road, utility line, and landscaping; and
  - 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.
3. Prior to the commencement of operation, the Certificate Holder shall 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 Old Lyme 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 with at least one fully operational wireless telecommunications carrier providing wireless service 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. 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.
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 Old Lyme. 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. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed 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.
12. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
13. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder\transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder\transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.



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 Day*.

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.  
Monte E. Frank, Esq.  
Jesse A. Langer, Esq.  
Cohen and Wolf, P.C.  
1115 Broad Street  
Bridgeport, CT 06604

**Party**

Town of Old Lyme

**Its Representative**

The Honorable Timothy G. Griswold  
Office of the Selectman  
Town of Old Lyme  
52 Lyme Street  
Old Lyme, CT 06371

**Party**

Mary Staley

**Its Representative**

Mary Staley  
5805 Ogden Road  
Bethesda, MD 20816

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:



\_\_\_\_\_  
Linda Roberts  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 392 has been forwarded by Certified First Class Return Receipt Requested mail, on October 25, 2010, to all parties and intervenors of record as listed on the attached service list, dated February 16, 2010.

ATTEST:



\_\_\_\_\_  
Jessica Brito-Weston  
Secretary I  
Connecticut Siting Council





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)

October 25, 2010

TO: Classified/Legal Supervisor  
**391/392/393100204**  
The New London Day  
P. O. Box 1231  
New London, CT 06320-1231

FROM: Jessica Brito-Weston, Secretary I 

RE: **DOCKET NO. 392** - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 387 Shore Road, Old Lyme, 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.

JBW



*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)

### NOTICE

Pursuant to General Statutes § 16-50p (e), the Connecticut Siting Council (Council) announces that, on September 23, 2010, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from T-Mobile Northeast, for the construction, maintenance and operation of a telecommunications facility located at 387 Shore Road, Old Lyme, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.





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)

**CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 392**

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 operation of a telecommunications facility located at 387 Shore Road, Old Lyme, 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 September 23, 2010

By order of the Council,

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

September 23, 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)

October 25, 2010

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

RE: **DOCKET NO. 392** - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 387 Shore Road, Old Lyme, Connecticut.

Dear Attorney Kohler and Attorney Langer:

By its Decision and Order dated September 23, 2010, 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 387 Shore Road, Old Lyme, Connecticut.

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

Very truly yours,

Linda Roberts  
Executive Director

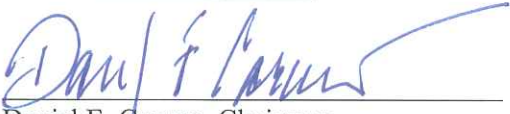
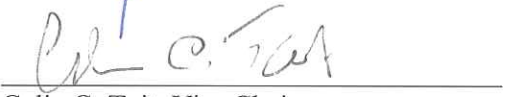
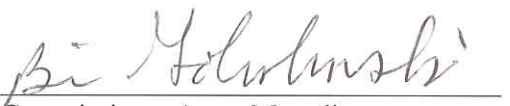
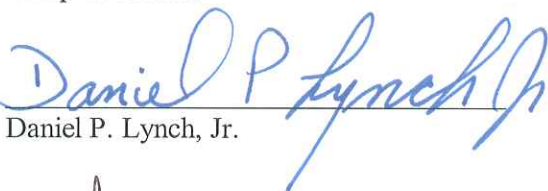
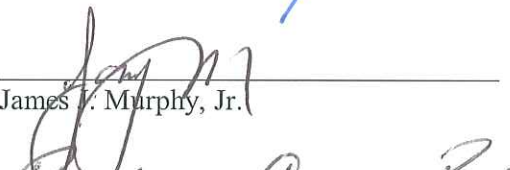

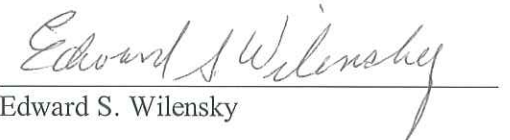
LR/jbw

Enclosures (4)



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. 392** - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 387 Shore Road, Old Lyme, Connecticut, and voted as follows to approve the proposed site:

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

Dated at New Britain, Connecticut, September 23, 2010.