



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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August 2, 2010

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 400** - Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 343 Daleville Road, Willington, Connecticut.

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By its Decision and Order dated July 29, 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 343 Daleville Road, Willington, Connecticut.

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

SDP/RDM/laf

Enclosures (3)

c: State Documents Librarian

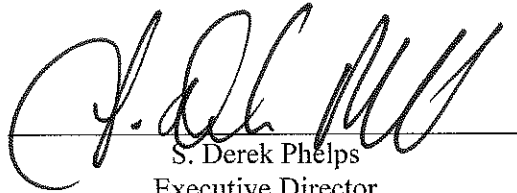
STATE OF CONNECTICUT )

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. 400 has been forwarded by Certified First Class Return Receipt Requested mail, on August 2, 2010, to all parties and intervenors of record as listed on the attached service list, dated February 5, 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"/> E-mail	Cellco Partnership d/b/a Verizon Wireless	<p>Kenneth C. Baldwin, Esq. Robinson &amp; Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax <a href="mailto:kbaldwin@rc.com">kbaldwin@rc.com</a></p> <p>Sandy Carter Regulatory Manager Verizon Wireless 99 East River Drive East Hartford, CT 06108</p>

<p><b>DOCKET NO. 400</b> – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 343 Daleville Road, Willington, Connecticut.</p>	<p>} Connecticut          } Siting          } Council</p>
	<p>July 29, 2010</p>

**Findings of Fact**

**Introduction**

1. Cellco Partnership d/b/a Verizon Wireless (Cellco), in accordance with the provisions of Connecticut General Statutes (CGS) §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on February 5, 2010 for the construction, maintenance, and operation of a 100-foot wireless telecommunications facility located at 343 Daleville Road, Willington, Connecticut (refer to Figure 1). (Cellco 1, p. 1)
2. Cellco is a Delaware corporation with an office in East Hartford, Connecticut. Cellco is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless service system in Connecticut. (Cellco 1, pp. 4, 7)
3. The purpose of the proposed facility is to provide wireless service for Cellco to the Route 44 area in the southern portion of Willington and the northern portion of Mansfield. (Cellco 1, p. 2, Tab 7)
4. Pursuant to CGS § 16-50m, the Council held a public hearing on May 25, 2010, beginning at 3:00 p.m. and continuing at 7:00 p.m. at the Old Town Hall, 11 Common Road, Willington, Connecticut. (Transcript 1 – 05/25/10, 3:00 p.m. [Tr. 1], p. 2; Transcript 2 – 05/25/10, 7:00 p.m. [Tr. 2], p. 2)
5. The Council and its staff conducted an inspection of the proposed site on May 25, 2010, beginning at 2:00 p.m. The applicant flew a red balloon at the site from 11:30 a.m. to 7:00 p.m. to simulate the height of the proposed tower. Weather conditions were favorable and the balloon reached its intended height of 100 feet. (Tr. 2, p. 8)
6. Notice of the application was sent to all abutting property owners by certified mail. Cellco did not receive a return receipt from ING US STUDENTS NO. 7 LLC. Cellco resent notice to this abutter by regular mail. (Cellco 1, p. 6, Tab 5; Cellco 4, Q. 1)
7. Public notice of the application was published in The Chronicle on February 1 and February 2, 2010. (Cellco 5)
8. Cellco installed a four-foot by six-foot sign at the entrance to the property on May 7, 2010. The sign presented information regarding the project and public hearing. (Cellco 6)
9. Pursuant to CGS § 16-50l(b), Cellco provided notice to all federal, state and local officials and agencies listed therein. (Cellco 1, p. 5)

### **State Agency Comment**

10. Pursuant to General Statutes § 16-50j(h), on March 15, 2010 and May 26, 2010, the following State agencies were solicited to submit written comments regarding the proposed facility: Department of Environmental Protection, Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, the Department of Transportation (DOT) and the Department of Agriculture, and Department of Emergency Management and Homeland Security. (Record)
11. The Council received a written no comment response from the DOT Bureau of Engineering and Highway Operations on April 12, 2010. (Record)
12. With the exception of the DOT, no other state agencies submitted comments in response to the Council's solicitation. (Record)

### **Municipal Consultation**

13. On December 1, 2009, Cellco met with the First Selectwoman of the Town of Willington, Christina Mailhos, and the Willington Zoning Enforcement Officer and Wetlands Agent, Susan Yorgenson, to review the project. A technical report was also submitted to Town of Mansfield officials because the project is within 2,500 feet of the town line. (Cellco 1, p. 20)
14. Cellco offered the town lease-free space on the tower for municipal service antennas. The town did not respond to this offer. (Tr. 1, pp. 44-45, 56-57)

### **Public Need for Service**

15. 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)
16. 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. Cellco is licensed by the FCC to provide wireless service to Tolland County. (Council Administrative Notice Item No. 7; Cellco 1, p. 7)
17. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)
18. The Telecommunications Act of 1996, a Federal law passed by the United States Congress, prohibits any state or local entity from regulating telecommunications towers on the basis of 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 Item No. 7)

19. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999. The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (Wireless Communications and Public Safety Act of 1999)

#### **Cellco - Existing and Proposed Wireless Coverage**

20. Cellco proposes to operate cellular (800 MHz), PCS (1900 MHz), and LTE (700 MHz) equipment at the proposed site. Cellular and PCS service would begin immediately. LTE service would be deployed in 2011. (Cellco 1, p. 2; Tr. 1, p. 36)
21. Cellco seeks to provide coverage to the Route 44 area between existing Cellco facilities at 497 Middle Turnpike in Mansfield, 2.7 miles west of the proposed site, and 99 Knowlton Road in Ashford, 2.4 miles east of the proposed site. (Cellco 1, pp. 1-2, Tab 7)
22. The existing signal level in the proposed service area ranges from -86 dBm to -101 dBm (refer to Figures 2 & 4). (Cellco 4, Q. 5)
23. To maintain reliable service, Cellco designs and operates at a signal level threshold of -85 dBm for in-vehicle service and -75 dBm for in-building service. (Cellco 4, Q. 4)
24. Cellco currently experiences a 1.6% drop call rate and 1.3% ineffective attempt rate within the proposed service area. Cellco is seeking to reduce the drop call and ineffective attempt rates to less than 1%. (Tr. 1, p. 57)
25. Installing antennas at the proposed height of 97 feet above ground level (agl) would provide the following coverage to the proposed service area:

<b>Coverage Type (-85 dBm)</b>	<b>Linear miles on Route 44</b>	<b>Square miles</b>
<i>Cellular</i>	1.9	4.4
<i>PCS</i>	1.9	1.9
<i>LTE</i>	2.3	5.9

(Refer to Figures 3 & 5). (Cellco 1, p. 2)

26. Installing antennas at a height of 87 feet would not meet PCS service requirements because coverage deficiencies totaling 0.4 miles on Route 44 would occur within the proposed service area. (Cellco 4, Q. 6; Tr. 1, p. 50)

#### **Site Selection**

27. Cellco established a search area along Route 44 from Daleville Road to Millers Farm Road in July of 2006. (Cellco 1, Tab 9; Cellco 7)
28. The search included identification of potential structures that could be used for telecommunications purposes and the examination of area properties, including municipal parcels, to identify potential telecommunications sites. (Cellco 1, Tab 9)
29. The nearest Cellco facilities to the site include the 497 Middle Turnpike site and three different facilities at the University of Connecticut campus. Coverage from these sites does not extend to the proposed service area (refer to Figures 2 & 4). (Cellco 1, Tab 7, Tab 9)

30. Cellco did not identify any structures in the search area that would be suitable for a telecommunications facility. (Cellco 1, Tab 9)
31. After determining there were no viable structures within the search area, Cellco searched for properties suitable for tower development. Cellco investigated five different locations and selected one for tower development. The four rejected locations and reasons for their rejection are as follows:
  - a) Boston Turnpike, Willington, Cawley Parcels, – five vacant parcels examined, landowner of the five parcels not interested in tower lease;
  - b) Boston Turnpike, Willington, Fish Parcel– landowner did not respond to inquiries;
  - c) 85-87 Old Turnpike Road, Mansfield – landowner did not respond to inquiries;
  - d) 53 Old Turnpike Road, Mansfield – landowner did not respond to inquiries.(Cellco 1, Tab 9; Cellco 4, Q. 2; Tr. 1, pp. 50-54)

#### **Facility Description**

32. The proposed facility would be located in the central portion of a 22-acre parcel at 343 Daleville Road in Willington (refer to Figure 6). (Cellco 1, p. 2)
33. The property is owned by Muriel Kreuzscher. (Cellco 1, Tab 1)
34. The property is zoned R-80, residential. (Cellco 1, p. 2)
35. The property is improved with a residence, barn, small outbuildings, and several horse paddock areas. (Cellco 1, Tab 11)
36. The property is immediately east of Daleville Road and 0.2 mile north of Route 44. The southern property line is also the town line between Mansfield and Willington. (Cellco 1, Tab 1)
37. The tower site is located on a small knoll on the property, at an elevation of 497 feet above mean sea level (amsl). Surrounding terrain consists of rolling hills with elevations ranging from 290 feet amsl to 740 feet amsl. Tree heights in the immediate area range from 60 to 90 feet agl. (Cellco 1, Tab 1, Tab 10; Tr. 1, p. 21)
38. Land use within a quarter-mile of the site includes low density residential and agricultural. An apartment complex is located immediately west of the site. (Cellco 1, Tab 1)
39. The nearest property line from the tower site is 348 feet to the south (Cichowski Property). (Cellco 9, Tr. 2, p. 5)
40. The nearest residence from the tower site not owned by the lessor is 680 feet to the south (Cichowski Residence). (Cellco 4, Q. 9; Cellco 9)
41. There are eight residences within 1,000 feet of the tower site. (Cellco 1, p. 14)
42. Cellco proposes to construct a 100-foot monopole at the site, capable of supporting four levels of platform-mounted antennas. It would be constructed in accordance with the Electronic Industries Association standard ANSI/TIA-222-F. (Cellco 1, Tab 1)
43. Cellco would design the foundation and tower to support a 20-foot extension. (Tr. 1, pp. 22, 34)

44. Cellco proposes to install 12 panel antennas on a platform at a centerline height of 97 feet agl. (Cellco 1, Tab 1; Tr. 1, p. 13)
45. Cellco proposes to construct a 60-foot by 60-foot fenced compound within an 80-foot by 80-foot lease area at the site. An eight-foot high chain link fence would enclose the compound. (Cellco 1, Tab 1)
46. A 12-foot by 30-foot equipment shelter and a 1,000-gallon propane tank to service an emergency generator would be installed within the compound. (Cellco 1, pp. 2-3)
47. Access to the site would be from an existing 600-foot long driveway. From the end of the driveway, the facility access road would follow an existing dirt path 500 feet to the site. Cellco would upgrade the dirt path to a 12-foot wide gravel road. The landowner's driveway is partially on an abutting property where it curves from east to north. Cellco would modify the turn radius of the driveway so that the entire driveway is on the landowner's property. (Cellco 1, p. 3, Tab 1; Tr. 1, pp. 20, 33)
48. Underground utilities would be installed along the new portion of access drive from an existing utility pole on the property. A utility backboard and electrical transformer would be installed adjacent to the equipment compound. (Cellco 1, p. 3, Tab 1)
49. A technician would visit the site approximately once a month to service equipment. (Cellco 1, pp. 3-4)
50. The estimated construction cost of the facility is:

Tower, coax, and antennas	\$150,000.
Radio equipment	450,000.
Power systems	20,000.
Equipment building	50,000.
<u>Miscellaneous (site work)</u>	<u>115,000.</u>
<u>Total estimated cost</u>	<u>\$785,000.</u>

(Cellco 1, p. 22)

#### **Environmental Concerns**

51. The proposed facility would have no adverse effect on historic, architectural or archeological resources listed in or eligible for the National Register of Historic Places. (Cellco 1, p. 21)
52. The site is not within any designated area indicating the presence of Federally threatened or endangered species or State endangered, threatened or special concern species. The site is near known populations of the wood turtle (*Glyptemys insculpta*), a Connecticut species of special concern, which occur in the Fenton River, approximately 3,500 feet east of the site. Although the property contains several small streams/swamp areas that feed into the Fenton River, there is no suitable wood turtle habitat on the subject parcel. Nevertheless, Cellco intends to develop an identification/relocation program in case any turtles are encountered during construction. (Cellco 1, pp. 15, 21, Tab 11; Tr. 1, pp. 47-49 )
53. Thirty trees with a diameter of six inches or greater at breast height would be removed to develop the site. (Cellco 1, Tab 1; Tr. 1, p. 13)



54. Development of the compound would not directly affect any wetlands or watercourses. The nearest wetland from the compound area is 140 feet to the south. Realignment of the curve in the existing driveway would occur adjacent to an existing drainage ditch. A new concrete drainage pipe would be installed to replace an existing pipe under the driveway that directs flow from the north side of the driveway to the drainage ditch. (Cellco 1, Tab 1, 12; Tr. 1, pp. 20, 43)
55. The site would be located on the north side of a knoll and would require a net fill of 480 cubic yards. (Cellco 1, Tab 1; Cellco 4, Q. 3; Tr. 1, p. 44)
56. Cellco would be willing to revise the compound site plan to reduce site grading and tree clearing. Cellco could shift the compound towards the south, onto a flatter portion of the knoll, install a smaller 44-foot by 60-foot compound and lower the compound grade by five feet to an elevation of 492 feet amsl. A 105-foot monopole would be required to compensate for the five-foot loss in elevation. The overall elevation of the tower, 597 feet amsl, would not change. (Tr. 1, pp. 42-45; Tr. 2, p. 4; Cellco late file of June 11, 2010)
57. Relocating the site would result in a net cut of 470 cubic yards and save five trees. (Cellco late file of June 11, 2010)
58. Erosion and sedimentation controls and other best management practices would be established and maintained for the duration of site construction. (Cellco 1, Tab 1)
59. The site is within Flood Zone C, designated by the Federal Emergency Management Agency as an area with a minimal risk for flooding. (Cellco 1, Tab 12)
60. Aircraft hazard obstruction marking or lighting of the tower is not required or proposed. (Cellco 1, 20-21)
61. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of the proposed Cellco's antennas is calculated to be 35.4% 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 base. (Cellco 4, Q. 8)

#### Visibility

62. The proposed tower would be visible year-round from approximately seven acres within a two-mile radius of the site (refer to Figure 7). Most of the year-round visibility would be from an open hilltop on the University of Connecticut campus, approximately 1.5 miles southeast of the tower (refer to Figure 7). (Cellco 1, Tab 10)
63. Limited year-round views of the upper half of the tower would be possible from portions of a tenth of a mile segment of Route 44, approximately 0.75-mile southeast of the site (refer to Figure 8). (Cellco 1, Tab 10)

64. The top portion of the tower would be visible year-round from portions of the following properties: 313, 315, 325 Daleville Road, immediately north/northwest of the site, 67 Daleville Road, immediately southwest of the site, and 185 Old Turnpike Road, 0.7 mile southeast of the site. (Cellco 1, Tab 10; Cellco 4, Q. 10)
65. The tower would be seasonally visible from an additional 23 acres within a two-mile radius of the site, mostly from areas within a quarter-mile of the site (refer to Figure 9). (Cellco 1, Tab 10; Tr. 1, pp. 12-13)
66. Seasonal views of the upper portion of the tower would occur from three residential properties south of the site, in the area of 805A Middle Turnpike, Mansfield. (Tr. 1, pp. 26-27)
67. The Nipmuck Trail, a "Blue Blazed" trail maintained by the Connecticut Forest and Park Association, is approximately 0.7 mile east of the site. The trail passes through a heavily wooded, low elevation area, and the tower would not be visible. (Cellco 1, Tab 10; Tr. 1, pp. 39-40)
68. A stealth tree tower design would not be beneficial in this area due to the existing heavy vegetation that already sufficiently screens the tower. A tree design could appear out of place in winter views because it would be darker than surrounding existing vegetation, drawing attention to it rather than blending in naturally with the surrounding visual environment. (Tr. 1, pp. 24-25)

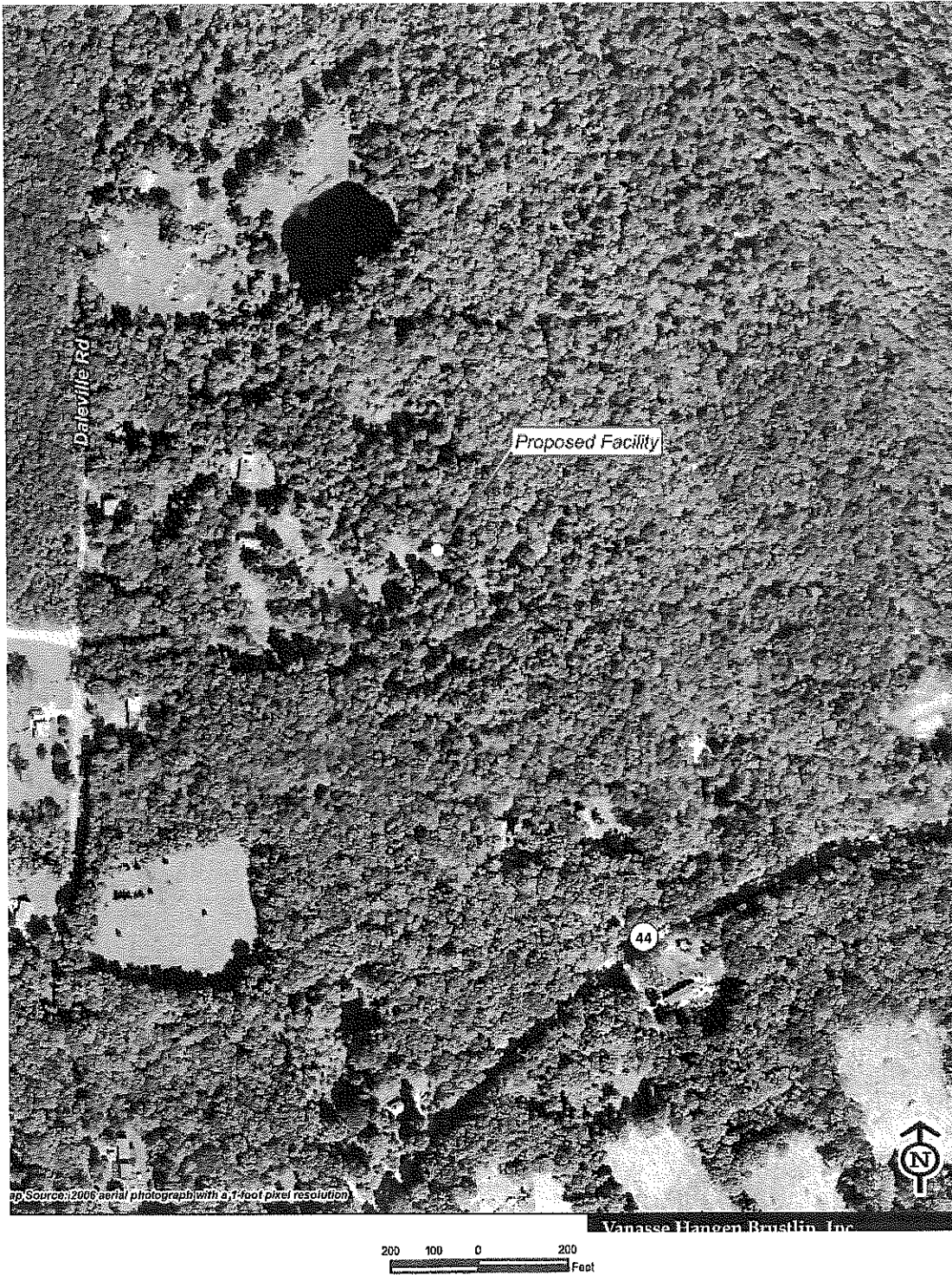
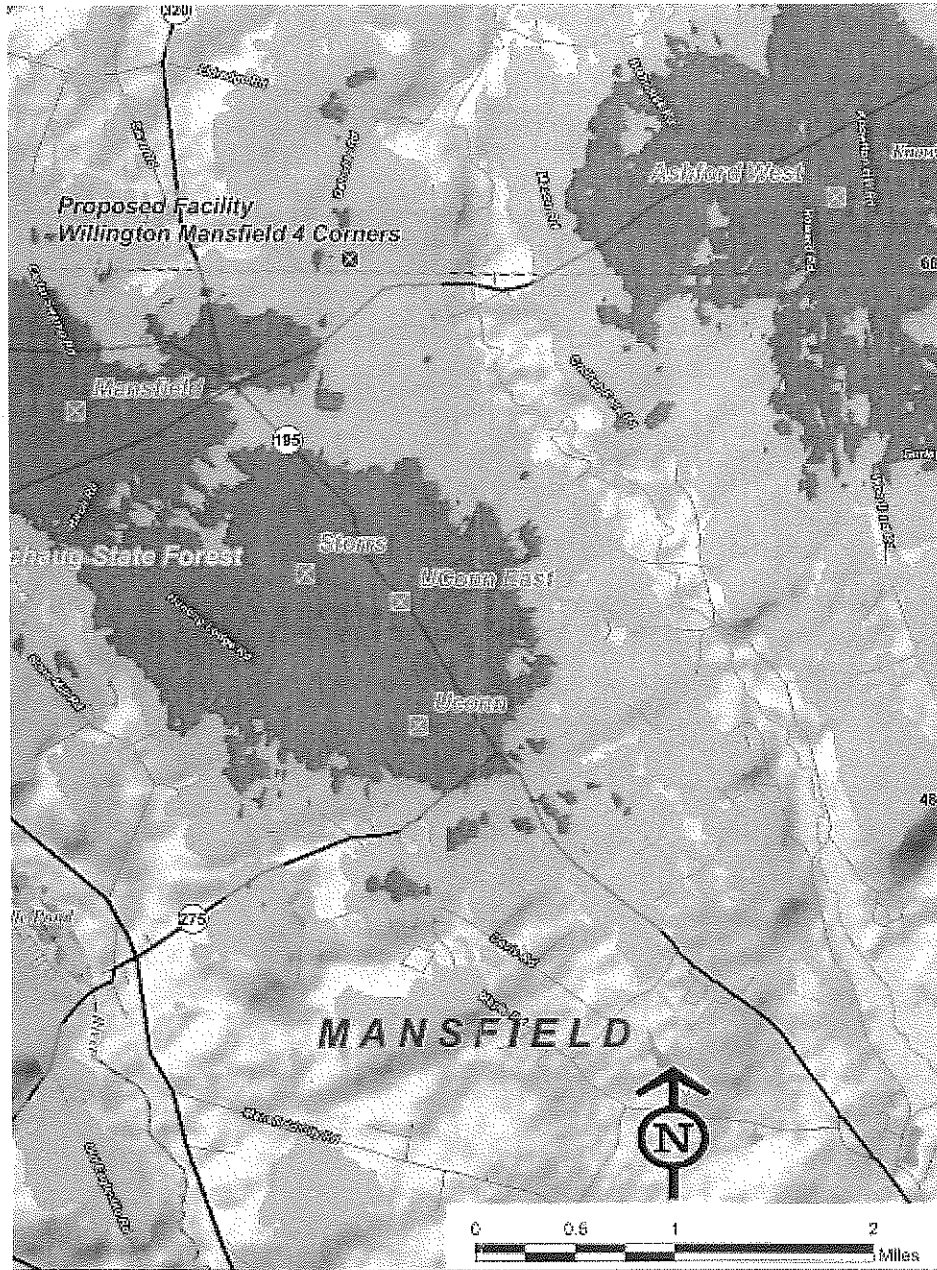






Figure 1: Aerial view of site location in Willington. (Cellco 1, p. 3)



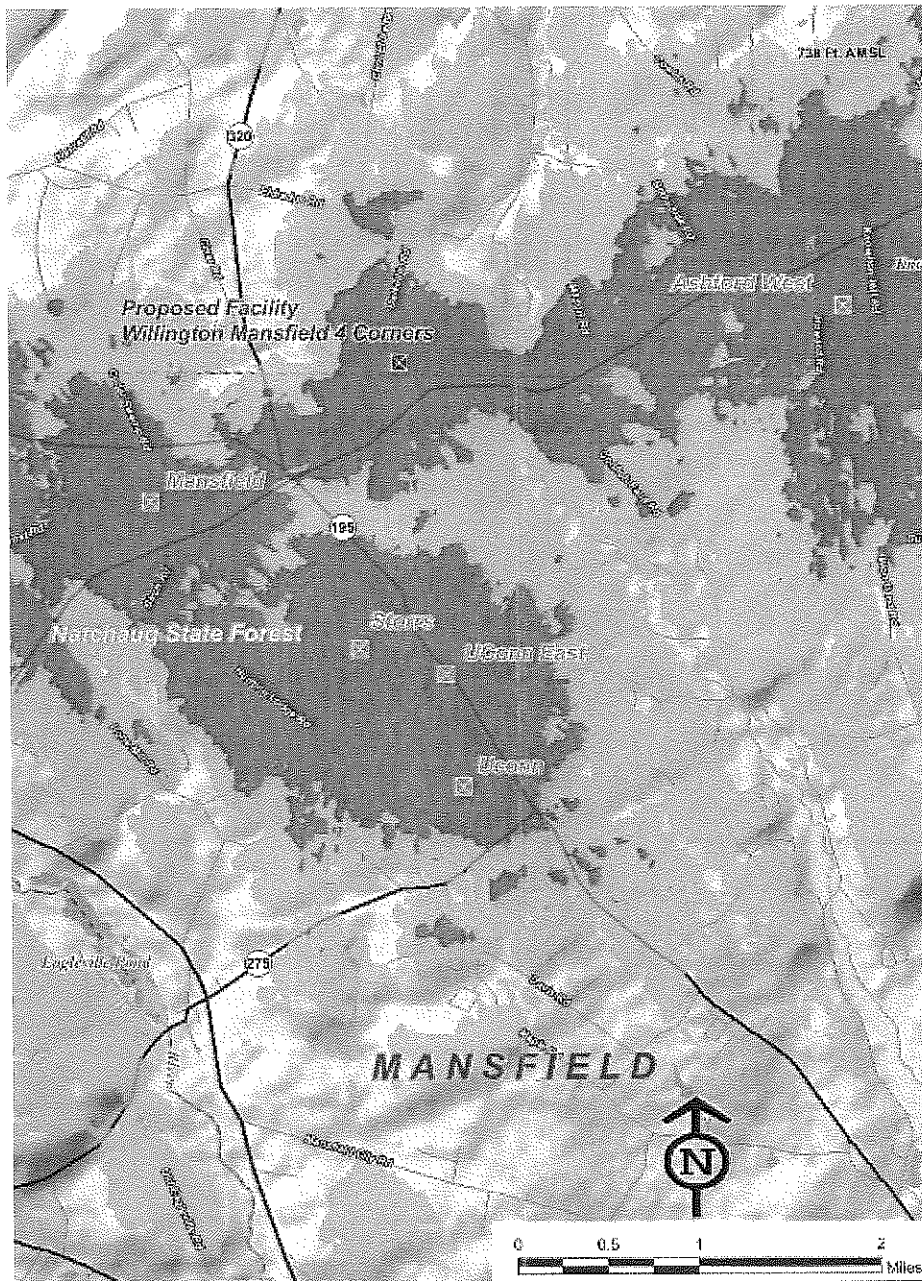
**Legend**

-  Existing Verizon Wireless Facilities
-  Proposed Facility

**Proposed Verizon Wireless PCS Coverage**

-  -75 dBm
-  -85 dBm

**Figure 2:** Existing cellular coverage. (Cellco 1, Tab 7)



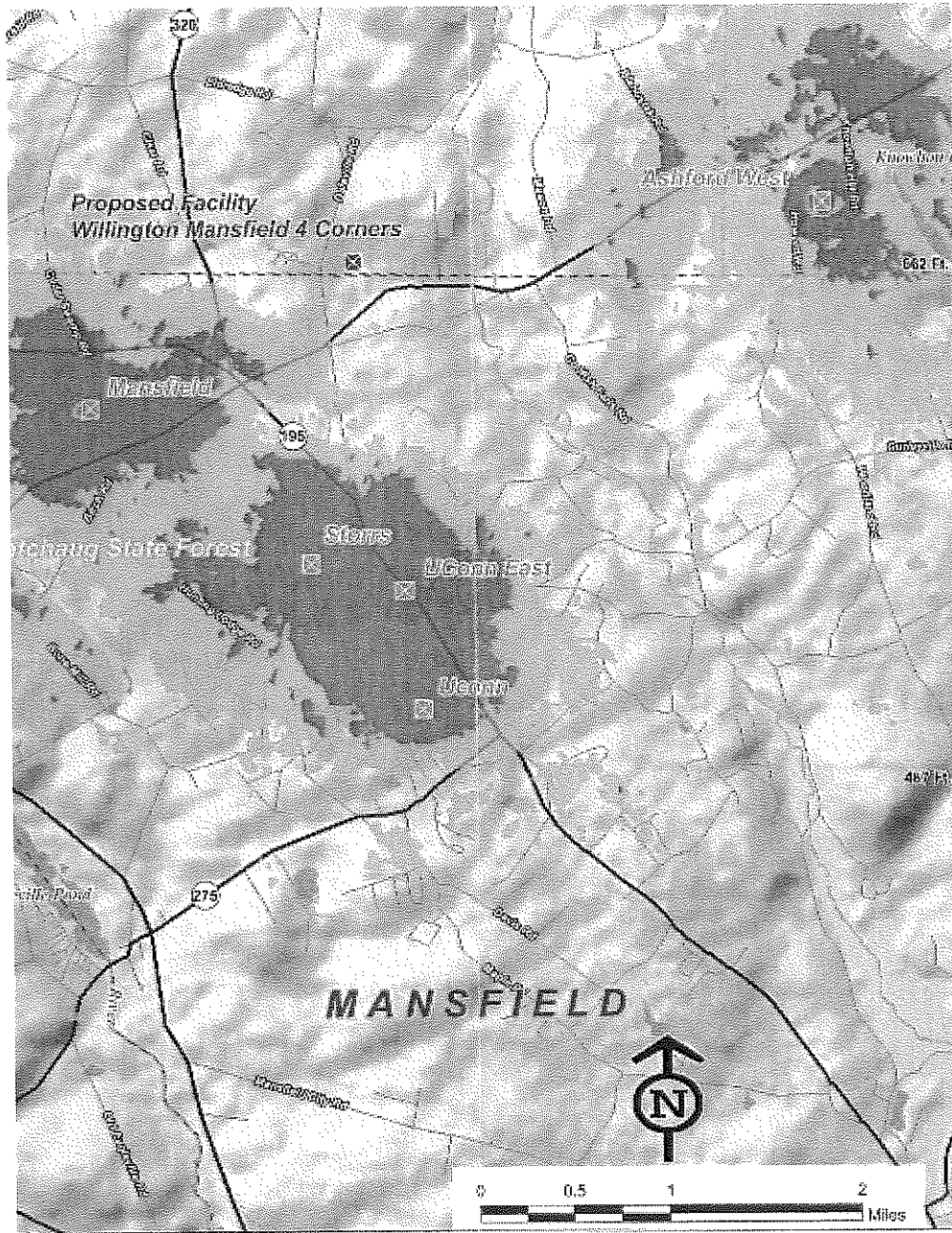
**Legend**

- Existing Verizon Wireless Facilities
- Proposed Facility



**Proposed Verizon Wireless PCS Coverage**

- 75 dBm
- 85 dBm



**Figure 3:** Existing and proposed cellular coverage. (Cellco 1, Tab 7)



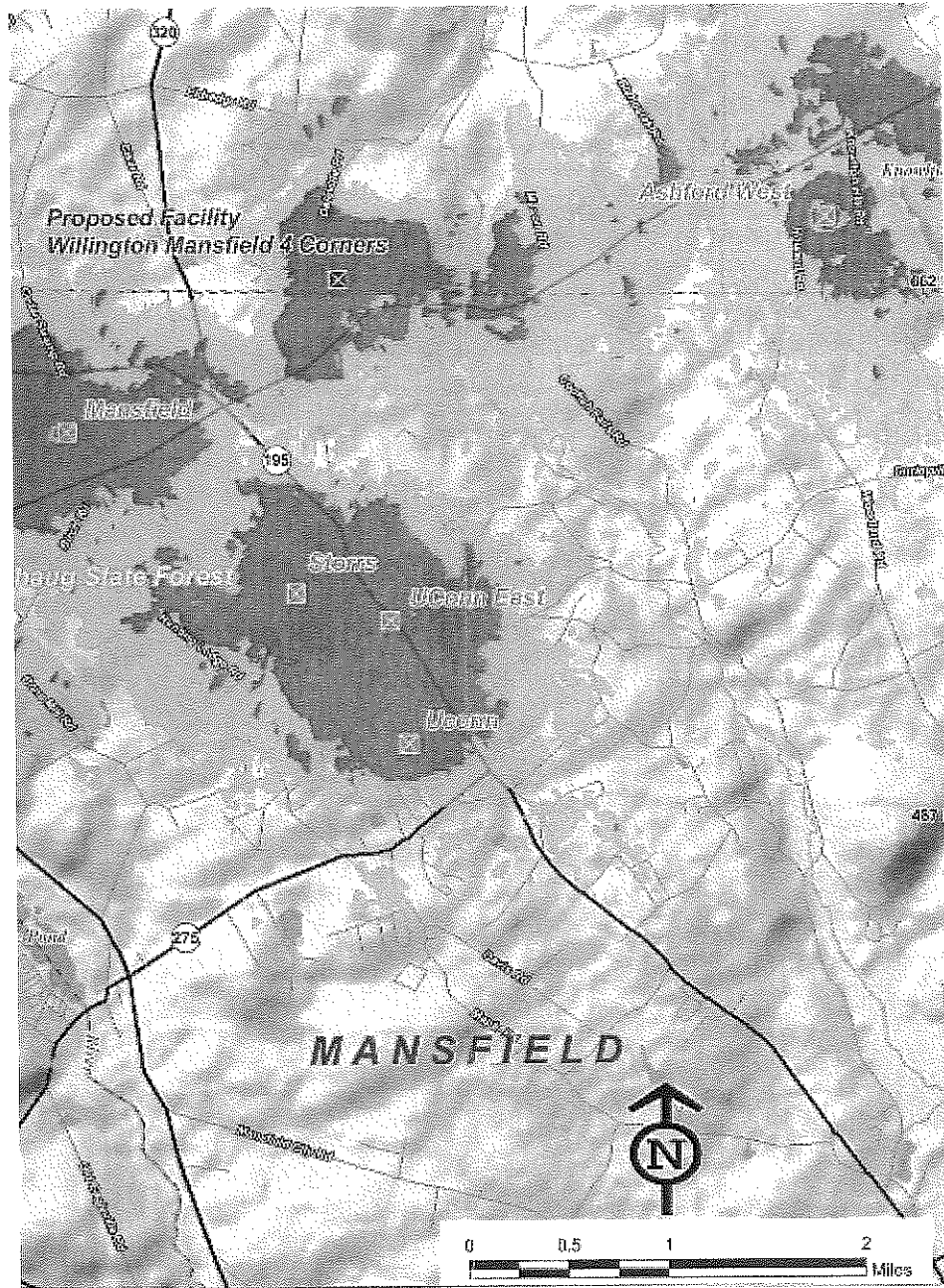
**Legend**

-  Existing Verizon Wireless Facilities
-  Proposed Facility



**Proposed Verizon Wireless PCS Coverage**

-  -75 dBm
-  -85 dBm



**Figure 4:** Existing PCS coverage. (Cellco 1, Tab 7)



**Legend**

-  Existing Verizon Wireless Facilities
-  Proposed Facility

**Proposed Verizon Wireless PCS Coverage**

-  -75 dBm
-  -85 dBm

**Figure 5:** Existing and proposed PCS coverage. (Cellco 1, Tab 7)

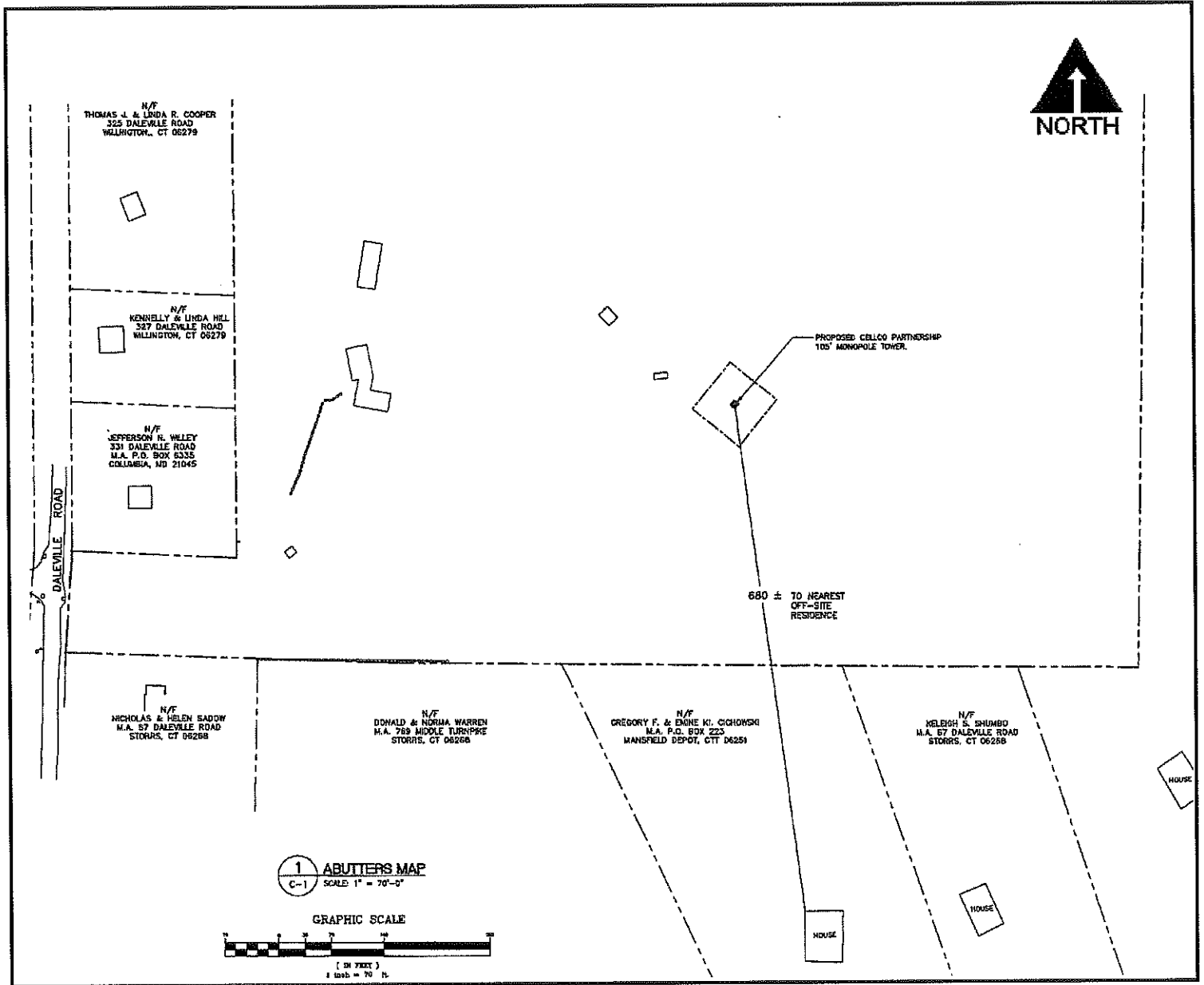
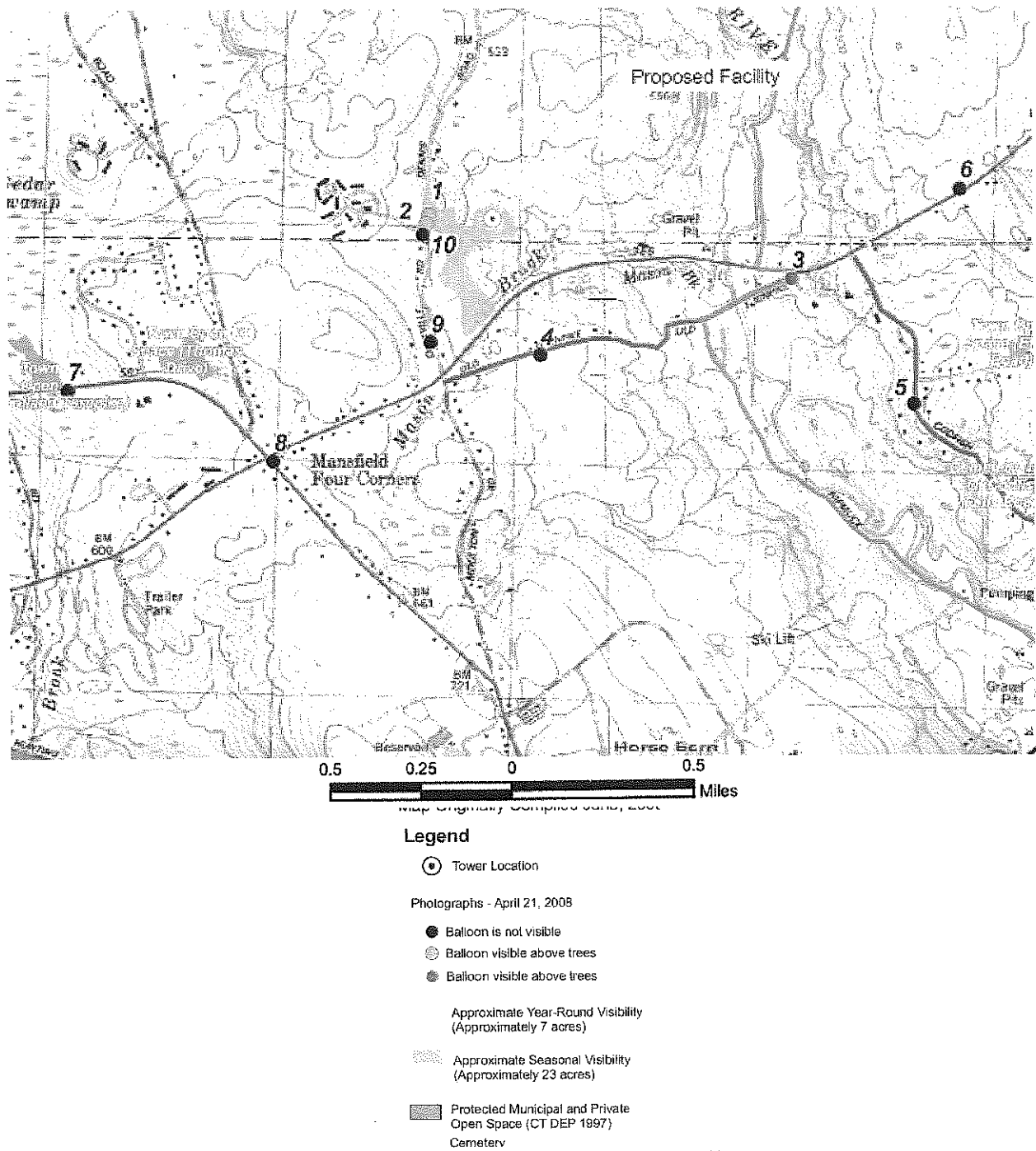
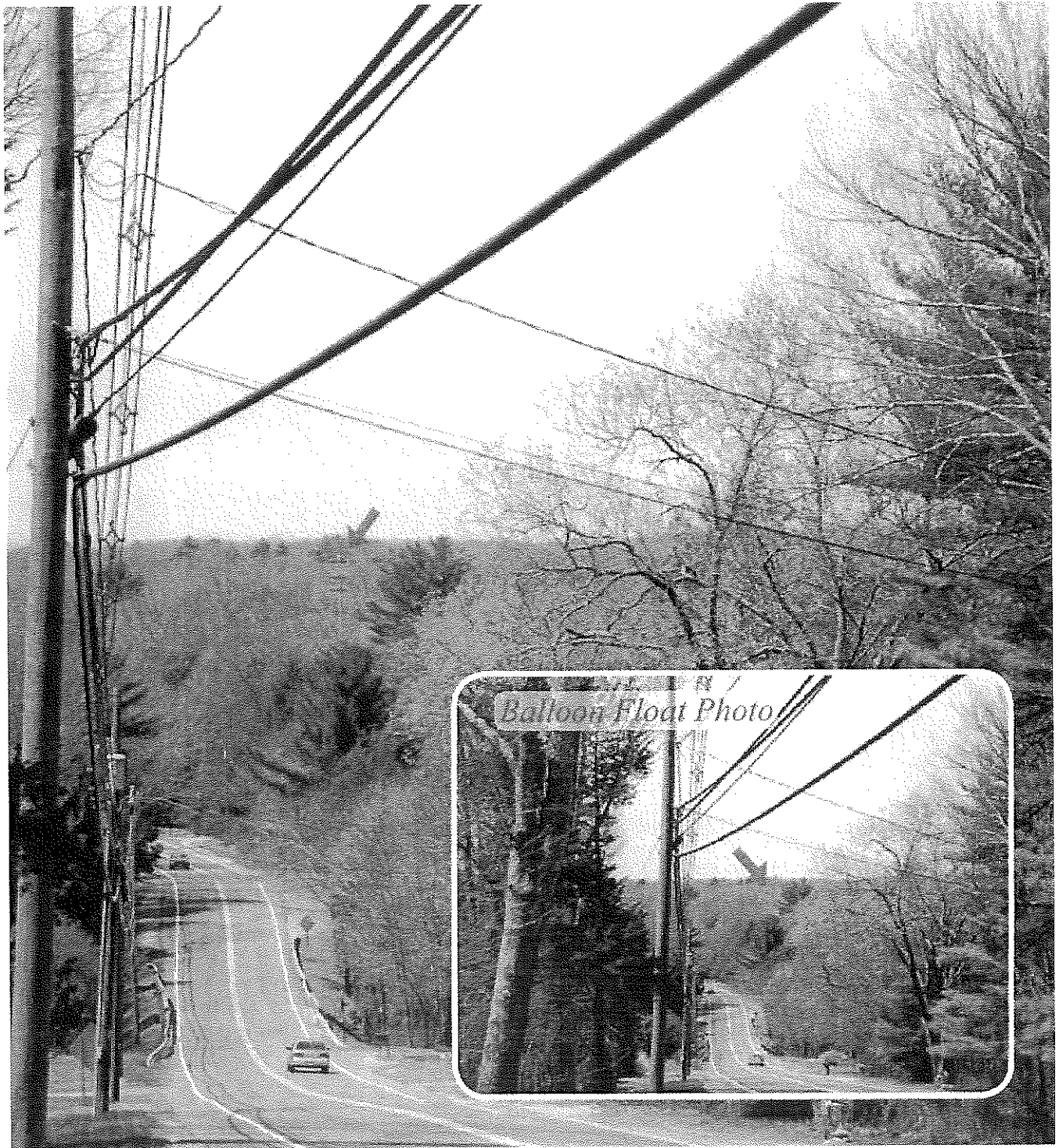


Figure 6: Site location at 343 Daleville Road. (Cellco 9)





**Figure 7:** Visibility of proposed site. (Cellco 1, Tab 10; Tr. 1, pp. 12-13)



**Figure 8:** Year-round visibility of tower from Route 44, 0.7 mile east of site. (Cellco 1, Tab 10)



**Figure 9:** Seasonal visibility of tower from entrance to Willington Oaks Apts., 0.16 mile west of site.  
(Cellco 1, Tab 10)

<p><b>DOCKET NO. 400</b> - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 343 Daleville Road, Willington, Connecticut.</p>	<p>} } }</p>	<p>Connecticut Siting Council</p>
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July 29, 2010

### Opinion

On February 5, 2010, Cellco Partnership d/b/a Verizon Wireless (Cellco) 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 100-foot wireless telecommunications facility located at 343 Daleville Road, Willington, Connecticut. The proposed facility would provide wireless service for Cellco to the Route 44 area in the southern portion of Willington and the northern portion of Mansfield.

Cellco currently has no reliable, continuous in-building or in-vehicle coverage on Route 44, or in surrounding areas between existing Cellco facilities at 497 Middle Turnpike in Mansfield and 99 Knowlton Road in Ashford. The site is immediately east of Mansfield Four Corners and north of the University of Connecticut campus. The proposed site would provide 4.4 square miles of cellular coverage and 1.9 square miles of PCS coverage to the area. The site would also provide LTE service in the future. An examination of coverage models indicates a lower tower height than that proposed would reduce PCS coverage to unreliable levels on portions of Route 44 within the proposed service area.

Cellco proposes to construct the proposed facility on a 22-acre parcel used as a horse farm. The tower site is located on the north edge of a knoll in the center of the property with the nearest property line 384 feet to the south. The nearest off-parcel residence is 680 feet south of the tower site.

The proposed 100-foot monopole would accommodate four levels of antennas and would be capable of supporting a 20-foot extension. Although no extension is currently proposed, the Council acknowledges that future carriers may seek to increase the tower's height or make some other adaptation to its form to accommodate coverage objectives. Such modifications would only be at the discretion and order of the Council.

Cellco would install 12 panel antennas on a platform at the 100-foot level of the tower. A 60-foot by 60-foot fenced compound, containing a 12-foot by 30-foot equipment shelter, would be constructed at the site. A 1,000 gallon propane tank would also be installed within the fenced compound to provide fuel for an emergency generator. The site would be accessed by an existing gravel driveway and dirt path on the property. The 500-foot long dirt path would be widened to 12 feet and surfaced with gravel.

The site is near known populations of the wood turtle, a Connecticut species of special concern, which occur in the Fenton River, approximately 3,500 feet east of the site. Although the property contains several small streams and swamp areas that flow into the Fenton River, no suitable wood turtle habitat occurs on the subject parcel. Nevertheless, Cellco intends to develop an identification/relocation program regarding wood turtles, in case any wood turtles are encountered during construction. The nearest wetland area from the compound site is 140 feet to the south. Archaeological or historic resources would not be affected by the project.

Visibility of the site is minimal given the large amount of woodland on and around the parcel, although portions of four residential properties in the immediate surrounding area would have views of the upper portion of the tower. Additionally, the upper portion of the tower would be seasonally visible from three abutting residential properties to the south.

Development of the site as proposed would require the removal of 30 trees over 6 inches in diameter at breast height. To reduce the amount of grading and filling around the tower, and thus to preserve a few large trees that provide visual screening, Cellco could pursue an alternative development plan that would relocate the tower slightly to the south onto a flatter portion of the knoll, and build a smaller 44-foot by 60-foot compound. This alternative would lower the ground elevation of the tower by five feet. Although Cellco would require a tower height of 105 feet to compensate for the loss of ground elevation and maintain its coverage objectives under the revised plan, the Council sees environmental benefits in preserving trees and prefers this alternative.

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 Cellco's antennas proposed to be installed on the tower have been calculated to amount to 35.4% 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. 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. 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.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and operation of a 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, maintenance, and operation of a 105-foot monopole telecommunications facility at 343 Daleville Road in Willington, Connecticut with the condition that Cellco relocate the compound towards the south, on the flatter portion of the knoll, as depicted on the site plan dated June 10, 2010.

**DOCKET NO. 400** - Cellco Partnership d/b/a Verizon Wireless } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public need for the construction, maintenance and operation of a } Siting  
telecommunications facility located at 343 Daleville Road, }  
Willington, Connecticut. } Council

July 29, 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 Cellco Partnership d/b/a Verizon Wireless, hereinafter referred to as the Certificate Holder, for a telecommunications facility located at 343 Daleville Road, Willington, 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 Verizon Wireless and other entities, both public and private, but such tower shall not exceed a height of 105 feet above ground level.
2. The facility compound shall be relocated towards the south, on the flatter portion of the knoll, as depicted on the site plan dated June 10, 2010.
3. 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 Willington (Town) 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; 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.
  - c) development of a identification/relocation program for the wood turtle, a state species of special concern, that may be encountered during site construction.

4. 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.
5. 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.
6. 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.
7. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
8. 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.
9. 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.
10. Any request for extension of the time period referred to in Condition 8 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. Any proposed modifications to this Decision and Order shall likewise be so served.
11. 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.
12. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

13. 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.
14. 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.

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 Willimantic Chronicle.

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**

Cellco Partnership  
d/b/a Verizon Wireless



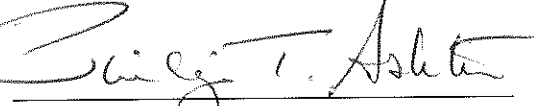
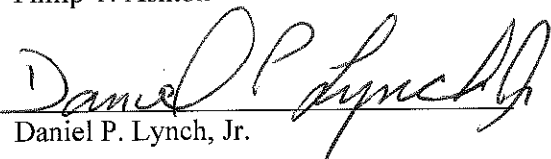
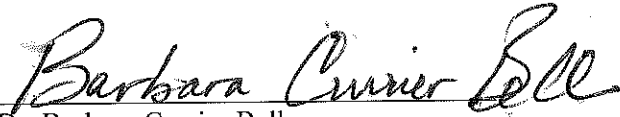
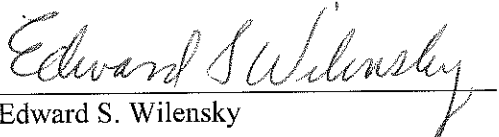
**Its Representative**

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



CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 400** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 343 Daleville Road, Willington, Connecticut, and voted as follows to approve the proposed facility:

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

Dated at New Britain, Connecticut, July 29, 2010.



# 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)

Daniel F. Caruso  
Chairman

August 2, 2010

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

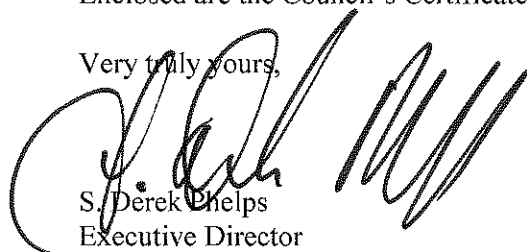
RE: **DOCKET NO. 400** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 343 Daleville Road, Willington, Connecticut.

Dear Attorney Baldwin:

By its Decision and Order dated July 29, 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 343 Daleville Road, Willington, Connecticut.

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

Very truly yours,



S. Derek Phelps  
Executive Director

SDP/RDM/laf

Enclosures (4)



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

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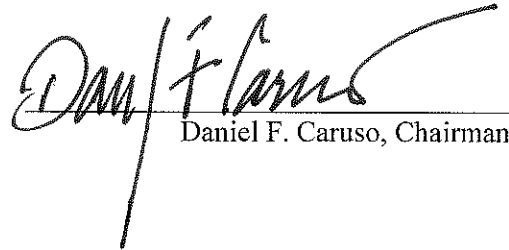
Internet: [ct.gov/csc](http://ct.gov/csc)

**CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 400**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a telecommunications facility located at 343 Daleville Road, Willington, 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 July 29, 2010.

By order of the Council,

July 29, 2010

  
Daniel F. Caruso, Chairman



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

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

August 2, 2010

TO: Classified/Legal Supervisor  
**400100525**  
Willimantic Chronicle  
Chronicle Printing Co. (publisher)  
One Chronicle Road  
Willimantic, CT 06226

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

RE: **DOCKET NO. 400** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 343 Daleville Road, Willington, Connecticut.

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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