

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)

May 27, 2008

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

RE: **DOCKET NO. 355** - 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 359 Litchfield Road, New Milford, Connecticut, Connecticut.

Dear Attorney Baldwin:

By its Decision and Order dated May 22, 2008, the Connecticut Siting Council (Council) denied an application from Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a telecommunications facility located at 359 Litchfield Road, New Milford, Connecticut, Connecticut.

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

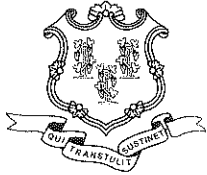
Very truly yours,

S. Derek Phelps  
Executive Director

SDP/cm

Enclosures (4)

c: Sandy Carter, Verizon Wireless



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May 27, 2008

TO: Classified/Legal Supervisor  
**342355080208**  
The News Times  
333 Main Street  
Danbury, CT 06810

Classified/Legal Supervisor  
**342355080208**  
New Milford Spectrum  
45-B Main Street  
New Milford, CT 06776

FROM: Carriann Mulcahy, Secretary 

RE: **DOCKET NO. 355** - 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 359 Litchfield Road, New Milford, Connecticut.

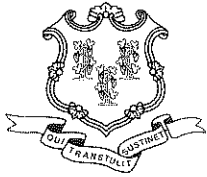
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Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

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

Thank you.

CM



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Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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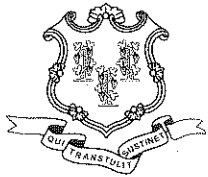
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### NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on May 22, 2008, the Council issued Findings of Fact, an Opinion, and a Decision and Order denying an application from Cellco Partnership d/b/a Verizon Wireless for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 359 Litchfield Road, New Milford, Connecticut, 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

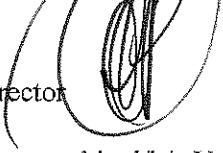
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Internet: [ct.gov/csc](http://ct.gov/csc)

May 27, 2008

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 355** - 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 359 Litchfield Road, New Milford, Connecticut, Connecticut.

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By its Decision and Order dated May 22, 2008, the Connecticut Siting Council (Council) denied an application from Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a telecommunications facility located at 359 Litchfield Road, New Milford, Connecticut, Connecticut.

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

SDP/cm

Enclosures (3)

c: Kenneth Baldwin, Robinson & Cole  
Sandy Carter, Verizon Wireless  
State Documents Librarian

**DOCKET NO. 355** - 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 359 Litchfield Road, New }  
Milford, Connecticut. }

Connecticut

Siting

Council

May 22, 2008

## Findings of Fact

### Introduction

1. Cellco Partnership d/b/a Verizon Wireless (Verizon), in accordance with provisions of General Statutes §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on December 7, 2007 for the construction, operation, and maintenance of a wireless telecommunications facility at 359 Litchfield Road (Route 202), New Milford, Connecticut. (Verizon 1, p. 2)
2. The purpose of the proposed 150-foot tower is to provide wireless service to Route 202 and Route 109 in the Northville area of New Milford. (Verizon 1, p. 2)
3. On December 18, 2007, the Council, pursuant to Connecticut General Statute § 16-50m(d), voted to hold a common evidentiary hearing for the proposed site and a site proposed at 425 Litchfield Road in the Northville section of New Milford (D 342), to determine, in part, whether one tower could meet the mobile telecommunications needs of the area. The D 342 site is approximately 0.6 miles north of the proposed site. (Council meeting minutes of December 18, 2007)
4. The D 342 site is proposed by Optasite Towers LLC (Optasite) and Omnipoint Communications, Inc. (T-Mobile). (Council's Hearing Notice dated February 8, 2008)
5. Verizon is a Delaware Partnership with an administrative office located in East Hartford, Connecticut. Verizon, as the Certificate Holder, would construct and maintain the facility. (Verizon 1, p. 4)
6. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing regarding D 342 and D 355 on March 11, 2008, beginning at 3:00 p.m. and continuing at 7:00 p.m. at the New Milford High School, New Milford, Connecticut. The public hearing was continued on April 4, 2008 at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut. (Council's Hearing Notice dated February 8, 2008; Transcript 3 – 03/11/08, 3:00 p.m. [Tr. 4], p. 3; Transcript 4 – 03/11/08, 7:00 p.m. [Tr. 4], p. 3; Transcript 5 – 04/04/08, 10:00 a.m. [Tr. 5], p. 3)
7. The party in this proceeding is the applicant. The intervenors to this proceeding are Optasite and T-Mobile. (Tr. 3, pp. 7-8)
8. The Council and its staff conducted an inspection of the proposed site on March 11, 2008, beginning at 3:00 p.m. Verizon flew a balloon at the site to simulate the height of the proposed tower during the field review. (Council's Hearing Notice dated February 8, 2008)
9. Notice of the application was sent to all abutting property owners by certified mail. Public notice of the application was published in the News-Times on December 4 and 5, 2007. (Verizon 1, p. 5)

10. On February 21, 2008, Verizon installed two four-foot by six-foot signs on the site property that described the proposed project and provided contact information. (Verizon 8)
11. Pursuant to CGS § 16-501 (b), Verizon provided notice to all federal, state and local officials and agencies listed therein. (Verizon 1, p. 5)

#### **State Agency Comment**

12. Pursuant to General Statutes § 16-50j(h), on February 8, and April 7 2008, the following State agencies were solicited to submit written comments regarding the proposed facility: Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the Department of Transportation (DOT). (Record)
13. The Council received written responses from the DPH on February 26 and March 27, 2008. (Record)
14. No response was received from the DEP, DOT, CEQ, DPUC, OPM, or DECD. (Record)

#### **Municipal Consultation**

15. Verizon submitted a technical report to the Town of New Milford on October 4, 2007 and met with Town officials shortly thereafter. (Verizon 1, p. 18)
16. Verizon appeared before the New Milford Zoning Commission (Commission) on February 19, 2008. The Commission issued Summary Findings and Recommendations on February 26, 2008 and recommended the following;
  - a. A yield point be designed into the tower;
  - b. Lifestar should be contacted to determine if they have concerns regarding the tower and any related precautions that should be undertaken;
  - c. The Commission prefers the proposed D 355 site rather than the D 342 site due to the benefits to the Northville Volunteer Fire Department.(Verizon 5)
17. The Mayor of New Milford, Patricia Murphy, provided written comments to the Council on March 10, 2008, stating that she supports whichever tower provides greater radio frequency coverage, increased safety response and increased emergency responder efficiencies. (Letter from Town of New Milford dated March 10, 2008)

#### **Public Need for Service**

18. 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)
19. 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)

20. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)
21. The Telecommunications Act of 1996 prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 7)

#### Site Selection

22. Verizon established a search ring for coverage in the Northville area in June of 2006. (Verizon 4, Q. 2)
23. The nearest existing tower facility to the search ring is approximately 1.6 miles east of the proposed tower site at 399 Chestnut Lane in New Milford. Verizon is located at the 140-foot level of this tower. (Verizon 1, Tab 7, Tab 9)
24. After determining there were no viable structures within the search area, Verizon searched for properties suitable for tower development. Verizon investigated five parcels and selected one for site development. The four rejected parcels and reasons for their rejection are as follows:
  - a) 80 Upland Road – Excessive wetland impact;
  - b) Upland Road – Town parcel with development restrictions;
  - c) Geiger Road – Town parcel containing an 80-foot tower. The site has limited ground space, is adjacent to a recently developed residential area and is not within the search ring.
  - d) 9 Little Bear Hill Road – Church steeple installation would not provide adequate coverage.(Verizon 1, Tab 9)

#### Site Description

25. The proposed site is located on a 3.85-acre parcel owned by the Northville Volunteer Fire Department at 359 Litchfield Road (Route 202) in New Milford. The property is on the west side of Route 202; 3,000 feet north of Northville center (refer to Figure 1). (Verizon 1, Tab 1)
26. The property is zoned residential, R-80, and is developed with a fire station that fronts Route 202. Big Bear Hill Road extends along the north property boundary. (Verizon 1, p. 16, Tab 1)
27. The tower site is located on a hillside at an elevation of 424 feet above mean sea level (amsl). The tower site is in a wooded area of the property, approximately 400 feet northwest of the firehouse. (Verizon 1, Tab 1)
28. Verizon proposes to construct a 150-foot monopole at the site. It would be designed to support four levels of antennas with a 10-foot center-to-center vertical separation. (Verizon 1, Tab 1)
29. Verizon proposes to install 12 panel antennas on a platform at a centerline height of 150 feet agl. (Verizon 1, Tab 1)
30. Verizon proposes to construct a 36-foot by 93-foot equipment compound within a 100-foot by 100-foot leased area at the base of the tower (refer to Figure 2). An eight-foot high chain link fence would enclose the compound. Verizon would install an equipment shelter within the compound. The compound could accommodate three additional carriers. (Verizon 1, Tab 1)

31. The compound and an associated parking area would be cut into the side of a hill and would require a 15-foot high, 140-foot long retaining wall along the west side of the site. Two cheek walls that would follow the contour of the hillside would extend off the main retaining wall. The slope of the hill allows for a natural downslope away from the compound. (Verizon 1, Tab 1; Tr. 3, p. 63)
32. Access to the site would extend from Big Bear Hill Road on a new 12-foot wide, 160-foot long paved driveway. (Verizon 1, Tab 1; Tr. 5, pp. 19-20)
33. The road would have an average grade of 15%, with a maximum grade of 18%. (Verizon 1, Tab 1; Tr. 1, p. 63)
34. Utilities would be installed underground along the access road from Big Bear Hill Road. (Tr. 3, p. 65)
35. The site would contain a diesel-fueled emergency generator capable of providing at least eight hours of emergency power. (Verizon 1, p. 3; Tr. 3, pp. 85-86)

36. The estimated cost of site construction is:

a. Radio equipment	\$450,000.
b. Tower, coax, and antennas	\$150,000.
c. Utilities	\$20,000.
d. Equipment building	\$50,000.
e. Site preparation, installation and other miscellaneous costs	<u>\$165,000.</u>
Total estimated cost	\$835,000.

(Verizon 1, p. 20, Tr. 3, pp. 22-23)

37. The nearest abutting property to the tower site is approximately 63 feet to the west. (Verizon 4, Tab 2; Tr. 3, pp. 81-82)
38. The tower would be designed with an engineered yield point to ensure that the tower would remain on the site parcel in the event of a failure. (Verizon 4, Q. 8)
39. There are 17 residences within 1,000 feet of the proposed tower. (Verizon 1, p. 13)
40. The nearest residence to the proposed tower site is approximately 200 feet to the northeast. (Verizon 4, Tab 2)
41. Route 202 travels through the Northville area in a southwest to northeast direction and, at its nearest point, the road is approximately 525 feet east of the proposed tower site. (Applicant 1, Tab B)
42. Big Bear Hill Road extends northwesterly from Route 202 along the north property boundary and is approximately 130 feet from the tower site at its closest point. The road ascends a ridge and intersects with Geiger Road and Little Bear Hill Road. (Verizon 1, Tab 1)
43. The site property is surrounded by low density residential to the west, business uses to the south, and a mix of low density residential and agriculture to the east and south. (Verizon 1, Tab 1)



### Environmental Concerns

44. The proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Verizon 1, p. 19)
45. The proposed site contains no known existing populations of State endangered, threatened or special concern species or federally listed or proposed, threatened or endangered species or critical habitat. (Verizon 1, Tab 11)
46. Construction of the facility would require the removal of 24 trees with a diameter of six inches or greater. (Verizon 1, Tab 1)
47. Construction of the site would require significant grading and the removal of 1,000 yards of earth. (Verizon 1, Tab 1; Tr. 5, p. 24)
48. Site construction activities would occur approximately 50 feet from a deeply incised intermittent watercourse and bordering wetlands. The watercourse is northeast of the site, flowing alongside Big Bear Hill Road. (Verizon 1, p. 17)
49. The intermittent watercourse receives stormwater runoff from Big Bear Hill Road. The Town's Wetlands Enforcement Officer provided written correspondence to the Council regarding his concerns over the potential for increased runoff or water diversion from site construction that could exacerbate flooding or drainage pipe failure downhill from the site. (Town of New Milford letter, dated February 15, 2008; Tr. 5, pp. 20-21)
50. The site would not result in an increase of run-off, due to the gravel surface in the compound and the installation of riprap drainage swales at the top of the retaining walls that would allow for the infiltration of water. The paved driveway would not create significant runoff. (Verizon 4, Q. 10; Tr. 5, pp. 20-21)
51. Verizon would submit site drainage calculations to the Town Engineer for review. If the calculations show an increase in run-off, Verizon would design additional retention, as necessary. (Tr. 5, pp. 17-21)
52. The tower would not require aircraft hazard obstruction marking or lighting. The site property is one of two Lifestar landing areas that serve the Town of New Milford. Lifestar would not require the lighting of the tower since ground personnel aid landings by relaying visual observations of nearby obstructions to Lifestar personnel. (Tr. 1, pp. 13-15, 18-19, 32)
53. The DPH commented that although the site is within close proximity to a public water supply well, the well is inactive. (DPH comments of February 26, 2008 and March 27, 2008)
54. The cumulative maximum power density from radio frequency emissions from Verizon's proposed antennas is calculated to be 2.5 % of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of either 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. (Verizon 1, p. 15)

### Visibility

55. The tower would be visible year-round above the tree canopy from approximately 23 acres within a two-mile radius of the site (refer to Figure 3). The tower would be seasonally visible from an additional 30 acres. (Verizon 1, Tab 10)
56. The tree canopy surrounding the site is approximately 65 feet agl. (Verizon 1, Tab 10)
57. The tower is at the base of an east-sloping ridge. To the west, the ridge rises steeply to an elevation of 750 feet amsl. The tower would reach a height of 578 feet amsl. East of the tower and Route 202, a ridge rises to an elevation of 900 feet. (Verizon 1, Tab 10)
58. A majority of tower visibility is within a quarter-mile of the site, primarily from the Route 202 valley east and south of the site. Views from the west would be obscured by topography and vegetation except for an abutting residence (approximately 450 feet to the west) that may have seasonal views of the tower. (Verizon 1, Tab 10; Tr. 3, pp. 44-45)
59. Approximately 10 residential properties would have partial, year-round views of the tower. This includes four residences on Route 202, three residences on Upton Road, one residence on Old Mill Road, and two residences on Big Bear Hill Road. An additional eight residences in this area would have seasonal views of the tower, including the abutting residence to the northwest. (Applicant 1, Tab 10; Tr. 5, p. 45)
60. Two residences immediately east of the site property on Route 202 and two residences on Big Bear Hill Road immediately north of the site property would have year-round views of the upper 40-75 feet of the tower. The lower portion of the tower and the compound would be screened in summer months by vegetation. (Verizon 1, Tab 10; Tr. 3, pp. 40-44)
61. Three locally designated scenic roads are within a half-mile of the site: Sandpit Road, Old Mill Road, and Crossman Road. Seasonal views of the tower may be possible from a 0.1-mile section of Old Mill Road. (Verizon 1, Tab 10)
62. The upper 35 to 75 feet of the tower would be visible from a continuous 0.3-mile section of Route 202 approximately 525 feet east of the site. The tower would also be visible from a few spot areas on Route 202 north of the site. (Verizon 1, Tab 10)
63. The tower would be visible from a continuous 0.2-mile section of Upland Road approximately 735 feet east of the site. (Verizon 1, Tab 10)
64. The tower would be visible from a continuous 0.1-mile section of Big Bear Hill Road, approximately 120 feet east of the site. (Verizon 1, Tab 10)

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

Location	Visible	Approximate Portion of Tower Visible	Distance from Tower
Route 202 in vicinity of Big Bear Hill Road	Yes	75 feet - unobstructed	0.1 mile southeast
Sandpit Road, adjacent to #1	Yes	10 feet – unobstructed with hillside as a backdrop.	0.4 mile northeast
Route 202, adjacent to #389	Yes	30 feet – unobstructed with hillside as a backdrop.	0.3 mile northeast
Route 202 south of Upland Road, adjacent to “Village Shops” plaza	Yes	30 feet – unobstructed with hillside as a backdrop.	0.1 mile east
Upland Road, east of Old Mill Road	Yes	15 feet - unobstructed with hillside as a backdrop.	0.2 mile east
Old Mill Road at Upland Road	Yes	50 feet – unobstructed with hillside as a backdrop.	0.1 mile east
Route 202, adjacent to #369	Yes	45 feet – unobstructed	0.1 mile south east
Big Bear Hill Road, adjacent to #16	Yes	45 feet – unobstructed	0.1 mile north

(Verizon 1, Tab 10; Tr. 3, pp. 40-44)

66. There are no hiking trails maintained by the DEP or the Connecticut Forest and Parks Association within a two-mile radius of the site. (Applicant 1, Tab J)
67. Visual mitigation by use of a stealth tree design at the proposed site would be effective for some views but not others, particularly those in close proximity to the tower where it would rise above the treeline and be silhouetted against the sky. (Tr. 3, p. 47-51)

**Verizon - Existing and Proposed Wireless Coverage**

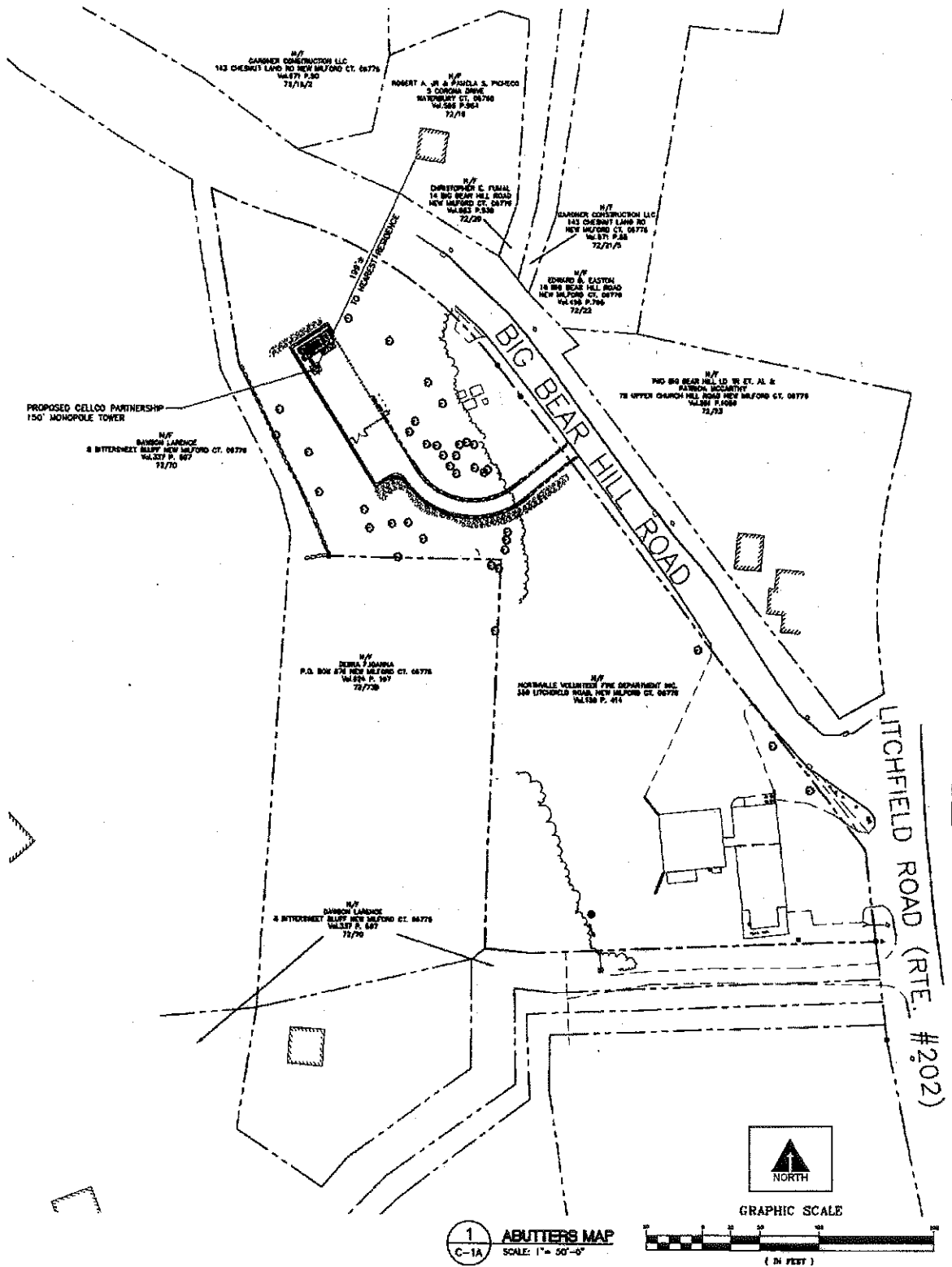
68. Verizon operates in the 1900 MHz frequency bands in Litchfield County. Verizon’s design thresholds for this area are -85 for in-vehicle coverage and -75 dBm for in-building coverage. (Verizon 1, p. 7; Verizon 4, Q. 4)
69. Verizon has an approximate 1.5 mile gap of no reliable, continuous coverage on Route 202 between an existing Verizon site at 4 Elkington Farm Road in New Milford and an existing Verizon site at 6 Mountain Road in Washington (refer to Figure 4). (Verizon 1, Tab 8, Tab 10)
70. Verizon would meet coverage objectives by installing antennas at 150 feet agl. No areas of degraded coverage would exist on Route 202 within the target service area (refer to Figure 5). (Verizon 1, Tab 7; Tr. 3, pp. 53-54)
71. Installing antennas at 140 feet agl would result in degraded coverage for approximately a tenth of a mile on Route 202 south of the proposed site. Coverage would also be reduced from 3.2 square miles to 2.6 square miles, with the reduction occurring primarily along the sides of the Route 202 valley rather than along the valley floor. (Verizon 4, Q. 11; Tr. 1, pp. 52-53, 59-60)
72. Verizon could meet coverage objectives utilizing the D 342 site at a height of 117 feet agl (refer to Figure 6). (Tr. 1, pp. 55, 61-62)

**FIGURE 1  
LOCATION OF SITE**



(Verizon 1, p. iii)

FIGURE 2  
SITE PLAN

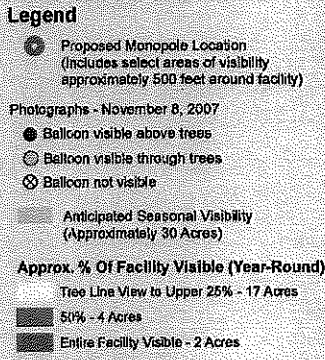
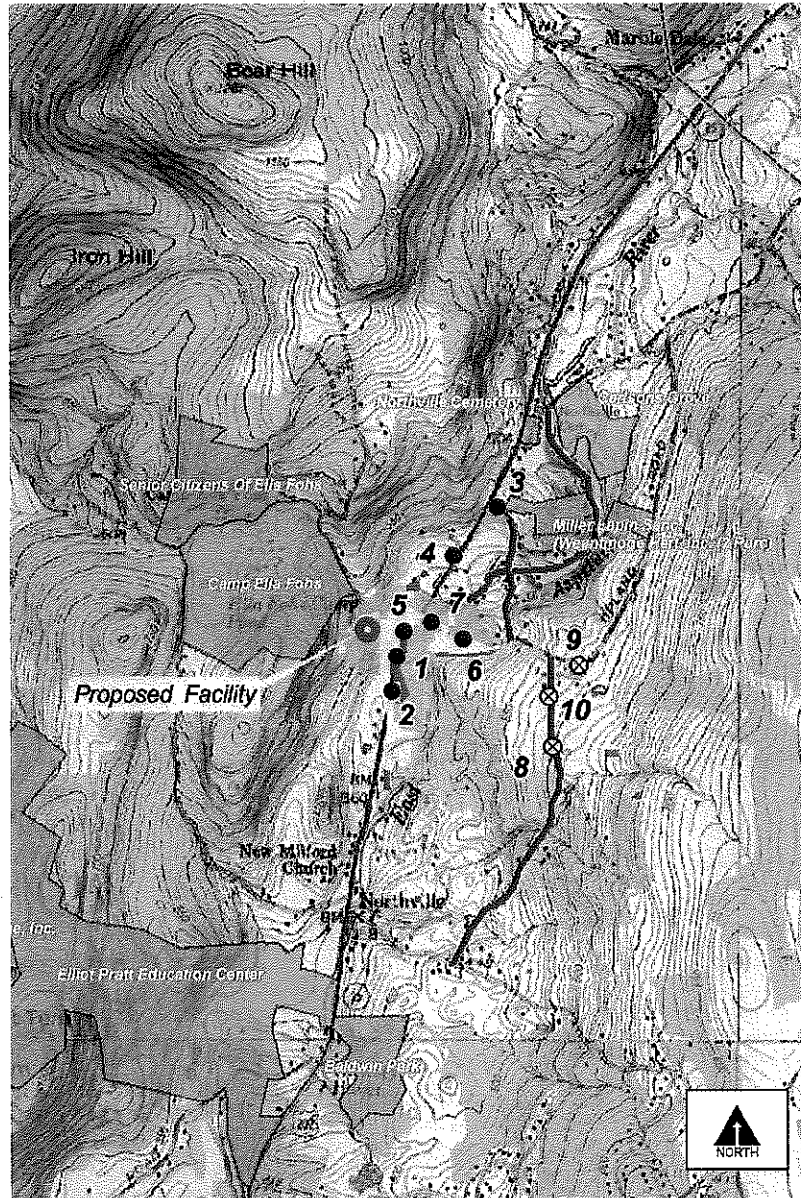


(Verizon 1, Tab 1)

1 ABUTTERS MAP  
C-1A SCALE: 1" = 50'-0"

GRAPHIC SCALE  
( IN FEET )

**FIGURE 3  
VISIBILITY OF SITE**



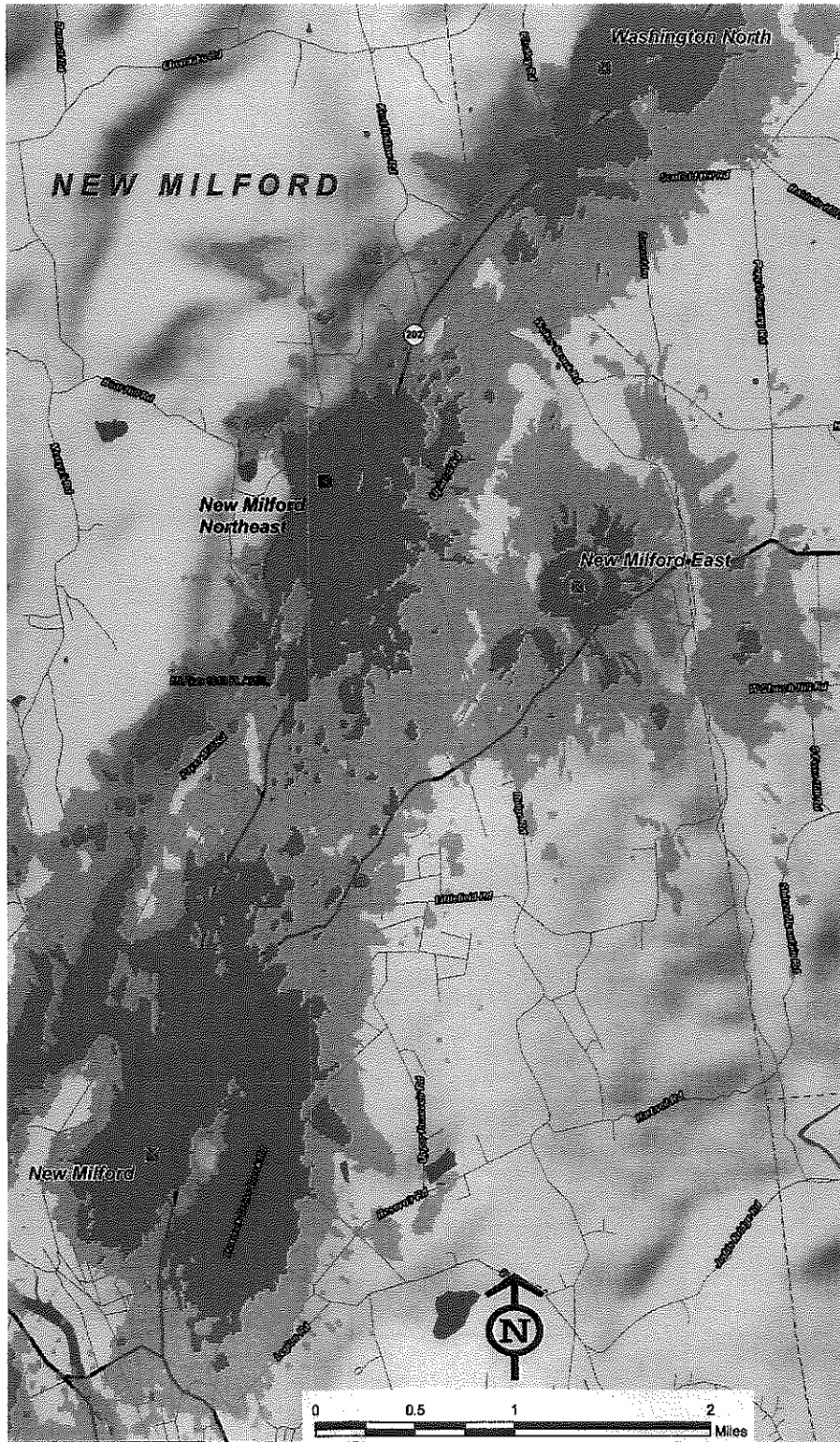
(Verizon 1, Tab 10)

**FIGURE 4**  
**EXISTING VERIZON COVERAGE**



(Verizon 1, Tab 7)

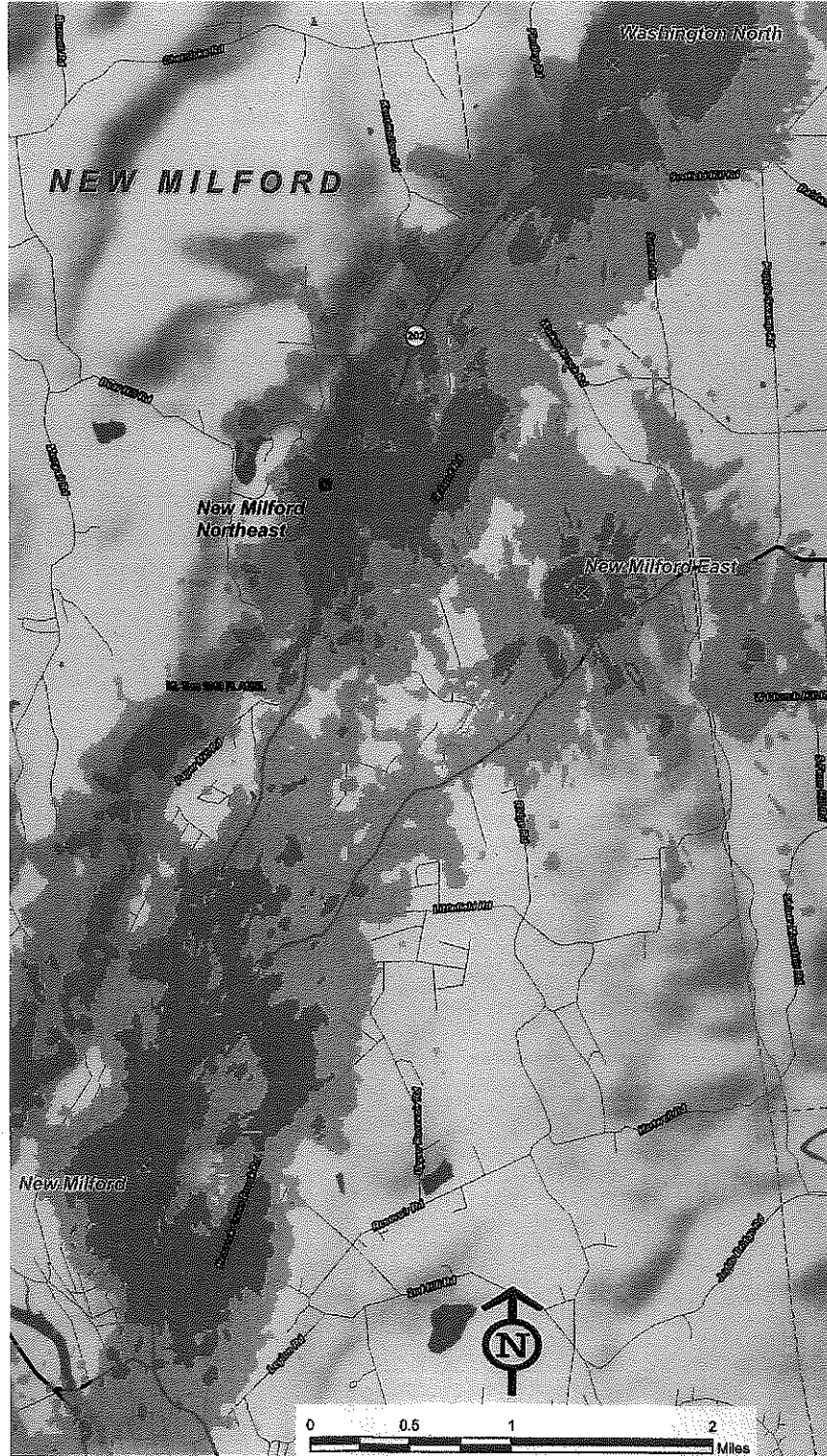
**FIGURE 5**  
**PROPOSED VERIZON COVERAGE FROM**  
**359 LITCHFIELD ROAD AT 150 FEET AGL**



(Verizon 1, Tab 7)



**FIGURE 6**  
**PROPOSED VERIZON COVERAGE FROM**  
**425 LITCHFIELD ROAD @ 117 FEET AGL**



(Verizon 4, Q. 11)

Administrative Notice List  
Docket No. 358

1. OET Bulletin No. 56, Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields, Federal Communications Commission, Office of Engineering and Technology, August 1999.
2. OET Bulletin No. 65, Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Federal Communications Commission, Office of Engineering and Technology, August 1997.
3. ANSI Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz, Revision of ANSI C95.1-1982, American National Standards Institute, November 18, 1992.
4. Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Federal Communications Commission's Report and Order, adopted August 1, 1996.
5. Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, TIA/EIA-222-F, Electronics Industries Association, June 1996.
6. Connecticut Guidelines for Soil Erosion and Sediment Control, May 2002, as amended.
7. Telecommunications Act of 1996.
8. Conservation and Development Policies Plan for Connecticut 2005-2010, adopted by the Connecticut General Assembly, 2005. <http://www.opm.state.ct.us/igp/cdplan/cdplan2.htm>
9. Connecticut Walk Book East, Nineteenth Edition, Connecticut Forest and Park Association, 2005.
10. Connecticut Walk Book West, Nineteenth Edition, Connecticut Forest and Park Association, 2007.
11. Atlas of Connecticut Topographical Maps, State of Connecticut Department of Environmental Protection, Natural Resources Center, DEP Bulletin 17, 1992.
12. Connecticut Department of Transportation Policy Statement for Telecommunications Installations Within the State Highway Right of Way, Policy No. E&H.O.-53, dated August 7, 2006
13. Advisory Circular AC 70/7460-1K Obstruction Marking and Lighting, U.S. Department of Transportation, Federal Aviation Administration, August 1, 2000. Website Link: [http://www.airweb.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/MainFrame?OpenFrameSet](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/MainFrame?OpenFrameSet)
14. Connecticut Siting Council Statewide Plan for Telecommunications Coverage (Public Act 04-226, September 1, 2006). <http://www.ct.gov/csc/cwp/view.asp?a=895&q=246816>

15. Siting Council Illustrated Primer on the Siting of Facilities Within Connecticut and Throughout the Nation  
[http://www.ct.gov/csc/lib/csc/csc\\_book\\_r5a.pdf](http://www.ct.gov/csc/lib/csc/csc_book_r5a.pdf)
16. Connecticut Official State Tourism Map, 2005-2006.
17. Avian Collisions at Communication Towers -- Sources of Information. U.S. Fish and Wildlife Service, Division of Migratory Bird Management.  
<http://www.fws.gov/migratorybirds/issues/towers/towers.htm>

<b>DOCKET NO. 355</b> - 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 359 Litchfield Road, New Milford, Connecticut.	} } }	Connecticut  Siting  Council  May 22, 2008
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**Opinion**

On December 7, 2008, Celco Partnership d/b/a Verizon Wireless (Verizon) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, operation, and maintenance of a wireless telecommunications facility at 359 Litchfield Road, in New Milford, Connecticut. The purpose of the proposed facility is to provide wireless telecommunication service to Route 202 in the Northville area of New Milford.

Optasite Towers LLC (Optasite) and Omnipoint Communications, Inc. (T-Mobile) also identified a need for a facility in the Northville area and submitted a separate application to the Council on December 7, 2007 for a 140-foot tower in the same general area, designated as Docket 342. The Council held a common evidentiary hearing to determine, in part, whether one tower could meet the mobile telecommunications needs of both Verizon and T-Mobile in the Northville area.

The proposed site is located on a 3.85-acre parcel owned by the Northville Volunteer Fire Department in the village of Northville. The parcel, developed with a firehouse, fronts the west side of Route 202 and extends along Big Bear Hill Road to the northeast. A deeply incised intermittent watercourse runs along the property boundary, adjacent to Big Bear Hill Road.

Verizon proposes to construct a 150-foot monopole within a 36-foot by 93-foot equipment compound in the rear, wooded portion of the property. The tower setback radius would extend onto the abutting property to the west by 87 feet and onto Big Bear Hill Road. Since the site is located on a steep hillside, a significant amount of grading would be required to develop the compound and access drive. The site would be cut into the hillside, requiring a 15-foot high, 140-foot long retaining wall.

The site is located in a rural residential area of New Milford with 17 residences within 1,000 feet of the site. The nearest residence is approximately 200 feet to the northeast. Another three residences across from the site on Big Bear Hill Road and one on Laurel Lane, abutting the site, are within 450 to 600 feet of the tower.

Although the proposed site would provide adequate coverage for Verizon, connecting to an existing site on Elkington Farm Road near New Milford center and the Verizon site under construction at 6 Mountain Road in Washington, T-Mobile's coverage models indicate that its coverage penetration to the northeast on Route 202 would be approximately two miles less than the proposed D 342 site. Additionally, Verizon indicated the D 342 site would meet its coverage objectives at a tower height of 117 feet. Therefore, the Council finds that the D 342 site offers superior coverage on Route 202 at a slightly lower tower height than the Verizon site proposed in this application.

Visual impacts of the tower would be detrimental to the surrounding neighborhood. Several residences in close proximity to the site would have year-round, near tower views of the upper portions of the structure. Seasonal views from these same residences could include the entire facility since Big Bear Hill Road pass directly northeast of the site, eliminating a natural buffer to nearby homes. Views from adjacent roads, including Big Bear Hill Road, Route 202 and Upland Road, would be continuous in nature rather than isolated spot views.

Based on the record in this application and that of D 342, the Council finds the proposed site to be visually obtrusive to the surrounding area, environmentally disruptive to the site property, and sited too close to an abutting property. Additionally, an alternative location exists in Docket 342 that would satisfy the coverage objectives of Verizon and T-Mobile in a non-obtrusive manner. Therefore, the Council will deny this application.

<b>DOCKET NO. 355 - 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 359 Litchfield Road, New Milford, Connecticut.</b>	} } } }	Connecticut Siting Council May 22, 2008
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**Decision and Order**

Based on the record in this proceeding we find that the cumulative effects associated with the construction, operation, and maintenance of the proposed wireless telecommunications tower at the proposed site, including effects on the natural environment, ecological integrity and balance, public welfare, scenic and recreational values, forests and parks, air and water, and wildlife are significant; are in conflict with the policies of the State concerning such effects; are not adequately balanced by the site specific need for the proposed tower; and therefore are sufficient reasons to deny the proposed facility.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of the decision published in The News Times and the New Milford Spectrum.

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

The parties and intervenors in this proceeding are:

**Applicant**

Cellco Partnership d/b/a Verizon Wireless

**Representative**

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

**Intervenor**

Optasite Towers LLC and  
 Omnipoint Communications, Inc

**Representative**

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

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. 355** - 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 359 Litchfield Road, New Milford, Connecticut, Connecticut, and voted as follows to deny the proposed site:

Council Members

Vote Cast

  
\_\_\_\_\_

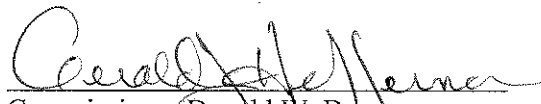
Daniel F. Caruso, Chairman

Yes

  
\_\_\_\_\_

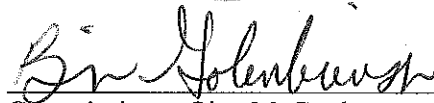
Colin C. Tait, Vice Chairman

Yes

  
\_\_\_\_\_

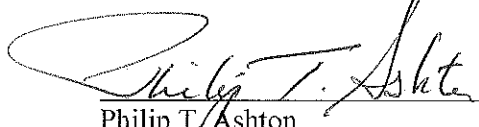
Commissioner Donald W. Downes  
Designee: Gerald J. Heffernan

Yes

  
\_\_\_\_\_

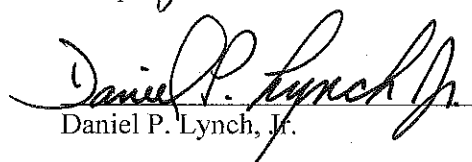
Commissioner Gina McCarthy  
Designee: Brian Golembiewski

Yes

  
\_\_\_\_\_

Philip T. Ashton

Yes

  
\_\_\_\_\_

Daniel P. Lynch, Jr.

Yes

\_\_\_\_\_

James J. Murphy, Jr.

Absent

  
\_\_\_\_\_

Dr. Barbara Currier Bell

Yes

  
\_\_\_\_\_

Edward S. Wilensky

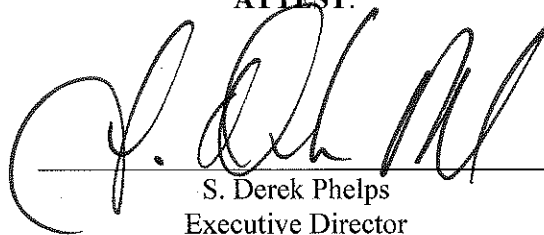
Yes

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

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

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

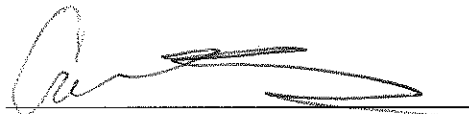
ATTEST:



S. Derek Phelps  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 355 has been forwarded by Certified First Class Return Receipt Requested mail, on May 27, 2008, to all parties and intervenors of record as listed on the attached service list, dated February 15, 2008.

ATTEST:



Carriann Mulcahy  
Secretary II  
Connecticut Siting Council



Date: February 15, 2008

Docket No. 355  
Page 1 of 1

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

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	Cellco Partnership d/b/a Verizon Wireless	Sandy Carter, Regulatory Manager Verizon Wireless 99 East River Drive East Hartford, CT 06108  Kenneth C. Baldwin, Esq. Robinson & 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>
<b>Intervenor (Approved 2/14/08)</b>	Optasite Towers LLC and Omnipoint Communications, Inc	Carrie Larson, Esq. Cohen and Wolf P.C. P.O. Box 1821 Bridgeport, CT 06601 203-368-0211 <a href="mailto:clarson@cohenandwolf.com">clarson@cohenandwolf.com</a>