



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 16, 2008

Kenneth C. Baldwin, Esq.
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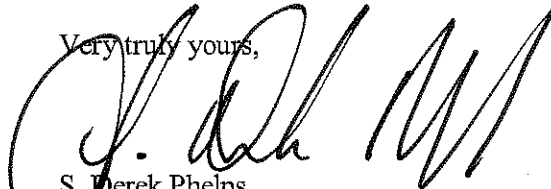
RE: **DOCKET NO. 361**- Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off Norfolk Road (Route 44), Winchester, Connecticut.

Dear Attorney Baldwin:

By its Decision and Order dated September 11, 2008, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a telecommunications facility located off Norfolk Road (Route 44), Winchester, Connecticut.

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

Very truly yours,

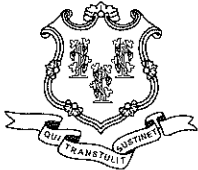


S. Derek Phelps
Executive Director

SDP/RDM/jb

Enclosures (4)

c: Sandy Carter, Regulatory Manager, Verizon Wireless



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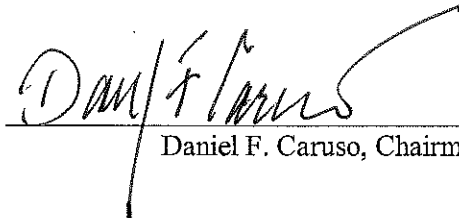
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**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 361**

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 off Norfolk Road (Route 44), Winchester, 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 11, 2008.

By order of the Council,


Daniel F. Caruso, Chairman

September 11, 2008

DOCKET NO. 361- 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 off Norfolk Road (Route 44), }
Winchester, Connecticut. }

Connecticut

Siting

Council

September 11, 2008

Findings of Fact

Introduction

1. Cellco Partnership d/b/a Verizon Wireless (Verizon), in accordance with the provisions of General Statutes §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on April 10, 2008 for the construction, operation, and maintenance of a 150-foot wireless telecommunications facility off Route 44 in Winchester, Connecticut. (Verizon 1, pp. 1-2)
2. Verizon is a Delaware Partnership with an administrative office located at 99 East River Drive in East Hartford, Connecticut. Verizon is licensed by the Federal Communication Commission (FCC) to operate wireless telecommunications services in the State of Connecticut. (Verizon 1, p. 4)
3. The party in this proceeding is the applicant. (Transcript 1 – 07/08/08, 3:15 p.m. [Tr. 1], p. 5)
4. New Cingular Wireless PCS LLC submitted a letter to the Council on May 23, 2008 expressing interest in locating at the 140-foot level of the proposed facility, but declined to intervene in the proceeding due to budgetary constraints. (Record)
5. The purpose of the proposed facility is to provide wireless service for Verizon to Route 44, Route 183 and local roads northwest of the Winsted section of Winchester. (Verizon 1, pp. 1-2; Tab 7)
6. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on July 8, 2008, beginning at 3:15 p.m. and continuing at 7:00 p.m. at the Winchester Town Hall, 338 Main Street, Winchester, Connecticut. (Council's Hearing Notice dated May 28, 2008; Tr. 1, p. 2; Transcript 2 – 07/08/08, 7:00 p.m. [Tr. 2], p. 2)
7. The Council and its staff conducted an inspection of the proposed site on July 8, 2008, beginning at 2:00 p.m. The applicant flew a balloon from 8:40 a.m. to 5:00 p.m. at the site to simulate the height of the proposed tower. The balloon reached its intended height during the morning hours. Breezy conditions prevailed during the afternoon, preventing the balloon from reaching the intended height during the field review. (Council's Hearing Notice dated May 28, 2008; Tr. 2, pp. 24-25)
8. Notice of the application was provided to all abutting property owners by certified mail. Public notice of the application was published in the Republican-American on April 7 and 8, 2008. (Verizon 1, p. 5, Verizon 2)
9. A four-foot by six-foot sign describing the proposed project was installed on the property prior to the July 8, 2008 hearing. (Verizon 6)
10. Pursuant to CGS § 16-50l(b), Verizon provided notice to all federal, state and local officials and agencies listed therein. (Verizon 1, p. 5)

State Agency Comment

11. Pursuant to General Statutes § 16-50j (h), on May 28, 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)
12. The Council received a written response from the DOT's Bureau of Engineering and Highway Operations on June 26, 2008 indicating Verizon would need to obtain an encroachment permit for access from Route 44. (Record)
13. No response was received from the DEP, DPH, CEQ, DPUC, OPM, or DECD. (Record)

Municipal Consultation

14. Prior to the submission of the application to the Council, Verizon met with the Town Manager Owen Quinn, and Town Planner Charles Karno, on October 10, 2007 to discuss the proposal. (Verizon 1, pp. 18-19; Tr. 1, pp. 23-24)
15. The town expressed no concerns to Verizon regarding the proposal and did not request a public hearing in Town prior to submission of the application. (Tr. 1, p. 24)
16. The town did not respond to Verizon's offer of use of the tower for municipal services. (Tr. 1, p. 51)

Public Need for Service

17. 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)
18. 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)
19. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)
20. 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 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

21. Verizon established a search area for the site in June 30, 2004 that focused on three distinct hills north and northwest of Winsted. (Verizon 1, Tab 9; Verizon 3, Q. 2)
22. Verizon did not identify any suitable structures within the search area. (Verizon 1, Tab 9)
23. During the site search, Verizon examined the proposed site property and three locations on property owned by the Knights of Columbus on Marshall Street and Colebrook Road. Verizon rejected the three locations due to inadequate coverage to the target service area. (Verizon 1, Tab 9)
24. The nearest existing tower facility to the search area is approximately 2.2 miles to the northwest at 161 Pinney Road in Colebrook. Verizon is located at the 117-foot level of this 150-foot monopole. This site does not provide adequate coverage to the target service area. (Verizon 1, Tab 7, Tab 9)

Site Description

25. The proposed facility is located on a 63-acre parcel owned by Win 21 LLC on the north side of Route 44. (Verizon 1, pp. 2, 16, Tab 1; Tr. 1, p. 11)
26. The property is identified in the Town Assessor's record as Map 16, Block 152, Lot 26-1. (Verizon 1, p. 2, Tab 1)
27. The parcel is zoned Rural, RU-2. (Verizon 1, p. 16)
28. The undeveloped parcel consists of a heavily wooded hillside that slopes upward from Route 44. Numerous logging roads traverse the property. (Verizon 1, p. 16, Tab 1)
29. The tower site is located near the summit of a hill at a ground elevation of 1,145 feet above mean sea level (amsl). (Verizon 1, Tab 1)
30. 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)
31. Verizon proposes to install 12 panel antennas on a platform at a centerline height of 150 feet agl. (Verizon 1, Tab 1)
32. Verizon proposes to construct a 55-foot by 75-foot equipment compound within a 100-foot by 100-foot lease area at the base of the tower. An eight-foot high chain link fence topped with barbed wire would enclose the compound. Within the compound, Verizon proposes to install a 12-foot by 30-foot equipment shelter. (Verizon 1, Tab 1)
33. Access to the site would be from a 1,268-foot road extending from Route 44. The road would follow 815 feet of existing logging roads. (Verizon 1, Tab 1)
34. The average grade of the access road is 16%. Two sections of the access road, one 205 feet and the other 275 feet, would maintain a grade of 24%. To control erosion, Verizon proposes to pave all portions of the road that exceed 10%, which is approximately 600 feet of the road. The remaining portions of the road would be surfaced with gravel. (Tr. 1, pp. 10-12, 28-31; Tr. 2, p. 41)

35. The average grade for the access road exceeds the town maximum of 10% for residential streets within newly planned subdivisions. (Town of Winchester Subdivision Regulations, September 15, 2006)
36. The access road drainage system would include three roadside drainage channels, two culverts, and three level spreaders. Stormwater would be collected by the channels and/or culverts and then discharged over the level spreaders. (Verizon 3, Q. 8, Tr. 1, pp. 12-13)
37. The access road could make the site parcel and adjacent state forest more accessible to hunters and other users. (Tr. 1, pp. 31-34)
38. An access gate and appropriate signage would be installed as necessary to deter unauthorized users from utilizing the access road and adjacent private property. (Tr. 1, pp. 31-34)
39. Utilities would be obtained from existing service on Route 44. Verizon would install one new utility pole at the beginning of the access drive to connect to the existing service. From the pole, utilities would be routed underground along the access road to the site. (Verizon 1, Tab 1)
40. The nearest abutting property from the tower site is approximately 450 feet to the northeast, owned by the Estate of Jonathan Ells. (Verizon 1, Tab 1)
41. The nearest residence to the proposed tower site is approximately 1,850 feet to the north. (Verizon 1, Tab 1)
42. Land use within a quarter-mile of the site consists of state forest, flood control infrastructure, undeveloped land and low density residential. (Verizon 1, Tab 1)
43. The estimated construction cost of the facility is:

Cell site radio equipment	450,000.
Tower, coax, and antenna	150,000.
Utilities	20,000.
Equipment building	50,000.
<u>Site preparation, facility installation</u>	<u>225,000.</u>
Total estimated cost	\$895,000.

(Verizon 1, pp. 20-21)

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, Tab 11)
45. The proposed site is within the range of the bog turtle and small whorled pogonia, both federally threatened species. The site parcel does not contain any appropriate habitat to support either species. (Verizon 1, Tab 11; Verizon 3, Q. 16)
46. The site is within the range of the Roadside Skipper, a State threatened butterfly. No suitable habitat was identified within the proposed work area. Some habitat is present along Route 44, on either side of the access road entrance. (Verizon 1, Tab 11, Tr. 1, pp. 13-14)

47. To enhance wildlife habitat, Verizon would include plant species favored by the Roadside Skipper butterfly in their erosion stabilization seed mix. (Tr. 1, pp. 13-14)
48. Approximately 30 trees greater than six inches at breast height would be removed to develop the site. (Verizon 1, Tab 1; Tr. 2, p. 41)
49. No wetlands or watercourses would be directly impacted by site construction. The nearest wetland to any construction area is approximately 50 feet north of the proposed roadway. (Verizon 1, pp. 17-18)
50. The tower would not require aircraft hazard obstruction marking or lighting. (Verizon 1, p. 19, Tab 13)
51. The cumulative maximum power density from the radio frequency emissions of the proposed Verizon antennas is calculated to be 20.1% 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. (Verizon 1, p. 15; Verizon 4; Tr. 1, p. 10)

Visibility

52. The tree canopy height immediately surrounding the site area is approximately 65 feet. (Tr. 2, p. 44)
53. The proposed tower would be visible year-round above the tree canopy from approximately 33 acres within a two-mile radius of the site (refer to Figure 2). The tower would be seasonally visible from an additional 4 acres. (Verizon 1, Tab 10)
54. The visibility analysis concluded the proposed tower would be visible year-round from five residential properties, including three properties on Colebrook Road approximately a half mile to the northeast, and two properties on Old Colebrook Road approximately two miles to the north. (Verizon 1, Tab 10)
55. Visibility of the proposed 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 44 southeast of site	Yes	70 feet – unobstructed.	0.35 mile southeast
Route 44 at Mad River Dam	Yes	30 feet – through trees.	0.1 mile south
Route 44 west of site	Yes	60 feet – unobstructed.	0.35 mile west
Colebrook Road, adjacent to #225	Yes	60 feet – unobstructed.	0.5 mile east
#207 Colebrook Road	Yes	80 feet - unobstructed	0.5 mile east
#201 Colebrook Road	Yes	80 feet unobstructed	0.5 mile east
Mad River Access Area	Yes	35 feet – unobstructed.	0.3 mile south
Winchester Road at Crystal Lake	No	-	1.7 miles south
Crown Street, Winsted	No	-	1.6 miles southeast
Route 44, Winsted	No	-	1.1 miles southeast
Route 44 at Danbury Corner Road	No	-	0.9 mile northwest

(Verizon 1, Tab 10; Tr. 2, pp. 9-13, 30-31, 34-36; Record)

56. The upper 30 to 75 feet of the tower would be visible above the tree canopy from a 0.25-mile section of Route 44 immediately west of the site. Algonquin State Forest borders both sides of Route 44 in this area. (Verizon 1, Tab 10)
57. The upper 40 feet of the tower would be visible above the tree canopy from a 0.1-mile section of Route 44 immediately southeast of the site. Surrounding property is undeveloped, with the Algonquin State Forest occurring to the south of Route 44. (Verizon 1, Tab 10)
58. The tower would not be visible from any hiking trails maintained by the DEP or the Connecticut Forest and Parks Association. (Verizon 1, Tab 10; Tr. 1, p. 23)
59. The tower would be visible from the northwest shore of a small pond within the Algonquin State Forest adjacent to the site. There are no developed recreation areas along the perimeter of the pond. (Verizon 1, Tab 10; Tr. 1, pp. 23, 31, 44-45)
60. The tower would be visible from a short section of the state forest access road that extends into a flood control basin southwest of the site. There are no developed recreational areas within this area of the state forest. (Verizon, Tab 10; Tr. 1, p. 23)
61. Verizon would be willing to install a simulated pine tree tower at the site. The tree would extend above the treeline by 90 feet in some areas. Most of the surrounding trees are hardwood species. (Tr. 2, pp. 30-33, 44)

Verizon - Existing and Proposed Wireless Coverage

62. Verizon proposes to operate 800 MHz (cellular) and 1900 MHz (PCS) equipment at this site. Verizon is designing the site using a signal level threshold of -85 dBm for in-vehicle coverage and -75 dBm for in-building coverage with 99% reliability. (Verizon 4, p. 2; Tr. 1, p. 15-16)
63. Verizon currently has no reliable, continuous cellular or PCS coverage on Route 44 immediately northwest of Winsted (refer to Figures 3 & 6). Limited cellular coverage from Verizon's "Colebrook Southwest" (Verizon at 117 feet agl) and "Winchester East" (Verizon at 125 feet agl) facilities extends along this section of Route 44. (Verizon 1, Tab 7; Verizon 4)
64. The proposed site would provide 3.0 miles of PCS and 3.4 miles of cellular coverage to Route 44, and 1.7 miles of PCS and 3.5 miles of cellular coverage to Route 183 (refer to Figures 4 & 7). (Verizon 1, p. 2, Tab 7; Verizon 4)
65. Reducing the antenna height to 130 feet would cause PCS coverage to degrade for 0.4 miles on Route 44 west of the site (refer to Figure 5). PCS coverage would also degrade for 0.1 mile on Route 183 north of the site. Lowering the antenna height would not affect cellular coverage on Routes 44 and 183. (Verizon 3, Q. 20; Verizon 3; Tr. 1, pp. 17-18)

Alternate Tower Locations

66. At the request of the Council, Verizon provided a late file exhibit on August 7, 2008 to determine the feasibility of relocating the site further west on the parcel. (Tr. 2, pp. 41-42; Verizon late file, August 7 2008)
67. Subsequent to the public hearing, Verizon examined three potential alternative locations (Alt. 1, Alt. 2, Alt. 3) further west on the property. (Verizon late file, August 7 2008, p. 2)

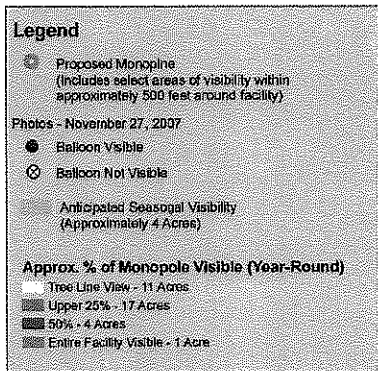
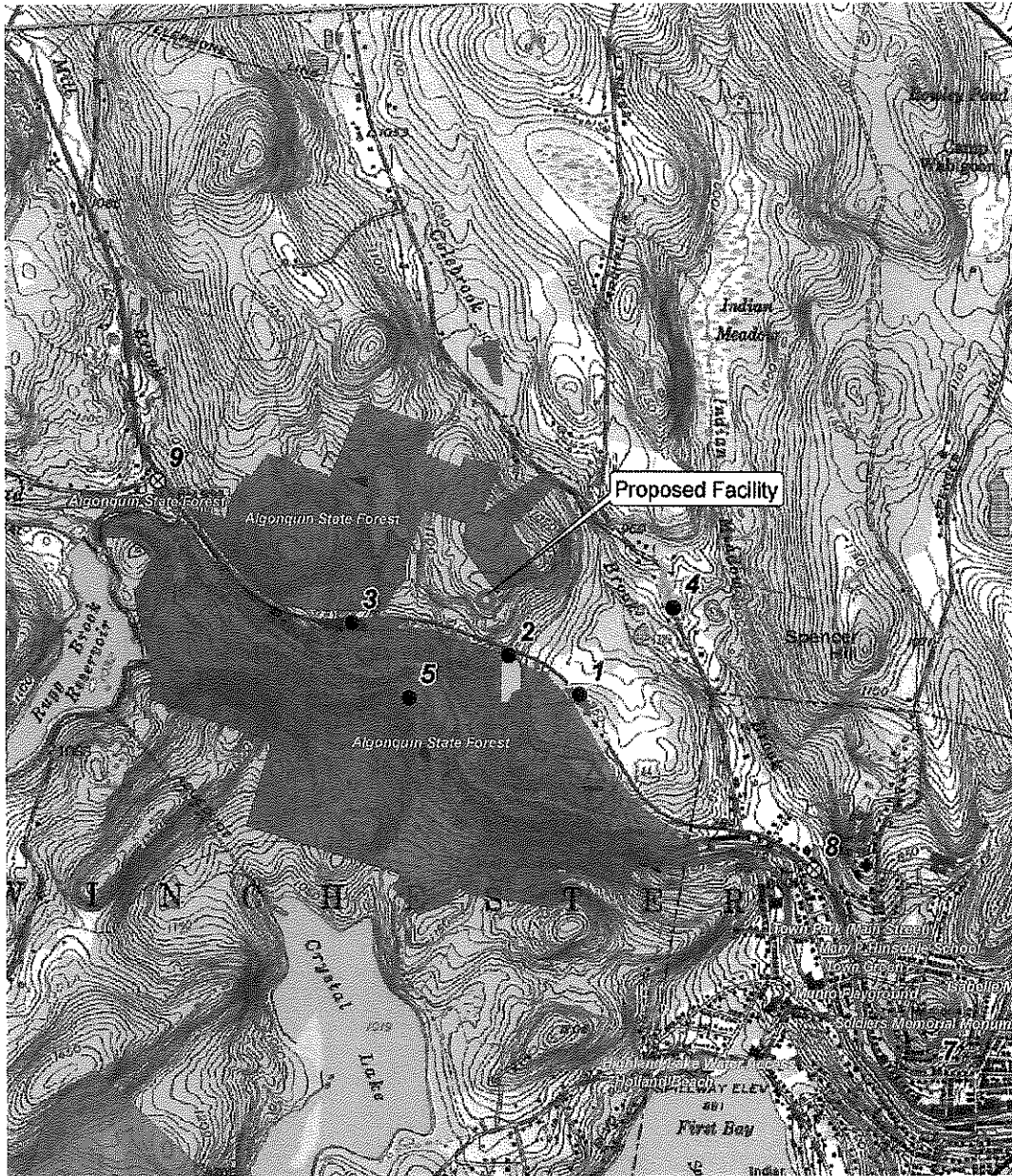
68. Alternative 1 is located near the top of the ridgeline, approximately 300 feet to the west of the proposed site. A tower height of 180 feet was analyzed and determined to be unsuitable since PCS coverage gaps totaling 0.25-miles would occur on Route 44 and 183. Additionally, a 180-foot tower in the Alternative 1 location would not reduce the visual impact to residences along Route 183 when compared to the proposed 150-foot tower. (Verizon late file, August 7 2008, pp. 2-3, Tabs 1, 2, 3)
69. Alternative 2, located on a shallow sloping ridge approximately 500 feet west of the proposed site, was rejected since a tower over 200 feet in height would be required to provide similar coverage to that provided by the proposed 150-foot tower. (Verizon late file, August 7 2008, p. 2)
70. Alternative 3, located on a shallow sloping ridge approximately 750 feet west of the proposed site, was rejected due to steep grades need to access the site and the presence of a seasonal, intermittent watercourse in the site area. (Verizon late file, August 7 2008, p. 2, Tab 1)

Figure 1 – Location of Site



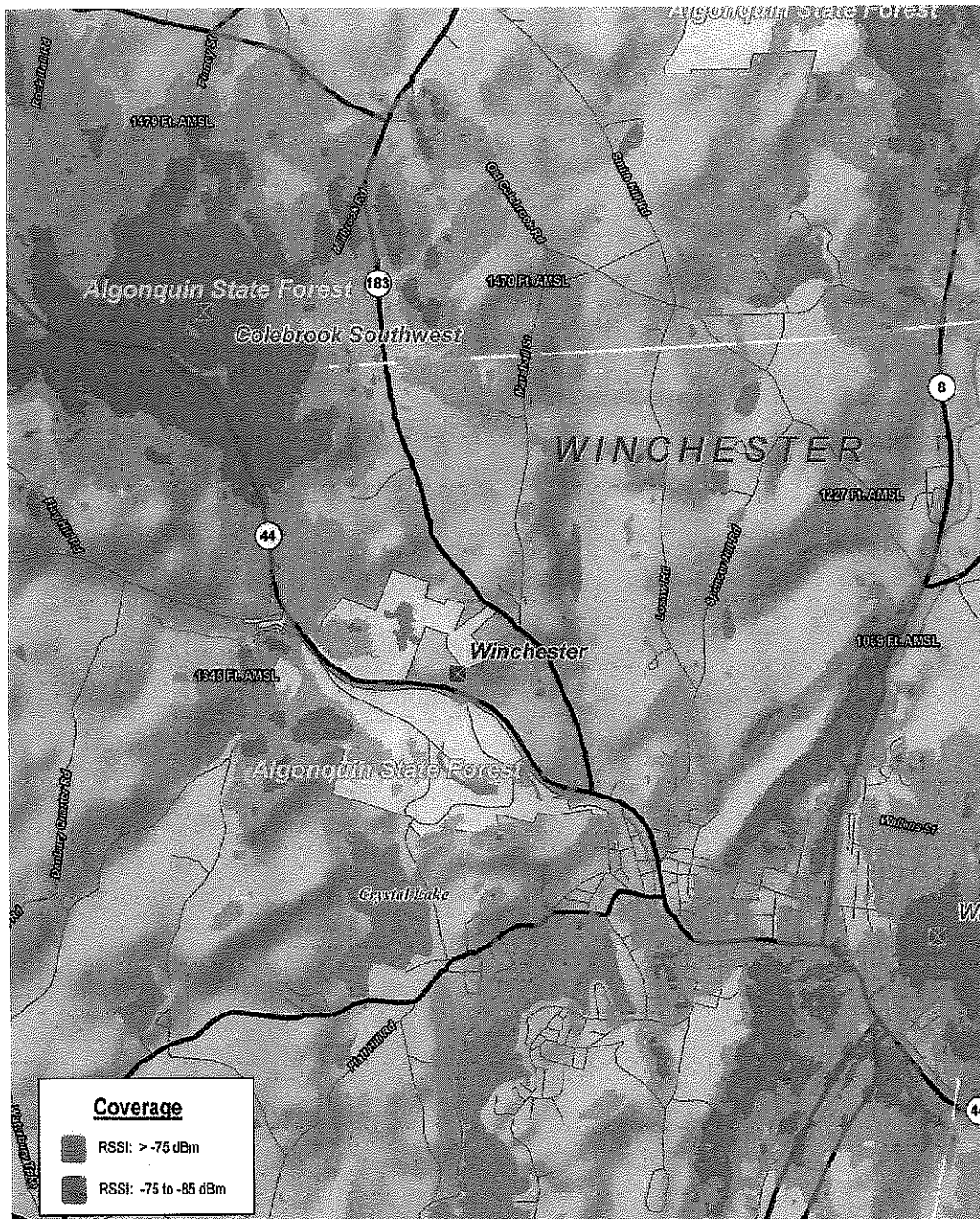
(Verizon 1, p. iii)

Figure 2 – Projected Site Visibility



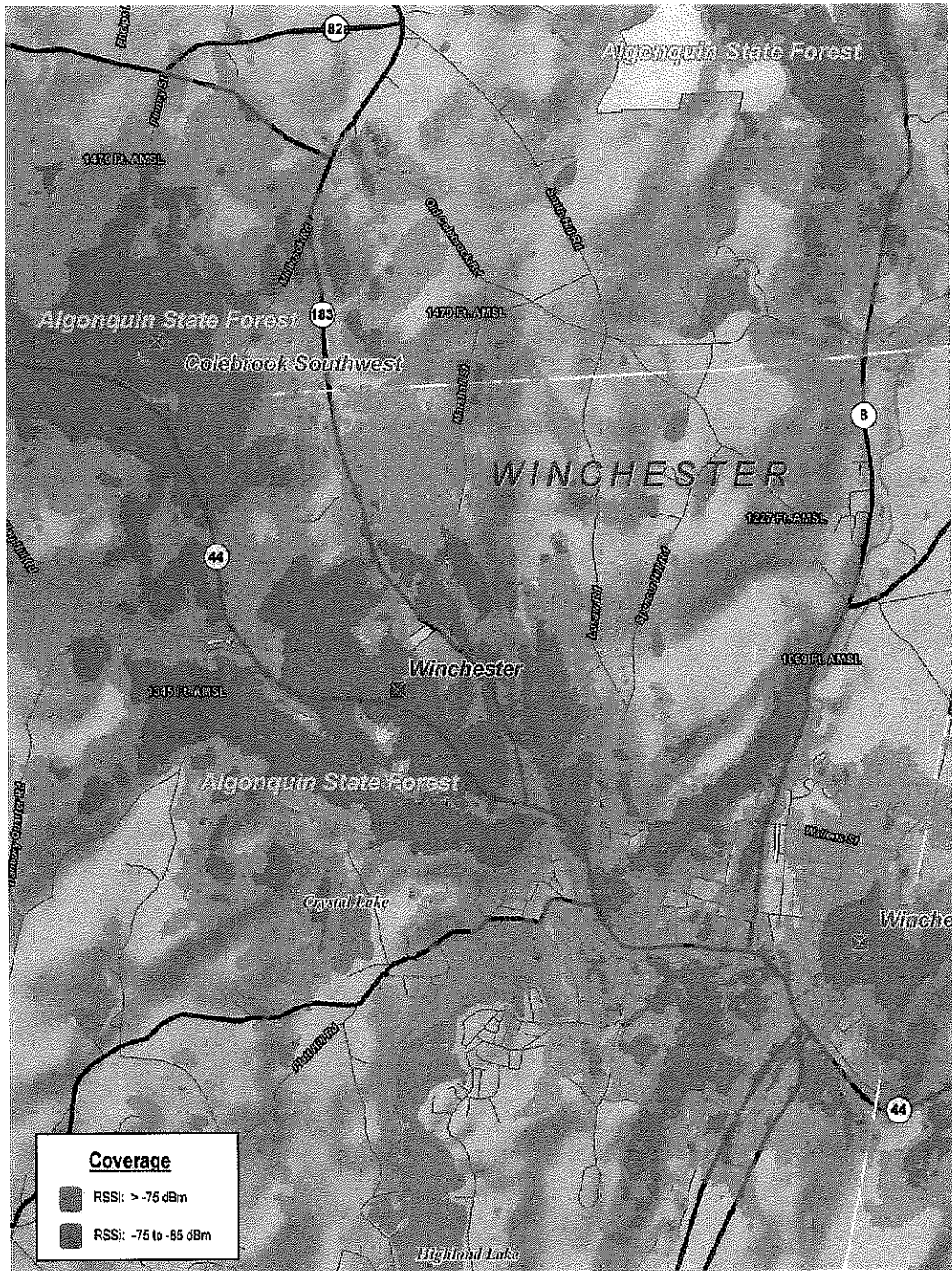
(Verizon 1, Tab 10)

Figure 3 - Existing Verizon PCS Coverage



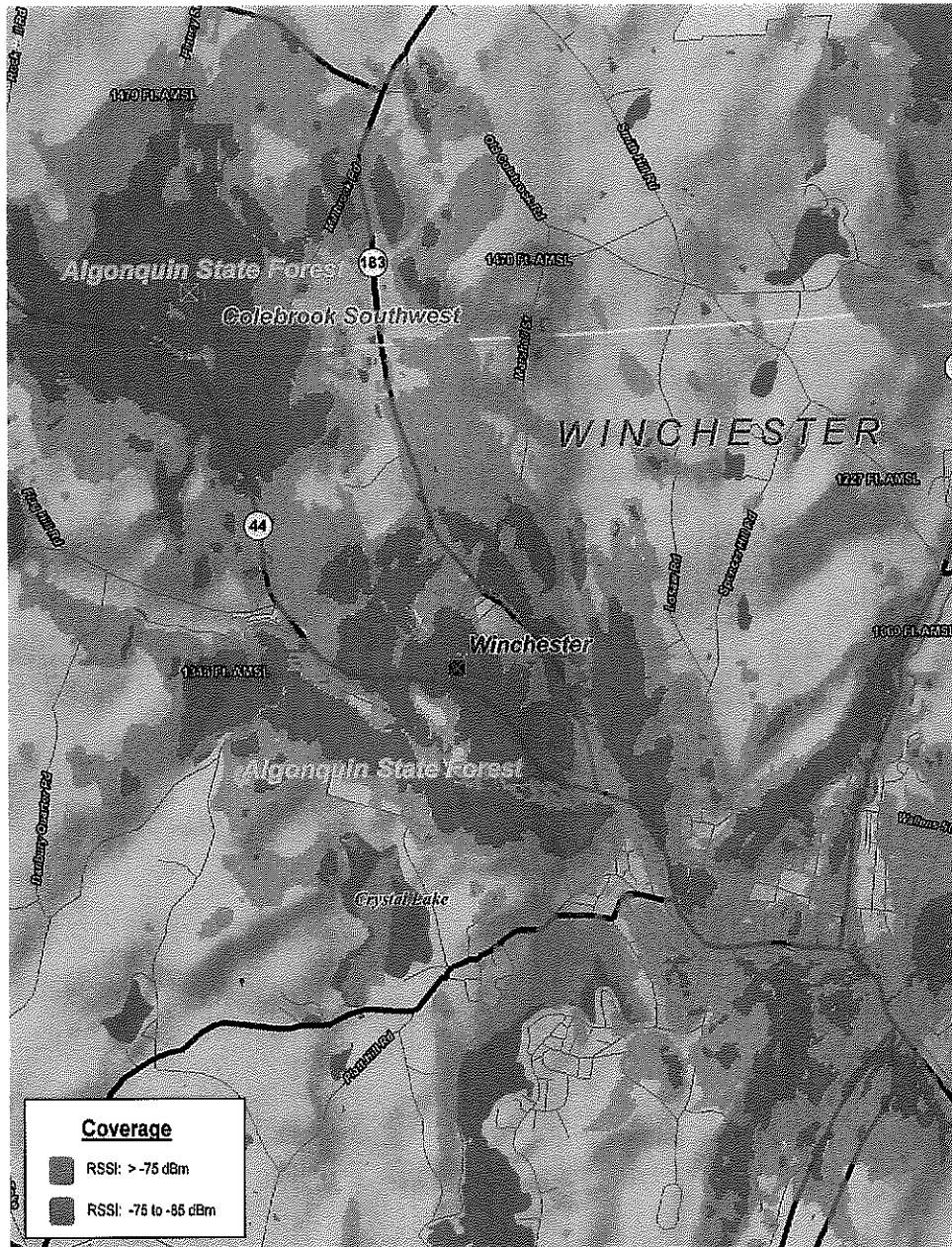
(Verizon 1, Tab 7)

Figure 4 – Proposed Verizon PCS Coverage at 150 feet



(Verizon 1, Tab 7)

Figure 5 – Proposed Verizon PCS Coverage at 130 feet



(Verizon 3, Q. 20)

Figure 6 – Existing Verizon Cellular Coverage

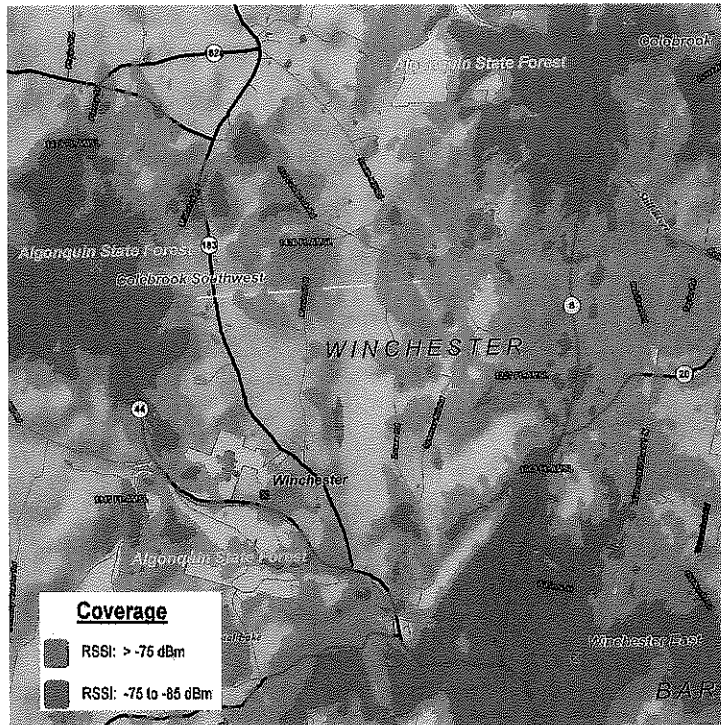
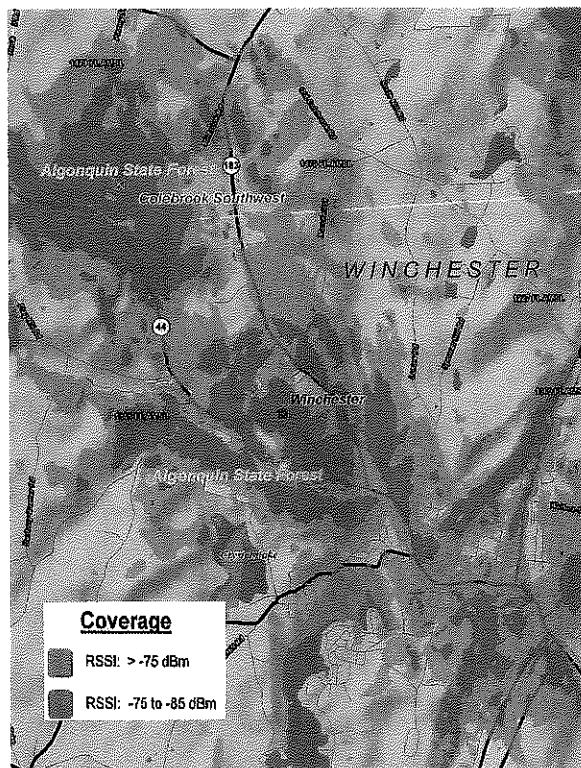


Figure 7 – Proposed Verizon Cellular Coverage at 150 feet



(Verizon 4)

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Winchester, Connecticut. } Council

September 11, 2008

Opinion

On April 10, 2008, Cellco 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, maintenance and operation of a wireless telecommunications facility off Norfolk Road (Route 44) in Winchester, Connecticut. The proposed facility would provide Verizon with wireless service to Route 44, Route 183 and local roads west of the Winsted section of Winchester.

Verizon proposes to construct a 150-foot monopole and an associated compound on a 58-acre parcel fronting Route 44. The tower site is located near the summit of a hill on the heavily wooded, undeveloped property. The parcel, encompassing the southern portion of a steeply sloping hill, is surrounded by state forest and is in a relatively undeveloped area. Rural residential parcels exist about 1,800 feet north of the site.

The site would be accessed by a 1,268-foot gravel road extending from Route 44 with 815 feet of the road utilizing existing logging roads on the property. Due to the steep slopes, the access road would have an average grade of 16%, with two sections requiring a grade of 24%. To control erosion, Verizon proposes to pave all portions of the road that exceed 10%, approximately 600 feet of the road. To ensure environmental safeguards are in place, the Council will order an environmental inspector be retained and on-site during road construction activities.

Verizon proposes to install antennas on a platform at a centerline height of 150 feet. The total height of the facility, with antennas, would be 153 feet. The tower radius would be contained within the site parcel. Verizon would construct a 55-foot by 75-foot equipment compound at the base of the tower. A gate would be installed at the entrance to the access road to deter unauthorized access into the parcel or the state forest behind it.

Verizon proposes to operate 800 MHz (cellular) and 1900 MHz (PCS) equipment at this site. Verizon currently has no reliable, continuous cellular or PCS coverage on Route 44 immediately northwest of Winsted. The proposed site would provide PCS coverage to three miles of Route 44 and 1.7 miles of Route 183, and cellular coverage to 3.4 miles of Route 44 and 3.5 miles of Route 183. An examination of coverage models indicates a lower tower height would degrade PCS coverage on both Route 44 and Route 183.

Based on the lack of suitable existing structures and gaps in Verizon's existing PCS and cellular coverage, the Council finds a need for a new tower. As to the height, the Council finds a 150-foot facility would provide Verizon sufficient coverage to the target service area while allowing space for other telecommunication providers that may wish to locate on the tower in the future. In addition, Verizon would provide space on the tower for no compensation for any municipal emergency service communication antennas, provided such antennas are compatible with the structural integrity of the tower.

The site is within the range of the Roadside Skipper, a State threatened butterfly. Although no suitable habitat was identified within the proposed work area, Verizon would include plant species favored by the Roadside Skipper butterfly in their erosion stabilization seed mix for use at the site. Development of the site would not affect any wetlands or watercourses or any archaeological or historic resources.

Views of the tower would primarily be from Route 183, a half-mile east of the site, where a few residences would have year-round views of the upper 60-80 feet of the tower. In an attempt to mitigate these views, Verizon explored the possibility of moving the tower site farther west on the property. Although several locations were investigated, none were deemed viable, due to environmental issues, deficient coverage, or a resulting higher tower height that would offer no reduction in visibility. To respond further to resident concerns, the Council will request that Verizon explore the option of installing a tower designed as a pine tree at the proposed site. Although a tree tower may appear out of place due to the overall height of the facility when compared to the surrounding tree line, the Town and area residents should be given design plans and photosimulations of such a facility and be allowed to comment prior to submission of a Development and Management Plan to the Council.

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 Verizon's antennas proposed to be installed on the tower have been calculated to amount to 20.1% 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, operation, and maintenance of the telecommunications facility at the proposed site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, operation, and maintenance of a 150-foot monopole telecommunications facility at the Win 21 LLC parcel off Route 44 in Winchester, Connecticut with the condition that an environmental inspector be retained and on-site during road construction activities.

DOCKET NO. 361- 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 off Norfolk Road (Route 44), } Winchester, Connecticut. }	Connecticut Siting Council September 11, 2008
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Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Cellco Partnership d/b/a Verizon Wireless, hereinafter referred to as the Certificate Holder, for a telecommunications facility at the Win 21 LLC parcel located off Norfolk Road in Winchester, Connecticut.

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

1. The tower shall be 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 150 feet above ground level. The height at the top of the antennas shall not exceed 153 feet above ground level. The final design of the tower shall be set forth in the Development and Management (D&M) Plan.
2. The Certificate Holder shall prepare a 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 Winchester 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.
3. The Certificate Holder shall consult with the town regarding the appropriateness and feasibility of a stealth tree tower design prior to submission of the D&M Plan. The town has the option to recommend to the Council a tower design they deem appropriate.
4. The Certificate Holder shall retain an independent environmental inspector to be on-site bi-weekly to ensure environmental controls are in place during road construction activities.

5. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
6. 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.
7. 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.
8. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Winchester public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
9. 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.
10. Any request for extension of the time period referred to in Condition 9 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 Winchester. 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.

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 Waterbury Republican-American and the Winsted Journal.

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



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

September 16, 2008

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 361-** 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 off Norfolk Road (Route 44), Winchester, Connecticut.

By its Decision and Order dated September 11, 2008, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off Norfolk Road (Route 44), Winchester, Connecticut.

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




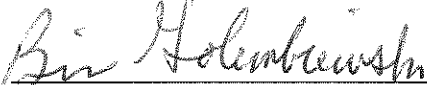
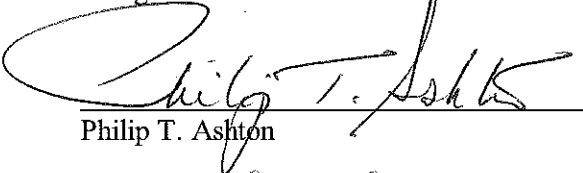
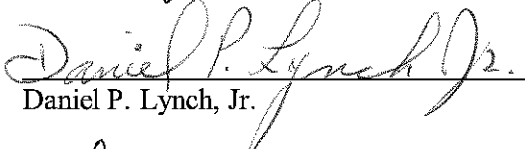


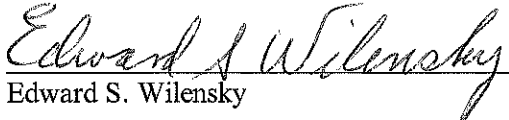
SDP/RDM/jb

Enclosures (3)

c: State Documents Librarian

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. 361-** 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 off Norfolk Road (Route 44), Winchester, Connecticut, and voted as follows to approve the proposed telecommunications facility.

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

Dated at New Britain, Connecticut, September 11, 2008.

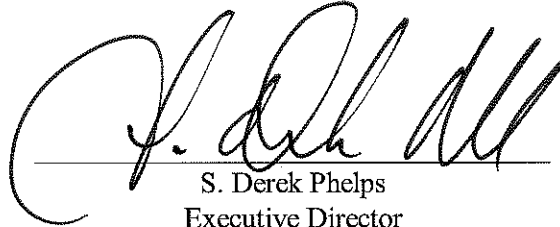
STATE OF CONNECTICUT)

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.

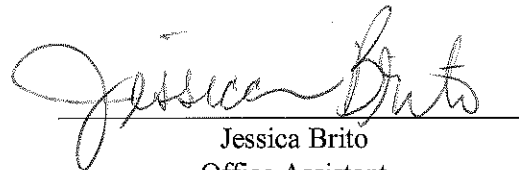
ATTEST:



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. 361 has been forwarded by Certified First Class Return Receipt Requested mail on September 16, 2008, to all parties and intervenors of record as listed on the attached service list, dated April 11, 2008.

ATTEST:



Jessica Brito
Office Assistant
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	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



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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


E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

September 16, 2008

TO: Classified/Legal Supervisor
361080708
Winsted Journal (Weekly)
Main Street P.O. Box 835
Winsted, CT 06038-0835

Classified/Legal Supervisor
361080708
Waterbury Republican-American
389 Meadow Street, P.O. Box 2090
Waterbury, CT 06722

FROM: Jessica Brito, Office Assistant 

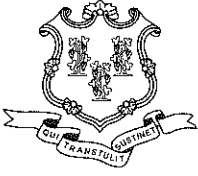
RE: **DOCKET NO. 361-** Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off Norfolk Road (Route 44), Winchester, Connecticut.

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.

JB



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on September 11, 2008, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving 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 off Norfolk Road (Route 44), Winchester, Connecticut.

This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.