

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)

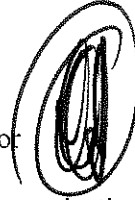
Internet: [ct.gov/csc](http://ct.gov/csc)

November 7, 2008

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 363** – Crown Communications Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 258 Ridge Road, Madison, Connecticut.



---

By its Decision and Order dated October 30, 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 at 258 Ridge Road, Madison, Connecticut.

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

SDP/RDM/cm

Enclosures (3)

c: Christopher B. Fisher, Cuddy & Feder, LLP  
State Documents Librarian



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November 7, 2008

Christopher B. Fisher, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

RE: **DOCKET NO. 363** – Crown Communications Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 258 Ridge Road, Madison, Connecticut.

Dear Attorney Fisher:

By its Decision and Order dated October 30, 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 at 258 Ridge Road, Madison, Connecticut.

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

Very truly yours,



S. Derek Phelps  
Executive Director

SDP/RDM/cm

Enclosures (4)



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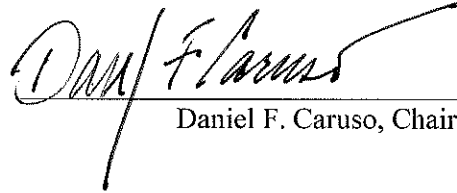
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Internet: [ct.gov/esc](http://ct.gov/esc)

**CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 363**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Crown Communications Inc. for the construction, maintenance and operation of a telecommunications facility located at 258 Ridge Road, Madison, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on October 30, 2008

By order of the Council,



Daniel F. Caruso, Chairman

October 30, 2008



Daniel F. Caruso  
Chairman

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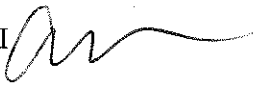
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Internet: [ct.gov/esc](http://ct.gov/esc)

November 7, 2008

TO: Classified/Legal Supervisor  
**363080711**  
New Haven Register  
40 Sargent Drive  
New Haven, CT 06511

Classified/Legal Supervisor  
**363080711**  
The Source  
Shore Publishing LLC  
724 Boston Post Road, #1010  
Madison, CT 06443

FROM: Carriann Mulcahy, Secretary II 

RE: **DOCKET NO. 363** – Crown Communications Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 258 Ridge Road, Madison, Connecticut.

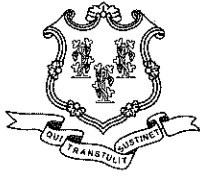
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Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

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

Thank you.

CM



*Daniel F. Caruso*  
*Chairman*

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### NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on October 30, 2008, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Crown Communications Inc. for the construction, maintenance and operation of a telecommunications facility located at 258 Ridge Road, Madison, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut

<p><b>DOCKET NO. 363</b> – Crown Communications Inc. application }  for a Certificate of Environmental Compatibility and Public Need }  for the construction, maintenance and operation of a }  telecommunications facility located at 258 Ridge Road, Madison, }  Connecticut. }</p>	<p>Connecticut  Siting  Council  October 30, 2008</p>
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**Findings of Fact**

**Introduction**

1. Crown Communications Inc. (Crown), in accordance with the provisions of Connecticut General Statutes (CGS) §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on May 30, 2008 for the construction, operation, and maintenance of a 150-foot wireless telecommunications facility at 258 Ridge Road in Madison, Connecticut. (Crown 1, p. 1)
2. Crown is a Delaware corporation based in Canonsburg, Pennsylvania. Crown develops, owns, manages and markets communications facilities to telecommunication carriers throughout the United States. (Crown 1, p. 4, Bulk File E, F)
3. The party in this proceeding is the applicant. An intervenor is Omnipoint Communications, Inc. (T-Mobile). (Transcript 1 – 08/26/08, 3:00 p.m. [Tr. 1], p. 6)
4. The purpose of the proposed facility is to provide wireless service for T-Mobile to Route 79 and adjacent areas between Route 80 and Interstate 95 in the Town of Madison. (T-Mobile 1, Q. 1, Q. 5)
5. New Cingular Wireless PCS LLC (AT&T) submitted a letter to the Council on August 5, 2008 expressing interest in locating at the 140-foot level of the proposed facility. AT&T did not participate in the proceeding. (Record)
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on August 26, 2008, beginning at 3:00 p.m. and continuing at 7:00 p.m. at the Memorial Town Hall, 8 Meetinghouse Lane, Madison, Connecticut. (Council's Hearing Notice dated July 11, 2008; Tr. 1, p. 3; Transcript 2 – 08/26/08, 7:00 p.m. [Tr. 2], p. 3)
7. The Council and its staff conducted an inspection of the proposed site on August 26, 2008, beginning at 2:00 p.m. The applicant flew a four-foot diameter balloon at the site from 10:30 a.m. to 7:00 p.m. to simulate the height of the proposed tower. Favorable weather conditions were present during the evening hours. Windy condition prevailed during the afternoon, preventing the balloon from reaching its intended height of 150 feet above ground level (agl). (Council's Hearing Notice dated July 11, 2008; Tr. 1, p. 30; Tr. 2, pp. 17-19)
8. Notice of the application was provided to all abutting property owners by certified mail. Public notice of the application was published in The Source on May 22 and May 29, 2008. (Crown 1, p. 5; Crown 2, Q. 7)
9. Crown installed a four-foot by six-foot sign that described the proposed project on August 12, 2008 at the intersection of Ridge Road and Green Hill Road. The sign also contained hearing and contact information. (Tr. 1, p. 12)

10. Pursuant to CGS § 16-501(b), Crown provided notice to all federal, state and local officials and agencies listed therein. (Crown 1, p. 5, Tab 8)

#### **State Agency Comment**

11. Pursuant to General Statutes § 16-50j (h), on July 11, 2008 and August 27, 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). The Department of Agriculture (DOAG) was solicited on August 27, 2008. (Record)
12. The Council received written responses from the DPH's Drinking Water Division on July 22, 2008 and the DOT's Bureau of Engineering and Highway Operations on August 11, 2008, both stating that they have no comment. (Record)
13. No response was received from the DOAG, DEP, CEQ, DPUC, OPM, or DECD. (Record)

#### **Municipal Consultation**

14. In early 2007, Crown contacted the Town of Madison to begin the municipal consultation process for a site at 99 Summer Hill Road. During the consultation, Crown became aware of the Town's desire to develop facilities on town land, including the bulky waste facility. (Crown 1, p. 9, Tab 2)
15. Crown submitted a technical report to the town on August 30, 2007 that proposed constructing a tower either at the town's bulky waste facility or on a residential parcel on Summer Hill Road. (Crown 1, p. 3)
16. In September of 2007, the Town's Planning and Zoning Commission conducted two separate hearings on the proposal. The Commission recommended selecting the bulky waste facility for telecommunications use to the Town's Board of Selectmen. (Crown 1, p. 3)
17. The Board of Selectmen convened a Town Meeting on January 30, 2008, attended by approximately 460 residents, to consider the Crown proposal. The residents voted at the hearing to authorize a lease agreement between the town and Crown for a telecommunications tower at the bulky waste facility. The First Selectman, Alfred Goldberg, thereafter completed lease negotiations with Crown. (Crown 1, pp. 3-4, Tab 6)

#### **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, 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)
22. 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 911 Act). 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. (Crown 1, pp. 7-8)
23. Telecommunication carriers located on the proposed tower would be able to provide enhanced 911 services to the surrounding area. (Crown 1, p. 7)

#### Site Selection

24. Crown established a search area in 2006. The search included identification of potential structures that could be used for telecommunications purposes and radio frequency testing of existing structures and raw land sites to identify the best areas for placement of a telecommunications site. (Crown 1, pp. 8-9; Tr. 1, pp. 31-33)
25. The nearest existing tower facilities to the proposed site are a 180-foot tower at the Madison Volunteer Fire Department, 864 Opening Hill Road, a 150-foot tower at the town's former Police Department, 8 Old Road, and a 180-foot tower at 135 New Road. All three towers support the four major wireless carriers in the market, including T-Mobile. (Crown 1, p. 9; T-Mobile 1, Q. 5; Tr. 1, pp. 35-37)
26. Crown and T-Mobile did not identify any structures suitable to provide coverage to the target service area. (Crown 1, p. 9)
27. After determining there were no viable structures for telecommunications use within the search area, Crown entered into an agreement for use of a residential parcel at 99 Summer Hill Road in Madison for a tower site. (Crown 1, p. 9, Tab 2)
28. In early 2007, Crown became aware of the Town's desire to develop telecommunications facilities on town land, including the bulky waste facility. Crown developed a proposal for the town that included the site at 99 Summer Hill Road and a site at the town's bulky waste facility. (Crown 1, p. 9, Tab 2)
29. Crown abandoned the Summer Hill Road site after town residents voted at a town meeting on January 30, 2008 in favor of the bulky waste site. (Crown 1, pp. 8-9, Tab 2)



### Site Description

30. The proposed facility is located on an 11-acre parcel identified as Map 78, Lot 1 (refer to Figure 1). (Crown 1, Tab 3, Tab 4; Crown 2, Q. 5)
31. The parcel is one of several adjoining parcels that comprise the Town's 100-acre bulky waste facility at 258 Ridge Road. (Crown 2, Q. 5, Q. 6)
32. The parcel is zoned Rural, RU-2. (Crown 1, p. 12)
33. The tower site is located on the east side of the 11-acre parcel, adjacent to the entrance gate of the bulky waste facility. The bulky waste facility is located at the north end of Ridge Road and approximately 2,100 feet west of Route 79. The tower site is wooded with a large rock pile at one end. (Crown 2, Q. 8, Q. 10; Tr. 1, p. 20)
34. Crown proposes to construct a 150-foot monopole at the site. The tower would be constructed in accordance with the Electronic Industries Association Standard ANSI/TIA-222-G "Structural Standards for Steel Antenna Towers and Antenna Support Structures". (Crown 1 p. 10; Tab 3)
35. The tower would be designed to support four levels of antennas, and Town of Madison public safety antennas. (Crown 1 p. 10; Tab 3)
36. The tower and foundation would be designed to support an extension to 180 feet. Crown's lease agreement limits the tower height to 150 feet. If a telecommunications carrier requests an antenna height above 150 feet, Crown would have to obtain Town approval to extend the tower. Crown would also require Council approval for a tower extension. (Tr. 1, pp. 21-27)
37. Crown proposes to construct a 90-foot by 90-foot equipment compound within a 100-foot by 100-foot lease area at the base of the tower. (Crown 1, Tab 3)
38. Access to the compound would be from a 50-foot long gravel drive extending from Ridge Road. (Crown 1, Tab 3)
39. Underground utilities would service the compound. (Crown 1, Tab 3)
40. T-Mobile proposes to install nine panel antennas on a platform at a centerline height of 147 feet agl. (T-Mobile 1, Q. 3; Tr. 1, pp. 81-82)
41. T-Mobile proposes to install four equipment cabinets within the compound. Emergency power would be provided by battery. (T-Mobile 1, Q. 7; Tr. 1, p. 85)
42. The Town has not yet developed any specific plan to locate on the facility although the Town has lease rights to locate municipal whip antennas at the top of the tower. (Tr. 1, p. 40; Tr. 2, pp. 27-28)
43. The nearest abutting property from the tower site, not owned by the town, is approximately 315 feet to the south, owned by the State of Connecticut. (Crown 2, Q. 5; Tr. 1, pp. 14-15)
44. The tower radius would be contained within town property. (Crown 2, Q. 5)
45. The nearest residence to the proposed tower site is approximately 742 feet to the southeast, owned by Kenneth and Sharyl Jacobs. (Crown 2, Q. 3)

46. There are three residences within 1,000 feet of the tower site. (Crown 2, Q. 4)
47. Land use within a quarter-mile of the site consists of the bulky waste facility, state forest, and low and medium density residential development. (Crown 1, Tab 3)
48. The estimated construction cost of the facility, not including T-Mobile's equipment, is:

Tower and foundation	100,000.
Site development	92,000.
<u>Utilities</u>	<u>33,000.</u>
Total estimated cost (Crown 1, pp. 17-18; Tr. 1, p. 53)	\$225,000.

#### **Environmental Concerns**

49. The proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Crown 1, Tab 7)
50. No Federally threatened or endangered species or State endangered, threatened or special concern species are present at the site. (Crown 1, p. 15, Tab 5; Crown 2, Q. 11; Tr. 1, pp. 42-44)
51. Approximately 17 trees with a diameter of six inches or greater at breast height would be removed to develop the site. (Tr. 1, p. 20)
52. To reduce clearing, Crown could shift the tower site 50 feet to the north to an area presently used for brush storage. (Tr. 1, pp. 39-40; Late file letter dated September 24, 2008)
53. No wetlands or watercourses are within or near the project development area. (Crown 1, p. 17)
54. Minimal filling and grading would be required. Estimated volumes of cut and fill are 25 cubic feet and 40 cubic feet, respectively. (Crown 1, Tab 3)
55. The tower would not require aircraft hazard obstruction marking or lighting. (Crown 1, Tab 3)
56. The cumulative maximum power density from the radio frequency emissions of the proposed T-Mobile antennas is calculated to be 2.2% 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. (T-Mobile 1, Q. 9)

### Visibility

57. A tree canopy height of 50 feet was used to generate the visibility analysis. (Crown 1, Tab 4)
58. The proposed tower would be visible year-round from approximately 4 acres of the surrounding bulky waste facility. No other areas of year-round visibility would occur within a two-mile radius of the site (refer to Figure 2). The tower would be seasonally visible from an additional 7 acres, mainly from Ridge Road and Green Springs Drive. (Crown 2, Q. 6)
59. The tower would be seasonally visible from four residentially developed properties on Green Springs Drive, approximately 0.5 miles northeast of the site. (Crown 1, Tab 4; Tr. 1, p. 17; Tr. 2, pp. 19-21)
60. The tower would not be visible from any known hiking trails maintained by the DEP or the Connecticut Forest and Parks Association. No formal trails or developed recreation areas are present within the adjacent state forest and conservation parcels. (Crown 2, Q. 6; Tr. 1, pp. 19-20 )

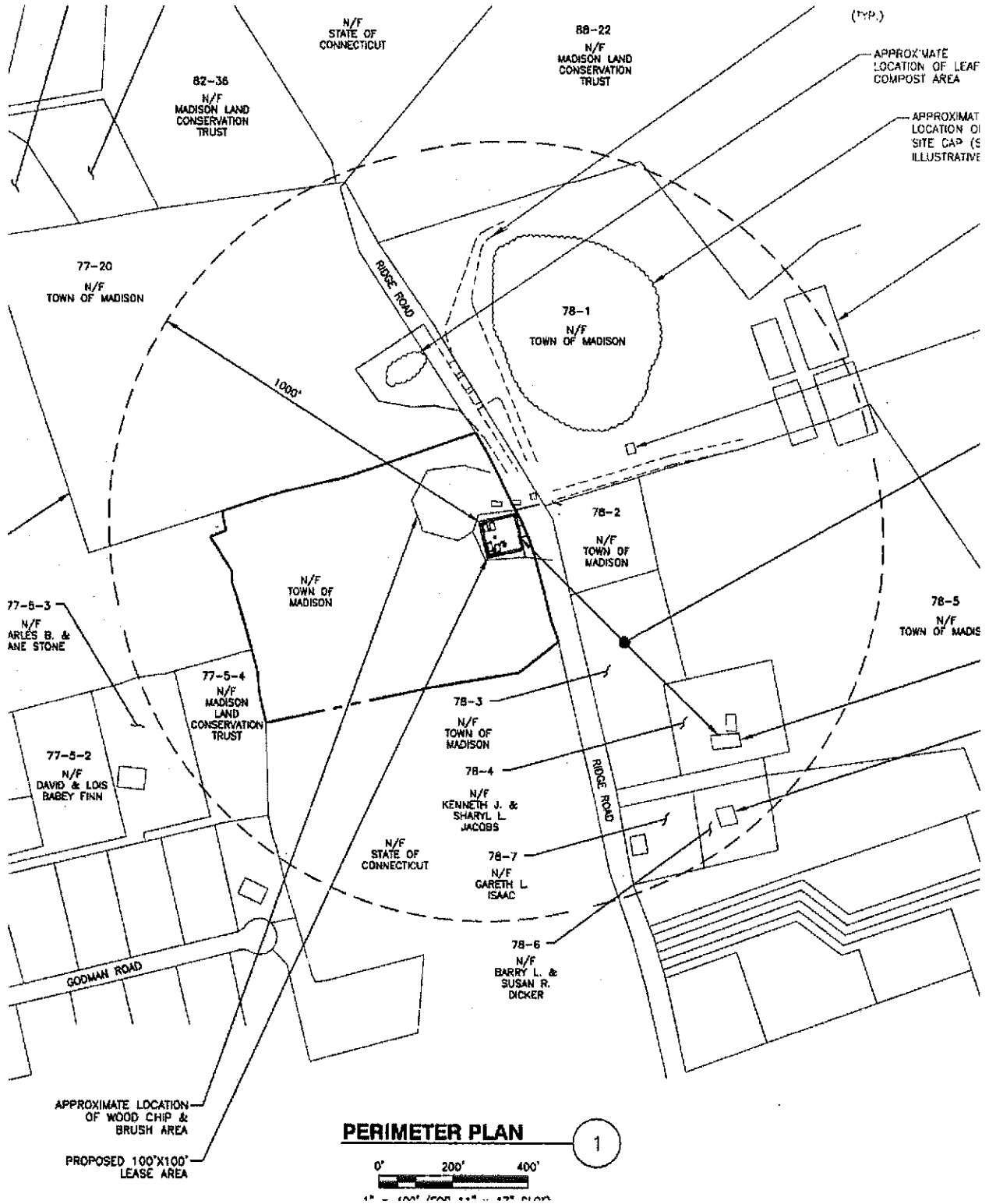
### T-Mobile - Existing and Proposed Wireless Coverage

61. T-Mobile proposes to operate 1900 MHz (PCS) equipment at this site. T-Mobile is designing the site using a signal level threshold of -84 dBm, sufficient for in-vehicle coverage. (T-Mobile 1, Q. 1, Q. 2)
62. T-Mobile currently has no reliable, continuous coverage on a four mile section of Route 79 between Route 80 and Interstate 95 (refer to Figure 3). T-Mobile's existing signal level in this area ranges from -85 dBm to -110 dBm. (T-Mobile 1, Q. 1, Q. 5)
63. T-Mobile conducted a drive test on February 4, 2008, which included use of a crane-mounted omnidirectional antenna raised to a specific height and vehicle mounted handsets that collect data, at heights of 137 feet agl, 147 feet agl, and 177 feet agl. T-Mobile determined antennas mounted at 177-feet would not be capable of providing continuous coverage between Interstate 95 and Route 80. A future site along Route 79 between Chestnut Hill Road and Route 80 would be required. (Crown 1, Tab 1; T-Mobile 1, Q. 4; Tr. 1, pp. 61-62, 66-73)
64. Installing antennas at the 147 feet agl would provide 2.5 miles of reliable coverage on Route 79 (refer to Figure 4). Coverage would also be provided to Green Hill Road, Ridge Road, and Warpas Road. (Crown 1, Tab 1; T-Mobile 1, Q. 4, Q. 6)
65. Although the site would provide 2.5 miles of coverage to Route 79, an approximate 2.25-mile coverage gap would remain on Route 79, north of Chestnut Hill Road. (Crown 1, Tab 1; T-Mobile 1, Q. 4)
66. Lowering the antenna height to 137 feet agl would cause coverage to degrade for a tenth of a mile on Route 79 south of Chestnut Hill Road and along sections of Warpas Road and Green Hill Road (refer to Figure 5). (Crown 1, Tab 1; T-Mobile 1, Q. 4, Q. 6)
67. If T-Mobile deployed antennas in a flush mount configuration rather than on a platform at 147 feet agl, future expansion for capacity or data services would be compromised. T-Mobile would seek to install at least two antennas per sector as opposed to one in a flush mount configuration to maintain site flexibility. Installing a second set of flush mounted antennas at 137 feet agl would compromise coverage objectives. (Tr. 2, pp. 23-25)

68. Adjacent T-Mobile facilities that would interact with the proposed facility are as follows:

<b>Location</b>	<b>Antenna Height agl</b>	<b>Approximate Distance/Direction from Site</b>
8 Old Route 79, Madison	120 feet - monopole	1.75 miles south
119 Tanner Road, Guilford	163 feet - monopole	2.6 miles east
135 New Road, Madison	162 feet - building	2.2 miles west

(T-Mobile 1, Q. 5)



**Figure 1:** Location of site at Town's Transfer Station, 258 Ridge Road, Madison.  
 (Crown 2, Tab A)

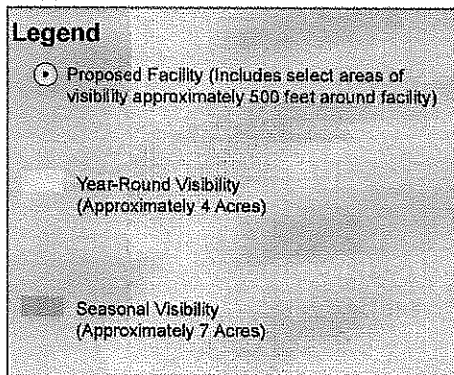
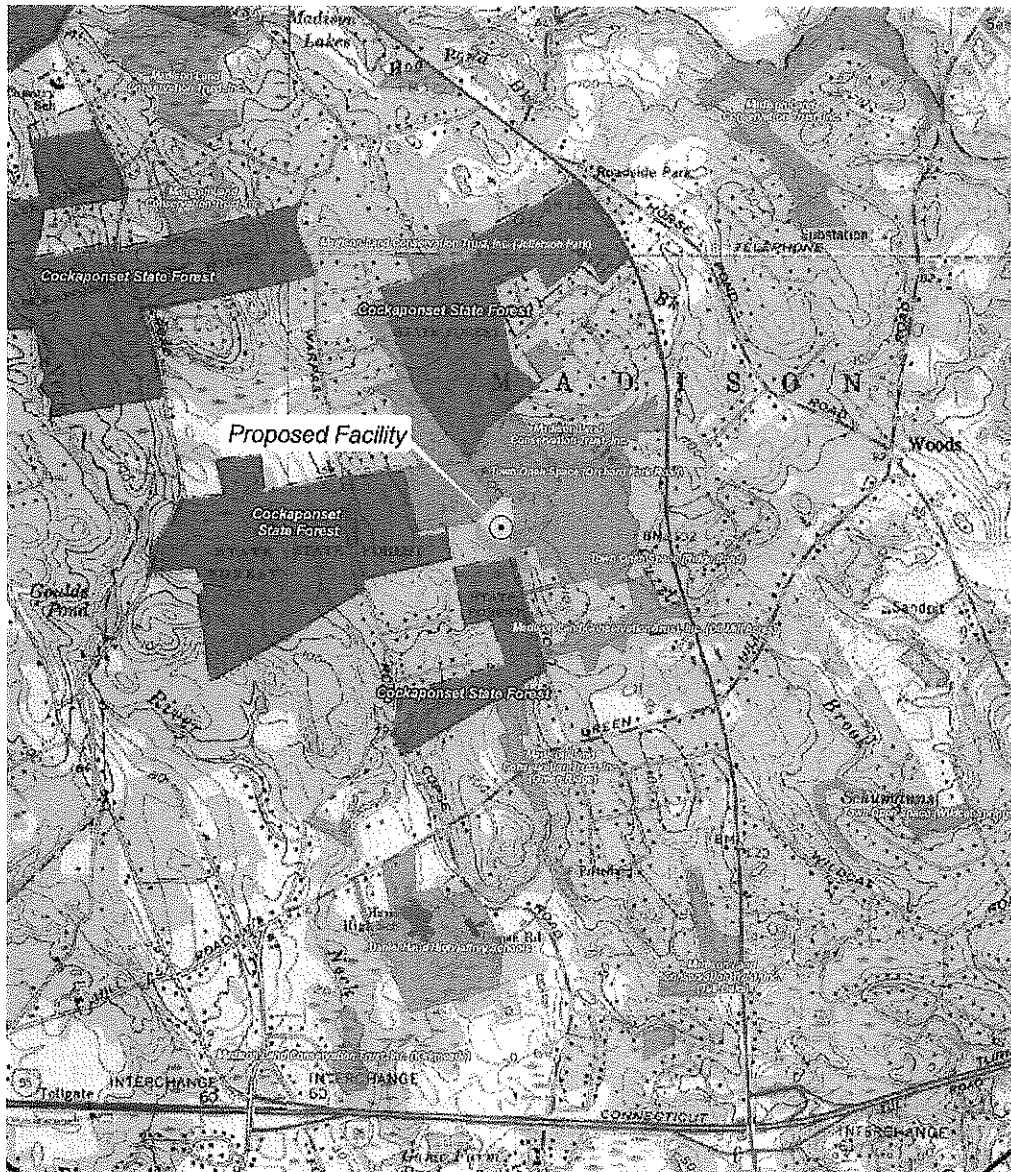


Figure 2: Visibility of proposed site. (Crown 2, Tab B)

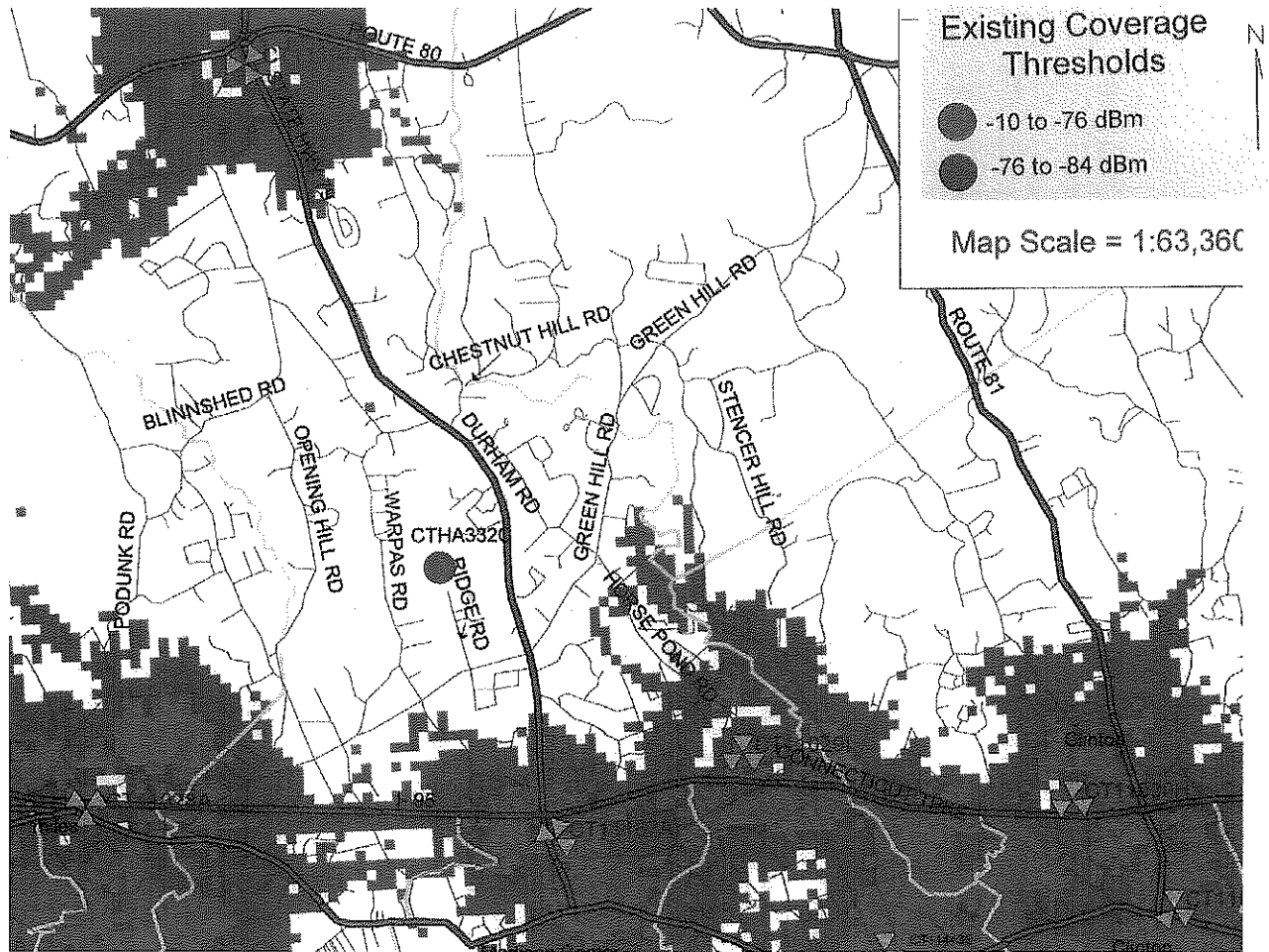


Figure 3: T-Mobile existing coverage. (Crown 1, Tab 1)

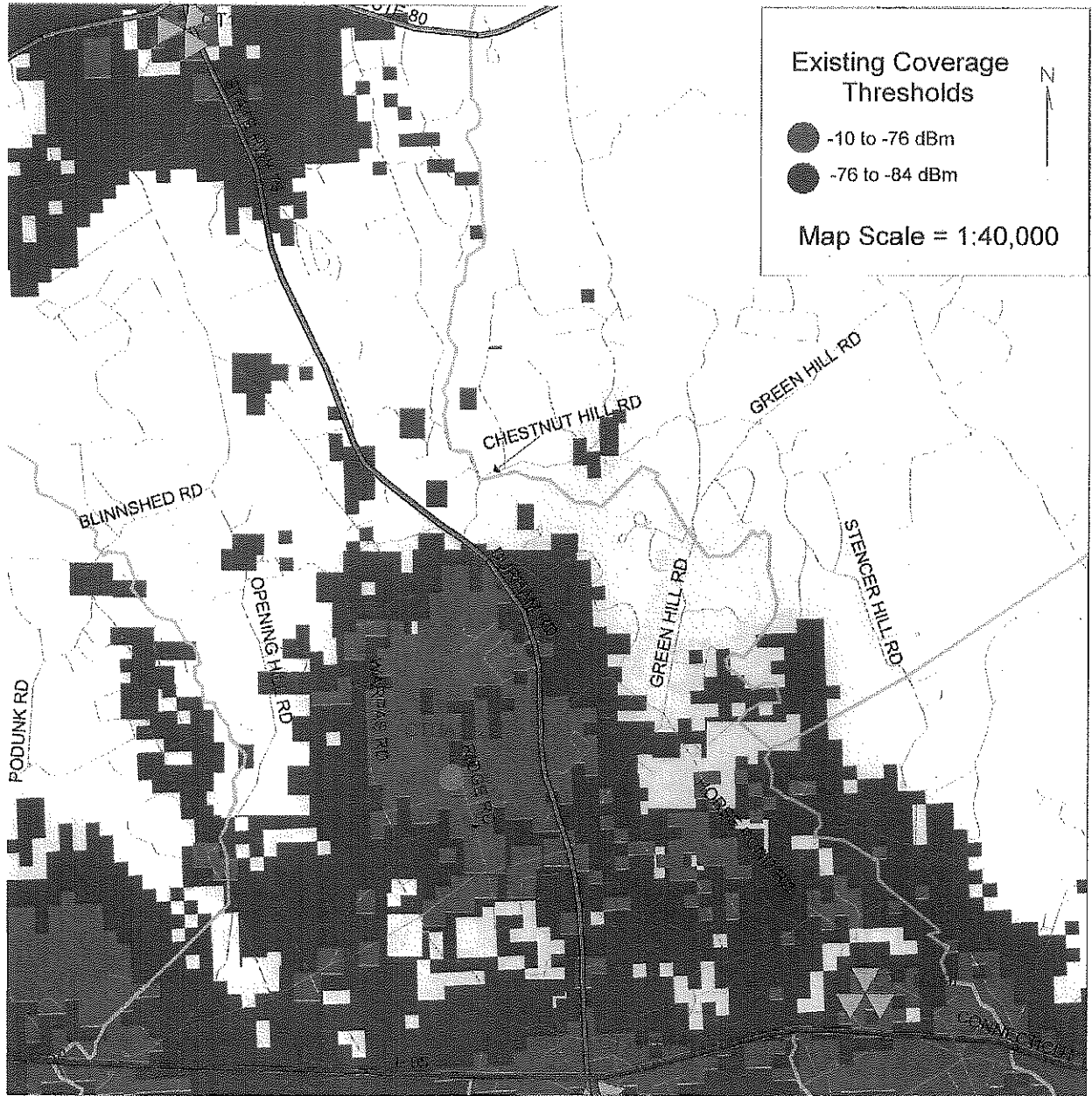
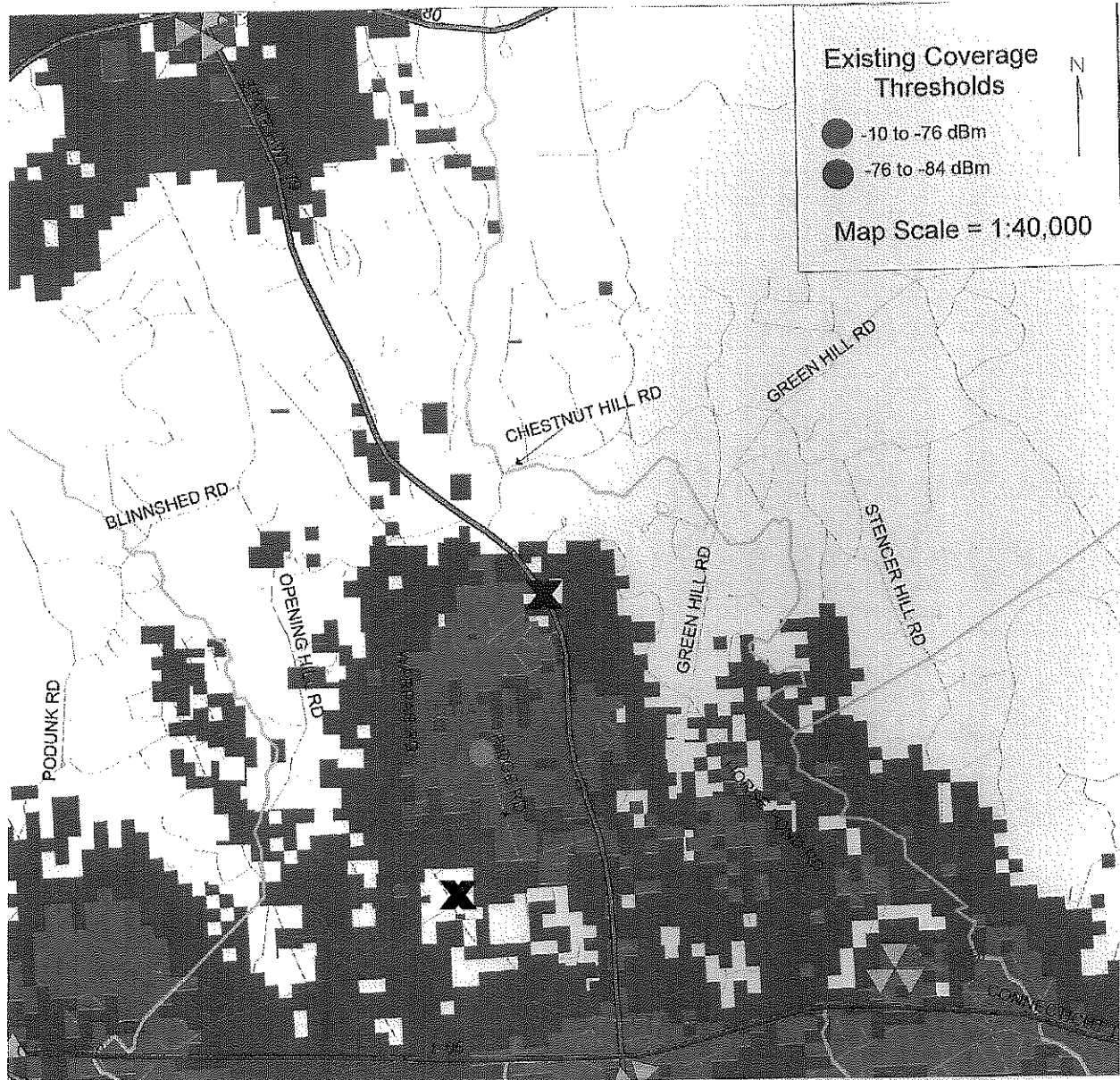


Figure 4: T-Mobile proposed coverage with antennas mounted at 147 feet agl. (T-Mobile 1, Q. 5)





**Figure 5:** T-Mobile coverage with antennas mounted at 137 feet agl.

- X** Area on Route 79 where coverage would degrade by 0.1 mile.
- X** Area on Warpas and Green Hill Road where coverage would degrade.

(T-Mobile 1, Q. 5)

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October 30, 2008

**Opinion**

On May 30, 2008, Crown Communications Inc. (Crown) 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 at 258 Ridge Road, Madison, Connecticut. The proposed facility would enable Omnipoint Communications, Inc. (T-Mobile) to provide wireless coverage to Route 79 in the Town of Madison between Route 80 and Interstate 95.

Crown proposes to construct a 150-foot monopole and an associated compound at the Town of Madison’s bulky waste facility. The bulky waste facility is comprised of several parcels that total approximately 100 acres at the end of Ridge Road. The tower site is located in a wooded area west of the facility entrance. The surrounding area is generally level to rolling with several large conservation and state forest parcels interspersed with residential properties. The tower site is well buffered from surrounding residences.

The tower site would be accessed by a new, 50-foot long gravel drive extending from Ridge Road. A 90-foot by 90-foot equipment compound serviced by underground utilities would be constructed at the base of the tower. T-Mobile would locate antennas on a platform at a tower height of 147 feet above ground level. Since Crown believes there may be telecommunications provider that would need an antenna height above 150 feet at this site, the tower and foundation would be designed to support an extension to 180 feet. Although the tower would be designed to be extendable, Crown’s lease agreement limits the tower height to 150 feet. In order to extend the tower, Crown would need to obtain Town as well as Council approval.

T-Mobile currently has no reliable, continuous coverage on a four mile section of Route 79 between Route 80 and Interstate 95. The proposed site would provide 2.5 miles of reliable coverage on Route 79 and to the Green Hill Road, Ridge Road, and Warpas Road areas. An examination of coverage models indicates a lower tower height would degrade coverage on Route 79 and surrounding local roads. Installation of flush-mounted antennas, in order to reduce the tower’s profile, would also compromise coverage objectives.

Coverage from the site, unfortunately, would not be able to provide adequate service to the entire four-mile gap on Route 79, even at a tower height of 180 feet. A future site north of the proposed site would be necessary to complete T-Mobile’s coverage on Route 79 in Madison.

Based on the lack of suitable existing structures and gaps in T-Mobile’s existing coverage, the Council finds a need for a new tower. As to the height, the Council finds a 150-foot facility with platform mounted antennas would provide T-Mobile sufficient coverage to the target service area while allowing space for other telecommunications providers that may wish to locate on the tower in the future, including municipal emergency services.

Due to the extensive woodland as well as the generally level terrain in the area, views of the tower are limited. Year-round views would be from the open areas of the town's bulky waste facility. Four residences on Green Springs Drive, approximately a half-mile northeast of the site, would have seasonal views of the upper portion of the tower. Additional year-round or seasonal visibility from other areas is not anticipated.

Development of the site would not affect any wetlands or watercourses or any rare, endangered, or special concern species. The proposed tower and compound would have no effect on archaeological or historic resources. Air navigation obstruction lighting or marking would not be required. In an effort to reduce on-site clearing and maintain existing wooded buffers, the Council will order the relocation of the tower and compound approximately 50 feet to the north, to an open area of the bulky waste facility presently used for brush storage.

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 2.2% 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 258 Ridge Road, Madison, Connecticut.

**DOCKET NO. 363** – Crown Communications Inc. application } Connecticut  
for a Certificate of Environmental Compatibility and Public Need }  
for the construction, maintenance and operation of a } Siting  
telecommunications facility located at 258 Ridge Road, Madison, }  
Connecticut. } Council

October 30, 2008

### 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 Crown Communications Inc., hereinafter referred to as the Certificate Holder, for a telecommunications facility at 258 Ridge Road, Madison, 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 constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of Omnipoint Communications, Inc. and other entities, both public and private, but such tower shall not exceed a height of 150 feet above ground level. The tower and compound shall be moved approximately 50 feet to the north to avoid tree clearing.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Madison for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; 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, prior to the commencement of operation, provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.

4. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Madison public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
8. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Madison. Any proposed modifications to this Decision and Order shall likewise be so served.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the *New Haven Register* and *The Source*.

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**

Crown Communications, Inc.

**Intervenor**

Omnipoint Communications, Inc.

**Its Representative**

Christopher B. Fisher, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

**Its Representative**


Julie Kohler, Esq.  
Jesse Langer, Esq.  
Cohen and Wolf, P.C.  
1115 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. 363** – Crown Communications Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 258 Ridge Road, Madison, Connecticut, and voted as follows to approve the proposed site:

**Council Members**

**Vote Cast**

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

Yes

  
\_\_\_\_\_  
Colin C. Tait, Vice Chairman

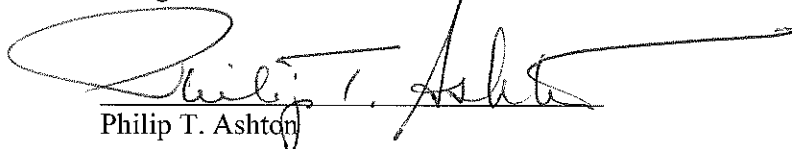
Yes

\_\_\_\_\_  
Commissioner Donald W. Downes  
Designee: Gerald J. Heffernan

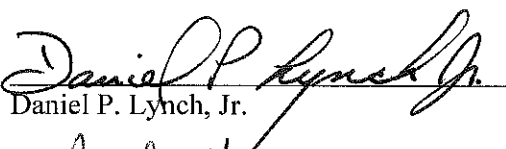
Absent

\_\_\_\_\_  
Commissioner Gina McCarthy  
Designee: Brian Golembiewski

Absent

  
\_\_\_\_\_  
Philip T. Ashton

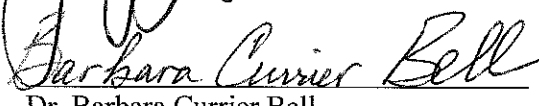
Yes

  
\_\_\_\_\_  
Daniel P. Lynch, Jr.

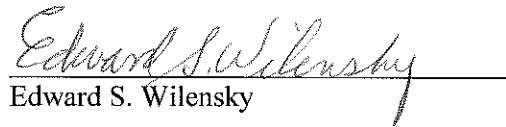
Yes

  
\_\_\_\_\_  
James J. Murphy, Jr.

Yes

  
\_\_\_\_\_  
Dr. Barbara Currier Bell

Yes

  
\_\_\_\_\_  
Edward S. Wilensky

Yes

Dated at New Britain, Connecticut, October 30, 2008.

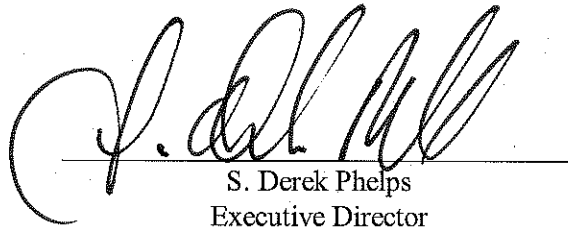
**STATE OF CONNECTICUT** )

**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.

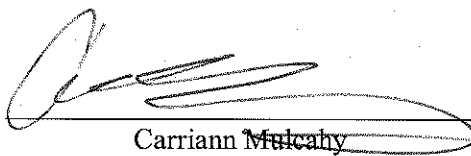
**ATTEST:**



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. 363 has been forwarded by Certified First Class Return Receipt Requested mail, on November 10, 2008, to all parties and intervenors of record as listed on the attached service list, dated June 27, 2008.

**ATTEST:**



Carriann Mulcahy  
Secretary II  
Connecticut Siting Council



**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>	Crown Communications, Inc.	Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 <sup>th</sup> Floor White Plains, NY 10601 914-761-1300 <a href="mailto:cfisher@cuddyfeder.com">cfisher@cuddyfeder.com</a>
<b>Party (Approved June 26, 2008)</b>	Omnipoint Communications, Inc.	Julie Kohler, Esq. Jesse Langer, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 203-368-0211