



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051  
Phone: (860) 827-2935 Fax: (860) 827-2950  
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September 4, 2009

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 376** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut.

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By its Decision and Order dated August 27, 2009, 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 24 Dinglebrook Lane, Newtown, Connecticut.

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

SDP/MP/laf

Enclosures (3)

c: State Documents Librarian

STATE OF CONNECTICUT )

ss. New Britain, Connecticut :

COUNTY OF HARTFORD )

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

ATTEST:

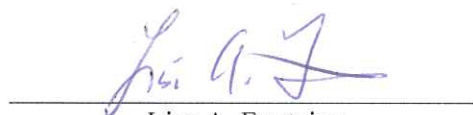


A handwritten signature in blue ink, appearing to read 'S. Derek Phelps', is written over a horizontal line.

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. 376 has been forwarded by Certified First Class Return Receipt Requested mail, on September 4, 2009, to all parties and intervenors of record as listed on the attached service list, dated April 8, 2009.

ATTEST:



A handwritten signature in blue ink, appearing to read 'Lisa A. Fontaine', is written over a horizontal line.

Lisa A. Fontaine  
Fiscal Administrative Officer  
Connecticut Siting Council



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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September 4, 2009

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

RE: **DOCKET NO. 376** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut.

Dear Attorney Fisher:

By its Decision and Order dated August 27, 2009, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut.

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

Very truly yours,



S. Derek Phelps  
Executive Director

SDP/MP/laf

Enclosures (4)

c: Michele Briggs, AT&T



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL


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CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 376

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to New Cingular Wireless PCS, LLC (AT&T) for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, 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 August 27, 2009.

By order of the Council,

August 27, 2009



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Daniel F. Caruso, Chairman



<p><b>DOCKET NO. 376</b> - New Cingular Wireless PCS, LLC (AT&amp;T) }          application for a Certificate of Environmental Compatibility and }          Public Need for the construction, maintenance and operation of a }          telecommunications facility located at 24 Dinglebrook Lane, }          Newtown, Connecticut. }</p>	<p>Connecticut          Siting          Council</p>
	<p>August 27, 2009</p>

**Findings of Fact**

**Introduction**

1. New Cingular Wireless PCS, LLC (AT&T), in accordance with the provisions of Connecticut General Statutes (CGS) §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on February 13, 2009 for the construction, operation, and maintenance of a 150-foot wireless telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut. (AT&T 1, pp. 1-2)
2. AT&T is a Delaware corporation with an office in Rocky Hill, Connecticut. AT&T is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless service system in Connecticut. (AT&T 1, p. 2)
3. The party in this proceeding is the applicant. The intervenor in this proceeding is Cellco Partnership d/b/a Verizon Wireless (Cellco). (Transcript 1 – 05/28/09, 3:15 p.m. [Tr. 1], p. 6)
4. The purpose of the proposed facility is to provide wireless service for AT&T to northern Newtown, eastern Brookfield, southern Bridgewater, portions of Southbury, and other local roads and adjacent areas. (AT&T 1, p. 1)
5. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on May 28, 2009, beginning at 3:15 p.m. and continuing at 7:00 p.m. at the Edmond Town Hall, 45 Main Street, Newtown, Connecticut. (Council’s Hearing Notice dated April 14, 2009; Tr. 1, p. 3; Transcript 2 – 05/28/09, 7:00 p.m. [Tr. 2], p. 3)
6. The Council and its staff conducted an inspection of the proposed site on May 28, 2009, beginning at 2:00 p.m. The applicant flew a red four-foot diameter balloon at the site from 11:30 a.m. to 7:00 p.m. to simulate the height of the proposed tower. Winds were calm until about 1:15 p.m. when they reached 7 to 10 miles per hour. Visibility conditions due to the weather ranged from one-half mile to one and one-quarter miles. Overall, the balloon remained at its planned height of 150 feet above ground level (agl). (Council’s Hearing Notice dated April 14, 2009; Tr. 1, pp. 11-12)
7. Notice of the application was provided to all abutting property owners by certified mail. Public notice of the application was published in the Newtown Bee. (AT&T 1, pp. 3-4 and Tab 9)
8. AT&T installed a four-foot by six-foot sign describing the proposed project at the entrance to the site property driveway along 24 Dinglebrook Lane on or about May 14, 2009. The sign contained the required hearing and contact information. (Tr. 1, p. 12)
9. Pursuant to CGS § 16-50l(b), AT&T provided notice to all federal, state and local officials and agencies listed therein. (AT&T 1, Tab 8)

### State Agency Comment

10. Pursuant to General Statutes § 16-50j(h), on April 14, 2009 and June 1, 2009, the following State agencies were solicited to submit written comments regarding the proposed facility: Department of Environmental Protection (DEP), Department of Agriculture (DOAG), 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)
11. The Council received a written response from the DOT's Bureau of Engineering and Highway Operations on May 11, 2009, stating that the DOT has no comment. (Record)
12. The Council received a written response from the DPH Drinking Water Section on May 5, 2009, stating that the DPH has no comment. (Record)
13. No responses to the solicitations were received from the DEP, DOAG, CEQ, DPUC, OPM, or DECD. (Record)
14. In response to a request by AT&T's attorney dated June 4, 2009, the DEP submitted a letter dated August 10, 2009 stating that it is DEP's policy and interpretation of the statutes that state park and forest lands not be leased for the purpose of developing wireless communications facilities. (Admin. Notice Item dated August 10, 2009)

### Municipal Consultation

15. AT&T filed a technical report with the Town of Newtown (Town) on November 3, 2008. AT&T also sent correspondence to the town on November 3, 2008, that stated AT&T would offer free space on the tower for emergency communications equipment. The town responded by indicating that there is a coverage gap in the Town's emergency radio service network and they would be interested in placing equipment at the site in the future. (AT&T 1, pp. 7 and Tab 8)
16. Newtown First Selectman Joseph Borst provided a limited appearance statement to the Council on May 28, 2009. Mr. Borst believes that the proposed tower complies with local zoning regulations. However, he prefers that the tower be located in the Paugussett State Forest if possible and would like the Council to confirm whether or not it is possible to do so. Mr. Borst also notes that a tower is needed for public safety purposes, including the needs of the Town police, fire, and ambulance services. Lastly, Mr. Borst would like the Council to verify the need for the tower to be 150 feet tall and to see if a shorter tower is feasible. (Town of Newtown limited appearance statement of May 28, 2009)
17. Mr. Borst also stated that he received an email from state Representative Christopher Lyddy indicating that the state cannot have any commercial type of operation in a state park. (Tr. 2, p. 17)

### 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 purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (AT&T 1, pp. 5-6)
23. AT&T would be able to provide enhanced 911 services to the target service area. (AT&T 1, pp. 5-6)

#### Site Selection

24. AT&T established a search ring for the target service area on October 16, 2005. This search area was originally located mostly within the Paugusset State Forest. However, because of AT&T's understanding that the DEP has a long-standing policy of not allowing communications towers on public forest lands, the search ring was shifted. (AT&T 1, Tab 1; AT&T 2, response 4; AT&T 1, Tab 1; AT&T 2, response 4)
25. The revised search ring is centered in the southern portion of the Paugusset State Forest and is located just north of Sanford Road. The search ring is elliptical and is approximately 0.94 miles wide from east to west and 0.97 miles wide measured north to south. (AT&T 1, Tab 2)
26. The site search included identification of potential structures that could be used for telecommunications purposes, discussion with town officials regarding suitable land for development, and the examination of town records to identify potential telecommunications sites. (AT&T 1, Tab 1; AT&T 2, response 4)
27. The nearest existing tower facility to the proposed site is a 180-foot self-supporting lattice tower located at 20 Barnabas Road, Newtown, approximately 2.75 miles south of the proposed site. AT&T is located at the 135-foot level of this facility; coverage does not extend to the target service area. (AT&T 1, Tab 1; Council Administrative Notice Item No. 13)
28. AT&T did not identify any structures suitable to provide coverage to the target service area. (AT&T 1, pp. 6-7; Council Administrative Notice Item No. 13)

29. After determining there were no viable structures within the search area, AT&T searched for properties suitable for tower development. AT&T investigated raw land sites and found that the predominant land uses in the target area are single-family residential. There are no known town-owned or commercial properties in the target area. In addition, the only site where AT&T could secure a lease is at the subject property on 24 Dinglebrook Lane, Newtown. (AT&T 1, p. 7 and Tab 2)
30. Other sites would require constructing the tower at a recreational area such as state or town forests, the Shepaug Recreational Area, and the George Waldo State Park. (AT&T 1, p. 7)

#### Facility Description

31. The proposed facility is located on a 24.7-acre parcel owned by Paul R. Lundgren at 24 Dinglebrook Lane in Newtown (refer to Figures 1 and 2). The property is developed with an existing residence. (AT&T 1, p. 2 and Tab 3)
32. Land use in the general vicinity of the proposed facility and host property consists primarily of undeveloped woodlands and low-density residential development. (AT&T 1, Tab 4, p. 1)
33. The parcel is zoned Residential (R-2). (AT&T 1, p. 9)
34. The tower site is located in the central portion of the property. (AT&T 1, Tab 3)
35. AT&T proposes to construct a 150-foot self-supporting monopole at the site in a level, semi-open area. (AT&T 1, Tab 3)
36. The tower would be designed to meet EIA/TIA-222-F structural standards. It would be designed to support a total of three levels of carriers' antennas (including AT&T) plus the Town's emergency communication antennas. (Tr. 1, p. 13; AT&T 1 p. 8)
37. AT&T proposes to construct a 50-foot by 75-foot equipment compound within a 70-foot by 100-foot lease area at the base of the tower, sufficient space to accommodate a total of three levels of carriers' equipment (including AT&T) plus the Town's emergency communications equipment. The compound would be enclosed by an eight-foot high chain link fence. (AT&T 1, p.8 and Tab 3)
38. Access to the compound would be via an existing 210-foot gravel drive from Dinglebrook Lane. This gravel access drive would be extended 360 feet to reach the proposed equipment compound. (AT&T 1, p.8 and Tab 3)
39. Utilities would run overhead for approximately 190 feet from existing pole #4950 on Dinglebrook Lane to existing pole #5280 on the subject property. The utilities would continue underground for approximately 230 feet to reach the access drive, and then would follow the access drive for the remaining distance to reach the proposed equipment compound. (AT&T 1, Tab 3)
40. AT&T proposes to install six panel antennas on a low-profile, triangular platform at a centerline height of 150 feet agl. The total height with AT&T's antennas would be approximately 152 feet 6 inches. (AT&T 1, p. 2; Tr. 1, 17)



41. AT&T could use T-arm mounts with no degradation of signal. However, a flush-mount configuration can only hold three antennas at each level: six antennas would require two levels. Since each level of antennas needs to be separated from the next by 10 feet, a flush-mount configuration in this case would increase the tower's height to 160 feet. (AT&T 1, response 9)
42. Cellco proposes to install six cellular, six PCS and three 700 MHz panel antennas on a low-profile, triangular platform at the 140-foot level of the proposed tower. (Cellco 1, response 6)
43. Cellco could use T-arms if necessary, but would prefer a low-profile platform for easier maintenance of the antennas. (Cellco 1, response 8)
44. Cellco would require three levels of antennas if the antennas were flush-mounted, leading to 20 feet of additional tower height. (Cellco 1, response 8)
45. AT&T proposes to install an 11-foot 6-inch by 20-foot equipment shelter within the compound. A 4-foot by 11-foot concrete pad to accommodate a backup propane or diesel generator would also be installed within the compound. (AT&T 1, Tab 3; Tr. 1, p. 26)
46. The backup generator would have a fuel tank of sufficient size to provide up to four to five days of power depending on the load. (Tr. 1, p. 26)
47. Cellco proposes to install a 12-foot by 30-foot equipment shelter within the compound. A battery backup system and a diesel generator would be located inside the equipment shelter. (Cellco 1, response 7)
48. Cellco's battery backup system would have an approximately eight-hour run time in the event of a power outage. (Tr. 1, p. 62)
49. Cellco's diesel generator would have a fuel tank with a capacity of approximately 275 gallons. (Tr. 1, p. 63)
50. The tower setback radius would be contained within the site property and would not contain the existing residence. (AT&T 1, Tab 3)
51. The nearest off-site residence to the proposed tower site is approximately 542 feet to the northwest, owned by Anna Finnegan, located at 2 Driftway Drive. (AT&T 1, Tab 3; AT&T 2, response 7)
52. There are 36 residences within 1,000 feet of the tower site. (AT&T 1, Tab 3)
53. Surrounding land use includes low-density single family residential homes and open space. (AT&T 1, p. 16)
54. The tower site is located at an elevation of 438 feet above mean sea level (amsl). Surrounding terrain ranges in elevation from 190 feet amsl to over 700 feet amsl. (AT&T 1, Tab 3)



55. The estimated construction cost of the facility, not including AT&T's antennas and radio equipment, is:

Tower and foundation	\$200,000.
Site development	\$ 70,000.
<u>Utilities</u>	\$ <u>50,000.</u>
<u>Total estimated cost</u>	<u>\$320,000.</u>

(AT&T 1, p. 18)

### Environmental Concerns

56. The proposed facility would have no effect upon historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places or upon properties of traditional cultural importance to Connecticut's Native American community. (AT&T 1, Tab 7)
57. The site is not within any designated area indicating the presence of Federally threatened or endangered species or State endangered, threatened or special concern species. (AT&T 1, p. 10 and Tab 5)
58. A total of 39 trees with a diameter greater than six inches at breast height would be removed during the development of the proposed access road and compound at the proposed site. (AT&T 2, response 11)
59. The nearest wetland is associated with a small pond located approximately 15 feet north of the proposed access drive location. The pond was created by a previous property owner in approximately 1967. (AT&T 1, Tab 3; Tr. 1, p. 43)
60. The Wetlands/watercourses and Soil Report prepared by Soil Science and Environmental Services, Inc. (SSES Report) indicated that the pond was inspected on August 19, 2008 and had a water depth of not more than two feet. During seasonal wet times, the pond may hold up to four feet of water. No watercourses enter or exit the pond. (AT&T 4)
61. The SSES Report did not indicate that the pond is a vernal pool. (AT&T 4)
62. The proposed access drive can be relocated to provide a 50-foot separation between the access drive and wetland. (Tr. 2, 12)
63. The amount of cut required to develop the proposed tower site and access drive will be approximately 10 cubic yards. The amount of fill would be approximately 2 cubic yards. (AT&T 2, response 12)
64. Aircraft hazard obstruction marking or lighting of the tower is not required or proposed. (AT&T 1, p. 11 and Tab 3)

65. The cumulative maximum power density from the radio frequency emissions of the proposed AT&T antennas is calculated to be approximately 5.93 percent of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. Cellco's antennas result in maximum worst-case power density of approximately 23.9 percent. The total cumulative maximum worst-case power density would be 29.8 percent of the FCC limit. 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. Any future carriers' power density would be recalculated. (AT&T 1, p. 11)
66. AT&T's and Cellco's backup generators would have double-walled fuel tanks to protect against spillage. (Tr. 1, p. 27 and 62)
67. AT&T's and Cellco's backup generators would meet all applicable noise standards. (Tr. 1, pp. 27 and 63)

Visibility

68. Visibility of the proposed tower from specific locations within a two-mile radius of the site is as follows:

Specific Location and Area Receptors	Visible	Approximate Portion of Tower Visible	Approx. Distance to Tower
1. <i>Lake Lillinonah, looking southeast</i>	Yes	15 feet – above trees	1.0 miles southeast
2. <i>Lake Lillinonah, looking southwest</i>	Yes	10 feet – above trees	0.47 miles southeast
3. <i>Lake Lillinonah, looking southwest</i>	Yes	35 feet – above trees	0.47 miles southwest
4. <i>Lake Lillinonah, looking southwest</i>	Yes	35 feet – above trees	0.63 miles west
5. <i>Butterfield Road, adjacent to house #49, looking north</i>	No	Tower not visible	1.5 miles northwest
6. <i>Parmalee Hill Road, looking north</i>	No	Tower not visible	1.69 miles north
7. <i>Intersection of Hanover Bridge and Sycamore Lane, looking southeast</i>	No	Tower not visible	0.2 miles southeast
8. <i>Lillinonah Trail (CT Blue Blaze), looking southwest</i>	No	Tower not visible	0.6 miles southwest
9. <i>Lake Lillinonah, looking southeast</i>	No	Tower not visible	1.13 miles southeast
10. <i>Lake Lillinonah at DEP Boat Launch area, looking southeast</i>	No	Tower not visible	1.26 miles southeast

(AT&T 1, Tab 4, Photosimulations)

69. The proposed tower would be visible year-round from approximately 206 acres within two miles of the proposed site (refer to Figure 3). Of the 206 acres, 190 acres would be on the Housatonic River / Lake Lillinonah. The tower would be seasonally visible from an additional 9 acres. (AT&T 1, Tab 4, Viewshed Analysis)



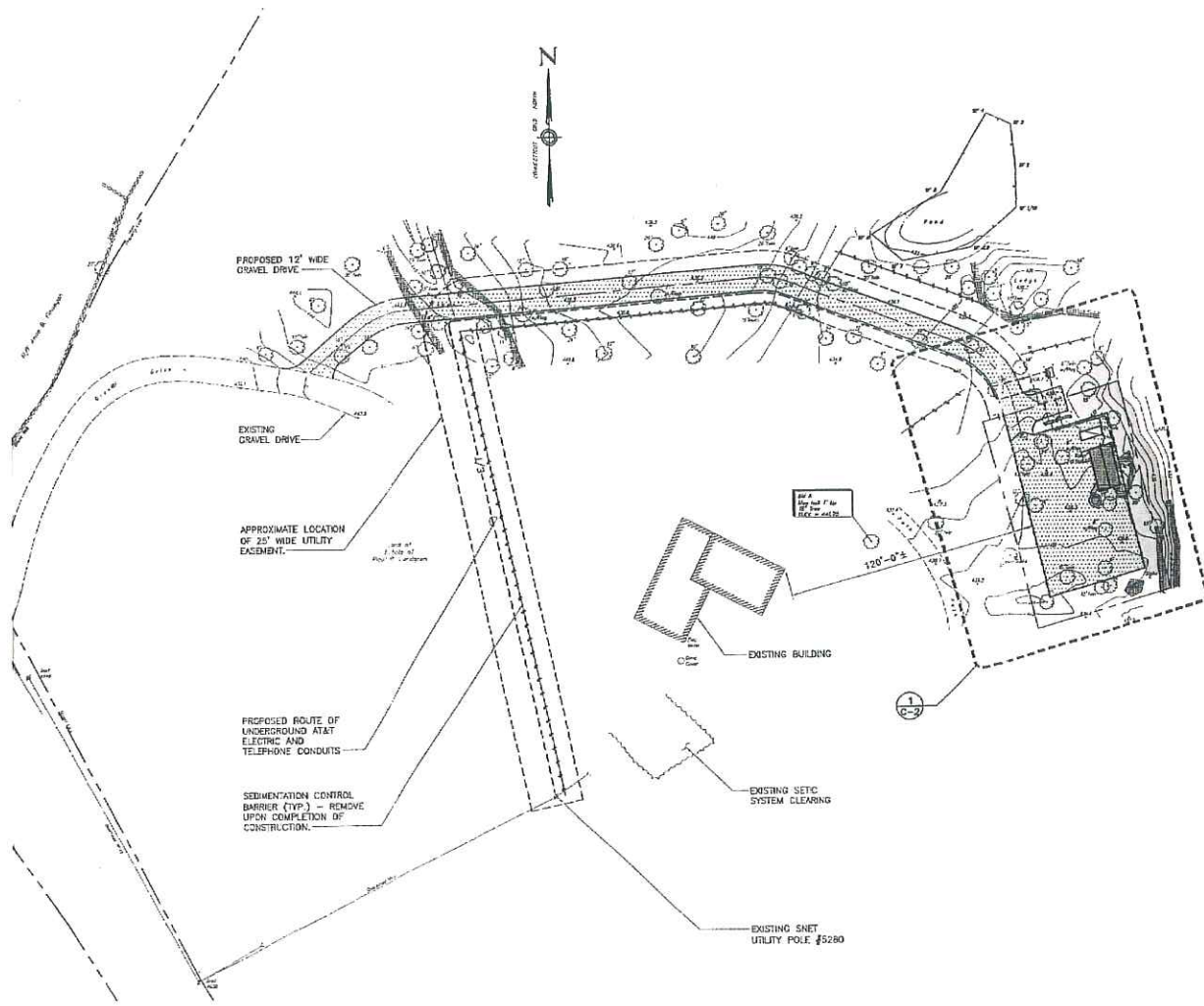
70. The proposed tower would be visible year-round from approximately eight residences in the area, including four residences located along George's Hill Road, two residences located along Butterfield Road, and two residences located along Parmalee Hill Road. The tower would be seasonally visible from approximately five residences in the area, including four residences located along Hanover Ridge Road and one residence located along Woody Lane. (AT&T 1, Tab 4)
71. The tower would be seasonally visible from a 0.15 miles long section of the Lillinonah Trail (CT Blue Blaze) located at the northwest corner of the Paugusset State Forest. (AT&T 1, Tab 4; Viewshed Analysis)
72. The tower would not be visible from any state or locally designated scenic roads. The nearest scenic road is 1.6 miles to the southeast of the proposed tower. (AT&T 1, Tab 4; AT&T 2, Q. 7)
73. AT&T considered alternative "stealth" tower designs, but did not pursue any. AT&T notes that a stealth tree might be more obtrusive than the proposed low-profile platform design because the monopine would be significantly higher than the existing tree line. A design using flush-mounts may be less visually obtrusive at close distances, but would necessitate an increase in the height of the tower to 180 feet. (Tr. 1, pp. 14-16)

#### AT&T - Existing and Proposed Wireless Coverage

74. AT&T operates in both the cellular (800 MHz) and PCS (1900 MHz) frequency bands. However, initially, the proposed AT&T antennas at this site would only operate in the cellular band. AT&T considers -74dBm or better to be its minimum signal level, sufficient for in-building coverage. A signal level of -82 dBm is AT&T's target for in-vehicle coverage. (AT&T 1, Tab 3; AT&T 2, responses 2 and 3; Tr. 1, p. 34.)
75. AT&T has existing signal levels in the vicinity of the proposed tower ranging between -82 dBm and -150 dBm. The largest portion of this area has a signal level ranging between -92 dBm and -150 dBm (refer to Figure 4). (AT&T 2, response 1)
76. Installing antennas at 150 feet agl would provide approximately 0.45 miles and 2.6 miles of reliable cellular coverage to Route 133 and Dinglebrook Lane, respectively (refer to Figure 5). (AT&T 2, response 10)
77. The site would provide a cellular coverage footprint of 12.45 square miles with an antenna height of 150 feet. (Tr. 1, p. 26)
78. Reducing the antenna height to 140 or 130 feet agl would cause of loss of coverage just north of Interstate 84 (refer to Figures 6 and 7). (Tr. 1, p. 35)
79. At an antenna height of 140 feet agl, the coverage footprint would be reduced to 11.86 square miles. (Tr. 1, p. 35)
80. At an antenna height of 130 feet agl, the coverage footprint would be reduced to 11.3 square miles. (Tr. 1, p. 35)

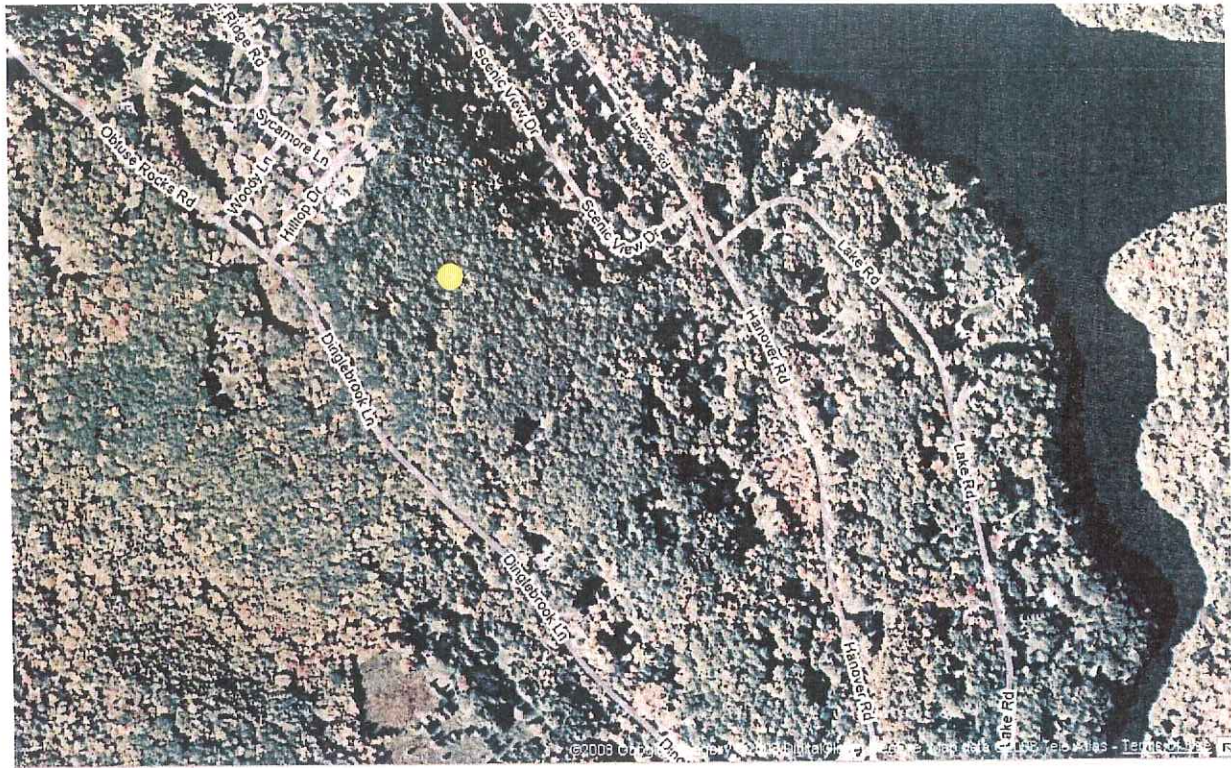
**Cellco - Existing and Proposed Wireless Coverage**

81. Cellco seeks to operate in the cellular (850 MHz), PCS (1900 MHz), and 700 MHz frequency bands at this proposed tower site. (While Cellco will not initially operate at 700 MHz, it plans to do so in the near future.) Cellco considers -75dBm or better to be its minimum signal level, sufficient for in-building coverage. A signal level of -85 dBm is Cellco's target for in-vehicle coverage. (Cellco 1, responses 1 and 3)
82. Cellco has existing signal levels in the vicinity of the proposed tower ranging between -95 dBm and -120 dBm at cellular frequencies, and from -100 dBm to -120 dBm at PCS frequencies (refer to Figures 8 and 9). (Cellco 2, response 2)
83. Installing antennas at 140 feet agl would provide reliable cellular coverage of approximately 1.8 miles and 0.84 miles of reliable coverage to Route 133 and Dinglebrook Lane, respectively (refer to Figure 10). (AT&T 2, response 10)
84. Installing antennas at 140 feet agl would provide reliable PCS coverage of approximately 0.39 miles and 0.77 miles of reliable coverage to Route 133 and Dinglebrook Lane, respectively (refer to Figure 11). (AT&T 2, response 10)
85. The site would provide an overall cellular coverage footprint of 11.4 square miles and an overall PCS coverage footprint of 3.8 square miles with an antenna height of 140 feet. (Tr. 1, p. 26)
86. Cellular and PCS coverage begins to degrade at antenna heights of 130 feet and lower (refer to Figures 1 and 2).
87. Cellco has a search ring to the west of the proposed site to investigate future coverage for Route 25 and additional portions of Route 133. (Tr. 1, p. 64)



**Figure 1:** Location of site at 24 Dinglebrook Lane, Newtown.  
(AT&T 1, Tab 3)





**Figure 2:** Location of site at 24 Dinglebrook Lane, Newtown  
(AT&T 1, Tab 3)



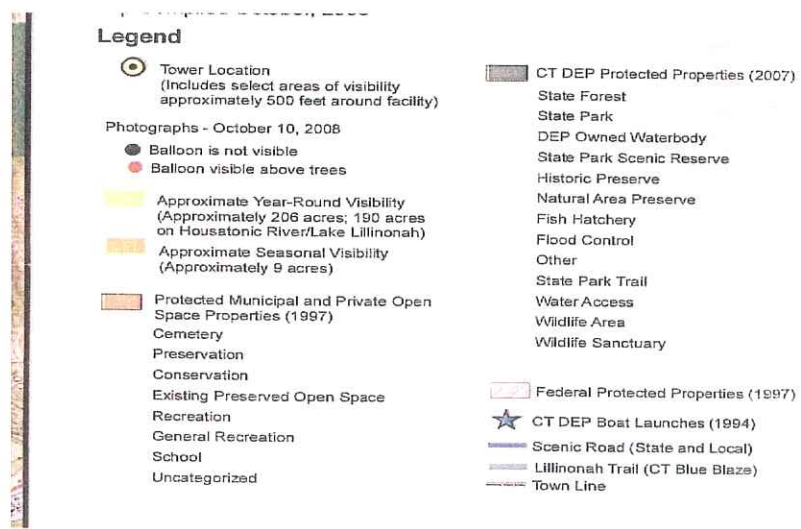
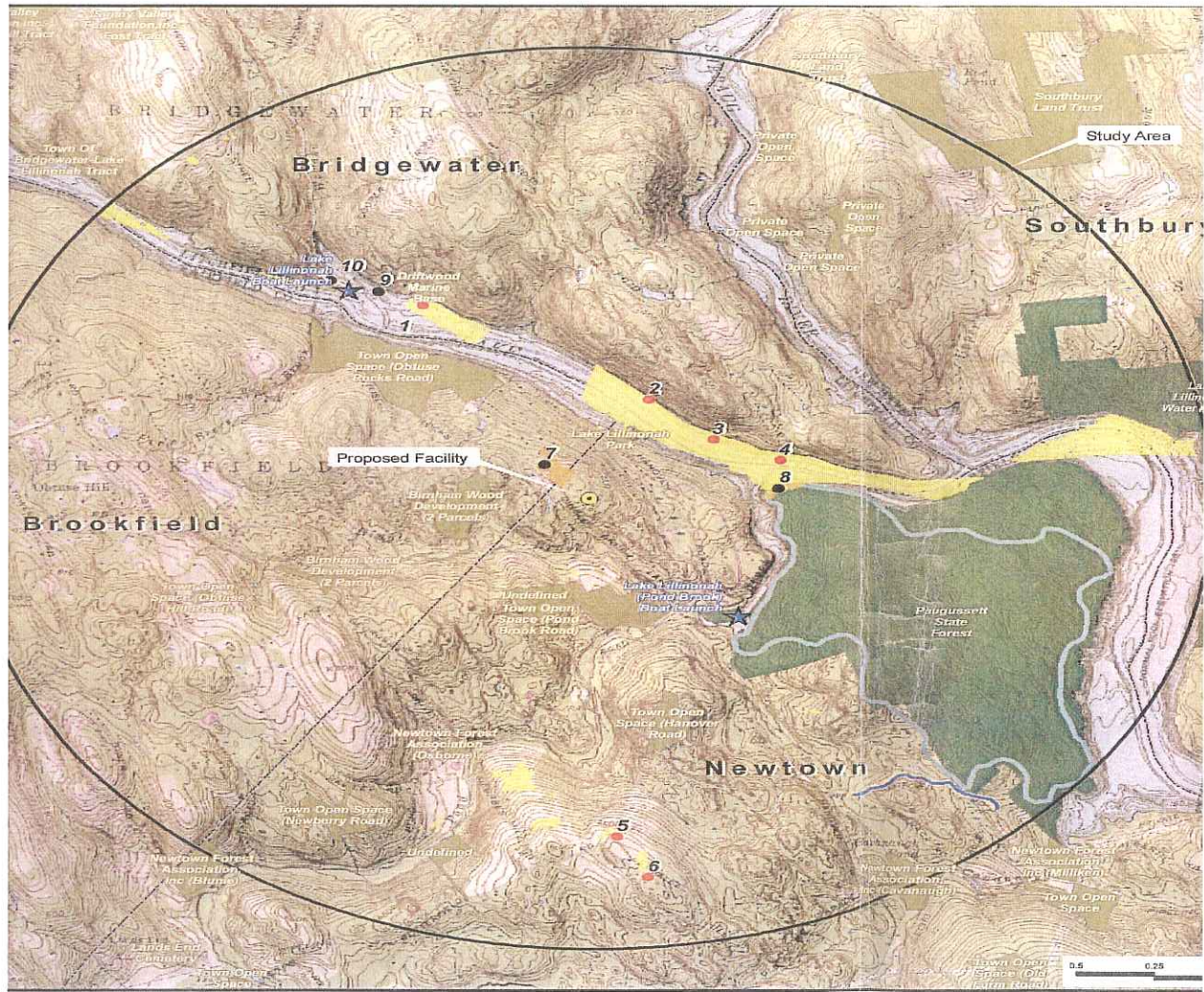


Figure 3: Projected visibility of proposed site. (AT&T 1, Tab 4)



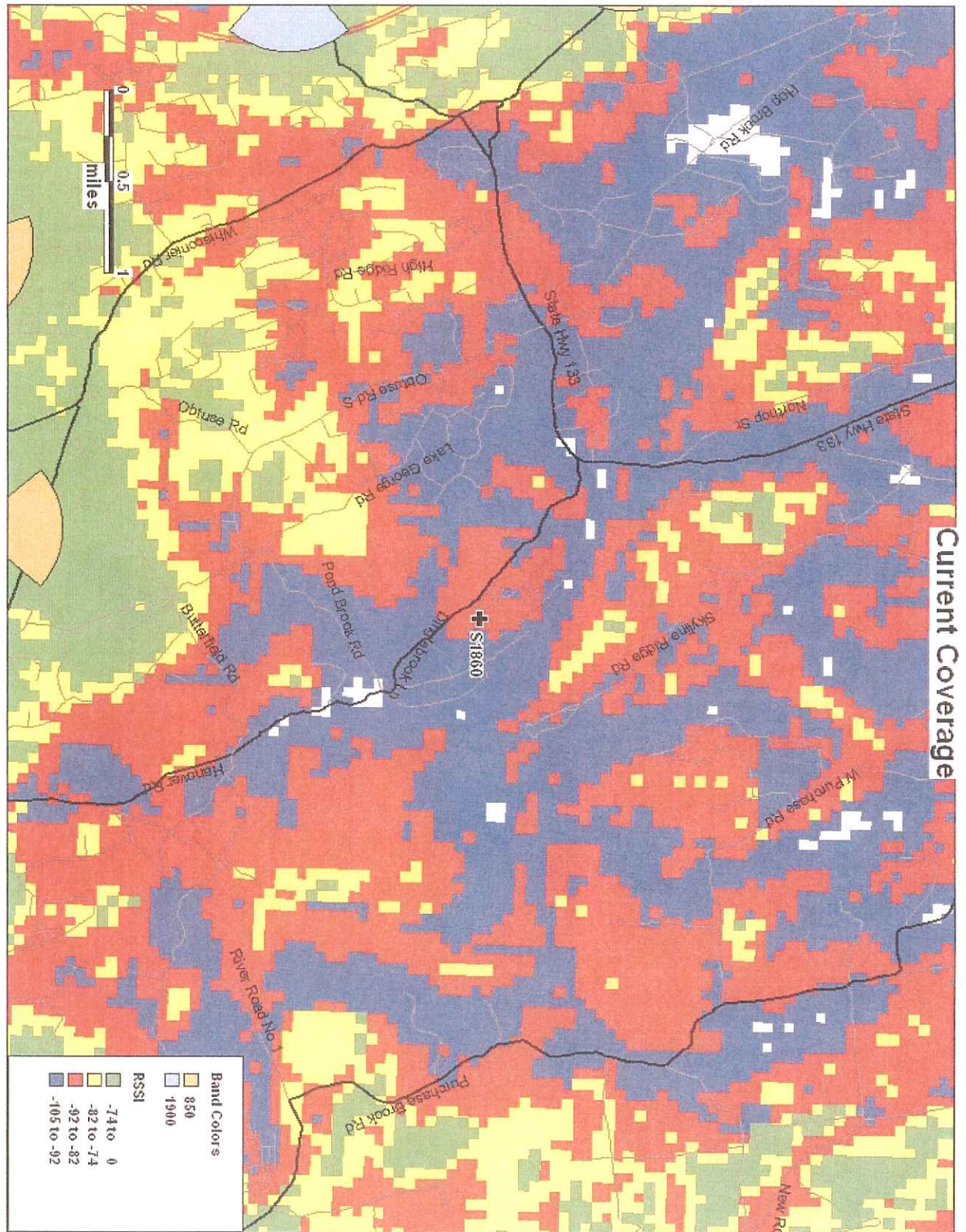


Figure 4: AT&T existing cellular coverage. (AT&T 2, response 10)



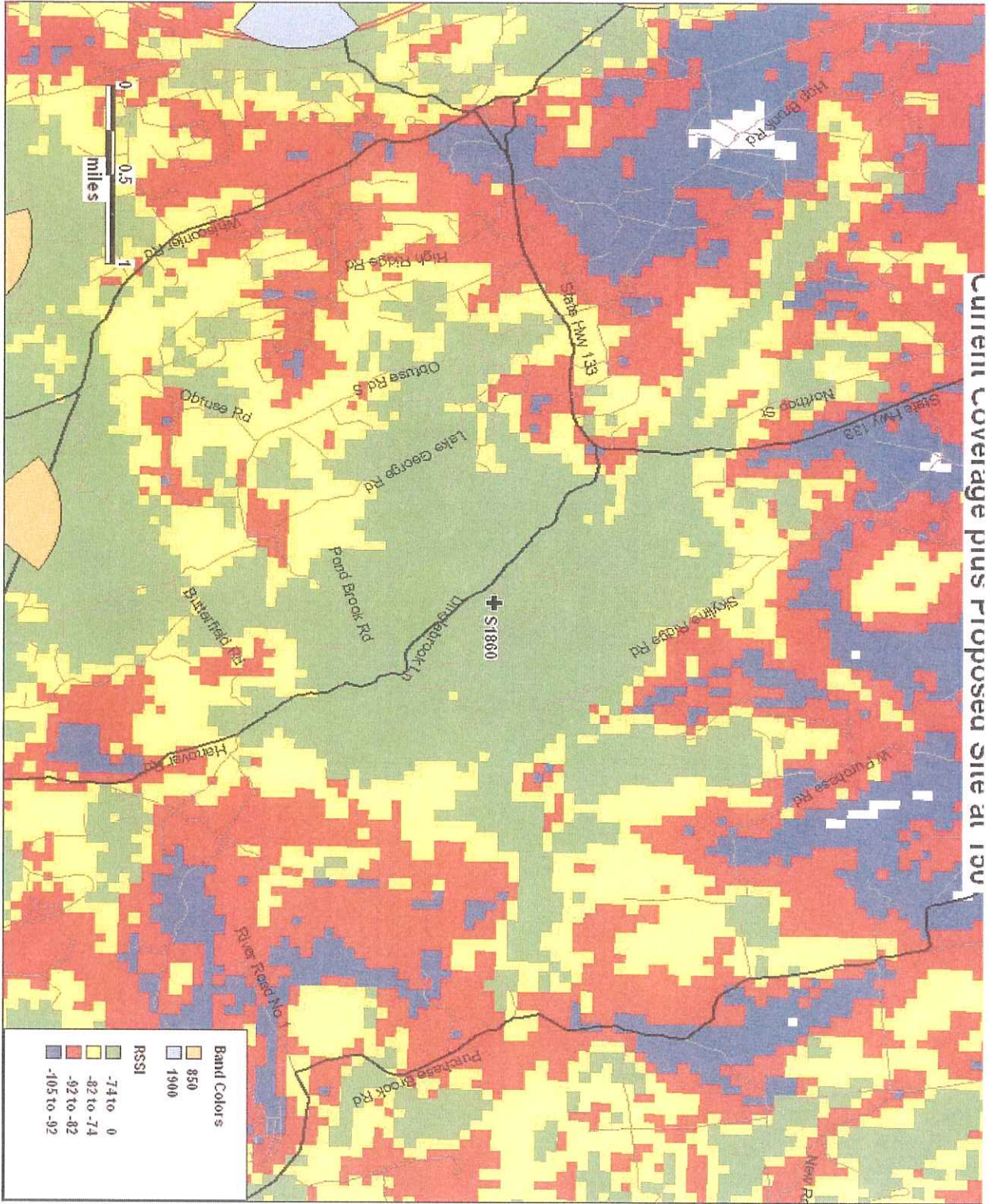


Figure 5: AT&T proposed cellular coverage with antennas mounted at 150 feet agl. (AT&T 2, response 10)



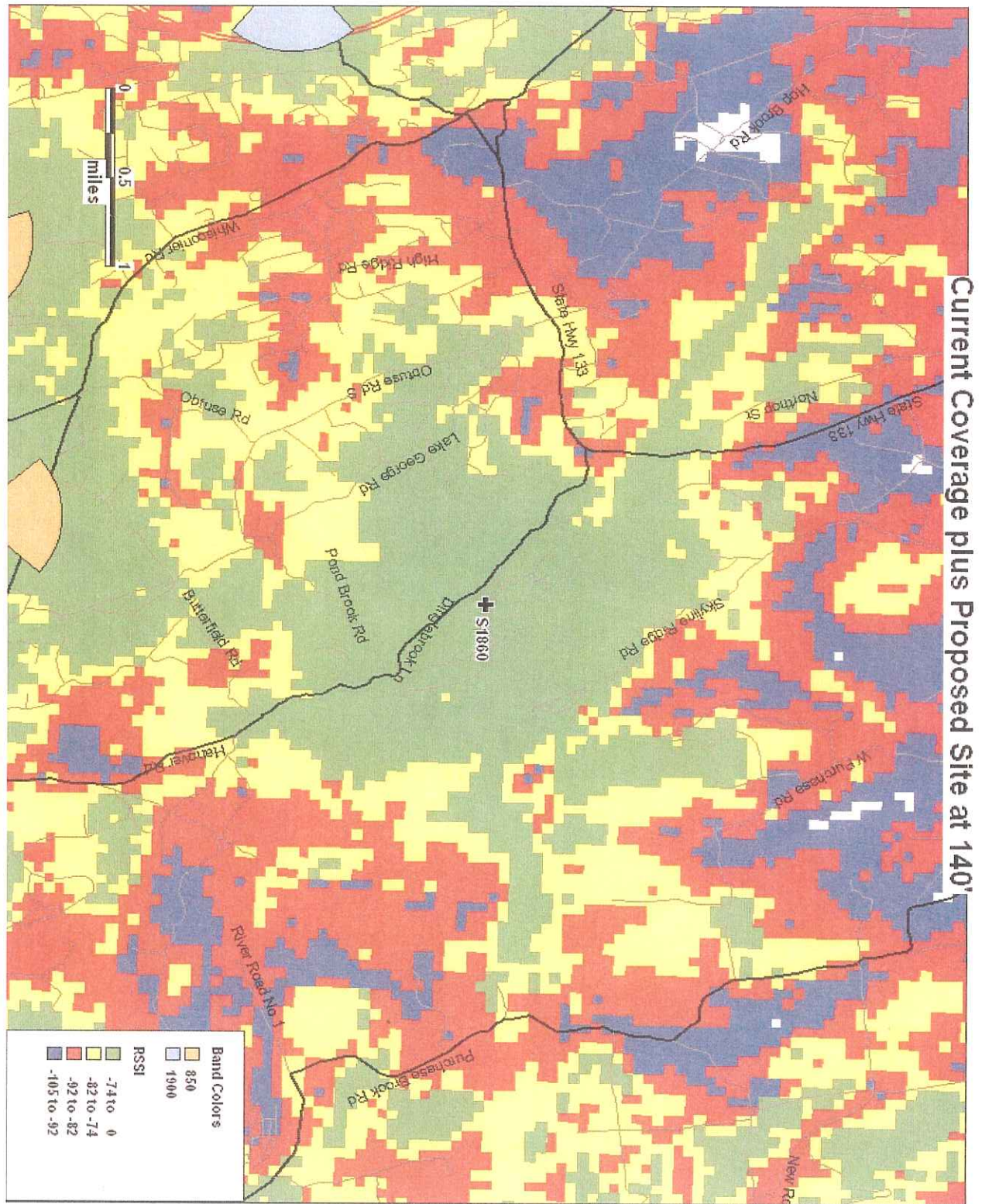


Figure 6: AT&T proposed cellular coverage with antennas mounted at 140 feet agl. (AT&T 2, response 10)



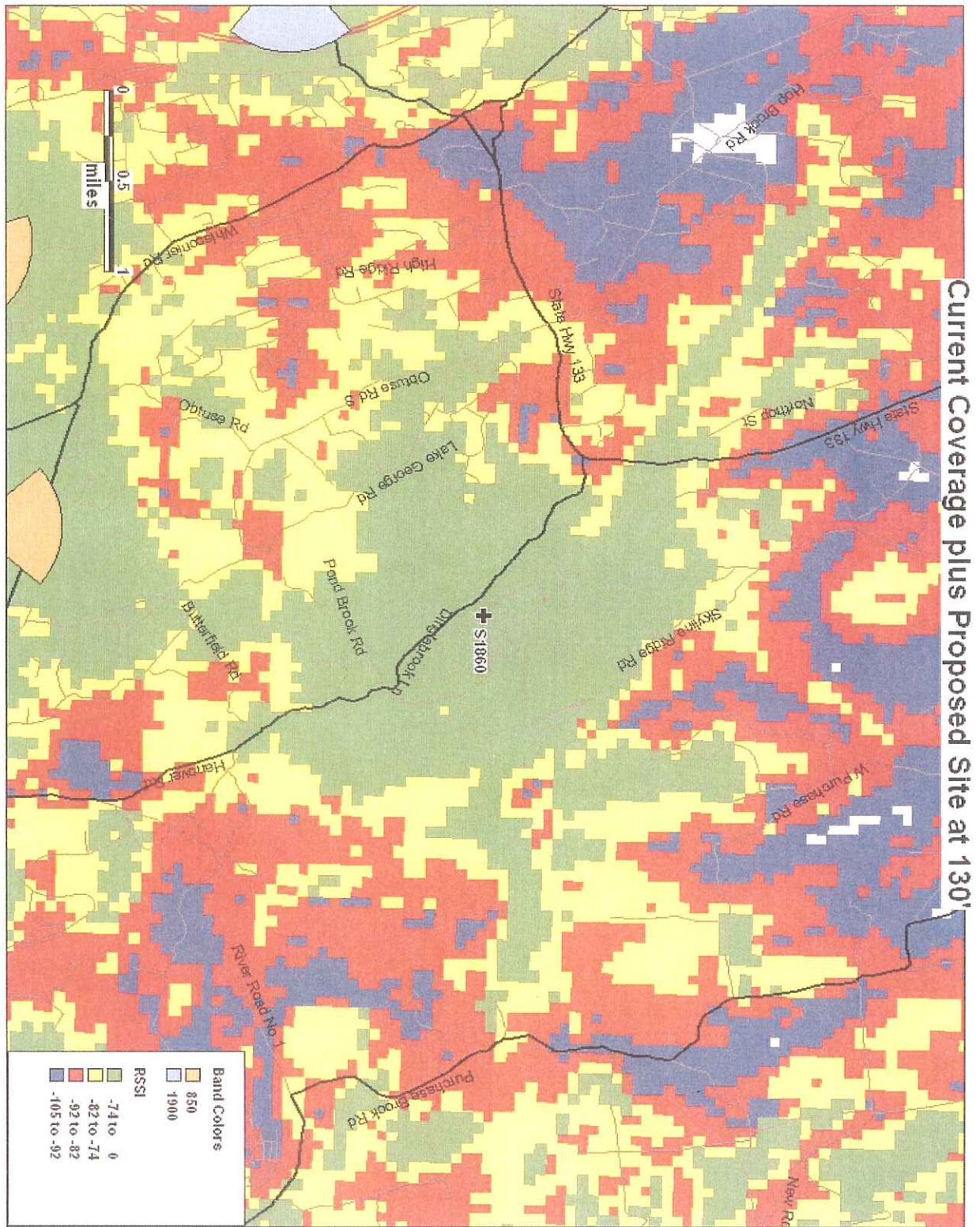


Figure 7: AT&T proposed cellular coverage with antennas mounted at 130 feet agl. (AT&T 2, response 10)



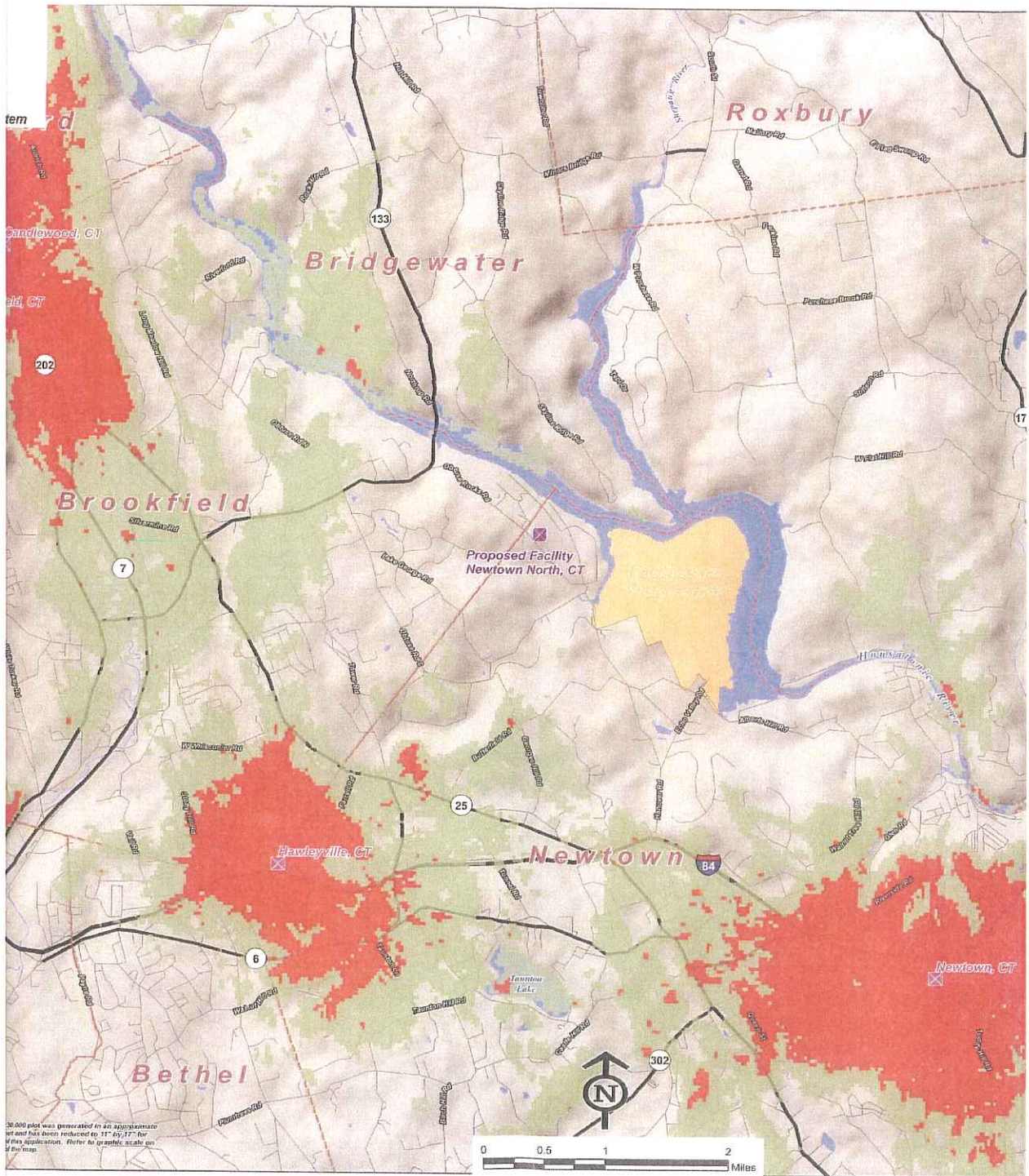


Figure 8: Cellco's Existing Cellular Coverage. (Cellco 1, response 9)



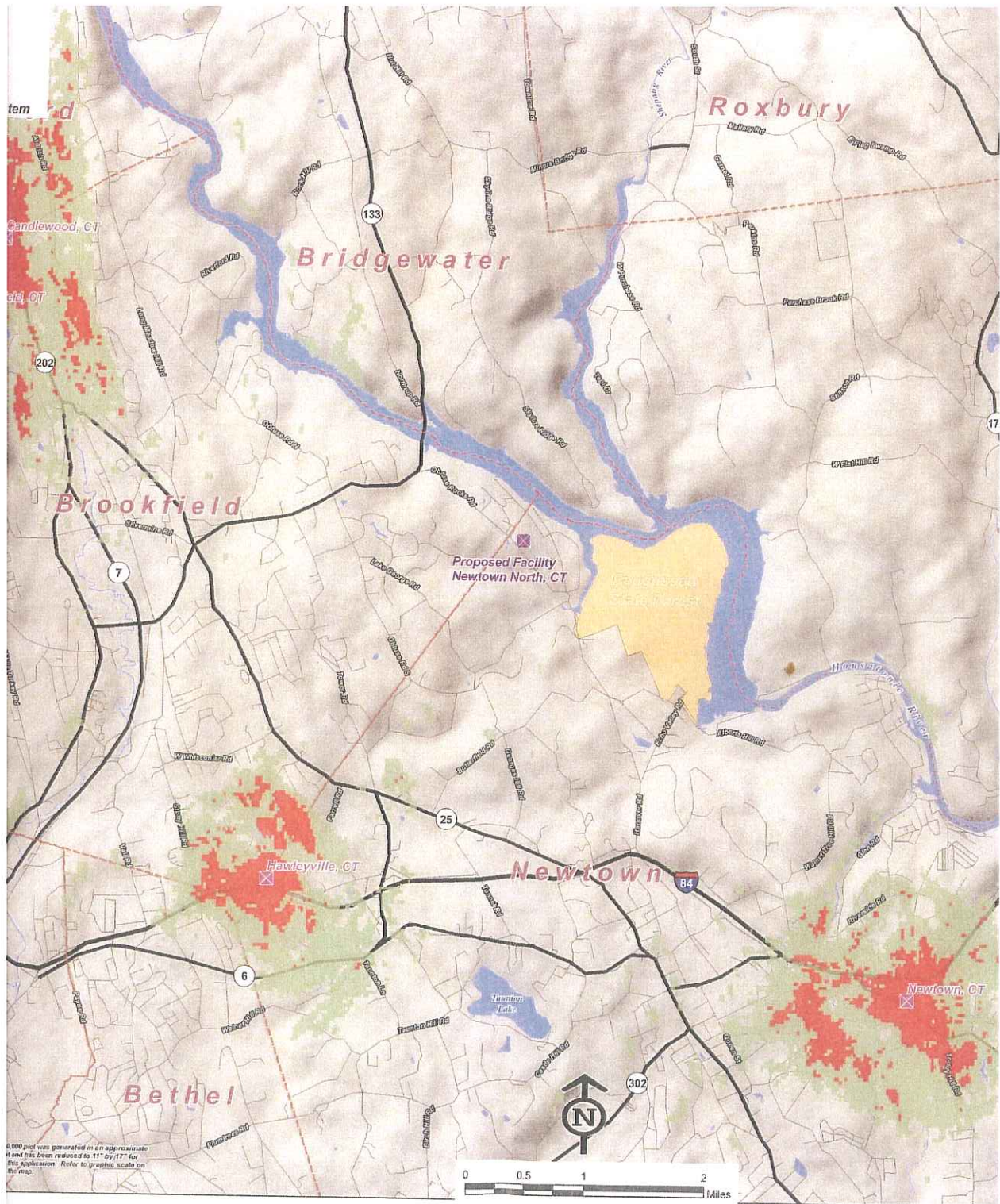


Figure 9: Cellco's Existing PCS Coverage. (Cellco 1, response 9)



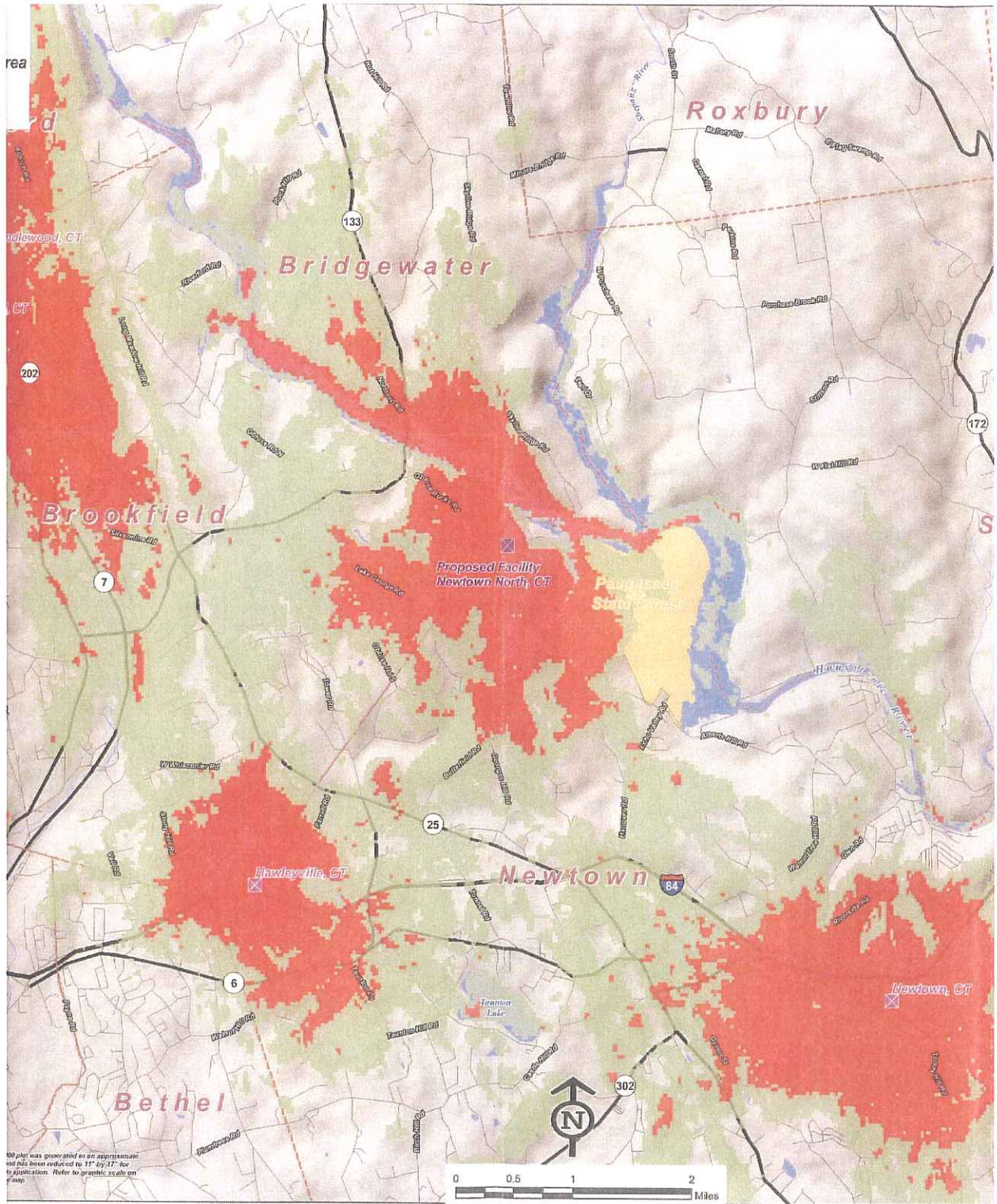


Figure 10: Cellco's Proposed Cellular Coverage at 140 feet. (Cellco 1, response 10)



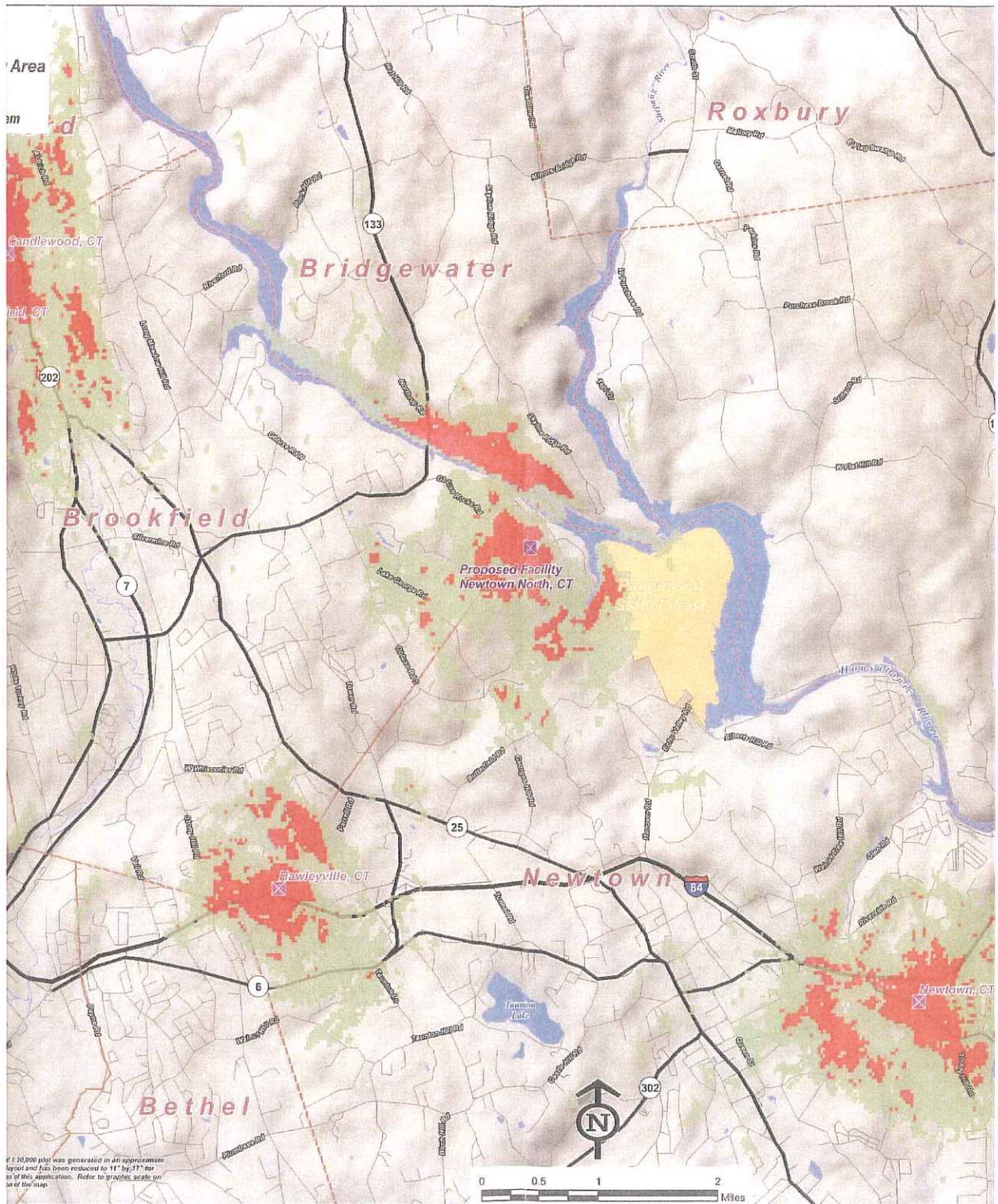


Figure 11: Cellco's Proposed PCS Coverage at 140 feet. (Cellco 1, response 10)



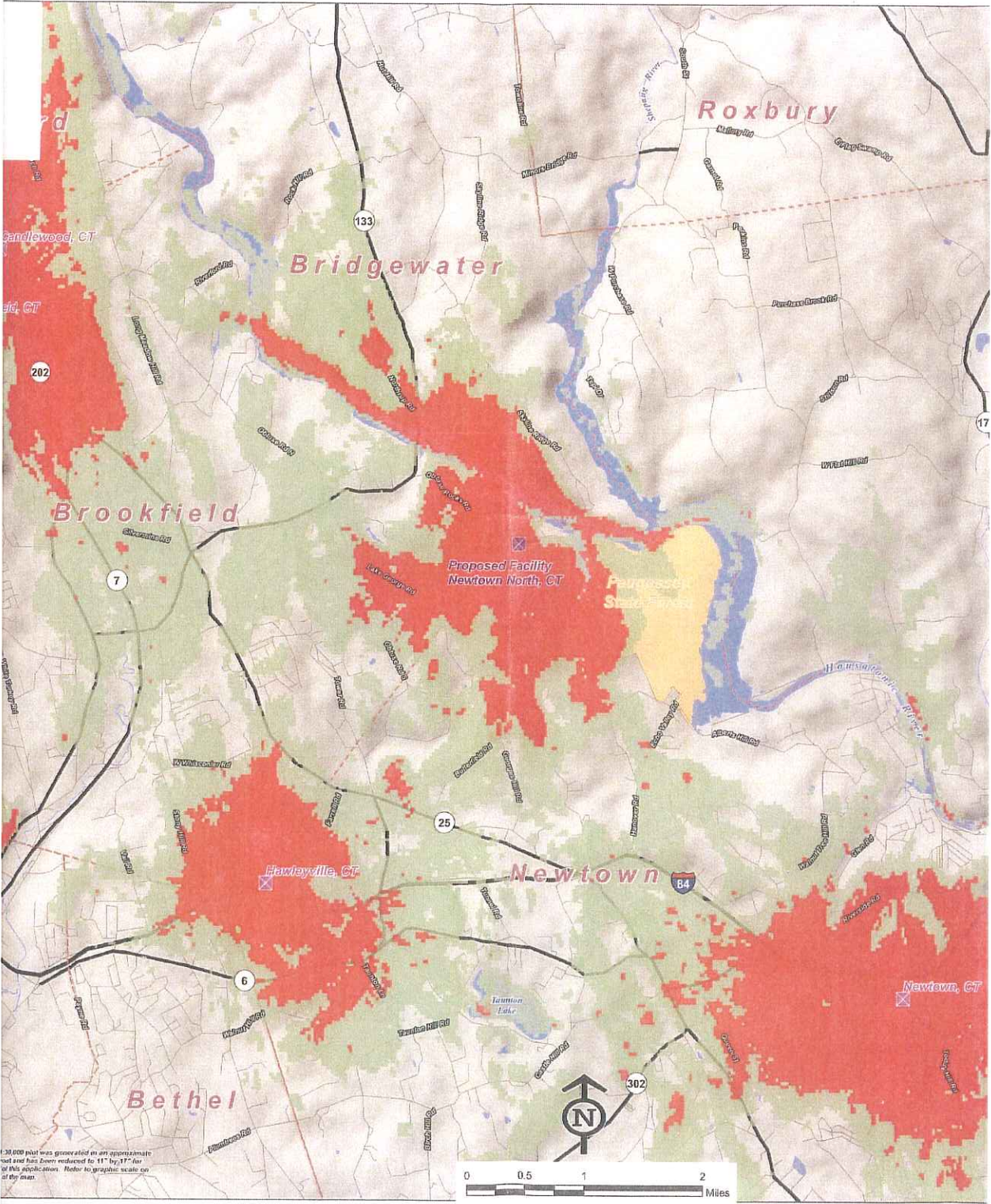


Figure 12: Cellco's Cellular Coverage at 130 feet. (Cellco 1, response 10)



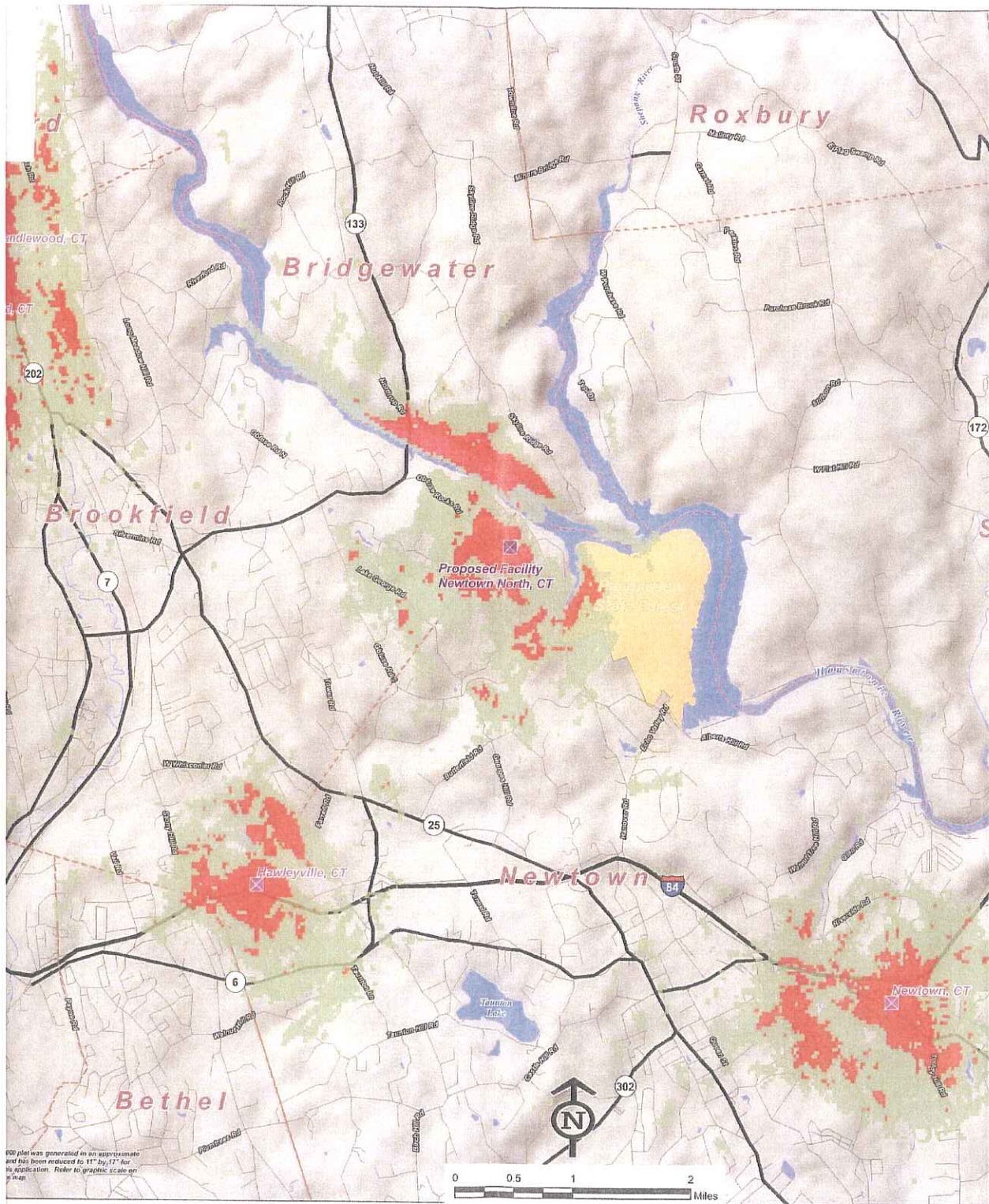


Figure 13: Cellco's PCS Coverage at 130 feet. (Cellco 1, response 10)



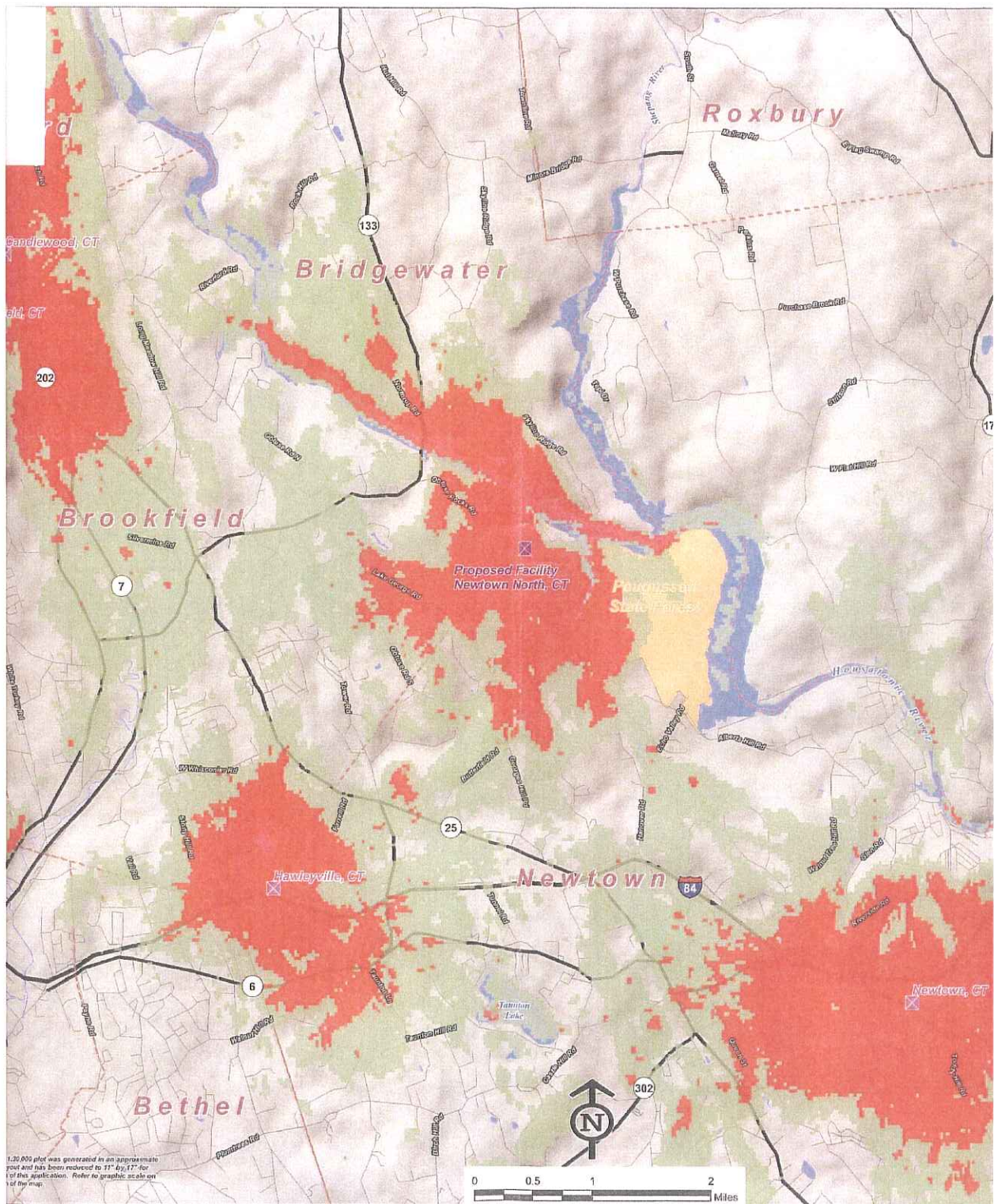


Figure 14: Cellco's Cellular Coverage at 120 feet. (Cellco 1, response 10)



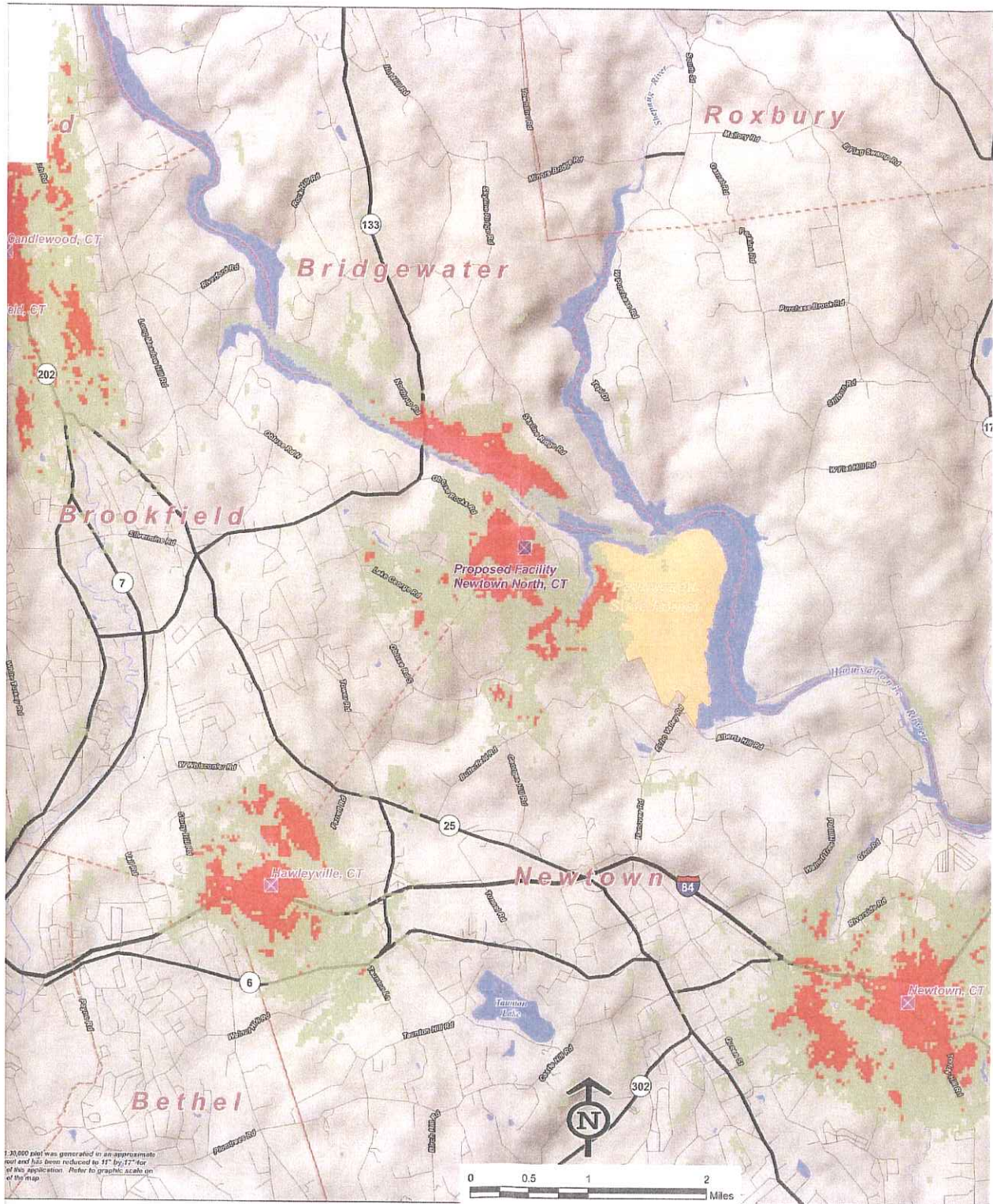


Figure 15: Cellco's PCS Coverage at 120 feet. (Cellco 1, response 10)



<b>DOCKET NO. 376</b> - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut.	} } }	Connecticut Siting Council August 27, 2009
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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 New Cingular Wireless PCS, LLC (AT&T), hereinafter referred to as the Certificate Holder, for a telecommunications facility located at 24 Dinglebrook Lane, Newtown, 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 the Certificate Holder 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 Certificate Holder's antennas shall not exceed 152-foot 6-inches feet above ground level.
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 Newtown 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 including its possible relocation, 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 Newtown 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. Not later than 45 days after the installation of the monopole, at least one carrier's antennas shall be installed on the tower.
9. 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 Newtown. Any proposed modifications to this Decision and Order shall likewise be so served.
10. 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.
11. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
12. 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 Newtown Bee.

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**

New Cingular Wireless PCS, LLC (AT&T)

**Intervenor**

Cellco Partnership d/b/a Verizon Wireless

**Its Representative**

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


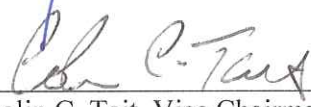
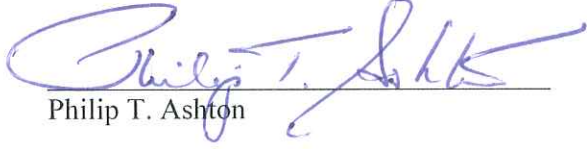



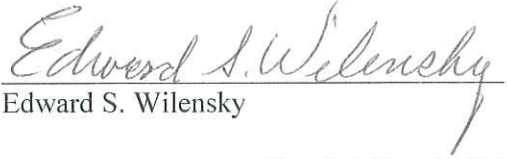
AT&T  
500 Enterprise Drive  
Rocky Hill, CT 06067  
Attention: Michele Briggs

**Its Representative**

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

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 376** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut, and voted as follows to approve the proposed telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Daniel F. Caruso, Chairman	Yes
 _____ Colin C. Tait, Vice Chairman	Yes
_____ Commissioner Kevin M. DelGobbo Designee: Wayne V. Estey	Absent
_____ Acting Commissioner Amey Marrella 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, August 27, 2009.



**DOCKET NO. 376** - New Cingular Wireless PCS, LLC (AT&T) } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance and operation of a } Siting  
telecommunications facility located at 24 Dinglebrook Lane, }  
Newtown, Connecticut. } Council

August 27, 2009

### Opinion

On February 13, 2009, New Cingular Wireless PCS, LLC (AT&T) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility to be located at 24 Dinglebrook Lane in the Town of Newtown, Connecticut. AT&T's purpose in locating a facility at this location would be to provide coverage to northern Newtown, eastern Brookfield, southern Bridgewater, portions of Southbury, and other local roads and adjacent areas. Cellco Partnership d/b/a Verizon Wireless (Cellco) was an intervenor in this proceeding.

AT&T proposes to build a 150-foot monopole tower within a 50-foot by 75-foot compound. The facility would be within a 70-foot by 100-foot parcel leased on a 24.7-acre property owned by Paul R. Lundgren and located in a Residential (R-2) zone. The compound would be enclosed by an eight-foot high chain link fence. AT&T would install six panel antennas on a low-profile, triangular platform at a centerline height of 150 feet.

Cellco proposes to co-locate on the proposed tower and install 15 panel antennas on a low profile, triangular platform at a centerline height of 140 feet. The tower would be designed to support one additional carrier.

Land use in the general vicinity of the proposed facility and host property consists primarily of undeveloped woodlands and low-density residential development. The subject property is developed with an existing residence. The subject site is level and semi-open. However, development of AT&T's facility would require the clearing of 39 trees with a diameter of six inches or more at breast height.

The proposed access to the facility compound would be via an existing gravel drive that begins at Dinglebrook Lane and continues approximately 210 feet towards the tower site. This gravel driveway would be extended by 360 feet to reach the tower compound.

Utilities would run overhead for approximately 190 feet from existing pole #4950 on Dinglebrook Lane to existing pole #5280 on the subject property. The utilities would continue underground for approximately 230 feet to the access drive, and then would follow the access drive for the remaining distance to reach the proposed equipment compound.

The tower's setback radius would be completely contained within the host property due to the size of the parcel. In addition, the existing residence on the host property is not located within the tower's setback radius.

AT&T established a search ring for the target service area on October 16, 2005. This search area was originally located mostly within the Paugusset State Forest. However, because of AT&T's

Docket 376: Newtown

Opinion

Page 2

understanding that the DEP has a long-standing policy of not allowing communications towers on public forest lands, the search ring was shifted.

Upon further investigation during this proceeding, the Council has determined that the DEP's policy indeed does not permit the lease of state park and forest lands for the purpose of developing wireless communications facilities.

AT&T's revised search ring is centered in the southern portion of the Paugusset State Forest and is located just north of Sanford Road. Given the new search ring, AT&T performed a search of potential structures that could be used for telecommunications purposes, had discussions with town officials regarding suitable land for development, and examined town records to identify potential telecommunications sites. There are no existing structures that would provide AT&T adequate coverage to the target area.

AT&T's next step was to search for properties suitable for tower development. AT&T investigated raw land sites and found that the predominant land uses in the target area are single-family residential. The only site where AT&T was able to secure a lease is at the subject property on 24 Dinglebrook Lane, Newtown.

At the proposed site, the tower would be visible year-round from approximately 206 acres in the surrounding vicinity. However, of the 206 acres, 190 acres would be on the Housatonic River / Lake Lillinonah. The tower would be seasonally visible from an additional 9 acres.

The proposed tower would be visible year-round from approximately eight residences in the area, including four residences located along George's Hill Road, two residences located along Butterfield Road, and two residences located along Parmalee Hill Road. The tower would be seasonally visible from approximately five residences in the area, including four residences located along Hanover Ridge Road and one residence located along Woody Lane.

The tower is not expected to be visible from any state or local scenic roads. While the viewshed map indicates possible seasonal visibility of the tower from a small portion (approximately 0.15 miles) of the Lillinonah Trail (CT Blue Blaze), the photo-simulation did not indicate such visibility. Thus, even if such visibility exists from certain vantage points, it is not expected to be significant.

In total, the Council finds that 92 percent of the year-round visibility of the tower would be located on the Housatonic River and Lake Lillinonah. In addition, the photo-simulations depict a worst-case visibility of the top 35 feet of the tower, as seen from Lake Lillinonah. Therefore, the Council finds that visibility of the tower would not be a sufficient reason to deny this application.

The nearest wetland is associated with a small pond located approximately 15 feet north of the proposed access drive location. The pond was created by a previous property owner in approximately 1967. An inspection report by a Professional Soil Scientist did not indicate the pond is a vernal pool. A complete determination could only be made on the basis of more extended observation and sampling, however; thus, as a precaution, AT&T has offered to relocate the access drive to provide a 50-foot separation between the access drive and the wetland associated with the pond. The Council strongly recommends such relocation. In addition, to further protect the wetland and the upland review area, the Council will order that erosion and sedimentation controls consistent with the Connecticut Guidelines for Soil Erosion and Sediment Control be employed by AT&T during the construction process.



Presently, AT&T has existing signal levels in the vicinity of the proposed tower ranging between -82 dBm and -150 dBm. The largest portion of this area has a signal level ranging between -92 dBm and -150 dBm. This is far below its target signal level of -74 dBm, sufficient for in-building coverage. It is also below the -82 dBm target required for in-vehicle coverage. Thus, the Council recognizes a need for wireless service. The proposed 150-foot facility would provide coverage to the local area including approximately 0.45 miles and 2.6 miles of reliable cellular coverage to Route 133 and Dinglebrook Lane, respectively. AT&T's total coverage footprint at this facility would be 12.45 square miles.

Intervenor Cellco has existing signal levels in the vicinity of the proposed tower ranging between -95 dBm and -120 dBm at cellular frequencies, and from -100 dBm to -120 dBm at PCS frequencies. This is below Cellco's target signal level of -75dBm or better for in-building coverage. It is also below Cellco's minimum required signal level of -85 dBm for in-vehicle coverage. Likewise, the Council acknowledges Cellco's need to provide service in this area of Newtown and adjacent areas.

With its proposed co-location at the 140-foot level of the tower, Cellco would achieve reliable cellular coverage of approximately 1.8 miles and 0.84 miles of reliable coverage to Route 133 and Dinglebrook Lane, respectively. This would also provide Cellco with reliable PCS coverage of approximately 0.39 miles and 0.77 miles to Route 133 and Dinglebrook Lane, respectively. Assuming an antenna height of 140 feet, the total coverage footprint associated with Cellco at this facility would be 11.4 square miles for cellular service and 3.8 square miles for PCS service.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the (AT&T and Cellco) antennas proposed to be installed on the tower have been calculated to amount to approximately 29.8% 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 location, 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 24 Dinglebrook Lane in the Town of Woodstock, Connecticut.



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

September 3, 2009

TO: Classified/Legal Supervisor  
**376090528**  
Danbury News Times  
333 Main Street  
Danbury, CT 06810

Classified/Legal Supervisor  
**376090528**  
The Newtown Bee  
The Bee Publishing Co., Inc.  
5 Church Hill Road, P.O. Box 5503  
Newtown, CT 06470-5503

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

RE: **DOCKET NO. 376** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut.

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

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

Thank you.

LAF





# 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)

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

### NOTICE

Pursuant to General Statutes § 16-50p (e), the Connecticut Siting Council (Council) announces that, on August 27, 2009, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from New Cingular Wireless PCS, LLC (AT&T) for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 24 Dinglebrook Lane, Newtown, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.