



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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December 7, 2009

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 382** - Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located off of Lane Street, Huntington (Shelton), Connecticut.

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By its Decision and Order dated December 3, 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 off of Lane Street, Huntington (Shelton), Connecticut.

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

SDP/RDM/laf

Enclosures (3)

c: State Documents Librarian

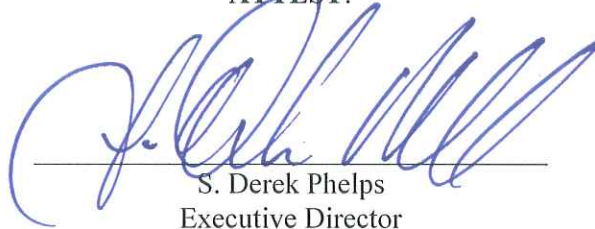
STATE OF CONNECTICUT )

ss. New Britain, Connecticut :

COUNTY OF HARTFORD )

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

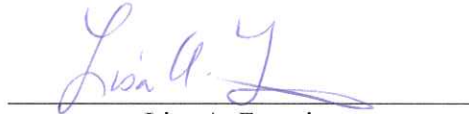
ATTEST:



S. Derek Phelps  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 382 has been forwarded by Certified First Class Return Receipt Requested mail, on December 7, 2009, to all parties and intervenors of record as listed on the attached service list, dated July 16, 2009.

ATTEST:



Lisa A. Fontaine  
Fiscal Administrative Officer  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> E-mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax <a href="mailto:kbaldwin@rc.com">kbaldwin@rc.com</a>
	<input checked="" type="checkbox"/> U.S. Mail		Sandy Carter, Regulatory Manager Verizon Wireless 99 East River Drive East Hartford, CT 06108 <a href="mailto:Alexandria.carter@verizonwireless.com">Alexandria.carter@verizonwireless.com</a>
	<input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail		
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	<input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail		

**DOCKET NO. 382** – Cellco Partnership d/b/a Verizon Wireless } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public need for the construction, maintenance and operation of a } Siting  
telecommunications facility located off Lane Street, Shelton, } Council  
Connecticut. }

December 3, 2009

## Findings of Fact

### Introduction

1. Cellco Partnership d/b/a Verizon Wireless (Cellco), in accordance with the provisions of Connecticut General Statutes (CGS) §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on July 15, 2009 for the construction, operation, and maintenance of a 127-foot wireless telecommunications facility located at the Brownson Country Club in the Huntington section of Shelton, Connecticut. (Cellco 1, pp. 1-2)
2. Cellco is a Delaware corporation with an office in East Hartford, Connecticut. Cellco is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless service system in Connecticut. (Cellco 1, p. 4)
3. The party in this proceeding is the applicant. (Transcript 1 – 10/06/09, 3:10 p.m. [Tr. 1], p. 5)
4. The purpose of the proposed facility is to provide wireless service for Cellco to Route 108, Huntington Street, and surrounding areas in the Huntington center area of Shelton. (Cellco 1, p. 2; Cellco 8)
5. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on October 6, 2009, beginning at 3:10 p.m. and continuing at 7:00 p.m. at the Shelton Town Hall, 54 Hill Street, Shelton, Connecticut. (Tr. 1, p. 2; Transcript 2 – 10/06/09, 7:10 p.m. [Tr. 2], p. 2)
6. The Council and its staff conducted an inspection of the proposed site on October 6, 2009, beginning at 2:00 p.m. The applicant flew a four-foot diameter balloon at the site from 12:00 p.m. to 6:00 p.m. to simulate the height of the proposed tower. Favorable weather conditions were present generally in the early afternoon where the balloon reached the intended height of 127 feet above ground level (agl). (Tr. 2, pp. 30-31)
7. Notice of the application was provided to all abutting property owners by certified mail. Sixty five notices were not signed for and were returned. Cellco sent a second notice to these abutters by regular mail. Public notice of the application was published in the Connecticut Post on July 9 and 10, 2009. (Cellco 1, Tab 5; Cellco 2; Cellco 4, Q. 1)
8. Cellco installed a four-foot by six-foot sign on Lane Street at the location of the proposed access road entrance. Information on the sign included a project description, hearing and contact information. (Cellco 5)
9. Pursuant to CGS § 16-50l(b), Cellco provided notice to all federal, state and local officials and agencies listed therein. (Cellco 1, Tab 3)

### **State Agency Comment**

10. Pursuant to General Statutes § 16-50j(h), on August 28, 2009 and October 7, 2009, 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), the Department of Transportation (DOT) and the Department of Agriculture (DOAg). (Record)
11. The Council received a written response from the DOT's Bureau of Engineering and Highway Operations on September 30, 2009, stating that the DOT has no comment. (Record)
12. No response was received from the DPH, DOAg, DEP, CEQ, DPUC, OPM, or DECD. (Record)

### **Municipal Consultation**

13. Cellco met with the Mayor of Shelton, Mark Lauretti, and the Shelton Director of Planning, Rick Schultz, on January 28, 2009 to discuss the project. (Cellco 1, p. 21)
14. At the City's request, Cellco hosted a public information meeting at the Shelton Community Center on March 3, 2009. (Cellco 1, p. 21)
15. The City did not comment on the proposal. (Cellco 4, Q. 13; Tr. 1, pp. 67-68)

### **Public Need for Service**

16. 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)
17. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. Cellco is licensed by the FCC to provide wireless service to Fairfield County. (Council Administrative Notice Item No. 7; Cellco 1, p. 7)
18. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)
19. 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)
20. 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. (Cellco 1, p. 7)

21. Cellco would be able to provide enhanced 911 services to the target service area. (Cellco 1, p. 7)

#### Site Selection

22. Cellco established a search ring for the target service area in September of 2006. The search included identification of potential structures that could be used for telecommunications purposes and the examination of area properties, including municipal parcels, to identify potential telecommunications sites. (Cellco 1, Tab 9)
23. Cellco is located on the nearest existing tower facilities to the proposed site, including facilities at Video Lane in Trumbull, Old Kings Highway in Shelton, 70 Platt Road in Shelton, and off Perry Hill Road in Shelton. The nearest facility is the Perry Hill Road location, 1.2 miles northeast of the proposed site. Coverage from these sites does not extend to the target service area. (Cellco 1, Tab 9; Cellco 8; Tr. 1, pp. 10-11)
24. Cellco did not identify any structures suitable to provide coverage to the target service area. (Cellco 1, Tab 9)
25. After determining there were no viable structures within the search area, Cellco searched for properties suitable for tower development. Cellco investigated eight different sites and selected one for tower development. The seven rejected sites and reasons for their rejection are as follows:
- a) Brownson Country Club (clubhouse area) – too close to established neighborhood, lack of screening;
  - b) Brownson Country Club (north of 11<sup>th</sup> green) – wetland impacts;
  - c) Huntington Fire Station – town not interested in lease;
  - d) St. Paul's Episcopal Church, Huntington– existing steeple too short, replacement steeple would alter the historic nature of church which is in a designated historic district;
  - e) Huntington Congregational Church, Huntington– existing steeple too short, replacement steeple would alter the historic nature of church which is in a designated historic district;
  - f) Shelton Land Trust property on Lane Street, Huntington - land use restrictions, environmental impacts;
  - g) St. Lawrence Church, Huntington – church does not have a steeple, very open area with no screening from adjacent residences.
- (Cellco 1, Tab 9; Cellco 4, Q. 3, Q. 4; Tr. 1, pp. 67-68; Tr. 2, pp. 25, 27-28)

#### Facility Description

26. The proposed facility is located on the southern portion of the Harry Brownson Country Club, south of the 11<sup>th</sup> fairway. The southern portion of the country club totals 55 acres and is developed as a golf course (refer to Figures 1 & 2). (Cellco 1, Tab 12; Tr. 2, p. 31)
27. The parcel is zoned residential, R-1. (Cellco 1, p. 17)
28. Cellco proposes to construct a 127-foot tree tower at the site composed of a 120-foot monopole with simulated branches extending to a height of 127 feet agl. (Cellco 1, p. 2, Tab 1)
29. The tower would be designed to support four levels of platform-mounted antennas. The antennas and platforms would be concealed within the simulated branches. (Cellco, Tab 1)

30. Cellco proposes to install up to 15 panel antennas on a platform at a centerline height of 120 feet agl. (Cellco 1, Tab 1)
31. A flagpole type tower could only accommodate three antennas per tower level. If this design were used at the proposed site, Cellco would be required to use three tower levels to achieve coverage objectives, thus providing only one additional level for potential co-location by other telecommunication carriers. A higher tower would be required to accommodate additional co-locations. (Tr. 1, pp. 69-71)
32. Cellco proposes to construct a 40-foot by 66-foot equipment compound within a 100-foot by 100-foot lease area at the base of the tower, sufficient space to accommodate four telecommunication carriers. The compound would be enclosed by an eight-foot high chain link fence lined with black vinyl privacy slats. (Cellco 1, Tab 1)
33. Access to the compound would be from a 1,680-foot access drive extending northeast from Lane Street. The access drive would originate across from residential property at 31 Lane Street on a 12-foot wide new gravel drive that would cross the 11<sup>th</sup> fairway for 560 feet. After crossing the fairway, the access drive would follow an existing paved golf cart path east for 1,120 feet to the site. The existing paved cart path would be widened to 12 feet. Cellco would attempt to minimize the width of the access road to the greatest extent possible. (Cellco 1, Tab 1; Tr. 1, pp. 16, 40, 53-55)
34. Access to the site would be controlled by a metal bar gate on Lane Street. The gate could be designed to conform with the character of the neighborhood. (Tr. 2, p. 36)
35. Cellco anticipates a technician would visit the site every four to six weeks to service equipment. In winter, the road would be plowed if snow accumulates to a depth of three inches or more. (Tr. 2, pp. 28-29)
36. Underground utilities would service the compound from existing service on Lane Street. The utilities would be installed adjacent to the access road within a 20-foot wide access road/utility easement. (Cellco 1, Tab 1; Tr. 1, p. 24)
37. Cellco proposes to install a 12-foot by 30-foot equipment shelter on a concrete pad within the compound. Emergency power would be provided by a diesel generator located within the shelter. Diesel fuel for the generator is stored in a double walled fuel tank under the generator unit. The floor of the shelter is designed to capture any fuel that could leak out of the fuel tank. (Cellco 1, Tab 1; Tr. 1, pp. 22-23)
38. The tower is approximately 185 feet east of the nearest property boundary at 64 Lane Street (Cwanek Property). (Cellco 1, Tab 1)
39. The tower radius would be contained within the site property. (Cellco, Tab 1)
40. The tower is approximately 360 feet northeast of the nearest residence at 68 Lane Street (Dobson Property). (Cellco 1, Tab 1)
41. There are 11 single family residences (Lane Street and Old Shelton Road) and 48 condominium units, (Aspetuck Village) within 1,000 feet of the tower site. (Cellco 1, Tab 1)
42. Land use within a quarter-mile of the site consists of a mix of single and multi-family residences, commercial properties, open space and a golf course. (Cellco 1, Tab 1)

43. The tower site is located at an elevation of 306 feet above mean sea level (amsl). Surrounding terrain consists of sloping ridges to the north and east and a shallow valley to the south and west. Huntington center is located 0.4 miles west of the proposed site. (Cellco 1, Tab 1)

44. The estimated construction cost of the facility is:

Radio equipment	\$450,000.
Site development	135,000.
Tower, coax, antennas	150,000.
Equipment building	50,000.
<u>Power systems</u>	<u>20,000.</u>

Total estimated cost \$805,000.  
(Cellco 1, p. 23)

### Environmental Concerns

45. The proposed facility would have no adverse effect on historic, architectural or archeological resources listed in or eligible for the National Register of Historic Places. (Cellco 1, p. 22, Tab 11)

46. 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. (Cellco 1, p. 22)

47. Twenty trees with a diameter of six inches or greater at breast height would be removed to develop the site. All of the trees would be removed to develop the compound and short access way extending from the existing cart path. (Cellco 1, Tab 1; Tr. 1, p. 15)

48. Development of the compound would impact two small, previously disturbed wetlands located between the compound site and the existing cart path. The wetlands, designated as Wetland 1 and Wetland 2, are isolated in nature, lack vegetative diversity, and are damaged through vehicle impaction and brush dumping. (Tr. 1, pp. 17-20, 38)

49. Wetland 1 totals 850 square feet; Wetland 2 totals 260 square feet. The project would require the filling of all of Wetland 1 and 160 square feet of Wetland 2. (Tr. 1, pp. 19-20)

50. Relocating the compound access road slightly west to minimize wetland impacts would require the clearing of mature woodland. The woodland, containing several mature oaks and understory species, provides wildlife habitat and visual screening and is more environmentally beneficial than the two wetland areas that would be impacted by the proposed site development. (Cellco 7; Tr. 1, pp. 74-76)

51. Upgrading the existing paved cart path to an access road would require the replacement of an existing culvert with an 11-foot wide concrete bridge where the path extends between two existing ponds along the 11<sup>th</sup> fairway. The bridge would create an exposed channel between the two ponds. Approximately 500 square feet of mostly temporary impacts would occur to the pond edges and at the channel crossing. The flow characteristics between the two ponds would not be altered. (Cellco 1, Tab 12; Tr. 1, pp. 18-19)

52. Approximately 330 cubic yards of cut and 315 cubic yards of fill would be required for site development. Site blasting is not anticipated. (Cellco 4, Q. 5)



53. Aircraft hazard obstruction marking or lighting of the tower is not required or proposed. (Cellco 1, pp. 21-22, Tab 13)
54. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of the proposed Cellco antennas is calculated to be 26.7% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower base. (Cellco 1, p. 16; Cellco 4, p. 14)

**Visibility**

55. The proposed tower would be visible year-round from approximately 17 acres within a two-mile radius of the proposed site (refer to Figure 3), mostly within a quarter mile of the site. The tower would be seasonally visible from an additional 29 acres. (Cellco 1, Tab 10)
56. Visibility of the proposed tower from specific locations within a two-mile radius of the site is as follows:

<b>Specific Location and Area Receptors</b>	<b>Visible</b>	<b>Approximate Portion of Tower Visible</b>	<b>Approx. Distance from Tower*</b>
<i>Lawn Cemetery off Lane Street</i> Entire cemetery would have view. (refer to Figure 4)	Yes	65 feet – unobstructed	0.3 miles west
<i>Church Street at Huntington Green</i> Spot views from this area.	Yes	30 feet – unobstructed	0.4 miles west
<i>Huntington Street/Lane Street intersection.</i> 0.2 mile section of road.	Yes	30 feet – unobstructed	0.4 miles west
<i>Lane Street across from Lawn Cemetery</i> Spot views along road.	Yes	65 feet - unobstructed	0.3 miles southwest
<i>Huntington Street at #155</i> Four homes with views of tower. Spot views along road.	Yes	45 feet- unobstructed	0.4 miles southwest
<i>Land Trust parcel off Lane Street</i> Open field areas.	Yes	65 feet – unobstructed	0.3 miles south
<i>Ironwood Trail (Aspetuck Village condominiums)</i> 15 units with views in complex.	Yes	80 feet – through trees	0.2 miles east
<i>Brownson Country Club/Aspetuck Village property boundary (Wolf Run)</i> 15 units with views in complex.	Yes	80 feet – through trees	0.1 miles east

<b>Old Pent Road (by #64 Lane Street)</b> Residence at 68 Lane Street would have similar view. (refer to Figure 5)	Yes	127 feet – through trees, includes compound.	0.2 miles west
<b>Lane Street (across from # 62)</b> Spot view along road, front yard.	Yes	40 feet - through trees	0.2 miles southwest

(Cellco 1, Tab 10; Tr. 1, pp. 21-22, 27-32)

\* 0.1 mile = 528 feet.

57. The tower would not be visible from any known hiking trails maintained by the DEP or the Connecticut Forest and Parks Association. The tower would be visible from an open field area of a land trust parcel off Lane Street, 0.3 miles south of the site. (Cellco 1, Tab 10)
58. The tower would be visible year-round from spot locations within the Huntington Center Historic District, an area generally extending in a linear north-south orientation from the Huntington Green to the Farmill River. The green is approximately 0.4 miles west of the site. The State Historic Preservation Officer viewed a balloon fly simulating the height of the proposed tower on September 22, 2008, and determined the proposed facility would have no effect on cultural resources listed or eligible for the National Register of Historic Places. (Cellco 1, Tab 10, Tab 11; Cellco 4, Tab 1; Tr. 1, pp. 24-25, 34-35)
59. The tower would be visible from spot locations along Lane Street, a town-designated scenic road 0.2 miles southwest of the site. (Cellco 1, Tab 10; Tr. 1, pp. 71-74)

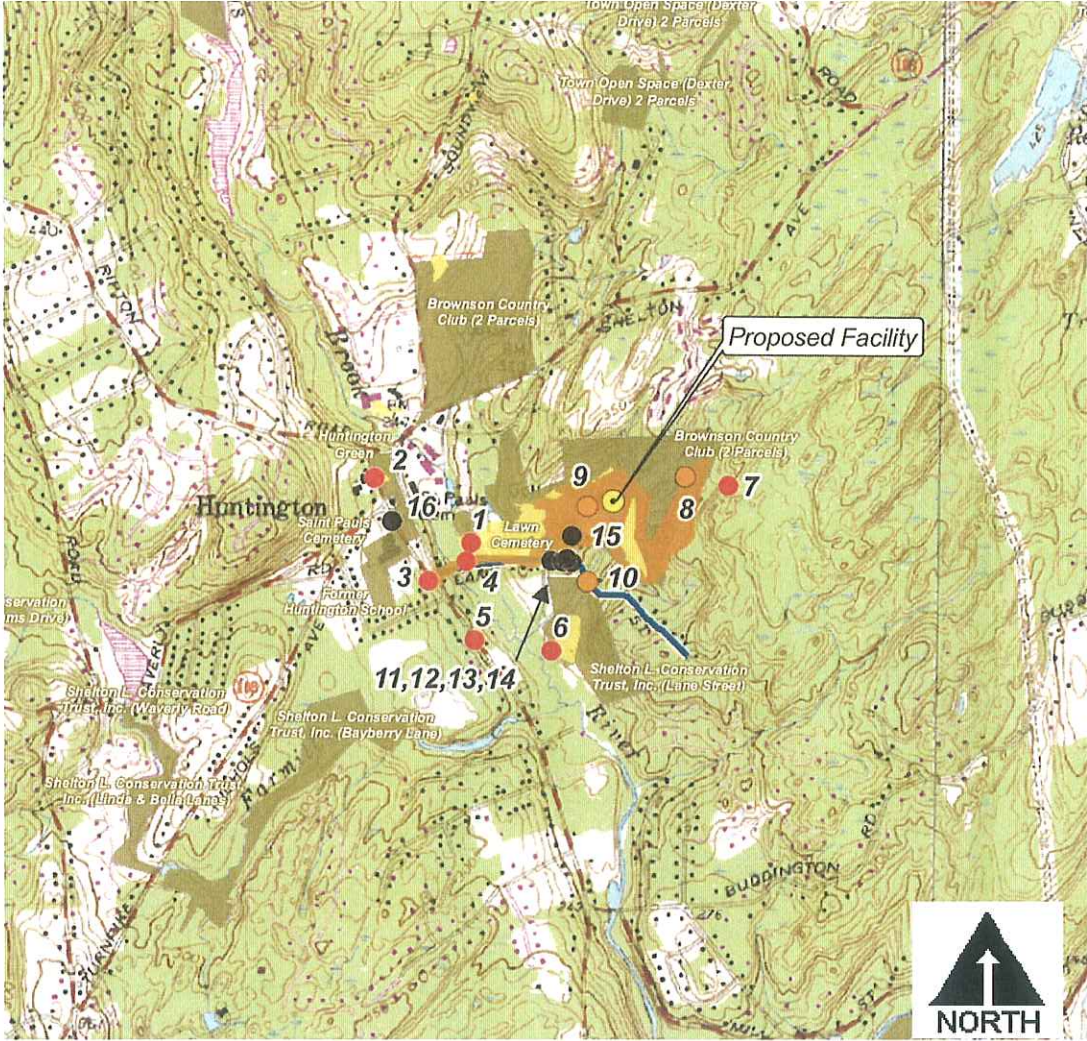
**Cellco - Existing and Proposed Wireless Coverage**

60. Cellco proposes to operate both cellular (800 MHz) and PCS (1900 MHz) equipment at the site. Cellco is also licensed to operate in the 700 MHz frequency band but has not yet deployed this service in Connecticut. Cellco would install 700 MHz equipment in the future. (Cellco 1, p. 8, Tab 1; Cellco 4, Q. 8; Tr. 1, pp. 87-88)
61. Cellco designs and operates at the following signal level thresholds: in-vehicle service is -85 dBm and in-building service is -75 dBm. (Cellco 1, p. 8, Tab 1; Cellco 4, Q. 8; Tr. 1, pp. 87-88)
62. Cellco currently has no reliable, continuous coverage in the target service area, where existing coverage ranges from -90 to -110 dBm (refer to Figures 6 & 8). Verizon currently experiences a 3% drop call rate. Verizon is seeking to reduce the drop call rate to less than 1%. (Cellco 8; Tr. 1, pp. 91-92)
63. Installing antennas at 120 feet agl would provide reliable cellular and PCS service to Route 108 for 2.6 miles and 1.8 miles, respectively (refer to Figures 7 & 9). (Cellco 4, Q. 10; Tr. 1, pp. 11-13)
64. The site would provide a cellular coverage footprint of 6.3 square miles and a PCS coverage footprint of 2.7 miles. (Cellco 4, Q. 10)
65. Reducing the antenna height to 110 feet agl would cause a slight degradation of coverage along the periphery of the cellular footprint for in-building coverage and a degradation of PCS coverage for 0.2 miles along Route 108 south of the site. (Cellco 4, Q. 10; Cellco 8)





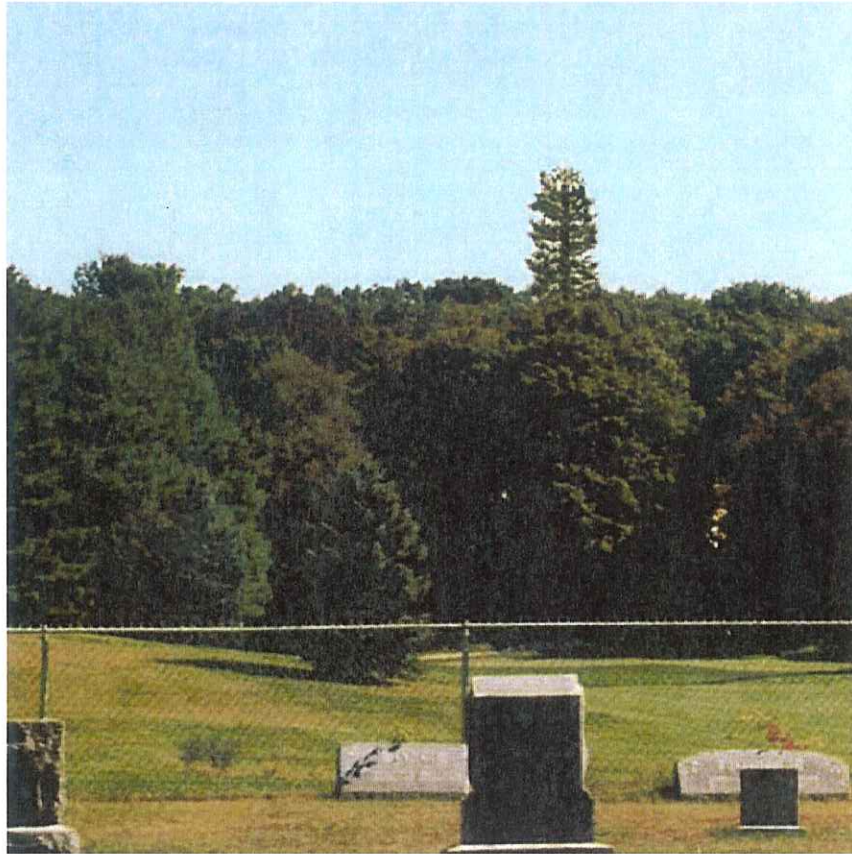
**Figure 2:** Location of site at Brownson Country Club.  
(Cellco 1, p. iii)



**Legend**

-  Proposed Site Location
- Photographs - September 22, 2008  
and March 20, 2009
-  Balloon is not visible
-  Balloon visible through trees
-  Balloon visible above trees
-  Year-Round Visibility  
(Approximately 17 acres)
-  Seasonal Visibility  
(Approximately 29 acres)
-  Protected Municipal and Private Open  
Space Properties (1997)

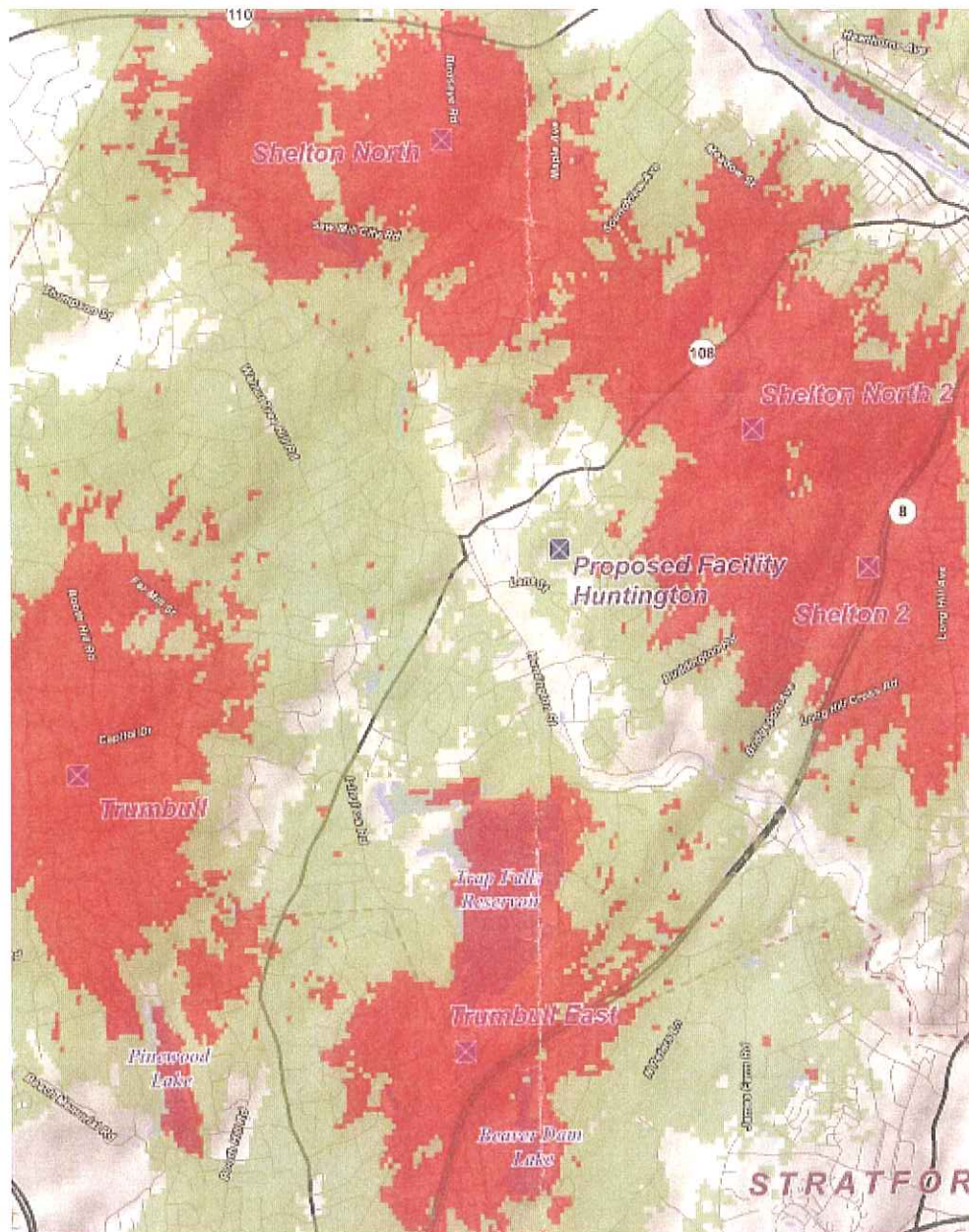
**Figure 3:** Projected visibility of proposed site. (Cellco 1, Tab 10)



**Figure 4:** Photo-simulation of proposed “tree tower” from Lawn Cemetery.  
(Cellco 1, Tab 10)



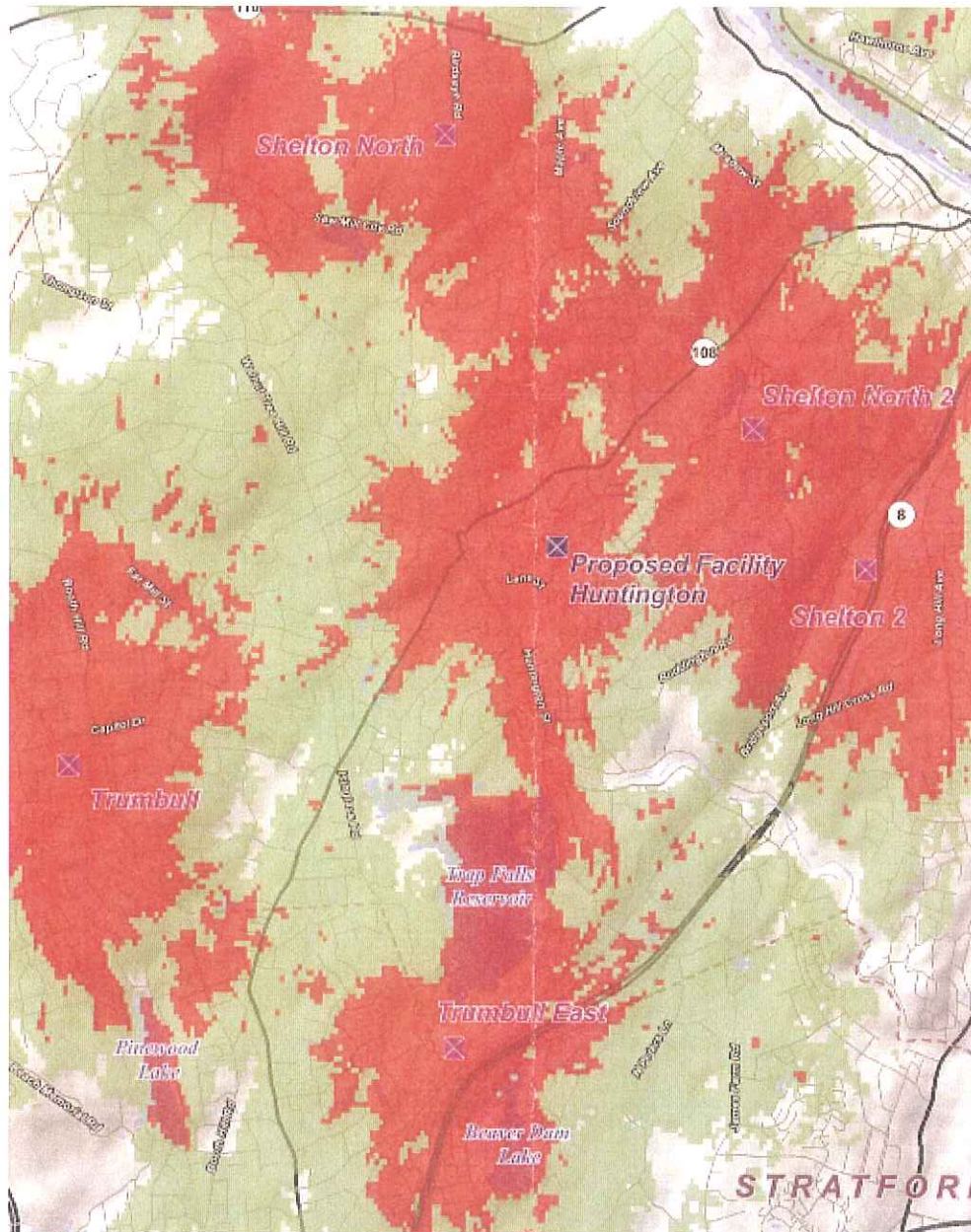
**Figure 5:** Photo-simulation of proposed tree tower from #64 Lane Street  
(Cellco 1, Tab 10)



**Legend**

- |  |                    |
|--|--------------------|
| Proposed Verizon Wireless Facility                 | Interstate Highway |
| Existing Verizon Wireless Facilities               | Major Roads        |
| <b>Proposed Verizon Wireless Cellular Coverage</b> |                    |
| -75 dBm  | Local Streets      |
| -85 dBm  | Town Line          |
|  | Open Water         |

**Figure 6:** Cellco's existing cellular coverage. (Cellco 8)

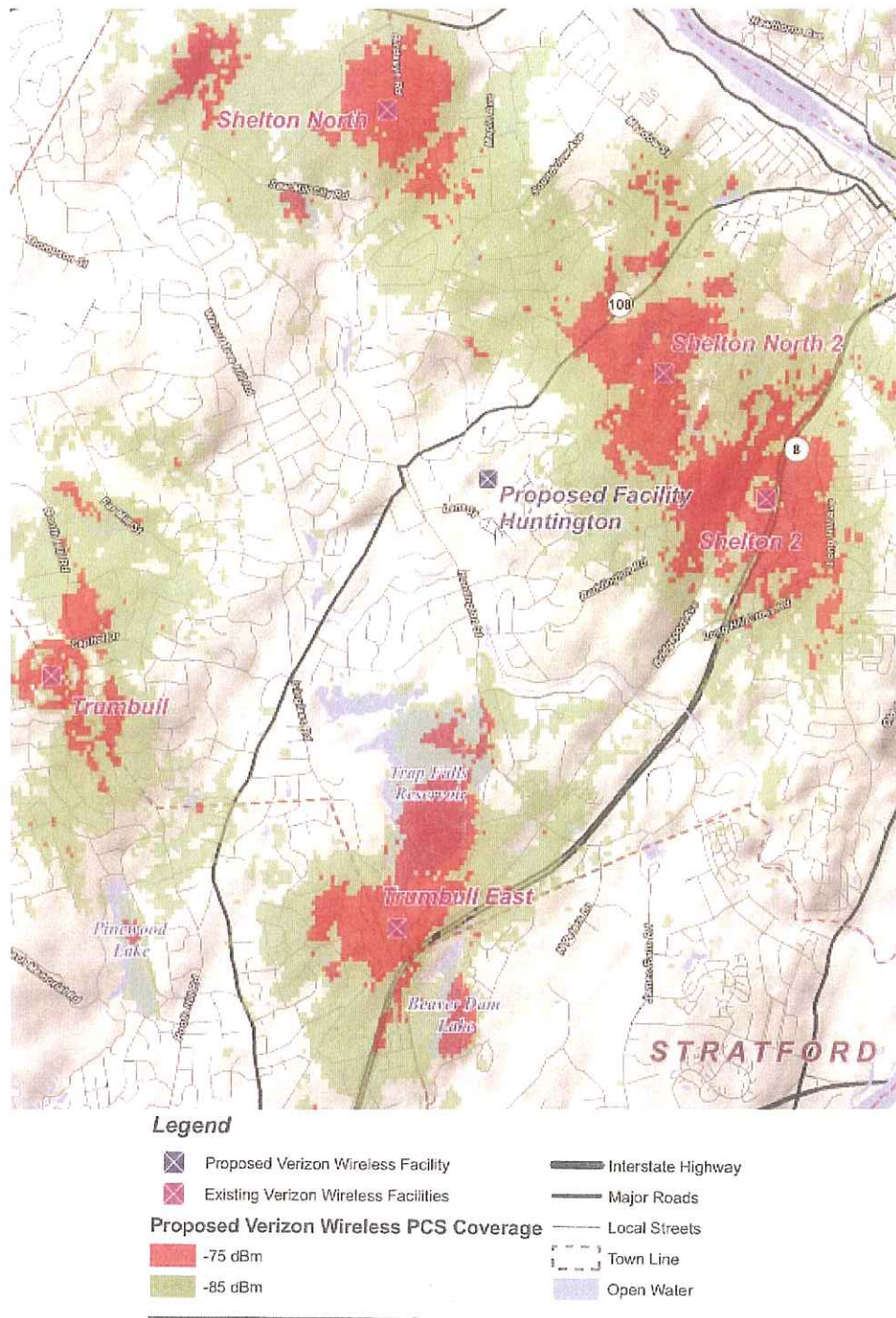


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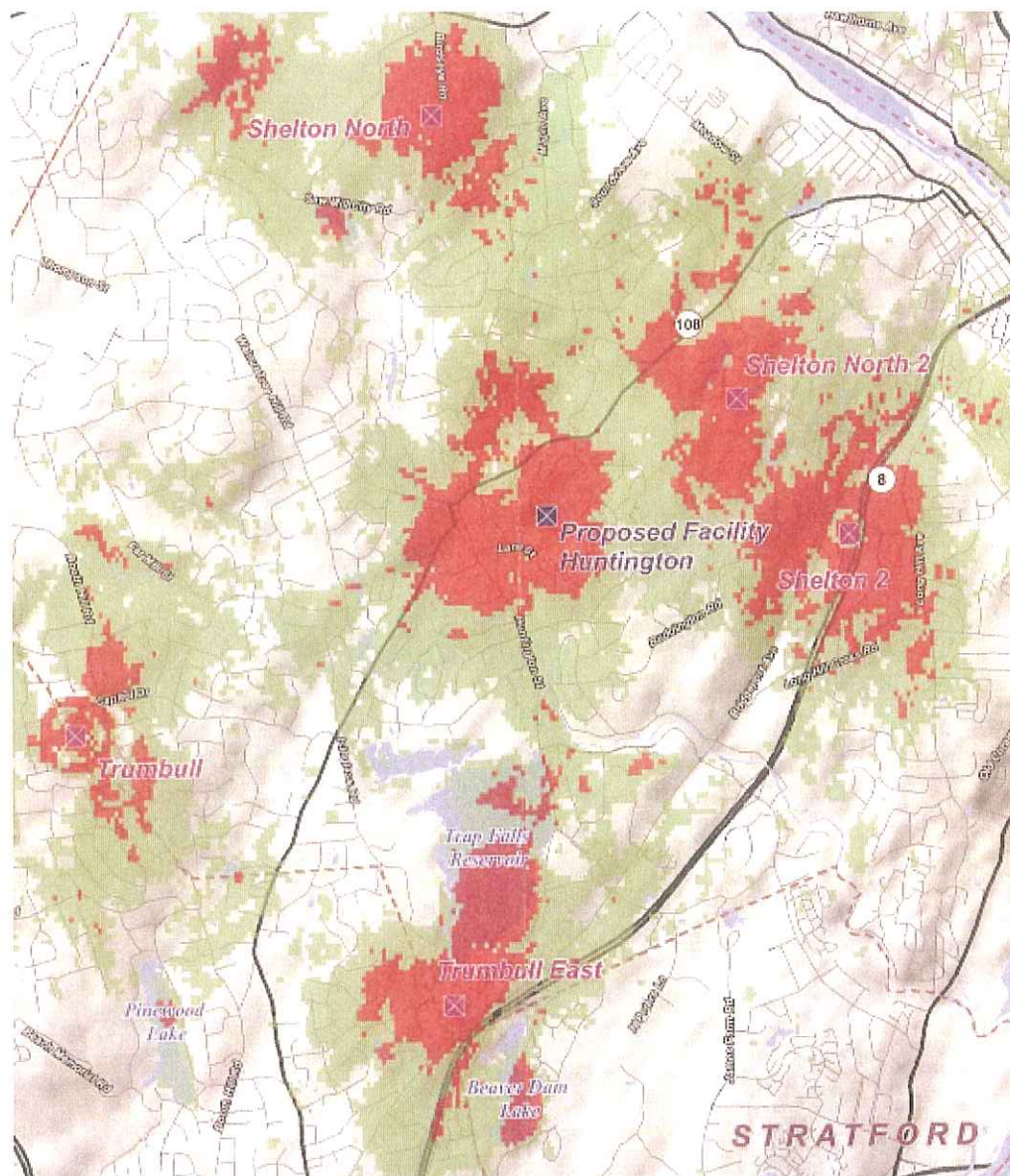
- |  |                    |
|--|--------------------|
| Proposed Verizon Wireless Facility                 | Interstate Highway |
| Existing Verizon Wireless Facilities               | Major Roads        |
| <b>Proposed Verizon Wireless Cellular Coverage</b> | Local Streets      |
| -75 dBm  | Town Line          |
| -85 dBm  | Open Water         |

**Figure 7:** Cellco proposed cellular coverage with antennas mounted at 120 feet agl. (Cellco 8)





**Figure 8:** Cellco's existing PCS coverage. (Cellco 8)



**Legend**

- |   |                    |
|---|--------------------|
| Proposed Verizon Wireless Facility            | Interstate Highway |
| Existing Verizon Wireless Facilities          | Major Roads        |
| <b>Proposed Verizon Wireless PCS Coverage</b> |                    |
| -75 dBm                                       | Local Streets      |
| -85 dBm                                       | Town Line          |
|   | Open Water         |

**Figure 9:** Cellco's proposed PCS coverage with antennas at 120 feet agl. (Cellco 8)

**DOCKET NO. 382** – Cellco Partnership d/b/a Verizon Wireless } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public need for the construction, maintenance and operation of a } Siting  
telecommunications facility located off Lane Street, Shelton, }  
Connecticut. } Council

December 3, 2009

### Opinion

On July 15, 2009, Cellco Partnership d/b/a Verizon Wireless (Cellco) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility located at the Brownson Country Club off Lane Street in Shelton, Connecticut. The proposed facility would provide Cellco with wireless service to Route 108, Huntington Street, and surrounding areas in the Huntington center area of Shelton.

Cellco proposes to construct a 120-foot monopole designed as a pine tree on a 55-acre parcel owned by the Brownson Country Club. The site is east of Huntington center and north of Lane Street. The tower and an associated 40-foot by 66-foot equipment compound would be constructed in a wooded area south of the 11<sup>th</sup> fairway. The tower is approximately 185 feet east of the nearest property boundary at 64 Lane Street (Cwanek Property) and 360 feet northeast of the nearest residence at 68 Lane Street (Dobson Property). The tower setback radius would be contained within the site parcel.

The tower site would be accessed from a new, 12-foot wide gravel driveway extending northeast from Lane Street. It would extend 560 feet across the 11<sup>th</sup> fairway to an existing paved golf cart path. The tower access drive would then follow the cart path 1,120 feet east to the site. The existing cart path would be widened to 12 feet and re-paved.

Cellco proposes to operate 800 MHz (cellular) and 1900 MHz (PCS) equipment at the site. Cellco is also licensed to operate in the 700 MHz frequency band but has not yet deployed this service in Connecticut. Cellco currently has non-reliable service to the area, where drop calls average 3%. Cellco is seeking to reduce the drop call rate to less than 1%. The proposed site would provide reliable coverage to 2.6 miles of Route 108 at the cellular frequency and 1.8 miles at the PCS frequency. Although an examination of coverage models indicates an antenna height of 110 feet would only degrade coverage along the periphery of the coverage footprint, a 120-foot monopole would provide sufficient height for other telecommunication companies to meet coverage objectives that are similar to Cellco's.

Cellco proposes to install 12 panel antennas on a platform at a centerline height of 120 feet. Cellco would deploy three additional panel antennas on the proposed platform for 700 MHz service once this service is ready for deployment. Underground utilities would extend to the compound from existing service on Lane Street. The utilities would be installed adjacent to the access road within a 20-foot wide access road/utility easement.

Based on the lack of suitable existing structures where antennas could be installed and non-reliable service to the Huntington area, the Council finds a need for a new tower. The Council finds a 120-foot tower would provide Cellco sufficient coverage to the target service area while allowing tower space for other telecommunication providers that may wish to locate at this site in the future. In addition, Cellco offers to provide space on the tower at no compensation for any municipal emergency service communication antennas, provided such antennas are compatible with the structural integrity of the tower, although the City has not responded to this offer.

Development of the site would require the removal of twenty trees. The site is not within any known habitat of federally threatened or endangered species or State endangered, threatened or special concern species. Although the site is 0.4 miles east of the Huntington Center Historic District, the State Historic Preservation Office determined the proposed tower would have no effect on this cultural resource area.

Development of the site would impact two small wetlands adjacent to the compound. The wetlands have been damaged through repeated vehicle impacts and brush dumping and have low wildlife value. The Council examined the possibility of relocating the access road away from the wetland area, but such relocation would result in the clearing of a mature upland wooded area, resulting in a greater loss of beneficial wildlife habitat.

Widening the existing paved cart path would impact approximately 500 square feet of pond edges where the path passes between two ponds on the property. Cellco proposes to rebuild the water crossing between the two ponds by removing a culvert that passes under the path, establishing an exposed channel, and installing a bridge over the channel. The Council will order that Cellco minimize the width of the cart path to the greatest practical extent and install an access gate at the entrance on Lane Street that conforms to the character of the neighborhood.

Views of the tower would be primarily from spot areas 0.1 to 0.4 miles from the site. Open views of the upper half of the tower would be from the Lawn Cemetery on Lane Street and from an open space area south of Lane Street. The tower would be visible from spot locations within the Huntington Center Historic District west of the site, but the views are not significant. Views from residential areas include the properties at 64 and 68 Lane Street immediately west of the site, where the tower would be visible through the trees. The Council will order that Cellco install evergreen plantings on the west side of the compound to screen the compound fence. The tower would also be seasonally visible from the Aspetuck Village condominium complex east of the site, where the upper 80 feet of the tower would be visible from 15 units through trees during leaf-off conditions. Four residences on Huntington Street would have year-round views of the upper 45 feet of the tower.

The Council recognizes the proposed tree tower would extend above the treeline, nevertheless, a tree design would not be inconsistent with the vegetation in the area. While the Council is prepared to decide this matter, the Council did not receive input from the municipality as to its preference in the final design of the tower. Thus, the Council will order the applicant to consult with the municipality to discuss tower design options prior to submission of a Development and Management Plan. If a tree design is preferred by the municipality and/or Council, the Council will carefully examine the design to assure a more natural form than some of the older installations in the state.

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 AT&T's antennas proposed to be installed on the tower have been calculated to amount to 26.7% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. Also, if federal or state standards change, the Council will require that the tower be brought into compliance with such standards. 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 120-foot monopole telecommunications facility designed as a pine tree at the Brownson Country Club in Shelton, Connecticut.

<p><b>DOCKET NO. 382</b> – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located off Lane Street, Shelton, Connecticut.</p>	<p>} Connecticut } Siting } Council</p>
	<p>December 3, 2009</p>

**Decision and Order**

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Cellco Partnership d/b/a Verizon Wireless, hereinafter referred to as the Certificate Holder, for a telecommunications facility located at the Brownson Country Club off Lane Street, Shelton, 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 monopole tower shall be designed and 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 monopole shall not exceed a height of 120 feet above ground level. The Certificate Holder shall provide plans and photo-simulations of a monopole in the form of a simulated pine tree for Council consideration. The final form of the tower will be decided by the Council during the Development and Management Plan approval.
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 with a monopole option and a stealth tree design option, shall be served on the City of Shelton for comment, and all parties and intervenors as listed in the service list, and submitted to the Council for review and approval 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;
  - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
  - c) the width of access road shall be minimized to the greatest practical extent.
  - d) the access gate at the entrance on Lane Street shall conform to the character of the neighborhood; and
  - e) screening vegetation along the west side of the compound.

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 City of Shelton 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 City of Shelton. Any proposed modifications to this Decision and Order shall likewise be so served.
9. At least one wireless telecommunications carrier shall install their equipment and shall become operational not later than 120 days after the tower is erected. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
10. 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 Connecticut Post.

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

The parties and intervenors to this proceeding are:

**Applicant**

Cellco Partnership d/b/a  
Verizon Wireless

**Its Representative**

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

Sandy Carter, Regulatory Manager  
Verizon Wireless  
99 East River Drive  
East Hartford, CT 06108



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. 382** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located off Lane Street, Shelton, Connecticut, and voted as follows to approve the proposed telecommunications facility:

Council Members

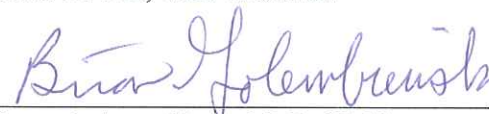
Vote Cast

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


Yes

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


Yes

  
\_\_\_\_\_  
Commissioner Kevin M. DelGobbo  
Designee: Wayne V. Estey

Yes

  
\_\_\_\_\_  
Commissioner Amey Marrella  
Designee: Brian Golembiewski


Yes

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


Yes

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

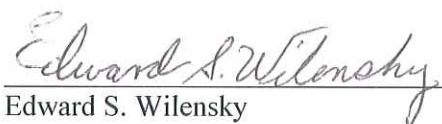
Yes

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

Yes

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

Yes

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

Yes

Dated at New Britain, Connecticut, December 3, 2009.



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)

December 7, 2009

Sandy Carter, Regulatory Manager  
Verizon Wireless  
99 East River Drive  
East Hartford, CT 06108

RE: **DOCKET NO. 382** – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located off of Lane Street, Huntington (Shelton), Connecticut.

Dear Ms. Carter:

By its Decision and Order dated December 3, 2009, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) to Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a telecommunications facility located off of Lane Street, Huntington (Shelton), Connecticut.

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

Very truly yours,



S. Derek Phelps  
Executive Director

SDP/RDM/laf

Enclosures (4)

c: Kenneth C. Baldwin, Esq., Robinson & Cole LLP



STATE OF CONNECTICUT  
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**CERTIFICATE**  
**OF**  
**ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**  
**DOCKET NO. 382**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a telecommunications facility located off Lane Street, Shelton, 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 December 3, 2009.

By order of the Council,

Daniel F. Caruso, Chairman

December 3, 2009



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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

December 7, 2009

TO: Classified/Legal Supervisor  
**282091006**  
The Connecticut Post  
410 State Street  
Bridgeport, CT 06604-4560

Classified/Legal Supervisor  
**282091006**  
New Haven Register, The (Daily)  
40 Sargent Drive  
New Haven, CT 06511

FROM: Lisa A. Fontaine, Administrative Assistant

RE: **DOCKET NO. 382** – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located off of Lane Street, Huntington (Shelton), 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*

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[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 December 4, 2009, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Cellco Partnership d/b/a Verizon Wireless for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located off of Lane Street, Huntington (Shelton), Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut