



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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March 4, 2010

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 387** – SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and management of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, Connecticut.

By its Decision and Order dated February 25, 2010, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, Connecticut.

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

SDP/CDM/jbw

Enclosures (3)

c: State Documents Librarian

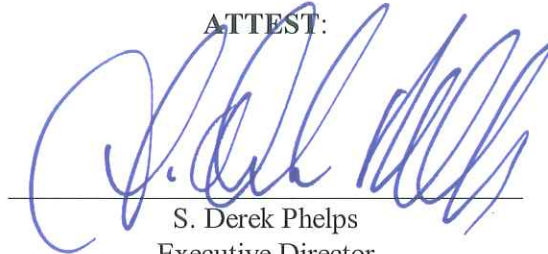
STATE OF CONNECTICUT)

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. 387 has been forwarded by Certified First Class Return Receipt Requested mail, on March 4, 2010, to all parties and intervenors of record as listed on the attached service list, dated November 19, 2009.

ATTEST:



Jessica Brito-Weston
Office Assistant
Connecticut Siting Council



Daniel F. Caruso
Chairman

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March 4, 2010

Carrie L. Larson, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

RE: **DOCKET NO. 387** – SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and management of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, Connecticut.

Dear Attorney Larson:

By its Decision and Order dated February 25, 2010, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and management of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, Connecticut.

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

Very truly yours,

S. Derek Phelps
Executive Director

SDP/CDM/jbw

Enclosures (4)



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Chairman

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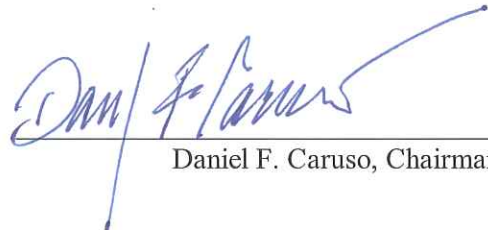
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**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 387**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to SBA Towers II, LLC for the construction, maintenance and management of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, 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 February 25, 2010.

By order of the Council,



Daniel F. Caruso, Chairman

February 25, 2010

DOCKET NO. 387 – SBA Towers II, LLC application for a } Connecticut
Certificate of Environmental Compatibility and Public Need for }
the construction, maintenance and management of a } Siting
telecommunications facility at 44 Gavitt Road, Barkhamsted, }
Connecticut. } Council

February 25, 2010

Findings of Fact

Introduction

1. Pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes (CGS), as amended, and Section 16-50j-1 et. seq. of the Regulations of Connecticut State Agencies (RCSA), SBA Towers II, LLC (SBA) applied to the Connecticut Siting Council (Council) on September 18, 2009 for the construction, management, and maintenance of a telecommunications facility, which would include a 170-foot tall monopole tower, to be located at 44 Gavitt Road in the Town of Barkhamsted, Connecticut. (See Figures 1 and 2) (SBA 1, pp. 1-2)
2. SBA is a Delaware limited liability company and a subsidiary of SBA Communications Corporation, a publicly traded company that owns and operates wireless infrastructure facilities nationwide. Its offices are at One Research Drive, Suite 200C, Westborough, Massachusetts. (SBA 1, p. 3)
3. The parties in this proceeding are SBA and the Town of Barkhamsted. Intervenors are New Cingular Wireless PCS, LLC (AT&T) and Cellco Partnership d/b/a Verizon Wireless (Verizon). Both carriers are licensed by the Federal Communications Commission to provide wireless service in Connecticut. (Transcript, December 10, 2009, 3:00 p.m. [Tr. 1], pp. 6-7)
4. The purpose of the proposed facility is to provide service along Routes 219 and 179 in Barkhamsted as well as in adjacent areas. (SBA 1, p. 1)
5. Pursuant to CGS § 16-50/(b), notice of the applicant's intent to submit this application was published on September 9 and September 10, 2009 in the Hartford Courant. (SBA 1, p. 4, Exhibit E; SBA 2, Affidavit of Publication)
6. Pursuant to CGS § 16-50/(b), SBA sent notice of its intent to file an application with the Council to each person appearing of record as owner of property abutting the property on which the site is located. (SBA 1, p. 4, Exhibit E)

7. SBA received return receipts from all but one abutting property owner, Pleasant Valley Company, located at 45 Gavitt Road. SBA sent a second letter, via both certified and regular mail, to this property on November 6, 2009. (SBA 3, A1)
8. Pursuant to CGS § 16-50I (b), SBA provided a copy of its application to all federal, state, regional, and local officials and agencies listed therein. (SBA 1, p. 4, Exhibit D)
9. On November 23, 2009, SBA posted a sign on the host property that provided notice of its pending application and the hearing scheduled on it. The sign also included information on how to contact the Council. (SBA 4, Q8.A.; Exhibit 1)
10. Pursuant to CGS § 16-50m, the Council held a public hearing on December 10, 2009, beginning at 3:00 p.m. and continuing at 7:05 p.m. in the Barkhamsted Senior Center at 109 West River Road, Pleasant Valley, Connecticut. (Tr. 1, p. 3 ff.)
11. The Council and its staff conducted an inspection of the proposed site on December 10, 2009 beginning at 2:00 p.m. On the day of the field inspection SBA flew a balloon beginning at 7:00 a.m. until 4:30 p.m. at a height of approximately 170 feet. The weather conditions were not good for the balloon flight as wind speeds varied between 15 to 30 miles an hour. Several balloons were lost during the course of the day, and it was difficult to keep the balloons near the height of the proposed tower. The sky was slightly overcast, and visibility was adequate. (Tr. 1, pp. 21-22)

State Agency Comments

12. Pursuant to CGS § 16-50I, the Council solicited comments on this application on October 28, 2009 and December 16, 2009 from the following state departments and agencies: Department of Agriculture, Department of Environmental Protection (DEP), Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, and the Department of Transportation. (CSC Hearing Package dated October 28, 2009; Letter to State Department Heads dated December 16, 2009)
13. The Council did not receive any comments from the state agencies from which comments were solicited. (Record)

Municipal Consultation

14. On June 30, 2009, SBA submitted a technical report to the First Selectman of Barkhamsted. The technical report contained specific information about SBA's proposed facility, the site selection process, and the environmental effects of the proposed facility. (SBA 1, p. 14)
15. On July 15, 2009, SBA representatives met with Mr. Donald Stein, First Selectman of Barkhamsted, and Debbie Brydon, of the Barkhamsted Building Department, along with other town officials to discuss its proposed facility. (SBA 1, pp. 14-15, Exhibit M)

16. SBA would provide space at the proposed facility for the Town of Barkhamsted's emergency services equipment free of charge. (SBA 1, p. 5)
17. The Barkhamsted Fire District is studying its communications system needs and may be interested in placing antennas on SBA's proposed tower. (SBA 3, Exhibit 1)

Federal Designation for Public Need

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 - Telecommunications Act of 1996; SBA 1, p. 4)
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 - Telecommunications Act of 1996)
20. The Telecommunications Act of 1996 prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice No. 7 - Telecommunications Act of 1996)
21. 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. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice No. 7 - Telecommunications Act of 1996)
22. Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act) in order to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (SBA 1, p. 5)
23. The proposed facility would be an integral component of both AT&T's and Verizon's wireless networks in Litchfield County. Both of these networks have gaps in coverage in this area of Barkhamsted, specifically along Routes 219, 179, and in adjacent areas. (See Figures 4 and 6) (SBA 1, pp. 4-5; Verizon 2, Responses 3, 5, and 7)
24. Verizon experiences gaps in coverage at both cellular and PCS frequencies between its existing Hartland, East Hartland, Hartland Southeast, Huggins Gorge, West Granby, North Canton, Barkhamsted West, Barkhamsted South, New Hartford North, and Collinsville cell sites. (Verizon 2, Responses 7 and 8)

25. As an outgrowth of the 911 Act, the Federal Communications Commission has mandated that wireless carriers provide enhanced 911 services (E911) as part of their communications networks. (SBA 1, p. 6)
26. The proposed facility would be an integral component of the E911 network of both AT&T and Verizon. (SBA 1, p. 6)

Existing and Proposed Wireless Coverage

AT&T

27. AT&T's licensed operating frequencies in this part of the state include the 850 MHz (cellular) band, specifically 880-894 MHz, and the 1900 MHz (PCS) band. At the proposed facility, AT&T would initially install 850 MHz cellular service and expand to the 1900 MHz PCS service to provide additional capacity as needed. (AT&T 2, A1)
28. AT&T designs its system for signal strengths of -82 dBm for in-vehicle coverage and -74 dBm for in-building coverage. (AT&T 2, A2)
29. AT&T's existing signal strength in the area that would be covered from the proposed facility varies between -90 and -105 dBm. With its antennas at 167 feet on the proposed facility, AT&T would improve its service along Routes 179 and 219, as well as on other local roads and the surrounding area. (AT&T 2, A3)
30. AT&T experiences a coverage gap of 3.8 miles on Route 219 and a gap of 3.3 miles on Route 179. (AT&T 2, A5)
31. At a signal strength of -82 dBm, AT&T would be able to cover approximately 2.48 miles along Route 219 and 2.6 miles on Route 179. (AT&T 2, A6)
32. At -82 dBm, the total area AT&T could cover from the proposed facility, with its antennas at a centerline height of 167 feet, is 6.9 square miles. (AT&T 2, A4)
33. From the proposed facility, AT&T's antennas would hand off signals to adjacent sites located at 350 Hartland Boulevard in Hartland (Docket 312) and 30 Higley Road in Granby (Docket 263). (AT&T 2, A7)
34. The minimum height at which AT&T could achieve its coverage objectives from the proposed facility is 157 feet agl. At this height, however, AT&T's coverage would be .23 square miles less than with its antennas at the proposed height of 167 feet agl. (AT&T 2, A8)

Verizon

35. Verizon is licensed to operate in the cellular (850 MHz), personal communications service (PCS) (1900 MHz), and LTE (700 MHz) frequency bands throughout the State of Connecticut. (Verizon 2, Response 1)

36. The signal strengths for Verizon's minimum coverage thresholds are -75 dBm for reliable in-building service and -85 dBm for reliable in-vehicle service. (Verizon 2, Response 2)
37. Verizon's existing signal strength in the area to be served by the proposed facility ranges from -86 dBm to -110 dBm at cellular frequencies and from -86 dBm to -128 dBm at PCS frequencies. (Verizon 2, Response 3)
38. Verizon experiences a dropped call rate of 3.25 percent in the area that would be covered by the proposed facility. Verizon seeks to achieve a dropped call rate no greater than one percent. (Tr. 1, pp. 73-74)
39. Verizon experiences a 4.52 mile gap at cellular frequencies and a 6.4 mile gap at PCS frequencies along Route 219. It experiences a 2.34 mile gap at cellular frequencies and a 5.9 mile gap at PCS frequencies along Route 179 in the vicinity of the proposed facility. (Verizon 2, Response 5)
40. With its antennas at the 157-foot level of the proposed tower, Verizon would cover 3.2 miles on Route 219 at cellular frequencies, 2.25 miles at PCS frequencies, and 3.36 miles of coverage at LTE frequencies. It would provide 4.02 miles of coverage on Route 179 at cellular frequencies, 2.59 miles of coverage at PCS frequencies, and 3.77 miles of coverage at LTE frequencies. (Verizon 2, Response 6)
41. With its antennas at the 157-foot level of the proposed tower, Verizon would cover approximately 12.6 square miles at cellular frequencies, 4.67 square miles at PCS frequencies, and 12.24 square miles at LTE frequencies. (Verizon 2, Response 4)
42. From the proposed facility, Verizon's antennas would hand off signals with adjacent facilities identified in the table below.

Location of tower	Ht. & Type of Tower	Vzn Ant. Ht.	Distance & Direction
350 Hartland Blvd, Hartland	120' monopole	110'	2.45 mi. to NE
307 Center Hill Rd, West Hartland	180' lattice tower	170'	4.27 mi. to NW
22 Welsh Road, East Hartland	180' lattice tower	170'	3.75 mi. to NE
8 Upper Meadow Rd, West Granby	150' monopole	137'	4.25 mi. to E
30 Higley Road, West Granby	120' monopole	97'	3.21 mi. to NE
540 Cherry Brook Road, Canton	150' monopole	150'	3.71 mi. to SE
5 Old Farm Road, Barkhamsted	145' monopole	145'	6.1 mi. to SW
127 New Hartford Road, Barkhamsted	144' monopole	127.5'	5.69 mi. to SW
115 Greenwoods Industrial Park, New Hartford	160' monopole	147'	5.02 mi. to SW

(Verizon 2, Response 8)

43. The minimum antenna height at which Verizon could achieve its target objectives at the proposed facility would be 157 feet. (Verizon 2, Response 10)
44. Verizon has search rings along Route 219, to the northeast and southwest of the proposed site, to help it cover remaining coverage gaps in the area. (Tr. 1, p. 62)

Town of Barkhamsted

45. The Town of Barkhamsted experiences a significant gap in cell service coverage in the area of town that would be served by the proposed facility. One of the town's fire departments, located one half mile south of the proposed facility, has difficulty communicating with other fire departments and emergency services. (Tr. 1, p. 8)

Pocket

46. Youghiogheny Communications Northeast LLC (Pocket) submitted a letter indicating that it would seek to install antennas on SBA's proposed tower at the highest antenna centerline available. (Letter from Pullman & Comley on behalf of Pocket Wireless, dated November 20, 2009)

Site Selection

47. SBA began searching for a site in this area in November, 2008 and concentrated its efforts along Routes 219 and 179. (SBA 3, A7)
48. SBA's site search was the result of SBA staff's awareness of a lack of wireless coverage in this area of Barkhamsted. (SBA 3, A8)
49. SBA identified nine communications towers within approximately four miles of its proposed site. None of these towers was found to be adequate for AT&T's or Verizon's coverage purposes. The towers are listed in the table below.

Tower Location	Height and Type of Tower	Tower Owner	Approx. Distance and Direction
22 Welsh Road, Hartland	180' lattice tower	Town of Hartland	3.76 miles to N
350 Hartland Boulevard, Hartland	120' monopole	AT&T	2.46 miles to NE
Mountain Road, Hartland	110' lattice tower	Continental Cablevision	3.66 miles to N
Center Hill Road, West Hartland	180' lattice tower	Town of Hartland	4.28 miles to N
30 Higley Road, Hartland	120' monopole	New Cingular (AT&T)	3.19 miles to NE
8 Upper Meadow Road, Granby	150' monopole	Verizon	4.23 miles to E

(table continued on next page)

Tower Location	Height and Type of Tower	Tower Owner	Approx. Distance and Direction
540 Cherry Brook Road, Canton	150' monopole	SBA	3.71 miles to S
2 South Road, East Hartland	40' light weight lattice tower	Town of Hartland	3.56 miles to N
54 North Canton Road, Barkhamsted	25' light weight lattice tower	Barkhamsted FD	1.09 miles to S

(SBA 1, p. 7; Exhibit H; SBA 3, A12)

50. In addition to the towers listed in the table above, SBA identified another tower on a subsequent field review. It is a 50-foot self-supporting lattice tower located on Beach Rock Road. (SBA 3, A12)

51. SBA investigated numerous properties in the area of its proposed location that were rejected as unsuitable. Properties that were investigated, with the reasons for their unsuitability, include:

- a. 21 Legeyt Road: SBA concluded that this property was not suitable for development due to its severe terrain and wetlands issues.
- b. 74 Gavitt Road: The owner of this property did not respond to repeated inquiries from SBA.
- c. 65-67 Gavitt Road: The owner of this property did not respond to repeated inquiries from SBA.
- d. Legeyt Road (Assessor's Parcel 17&18-33-8): This property is owned by the State of Connecticut and is state forest land known as the Enders State Forest. It is, therefore, unavailable for development as a telecommunications facility.
- e. 12 Legeyt Road: SBA concluded that this property was unsuitable due to its topography and its proximity to existing residences.
- f. Saville Dam Road and East Hartland Road: This property is owned by the Metropolitan District Commission and encompasses the Barkhamsted reservoir. It is not available for development as a wireless facility.
- g. East Hartland Road (Assessor's Parcel 17-30-3): This property is owned by the State of Connecticut and is state forest land known as the Tunxis State Forest. It is, therefore, unavailable for development as a telecommunications facility.
- h. Barkhamsted East Fire Department (54 North Canton Road, Barkhamsted): SBA investigated this property at the request of the Town of Barkhamsted during the municipal consultation process. The site was rejected by both AT&T and Verizon radiofrequency engineers.
 (SBA 1, Exhibit G)

52. The Metropolitan District Commission (MDC) owns land to the southwest of the intersection of Legeyt Road and Route 179 that could be suitable for development as a wireless telecommunications facility, since it would likely be classified as Class III water company land and it is unencumbered by wetland resources. This area, however, is 40 to 50 feet higher in elevation than the location of SBA's proposed facility. A tower at this location would be more visible along Legeyt Road, including photo locations 1 and 2 (see Figure 8) of the Visual Resource Evaluation Report included in SBA's application as Exhibit I, as well as to several homes along Route 179. (SBA Late File Exhibit – Water Company Land Evaluation, dated January 7, 2010)
53. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies would not be practicable or feasible means of providing service within the area AT&T and Verizon are seeking to cover from the proposed facility. Terrain variations and tree cover limit the use of such technologies as alternatives to the proposed facility. There are no equally effective and feasible technological alternatives to the construction of the proposed tower. (SBA 1, p. 6)

Facility Description

54. The proposed facility would be located in the northeasterly portion of a 36-acre property at 44 Gavitt Road (Route 219). The property is owned by Karen and Richard Langer and is currently undeveloped. The site of the proposed facility is approximately 1,700 feet north of Route 219 and 1,400 feet east of Route 179. (SBA 1, p. 2; Exhibit B)
55. The Langer property is zoned RA-2, a residential zoning district that requires a 2-acre minimum lot size. Wireless telecommunications facilities are permitted in RA-2 zones as a special exception with site plan approval. (SBA 1, p. 9; Bulk Filing – Town of Barkhamsted Zoning Regulations)
56. Land use in the vicinity surrounding the proposed facility consists largely of forest, much of which is owned by the MDC, or developed for low-density residential uses. (SBA 1, p. 13; Exhibit I, p. 1)
57. The proposed facility would consist of a 170-foot monopole tower erected within a 70-foot by 70-foot compound in a 70-foot by 70-foot lease parcel. The compound would be enclosed by an eight-foot high chain link fence. AT&T's ground equipment would be housed in a 12-foot by 20-foot equipment shelter. Verizon's ground equipment would be housed in a 12-foot by 30-foot equipment shelter. (See Figure 3) (SBA 1, p. 8, Exhibit B – Compound Plan; Verizon 2, Response 13)
58. The proposed facility would be located at 41° 56' 45.9" north latitude and 72° 54' 41.3" west longitude. Its ground elevation would be 1,137 feet above mean sea level (amsl). (SBA 1, Exhibit N; Exhibit B, Sheet C02)

59. The proposed tower would be designed in accordance with the specifications of the Electronic Industries Association Standard ANSI/TIA-222-G “Structural Standards for Steel Antenna Towers and Antenna Support Structures” consistent with the International Building Code. The diameter of the tower would be approximately 24 inches at its top and approximately 60 inches at its base. The tower would be designed to accommodate the antennas of four wireless carriers and municipal public safety antennas. (SBA 1, p. 2; SBA 3, A2)
60. The proposed tower would be designed to be expandable to a height of 199 feet. (Tr. 1, pp. 17-18)
61. AT&T would install six panel antennas on a platform at a centerline height of 167 feet above ground level (AGL). (SBA 1, p. 8)
62. In the event of a power failure, AT&T would rely on batteries as well as a permanent diesel generator that would be located on a 4-foot by 11-foot concrete pad. (AT&T 2, A11)
63. Verizon would install 12 antennas on a low profile platform with a centerline height of 157 feet. These antennas would include three that operate on Verizon’s licensed 700 MHz frequencies. (Tr. 1, pp. 61-62)
64. For backup power, Verizon would use first a battery backup system, then a diesel-fueled generator. Both power sources would be installed in its equipment shelter. The generator would be in a separate 10-foot by 12-foot generator room. The batteries would be in the main equipment area. (Verizon 2, Response 14; Tr. 1, pp. 62-63)
65. Verizon would use a tertiary containment system for its generator’s fuel supply that would include a basin-like area in its equipment shelter capable of holding 125 percent of the capacity of the generator’s fuel tank. (Tr. 1, pp. 62-63)
66. Development of the proposed facility would require approximately 500 cubic yards of fill and 1,100 cubic yards of cut. (SBA 3, A3)
67. Vehicular access to the proposed facility would extend from Gavitt Road over a gravel drive approximately 1,700 feet to the equipment compound. The gravel road would mostly follow an existing dirt road. (SBA 1, p. 8, Exhibit B – Drawing C02)
68. Utility service to the proposed facility compound would extend from an existing pole on Gavitt Road to a new riser pole to be installed near the entrance of the access drive and then underground to the proposed facility closely following the gravel drive. (SBA 1, p. 8, Exhibit B – Drawing C02; Tr. 1, p. 41)
69. SBA would conduct a geotechnical investigation to determine if there is ledge present at the location of the proposed facility. If ledge is present, chipping would be preferred to blasting as the method for its removal. (SBA 3, A4)

70. The proposed tower's setback radius would be contained within the host property. (SBA 1, Exhibit B)
71. The nearest property boundary to the proposed facility is approximately 174 feet to the east. The adjacent property is owned by Thomas Perez of 21 Legeyt Road. (SBA 1, Exhibit B)
72. There is one residence located within 1,000 feet of the proposed facility. It is located 940 feet to the southeast at 64 Gavitt Road and is owned by Peter and Kathleen Van Gelder. (SBA 1, p. 13, Exhibit B)
73. The estimated cost of the proposed facility, not including antennas and related equipment, is:
- | | |
|-----------------------------------|---------------|
| Tower and foundation costs | \$ 77,000 |
| Site development costs | 97,000 |
| <u>Utility installation costs</u> | <u>53,300</u> |
| Total estimated costs | \$ 227,300 |
- (SBA 1, p. 16)
74. The estimated cost of Verizon's antennas and related equipment would be approximately \$600,000. (Verizon 2, Response 12)
75. The estimated cost of AT&T's antennas and related equipment would be approximately \$250,000. (AT&T 2, A10)

Environmental Considerations

76. The proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (SBA 1, Exhibit K – Letter from Deputy State Historic Preservation Officer, dated August 26, 2009)
77. The site of the proposed facility is in the vicinity of habitat for a state threatened species, the Northern Spring Salamander (*Gyrinophilus prophyriticus*). (SBA 1, Exhibit K – Letter from DEP, dated August 17, 2009)
78. An investigation into the Northern Spring Salamander and its habitat in the vicinity of the proposed facility revealed that the salamander's habitat on the site was very marginal and that the proposed facility would not adversely impact it. The final report was submitted to DEP for its review on or about December 10, 2009. SBA would comply with any recommendations made by DEP based on the habitat report. (SBA 3, A10; SBA 8, pp. 1-3; Tr. 1, pp. 20-21)
79. After reviewing the report on the Northern Spring Salamander's habitat, DEP concurred with the report's assessment that the proposed facility would not impact the endangered species' habitat. DEP's comments included recommendations that SBA follow standard protocols for protection of wetlands and that all silt fencing be removed after soils are stabilized. (DEP letter dated December 14, 2009)

80. Vegetation in the vicinity of the proposed compound is characterized by wooded areas consisting of mature, mixed hardwood species interspersed with mature evergreen species. The average height of the trees in the vicinity of the proposed site is 65 feet. (SBA 1, p. 10, Exhibit I, p. 1)
81. There is a wetland system associated with an intermittent watercourse in the southerly portion of the Langer property. This system encompasses three small, man-made pools that provide habitat for species (Spotted salamander and wood frog) commonly associated with vernal pools. The wetland system is located approximately 1,000 feet south of the proposed facility's compound. However, the access drive would require regrading activities in close proximity to the wetland system—approximately seven feet in one location—and to the man-made pool identified as Pool #2. The intermittent watercourse crosses under the existing dirt road that would be used as the proposed facility's access drive through an existing, 24-inch corrugated plastic pipe. (SBA 1, Exhibit J)
82. Throughout the construction period of the proposed facility, SBA would establish and maintain appropriate soil erosion and sedimentation control measures, in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, established by the Connecticut Council for Soil and Water Conservation, in cooperation with the Connecticut Department of Environmental Protection. (SBA 1, p. 14)
83. SBA would be willing to accept a seasonal restriction to conduct construction activities during a time that would minimize impact on vernal pools during the critical breeding season. Such a restriction would require SBA to begin construction after May 15. (Tr. 1, pp. 19-20)
84. During construction, SBA would hire an independent environmental inspector to monitor its sedimentation controls and to sweep the construction area for amphibians and relocate any found to suitable habitat. (SBA 3, A11; SBA 1, Exhibit J, p. 2)
85. Development of the proposed facility would require the removal of 25 trees with a diameter at breast height of six inches or more. (SBA 1, Exhibit B)
86. SBA has received a determination from the FAA that the proposed facility would not be a hazard to air navigation and that marking and lighting of the tower would not be necessary. This determination is for a tower up to 175 feet tall. Any increase beyond this height would require additional approval from the FAA. (SBA 1, p. 15, Exhibit N; Tr. 1, p. 59)
87. The cumulative worst-case maximum power density from the radio frequency emissions of the proposed AT&T and Verizon antennas is calculated to be 0.2027cm^2 or 26.86% 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. (SBA 1, Exhibit L; Verizon 2, Response 9)

Visibility

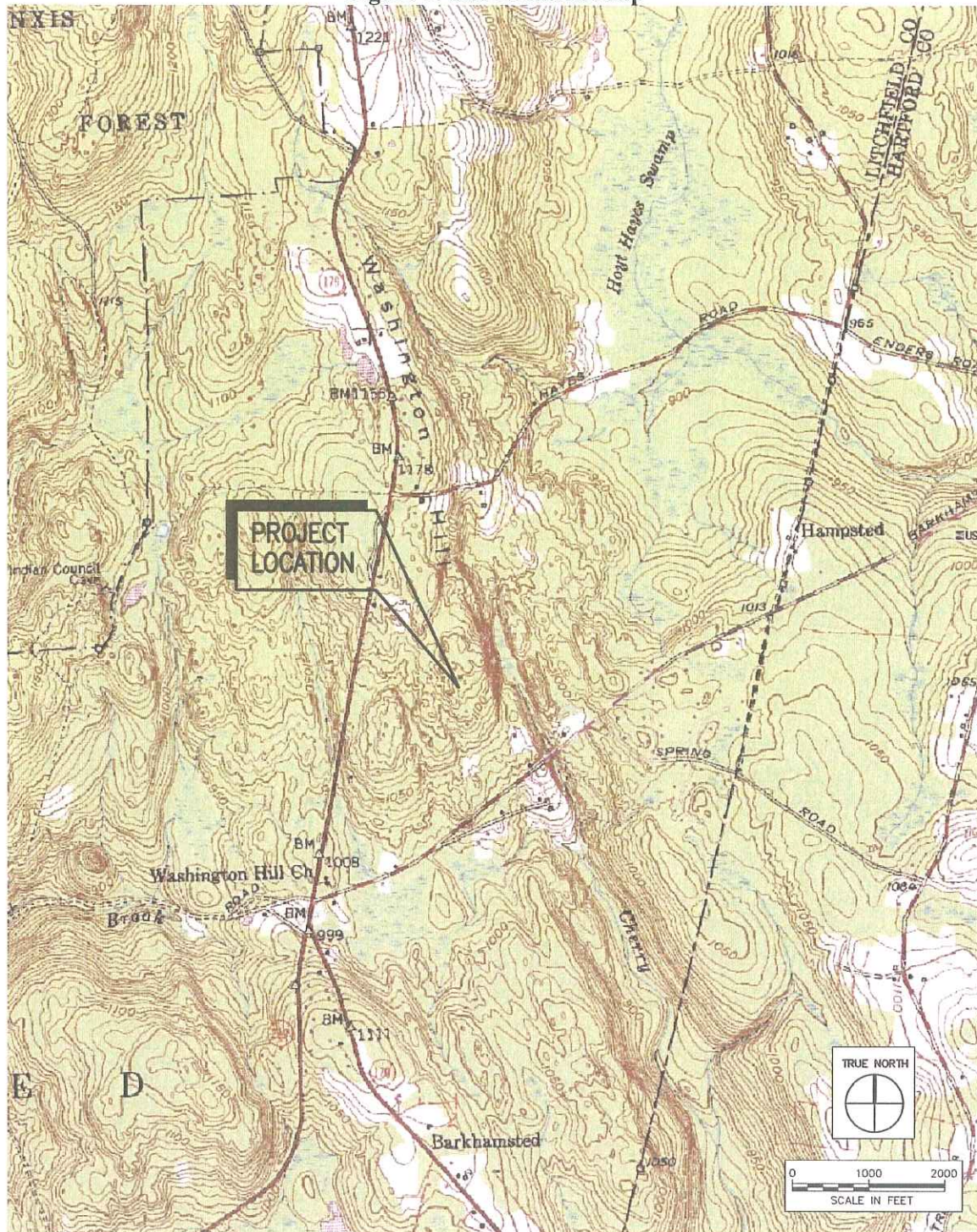
88. The proposed tower would be visible above the tree canopy from approximately 13 acres within a two-mile radius. Areas of visibility are small, isolated areas spread out among several locations. These areas include select portions of Legeyt Road to the northeast of the proposed facility; portions of Shannon Drive to the southwest; and several smaller areas located to the south, southeast, and southwest. Year round visibility is minimized by the abundance of mature trees in the vicinity and intervening topography. (See Figure 8) (SBA 1, Exhibit I, p. 5)
89. The proposed tower would be at least partially visible year-round from approximately four residential properties. Two of these properties are located along Legeyt Road. One property is located on Shannon Drive, and one property is located on Case Road in Barkhamsted. (SBA 1, Exhibit I, p. 5)
90. The visibility of the proposed tower from selected locations in the surrounding vicinity is summarized in the table below (See Figure 8).

Location	Visible	Approx. Portion of (170°) Tower Visible (ft.)	Approx. Distance and Direction to Tower
1 – 21 Legeyt Road	Yes	100'	2,600 feet; SW
2 – Legeyt Road	Yes	30'	5,700 feet; SW
3 – 8 Shannon Drive	Yes	80'	4,200 feet; NE
4 – South Road at Laurel Lane	No	n/a	3,300 feet; NW
5 – Route 219 at Route 179	No	n/a	3,200 feet; SE
6 – 93 Gavitt Road (Route 219)	No	n/a	2,600 feet; NW
7 – 131 Case Street (in Granby)	No	n/a	6,800 feet; NW
8 – Hayes Road	No	n/a	8,600 feet; S
9 – Tunxis Trail, Summit of Pine Mountain	No	n/a	10,000 feet; SE

(SBA 1, Exhibit I)

91. No views of the proposed tower are anticipated from the Blue-Blazed Tunxis Trail, located between one and two miles west of the proposed facility. (SBA 1, Exhibit I, p. 5)
92. The proposed tower would be seasonally visible from an additional 15 acres. The areas of seasonal visibility are generally located on the host property and adjacent to several of the areas of where year-round visibility would be anticipated. (SBA 1, Exhibit I, p. 5)
93. Two additional residential properties in Barkhamsted—one on Gavitt Road and the other on Case Road—may have seasonal views of the proposed tower. (SBA 1, Exhibit I, p. 5)
94. The proposed tower would not have any significant visual impact on any hiking or recreational sites, scenic highways, or historic sites. (SBA 1, p. 11, Exhibit I – Viewshed Analysis Map)

Figure 1: Site Location Map



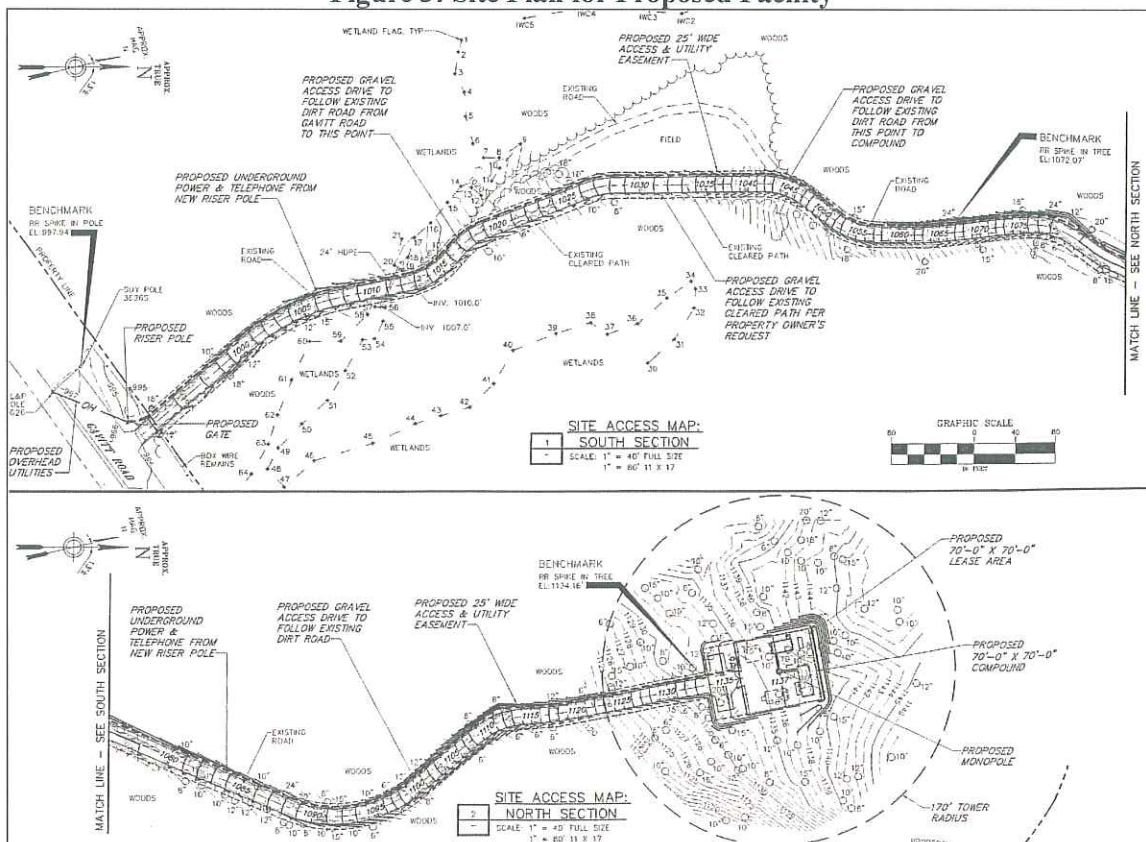
(SBA 1, Exhibit B)

Figure 2: Aerial Photograph of Site Vicinity



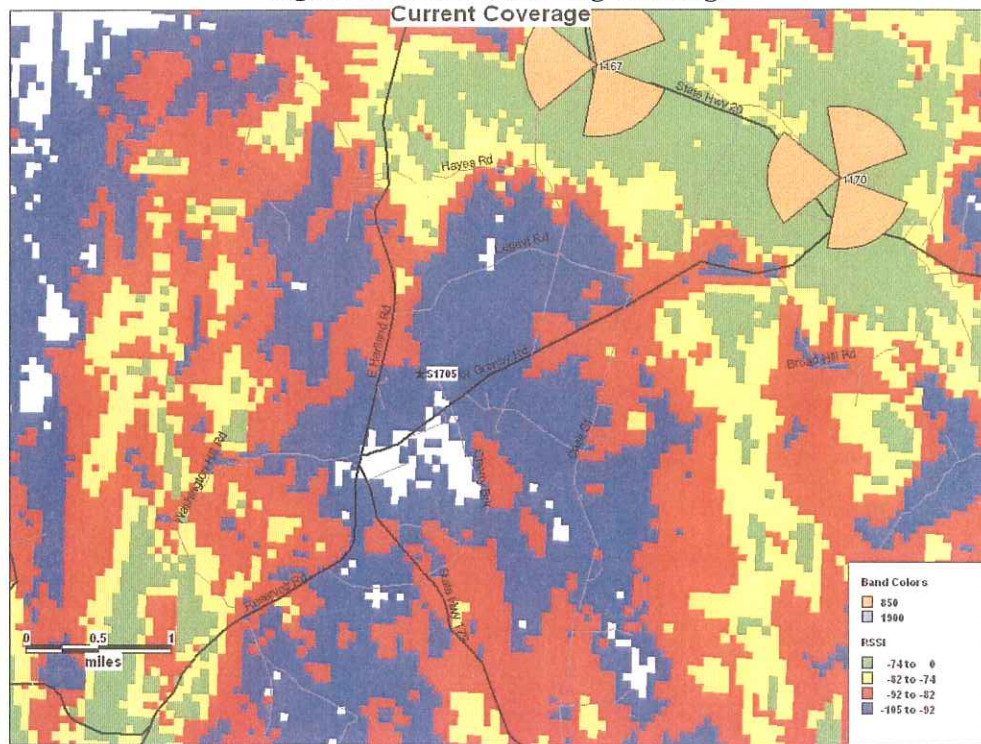
(SBA 3, Exhibit 2)

Figure 3: Site Plan for Proposed Facility



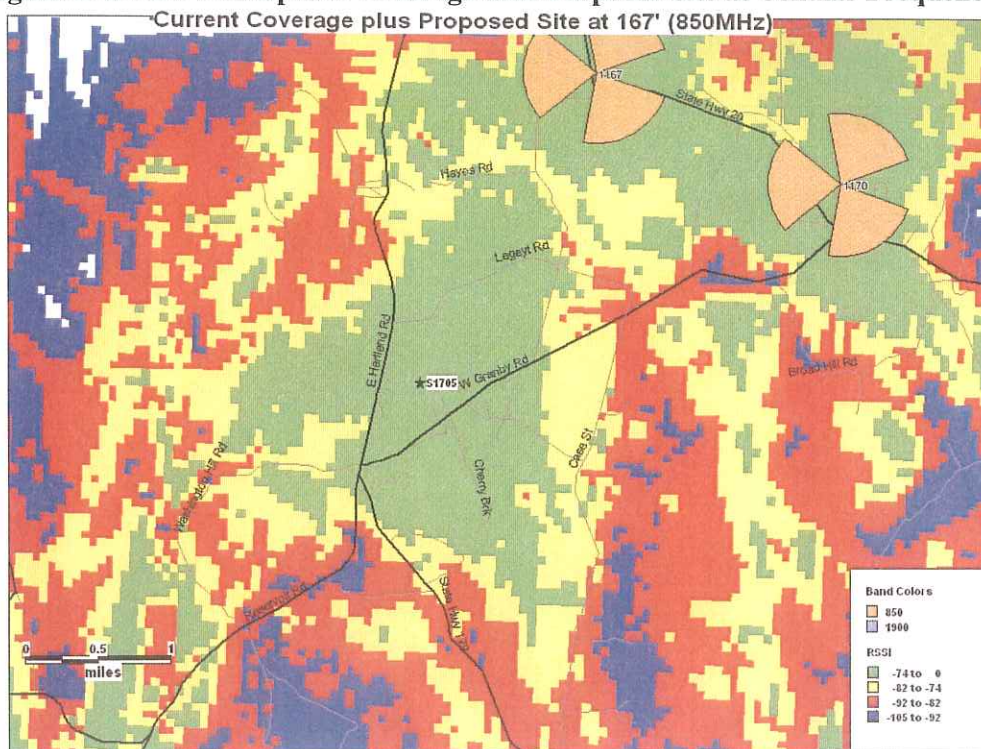
(SBA 1, Exhibit B, Sheet C02)

Figure 4: AT&T's Existing Coverage



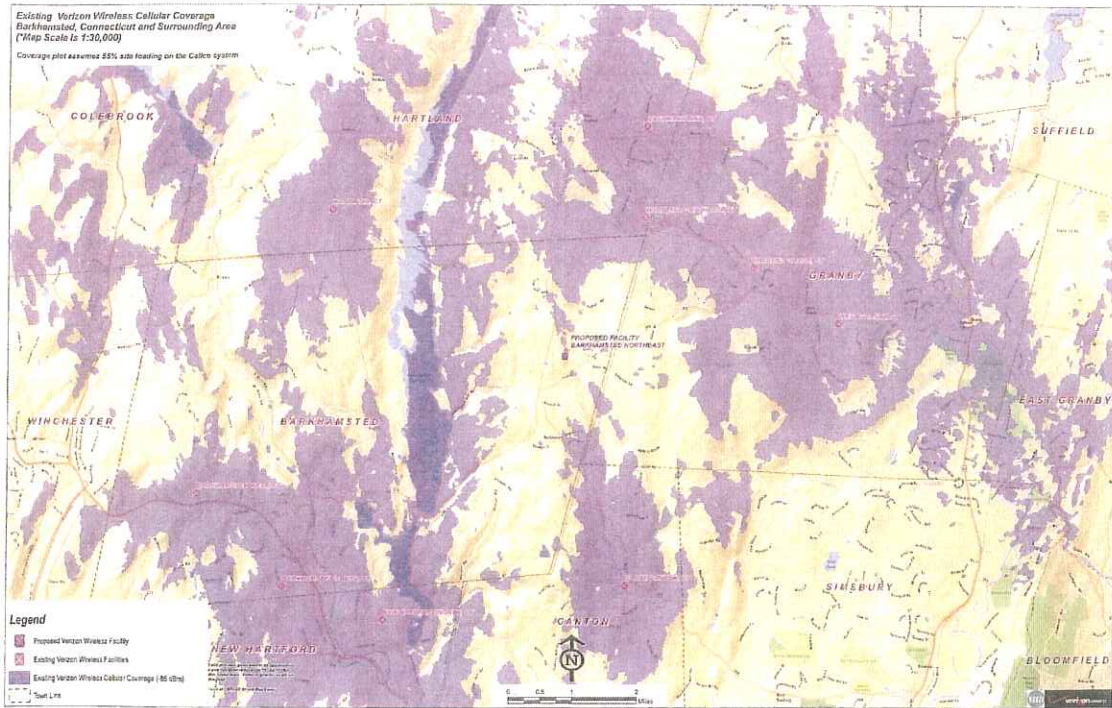
(SBA 1, Exhibit F)

Figure 5: AT&T's Composite Coverage with Proposed Site at Cellular Frequencies



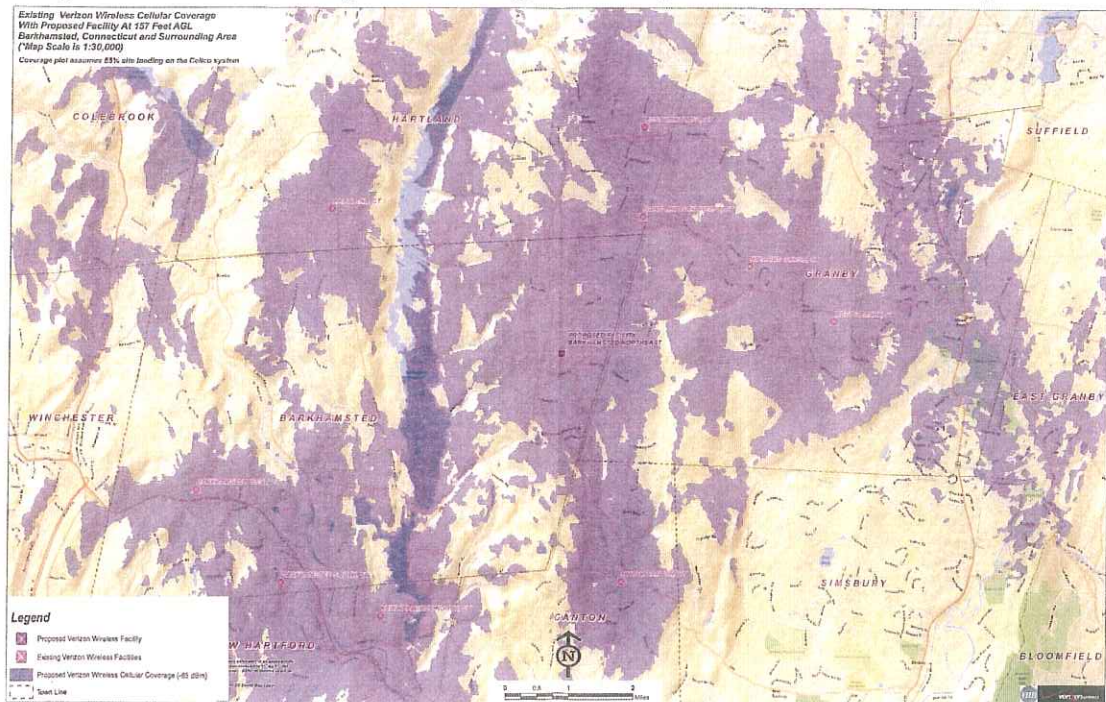
(SBA 1, Exhibit F)

Figure 6: Verizon's Existing Coverage at Cellular Frequencies



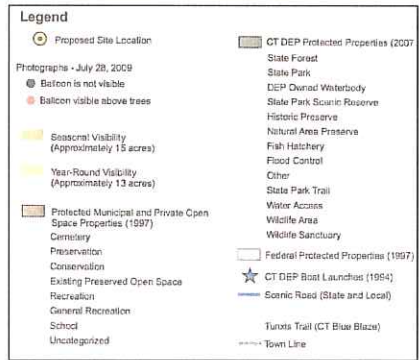
(Verizon 2, Attachment A)

Figure 7: Verizon's Composite Coverage with Proposed Site at Cellular Frequencies



(Verizon 2, Attachment A)

Figure 8: Visual Analysis of Proposed Tower



(SBA 1, Exhibit I – Viewshed Analysis)

DOCKET NO. 387 – SBA Towers II, LLC application for a } Connecticut
Certificate of Environmental Compatibility and Public Need for }
the construction, maintenance and management of a } Siting
telecommunications facility at 44 Gavitt Road, Barkhamsted, }
Connecticut. } Council

February 25, 2010

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, management, 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 SBA Towers II, LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at 44 Gavitt Road, Barkhamsted, 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 New Cingular Wireless PCS, LLC, Cellco Partnership, Inc. d/b/a Verizon Wireless and other entities, both public and private, but such tower shall not exceed a height of 170 feet above ground level.
2. The Certificate Holder shall not conduct any construction activities related to this facility before May 15 in any given calendar year.
3. The Certificate Holder shall hire an environmental inspector to monitor the efficacy of erosion and sedimentation controls in place during the construction period and to inspect the construction area for amphibians. Any periodic reports prepared by the environmental inspector shall be submitted to the Council.
4. 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 Barkhamsted for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:

- a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
5. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
6. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
7. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
8. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Barkhamsted public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
9. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
10. 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.
11. Any request for extension of the time period referred to in Condition 8 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 Barkhamsted. Any proposed modifications to this Decision and Order shall likewise be so served.

12. 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.
13. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
14. 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 Hartford Courant.

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

SBA Towers II, LLC
One Research Drive, Suite 200C
Westborough, Massachusetts 01581

Its Representative

Carrie L. Larson, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

Party

Town of Barkhamsted
Town Hall
67 Ripley Hill Road
Pleasant Valley, CT 06063

Its Representative

The Honorable Donald S. Stein
First Selectman
Town of Barkhamsted
Town Hall
67 Ripley Hill Road
Pleasant Valley, CT 06063

Intervenor

New Cingular Wireless PCS, LLC
500 Enterprise Drive
Rocky Hill, Connecticut 06067

Its Representative

Christopher B Fisher, Esq.
Daniel M. Laub, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Intervenor

Cellco Partnership, Inc. d/b/a Verizon Wireless
99 East River Drive
East Hartford, CT 06108

Its Representative

Joey Lee Miranda, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

DOCKET NO. 387 – SBA Towers II, LLC application for a } Connecticut
Certificate of Environmental Compatibility and Public Need for }
the construction, maintenance and management of a } Siting
telecommunications facility at 44 Gavitt Road, Barkhamsted, }
Connecticut. } Council

February 25, 2010

Opinion

On September 18, 2009, SBA Towers II, LLC (SBA) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and management of a wireless telecommunications facility to be located at 44 Gavitt Road in the Town of Barkhamsted, Connecticut. SBA is seeking to develop a facility on an undeveloped property owned by Karen and Richard Langer. SBA's objective in locating a facility at this location is to provide service along Routes 219 and Route 179 and adjacent areas in Barkhamsted. The Town of Barkhamsted participated as a party in this proceeding. New Cingular Wireless PCS, LLC (AT&T) and Cellco Partnership, Inc. d/b/a Verizon Wireless (Verizon) participated as intervenors in this proceeding to demonstrate their need for this facility.

SBA proposes to construct a 170-foot monopole within a 70-foot by 70-foot compound on a 36-acre parcel. The tower and compound area will be located in a wooded area in the northeasterly portion of the Langer property. No landscaping is proposed because the compound is located at some distance from the nearest residences and existing vegetation will provide natural screening. Underground utilities would be extended from Gavitt Road (Route 219). The tower would be designed to support the antennas of four wireless carriers and municipal emergency service providers. The proposed tower would be designed to be expandable to a height of 199 feet. SBA has an approval from the Federal Aviation Administration (FAA) for a tower up to 175 feet high at the proposed site. The Council will require a new FAA approval for an increase to the tower above 175 feet.

The tower's setback radius would be contained entirely within the host property.

The proposed tower would be visible above the tree canopy from approximately 13 acres within a two-mile radius. Areas of visibility are small, isolated areas spread out among several locations. These areas include portions of Legeyt Road to the northeast of the proposed facility; portions of Shannon Drive to the southwest; and several smaller areas located to the south, southeast, and southwest. The proposed tower would be at least partially visible year-round from approximately four residential properties. The proposed tower would be seasonally visible from an additional 15 acres. No views of the proposed tower are anticipated from the Blue-Blazed Tunxis Trail, located between one and two miles west of the proposed facility. Year-round visibility is minimized by the abundance of mature trees in the vicinity and intervening topography.

Vegetation in the vicinity of the proposed compound is characterized by wooded areas consisting of mature, mixed hardwood species interspersed with mature evergreen species. The average height of the trees in the vicinity of the proposed site is 65 feet. Development of the proposed facility would require the removal of 25 trees with a diameter at breast height of six inches or more.

There is a wetland system associated with an intermittent watercourse in the southerly portion of the Langer property. This system encompasses three small, man-made pools that provide habitat for species (Spotted salamander and wood frog) commonly associated with vernal pools. The wetland system is located approximately 1,000 feet south of the proposed facility's compound. However, the access drive would require regrading activities in close proximity to the wetland system—approximately seven feet in one location—and to the man-made pool identified as Pool #2. The intermittent watercourse crosses under the existing dirt road that would be used as the proposed facility's access drive through an existing, 24-inch corrugated plastic pipe.

The site of the proposed facility is in the vicinity of habitat for a state threatened species, the Northern Spring Salamander (*Gyrinophilus prophyriticus*). SBA hired a consultant to conduct a survey to determine whether or not the Northern Spring Salamander was present in the vicinity of the proposed facility. The survey concluded that the salamander's habitat on the site was marginal and that the proposed facility would not adversely impact it. The survey was submitted to DEP for its review in December, 2009. Although the Northern Spring Salamander was not found in the area that would be affected by construction of the proposed facility, SBA stated its willingness to accept a seasonal restriction to conduct construction activities during a time that would minimize impact on vernal pools during a critical breeding season for amphibians. Such a restriction would require SBA to begin construction after May 15. The Council will include such a restriction in its Decision and Order. The Council will also order SBA to hire an environmental inspector to monitor the sedimentation controls and to sweep the construction area for amphibians and remove them to suitable habitat.

The proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.

The Council is convinced that there is a need for coverage in the area that would be served by the proposed facility. This need has been attested to by SBA and the carriers that intervened in this proceeding as well as the Town of Barkhamsted, which stated that its emergency service providers had difficulty with their radio communications systems in this part of town.

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 antennas proposed to be installed on the tower by the two intervening carriers have been calculated to amount to 0.2027cm² or 26.86% 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 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. 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.

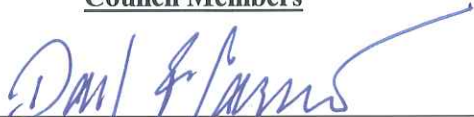
Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility at the proposed site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, 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 170-foot monopole telecommunications facility at 44 Gavitt Road, Barkhamsted, Connecticut.

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. 387 – SBA Towers II, LLC** application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and management of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, Connecticut, and voted as follows to approve the proposed telecommunications facility located 44 Gavitt Road, Barkhamsted, Connecticut:

Council Members

Vote Cast



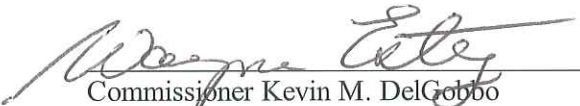
Daniel F. Caruso, Chairman

Yes




Colin C. Tait, Vice Chairman

Yes



Commissioner Kevin M. DeGobbo
Designee: Wayne V. Estey

Yes

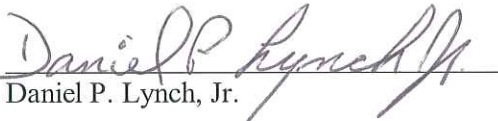


Commissioner Amey Marrella
Designee: Brian Golembiewski

Yes

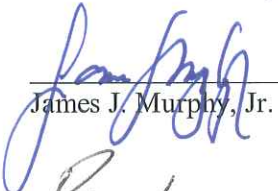
Philip T. Ashton

Absent



Daniel P. Lynch, Jr.

Yes



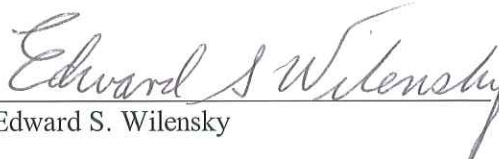
James J. Murphy, Jr.

Yes



Dr. Barbara Currier Bell

Yes



Edward S. Wilensky

Yes

Dated at New Britain, Connecticut, February 25, 2010.



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051


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

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

March 4, 2010

TO: Classified/Legal Supervisor
387091210
The Hartford Courant
285 Broad St.
Hartford, CT 06115

FROM: Jessica Brito-Weston, Office Assistant 

RE: **DOCKET NO. 387** – SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and management of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, Connecticut.

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

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

Thank you.

JBW



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

NOTICE

Pursuant to General Statutes § 16-50p (e), the Connecticut Siting Council (Council) announces that, on February 25, 2010 the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from SBA Towers II, LLC for the construction, maintenance and management of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input type="checkbox"/> E-mail or <input checked="" type="checkbox"/> U.S. Mail	SBA Towers II, LLC	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax clarson@pullcom.com
Intervenor (granted on 10/22/09)	<input type="checkbox"/> E-mail or <input checked="" type="checkbox"/> U.S. Mail	Cellco Partnership d/b/a Verizon Wireless	Joey Lee Miranda, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com
Party (granted on 10/22/09)	<input checked="" type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail	Town of Barkhamsted	The Honorable Donald S. Stein First Selectman Town of Barkhamsted Town Hall 67 Ripley Hill Road Pleasant Valley, CT 06063 dstein@barkhamsted.us
Intervenor (granted on 11/19/09)	<input type="checkbox"/> E-mail or <input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	Christopher B Fisher, Esq. Daniel M. Laub, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com