

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

www.ct.gov/csc

June 22, 2012

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *LRoberts*

RE: **DOCKET NO. 425** – Message Center Management application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a replacement telecommunications facility located at 4 Dittmar Road, Redding, Connecticut.

By its Decision and Order dated June 21, 2012, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a replacement telecommunications facility located at 4 Dittmar Road, Redding, Connecticut.

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

LR/cm

Enclosures (3)

c: Christopher B Fisher, Esq.
Daniel M. Laub, Esq.
State Documents Librarian

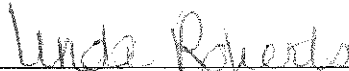
STATE OF CONNECTICUT)

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.

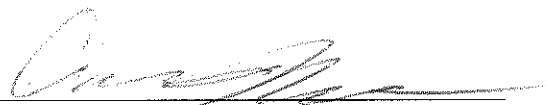
ATTEST:



Linda Roberts
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 425 has been forwarded by Certified First Class Return Receipt Requested mail on June 22, 2012, to all parties and intervenors of record as listed on the attached service list, dated February 2, 2012.

ATTEST:



Carriann Mulcahy
Secretary II
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"/> U.S. Mail	Message Center Managment	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 Virginia King Message Center Management, Inc. 40 Woodland Street Hartford, CT 06105
Party (Approved on 2/2/12)	<input type="checkbox"/> U.S. Mail	Town of Redding	Brad N. Mondschein, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103 860-424-4319 bmondschein@pullcom.com
Intervenor (Approved on 2/2/12)	<input type="checkbox"/> U.S. Mail	T-Mobile Northeast, LLC	Julie D. Kohler, Esq. Jesse A. Langer, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax jkohler@cohenandwolf.com jlanger@cohenandwolf.com
	<input type="checkbox"/> U.S. Mail		

DOCKET NO. 425 – Message Center Management application }
for a Certificate of Environmental Compatibility and Public }
Need for the construction, maintenance, and operation of a }
replacement telecommunications facility located at 4 Dittmar }
Road, Redding, Connecticut. }

Connecticut

Siting

Council

June 21, 2012

Findings of Fact

Introduction

1. Message Center Management, Inc. (MCM), in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g et. seq., applied to the Connecticut Siting Council (Council) on January 9, 2012 for the construction, maintenance, and operation of a telecommunications facility, which would replace an existing 110-foot tall guyed lattice tower with a 120-foot tall monopine telecommunications tower, at 4 Dittmar Road in the Town of Redding (Town), Connecticut. (MCM 1, pp. 1-3)
2. MCM is a Connecticut corporation with offices at 40 Woodland Street, Hartford, Connecticut. MCM owns and/or operates numerous telecommunications facilities in Connecticut, including the facility at 4 Dittmar Road. (MCM 1, p. 4)
3. The parties in this proceeding are MCM and the Town of Redding. T-Mobile Northeast LLC (T-Mobile) is an intervenor. (Transcript, March 27, 2012, 3:00 p.m. [Tr. 1], p. 5)
4. The purpose of this application is to replace an existing tower that has reached the end of its useful life and lacks the structural capacity to accommodate additional antennas. The replacement tower would enable T-Mobile to add antennas to the tower to provide service in the vicinity of Route 107, Route 58 (Black Rock Turnpike) and other local roads. The tower replacement would also allow the carriers currently on the existing tower to upgrade their equipment. (MCM 1, pp. 1-2)
5. Pursuant to CGS § 16-50(b), MCM published public notice of its intent to submit this application on December 29, 2011 and January 5, 2012 in the Redding Pilot. (MCM 1, p. 5, Attachment 8; MCM 3 – Affidavit of Publication submitted 03/16/12)
6. Pursuant to CGS § 16-50(b), MCM sent, via certified mail, notices 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 proposed site is located. (MCM 1, p. 6; Attachment 8)

7. MCM received return receipts from seven of the nine abutting property owners to whom it sent notices. MCM sent follow up letters via first class mail to Douglas Yeomans to an address available from the Redding Assessor's records and to a post office box in Bethel obtained through www.whitepages.com. The letter sent to the address obtained through the Assessor's office was returned as undeliverable. The letter sent to the post office box was not returned. MCM also sent a first class, follow up letter to Anthony and Marsha Arzt, from whom it did not receive a return receipt. (MCM 2- Responses to CSC Interrogatories, A1)
8. Pursuant to CGS § 16-50l (b), MCM provided copies of its application to all federal, state and local officials and agencies listed therein. (NAT 1, p. 5; Attachment 8)
9. On March 10, 2012, a representative of the applicant posted a sign notifying the general public of the pending application, the time and place of the scheduled public hearing, and contact information for the Council. (NAT 6 - Affidavit of Sign Posting, dated March 10, 2012)
10. The Council and its staff conducted an inspection of the proposed site on March 27, 2012, beginning at 2:00 p.m. The applicant attempted to fly a balloon at the site to simulate the height of the proposed tower but could not due to high winds and concerns about getting the balloon string entangled in the existing tower. (Tr. 1, p. 13)
11. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on March 27, 2012, beginning at 3:00 p.m. and continuing at 7:00 p.m. in the Community Room of the Redding Community Center, 37 Lonetown Road in Redding, Connecticut. (Tr. 1, p. 3 ff.)

State Agency Comment

12. Pursuant to CGS § 16-50j(h), on February 3 and March 29, 2012, the Council solicited comments on this application from the following state agencies: Department of Agriculture, Department of Energy & Environmental Protection (DEEP), Department of Public Health, Council on Environmental Quality, Public Utilities Regulatory Authority, Office of Policy and Management, Department of Economic and Community Development, the Department of Transportation (ConnDOT), and the Department of Emergency Management and Homeland Security. (CSC Hearing Package dated February 3, 2012; CSC Letter to State Department Heads dated March 29, 2012)
13. The Council did not receive any comments from any state agencies. (Record)

Municipal Consultation

14. MCM first contacted Redding's First Selectman about its plans to replace its existing tower and modify the facility at 4 Dittmar Road early in 2011. MCM representatives met with the First Selectman on May 5, 2011 to discuss the proposed tower replacement. At this meeting, MCM provided a visual analysis of the proposed tower replacement. An updated visual analysis, based upon inquiries about various tower designs made by the First Selectman, was forwarded to the Town on May 24, 2011. This updated analysis included photo simulations of a monopine tower. MCM formally submitted a Technical Report summarizing its replacement plans to the Town of Redding on August 2, 2011. On this same date, MCM also submitted a Technical Report to town officials in Bethel, due to the proximity of this town's boundary to the MCM facility. (MCM 1, p. 17)
15. Upon receiving the MCM Technical Report, the Redding First Selectman convened a series of meetings with abutting property owners to elicit input on various alternative tower locations, tower designs, and screening. The property owners expressed various requests and preferences, many of which were incorporated into MCM's application to the Council. (MCM 1, pp. 17-18)
16. In a letter to the Council, the Town of Redding stated that it had concerns about the potential noise from air conditioning compressors and backup generators, screening of the facility, the final appearance of the monopine, the possibility of future expansion of the tower, and safety as it relates to the fall zone of the tower and wind effects on the proposed monopine. (Town of Redding Letter to Council, dated March 12, 2012)
17. The Town of Redding has indicated an interest in locating antennas on the proposed tower. (Tr. 1, p. 14)
18. The Town of Bethel did not seek any consultation from MCM after receiving its Technical Report. (MCM 1, p. 17)

Public Need for Service

19. 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. 4 - Telecommunications Act of 1996; NAT 1, p. 5)
20. 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. 4 - Telecommunications Act of 1996)
21. The Telecommunications Act of 1996 prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 4 - Telecommunications Act of 1996)

22. The Telecommunications Act of 1996 prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects, which include human health 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. 4 - Telecommunications Act of 1996)
23. In December 2009, President Barack Obama recognized cell phone towers as critical infrastructure vital to the United States. (Council Administrative Notice Item No. 9 - Barack Obama Presidential Proclamation 8460, Critical Infrastructure Protection)
24. In recognition of the public safety benefits enhanced wireless telecommunications networks can provide, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (Council Administrative Notice Item No. 5 - Wireless Communications and Public Safety Act of 1999, as amended)
25. Pursuant to the tower sharing policy of the State of Connecticut under C.G.S. §16-50aa, if the Council finds that a request for shared use of a facility by a municipality or other person, firm, corporation or public agency is technically, legally, environmentally and economically feasible, and the Council finds that the request for shared use of a facility meets public safety concerns, the Council shall issue an order approving such shared use to avoid the unnecessary proliferation of towers in the state. (Conn. Gen. Stat. §16-50aa)
26. The proposed replacement tower would enable T-Mobile to provide Enhanced 911 (E911) services in the surrounding area, in compliance with the 911 Act. (MCM 1, p. 8)

Existing and Proposed Wireless Coverage

T-Mobile

27. In the area that would be covered by this facility, T-Mobile is licensed to use the following frequencies:

GSM Transmit:	1940 MHz to 1950 MHz
GSM Receive:	1860 MHz to 1870 MHz
UMTS Transmit 1:	2140 MHz to 2145 MHz
UMTS Transmit 2:	2110 MHz to 2120 MHz
UMTS Receive 1:	2140 MHz to 2145 MHz
UMTS Receive 2:	2110 MHz to 2120 MHz

(T-Mobile 2 - Responses to Council Interrogatories, A9)

28. For its GSM network, T-Mobile uses -84 dBm for its minimum design threshold for in-vehicle coverage and -76 dBm for its minimum design threshold for in-building coverage. For its UMTS network, T-Mobile uses -98 dBm for its minimum design threshold for in-vehicle coverage and -91 dBm for its minimum design threshold for in-building coverage. (T-Mobile 2 - Responses to Council Interrogatories, A11)
29. T-Mobile's existing signal strengths in the area it is seeking to cover from this facility range from -76 dBm to -110 dBm for its GSM network and -84 dBm to -110 dBm for its UMTS network. (T-Mobile 2 - Responses to Council Interrogatories, A12)
30. T-Mobile would utilize some of its licensed bandwidth for Long Term Evolution (LTE) technology. T-Mobile's LTE bandwidth would be used only for data transmission and not for voice transmission. (Tr. 1, pp. 88-89)
31. T-Mobile experiences an average dropped call rate of 8.15% for the major serving cells oriented toward the proposed facility's coverage footprint. (T-Mobile 2 - Responses to Council Interrogatories, A13)
32. T-Mobile considers a dropped call rate of more than two percent to be indicative of poor service in an area. (Tr. 1, p. 87)
33. T-Mobile experiences coverage gaps of 8.5 miles along Route 58 and 4.8 miles along Route 107. (T-Mobile 2 - Responses to Council Interrogatories, A14)
34. T-Mobile would be able to cover 3 miles along Route 58 and 2 miles along Route 107 from this facility. (T-Mobile 2 - Responses to Council Interrogatories, A15)
35. T-Mobile would be able to cover 14.39 square miles at both GSM and UMTS frequencies from this facility. (T-Mobile 2 - Responses to Council Interrogatories, A16)
36. From this facility, T-Mobile would hand off signals to existing facilities in the following locations:

Site Location	Distance and Direction from Site
38 Spring Hill Road, Bethel	1.6 miles, N
90 Hattertown Road, Newtown	3.6 miles, NE
845 Ethan Allen Highway, Ridgefield	4.6 miles, SW
275 North Street, Easton	4.4 miles, SE
36 Sugar Hill Road/Lake Road, Danbury	4.1 miles, W
746 Danbury Road, Ridgefield	4.2 miles, W
239 Greenwood Avenue, Bethel	2.6 miles, NW

(T-Mobile 2 - Responses to Council Interrogatories, Attachment A)

37. The proposed replacement facility is one of four facilities on which T-Mobile plans to install antennas in order to provide service for the Redding area. The other three facilities are located at 34 Great Oak Lane, 22 Wayside Lane, and 186 Black Rock Turnpike. (Tr. 1, p. 87)

38. The lowest height at which T-Mobile would be able to fulfill its coverage objective at this facility is 120 feet above ground level. (T-Mobile 2 - Responses to Council Interrogatories, A17)

Site Selection

39. From the beginning of its search for a site to serve this area, T-Mobile was aware of MCM's facility at 4 Dittmar Road. T-Mobile's radiofrequency engineers determined that available heights on the existing tower would not meet their radiofrequency objectives for this area. Accordingly, T-Mobile approached MCM about developing a modified facility at the Dittmar Road location. (MCM 1, p. 9)
40. T-Mobile first contacted MCM about locating antennas on its facility at 4 Dittmar Road in June, 2008. MCM and T-Mobile entered into an agreement in March of 2009. (MCM 2- Responses to CSC Interrogatories, A2)
41. Repeaters, microcell transmitters, distributed antenna systems (DAS) and other types of transmitting technologies would not be practicable or feasible means for providing equivalent service in the area surrounding the proposed facility, which contains large coverage gaps and terrain challenges. (MCM 1, p. 9)

Facility Description

Existing Facility

42. MCM's existing facility is located on a 5.6-acre residential property owned by Robert Paradise. It consists of a 110-foot guyed lattice tower within a compound that measures approximately 35 feet by 35 feet. The compound is enclosed by a chain link fence behind a wood stockade fence. In addition to a residence, there is also a small Christmas tree farm on the Paradise property. (MCM 1, p. 2; Attachment – Sheet SP-2)
43. The Paradise property is zoned R-2, a rural residential zone with a minimum lot size of two acres. Wireless telecommunications facilities are permitted in residential zones subject to the issuance of a Special Permit. (MCM 1, p. 15; MCM Bulk File – Zoning Regulations of the Town of Redding)
44. The original tower was approved by the Redding Planning and Zoning Commission as a paging and communications tower. It received a modified zoning approval in 1992. The Council approved AT&T's shared use of the tower in 2002. In 2005, the Council denied a petition (Petition 735) from Nextel seeking to extend the tower's height by ten feet. Nextel did receive approval to place antennas on the tower in 2006. The existing tower currently supports the antennas of AT&T and Sprint/Nextel. The Sprint/Nextel antennas reach an overall height of 116 feet. (MCM 1, p. 2)

Proposed Facility

45. MCM would replace the existing tower with a 120-foot monopole designed to resemble an evergreen tree (monopine). The replacement tower would be erected approximately four feet from the location of the existing tower. The top of the tower, with the artificial branches in place, would extend to a height of 127 feet above ground level (AGL). MCM would expand the existing compound by approximately 2,360 square feet to an overall dimension of approximately 87 feet by 42 feet. The expanded compound would be enclosed behind a wood stockade fence to match the existing fence. (MCM 1, p. 10; Attachment 3 – Sheet SP-2; Tr. 1, p. 22)
46. In addition to the wood stockade fence, MCM proposes to plant arborvitaes around the perimeter of the compound and in a location to the north of the compound to screen the facility from the view of the neighboring property at 8 Dittmar Road. MCM would surround the arborvitaes with deer fence to prevent deer from browsing on the plantings. (Tr. 1, pp. 18-19)
47. MCM would utilize a temporary mounting facility, such as a cell-on-wheels, or a ballasted monopole structure, to maintain the existing carriers' service while the replacement tower is being erected. (Tr. 1, pp. 17-18)
48. On the replacement tower, T-Mobile would install nine antennas, six tower mounted amplifiers, and six remote radio heads on a low-profile platform at a centerline height of 120 feet AGL; AT&T would place six antennas at a centerline height of 95 feet AGL; and Sprint/Nextel would place three flush-mounted antennas at a centerline height of 110 feet AGL. AT&T's and Sprint's antennas would be located at the same heights at which they are located on the existing tower. (MCM 1, pp. 3, 10)
49. T-Mobile would utilize battery backup power for its equipment. (T-Mobile 2 - Responses to Council Interrogatories, A19)
50. T-Mobile's battery backup system would provide 12 to 16 hours of service. (T-Mobile 4 – Responses to Town of Redding's Interrogatories, A3)
51. The proposed replacement tower would be located at 41° 20' 23.42" North latitude and 73° 23' 30.62" West longitude. Its elevation at ground level would be approximately 806 feet above mean sea level. (MCM 1, Attachment 3 – Sheet T-1)
52. MCM's replacement tower would be designed in accordance with the specifications of the Electronic Industries Association Standard EIA/TIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Support Structures" for Fairfield County. The diameter of the tower would be approximately five feet at its base and two feet at its top. (MCM 1, Attachment 3 – Facilities and Equipment Specification)
53. The 127-foot replacement tower would be designed to accommodate three wireless carriers. (MCM 2 - Responses to CSC Interrogatories, A8)

54. MCM's replacement tower would be designed to be extendable by 20 feet to an overall height of 147 feet with the stealth branches in place. An extended tower could accommodate a total of five wireless carriers. (MCM 1, p. 10; MCM 2 - Responses to CSC Interrogatories, A8)
55. Sprint/Nextel has an existing 12-foot by 30-foot equipment shelter and AT&T has an eight-foot by 12-foot equipment pad, both of which would remain. T-Mobile's ground equipment would be located on a 10-foot by 20-foot concrete pad that would be installed next to the Sprint/Nextel equipment shelter. (MCM 1, Attachment 3 – Sheet SP-2)
56. The proposed facility improvements would require approximately 80 cubic yards of cut material and 180 cubic yards of fill material. (MCM 1, Attachment 4)
57. MCM's existing facility has an existing, separate access drive from Dittmar Road. (MCM 1, p. 2; Attachment 3 – Sheet A-1)
58. There is underground utility service at the existing site. It would be upgraded as required. (MCM 1, Attachment 3 – Sheet SP-2)
59. Based on the findings of a geotechnical survey undertaken at the request of surrounding neighbors, MCM anticipates that any need for blasting would be minimal. (MCM 2- Responses to CSC Interrogatories, A4)
60. The setback radius of the 127-foot monopine tower would extend five feet onto the property at 15 Bartram Drive, located to the southeast. (MCM 4, Responses to Town of Redding Interrogatories, A9(a))
61. MCM would design a yield point into the monopine tower if requested by the Council. (MCM 4, Responses to Town of Redding Interrogatories, A9(a))
62. There are 23 residences within 1,000 feet of the location of the replacement tower. (MCM 1, Attachment 4)
63. The nearest residence to the location of the replacement tower is 145 feet to the west on the Paradise property. The nearest off-site residence is located 216 feet to the southeast at 11 Bartram Drive. It is owned by Yuriy and Galina Ignatenko. (MCM 1, Attachments 4 and 8)
64. Land use in the vicinity of the Paradise property is predominantly residential. (MCM 1, Attachment 3 – Site Evaluation Report)
65. The estimated cost of the proposed facility is:

Tower and foundation	\$135,000
Site development costs	27,500
Utility installation	27,000
Facility installation	30,000
<u>Antennas and equipment (T-Mobile)</u>	<u>75,000</u>
Total cost (MCM)	\$294,500

(MCM 1, p. 18; T-Mobile 2 - Responses to Council Interrogatories, A20)

Environmental Considerations

66. The proposed facility would have no adverse effect, according to the State Historic Preservation Office. (MCM 1, pp. 12-13; Attachment 4 – Letter stamped by State Historic Preservation Office)
67. The proposed replacement tower would not impact any extant populations of Federal or State Endangered, Threatened or Special Concern Species. (MCM 1, Attachment 4 – Letter from Dawn McKay, DEEP)
68. No wetlands were identified on the Paradise property. (MCM 1, p. 16)
69. MCM would establish and maintain appropriate soil erosion and sedimentation control measures, in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control established by the Connecticut Council for Soil and Water Conservation, in cooperation with the Connecticut Department of Energy and Environmental Protection, throughout the construction period of the proposed facility. (MCM 1, p. 17)
70. Seven trees with a diameter at breast height of 10 inches or greater would be removed for the replacement facility. (MCM 1, Attachment 4)
71. MCM's replacement facility would comply with the recommendations of the U.S. Fish and Wildlife Service for minimizing the potential for telecommunications towers to impact bird species. (MCM 2- Responses to CSC Interrogatories, Attachment 2)
72. MCM's replacement facility is not located near an Important Bird Area (IBA) as designated by the Connecticut Audubon Society. The closest IBA to the replacement facility is located approximately 4.1 miles to the south. (MCM 2- Responses to CSC Interrogatories, Attachment 2)
73. MCM utilized the Federal Communications Commission's (FCC) TOWAIR program to determine if the proposed replacement tower would require registration with the Federal Aviation Administration (FAA). The TOWAIR results indicated that FAA registration was not required. As a result, no lighting or marking would be required for the replacement tower. (MCM 1, p. 14; Attachment 4)
74. The levels of noise that could be expected to be generated by the operation of the proposed facility would not exceed the allowable noise levels established by State of Connecticut noise regulations. (MCM 1, Attachment 6, p. 2; MCM 4, Responses to Town of Redding Interrogatories, A(1)(b)(iii))
75. MCM would conduct a post-construction noise study to determine if its facility complies with the state's noise regulations. If the study determines that the facility does not comply, MCM would implement noise abatement measures. (MCM 4, A1)

76. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of the antenna systems to be installed on the replacement tower has been calculated to be 36.98% 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. (MCM 1, Attachment 4 – T-Mobile Worst Case Power Density)

Visibility

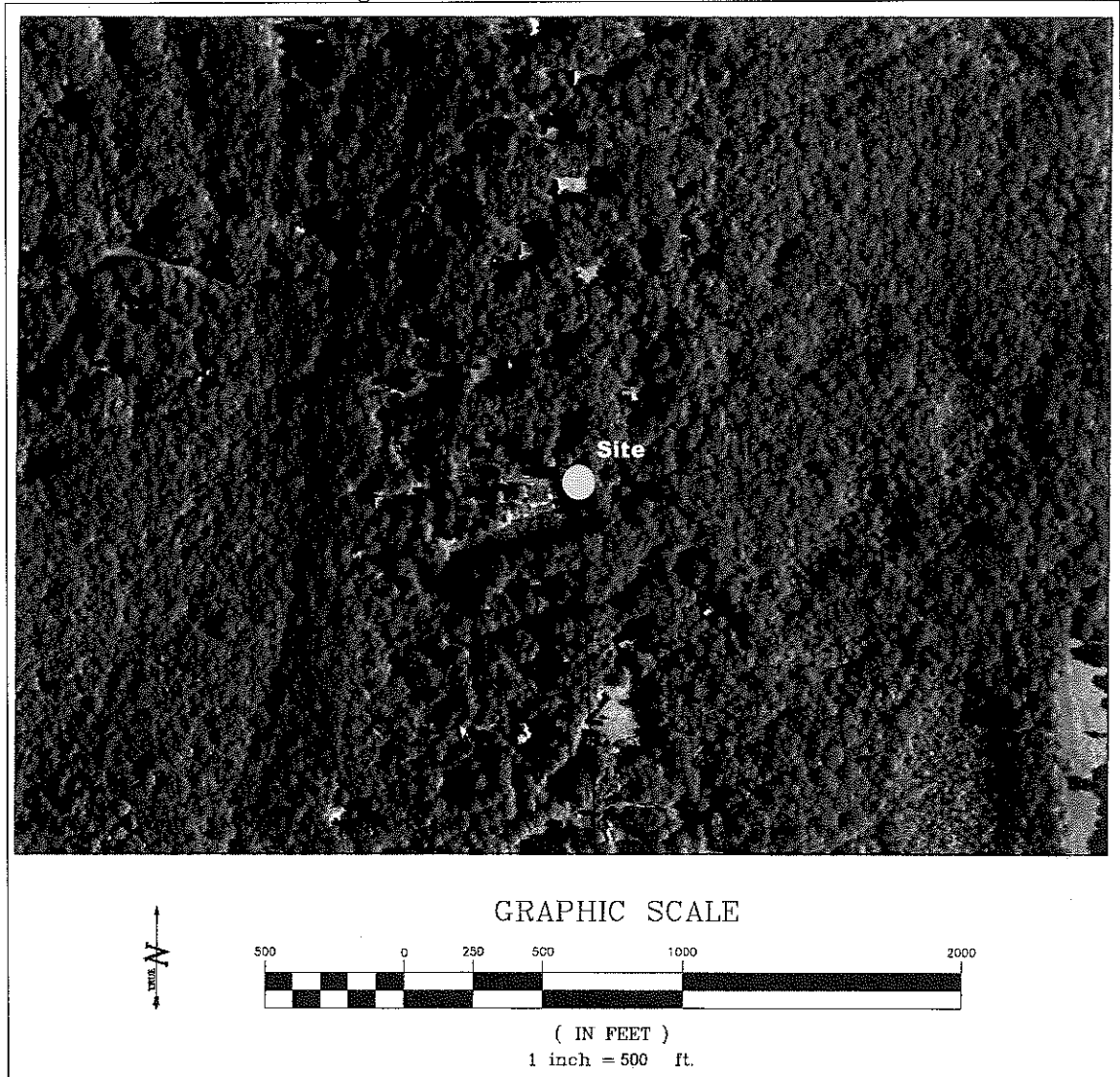
77. MCM's replacement monopine tower would be visible above the tree canopy, which averages approximately 65 feet in the surrounding area, on a year-round basis, from approximately 17 acres. The majority of this acreage occurs on or in the immediate vicinity of the Paradise property. Other areas of year-round visibility occur on hilltops to the south, southwest and southeast of the proposed replacement tower. (MCM 1, Attachment 5, p. 5)
78. Approximately five residential properties would have at least partial year-round views of the replacement tower. (MCM 1, Attachment 5, pp. 5-6)
79. MCM's replacement tower would be seasonally visible from approximately 34 acres. (MCM 1, Attachment 5, p. 6)
80. Approximately 10 additional residential properties would have at least partial seasonal views of the replacement tower. (MCM 1, Attachment 5, p. 6; Tr. 1, p. 15)
81. Limited portions of Putnam Memorial State Park and the Plishner Wildlife Preserve would have seasonal views of the replacement tower. (MCM 1, Attachment 5, p. 6)

82. The visibility of MCM's replacement monopine tower from different vantage points in the surrounding vicinity is summarized in the following table. The vantage points listed are identified by their corresponding number in the Visual Resource Evaluation Report contained in Attachment 5 of MCM's application (Figure 6).

<u>Location</u>	<u>Site Visible</u>	<u>Approx. Portion of (127') Tower Visible</u>	<u>Approx. Distance and Direction to Tower</u>
1 – 4 Bartram Drive	Seasonal	100'	630 feet; NE
2 – 10 Bartram Drive	Seasonal	80'	580 feet; N
3 – 150 Bartram Drive	Seasonal	80'	480 feet; NW
4 – End of Bartram Drive	Seasonal	80'	530 feet; NW
5 – 17 Dittmar Road	Seasonal	100'	580 feet; SE
6 – Dittmar Road, Host Property	Yr-round	80'	420 feet; SE
7 – Dittmar Road, at access drive	Yr-round	100'	420 feet; NE
8 – Dittmar Road and Lonetown Road	Seasonal	70'	580 feet; NE
9 – 235 Lonetown Road	Yr-round	70'	580 feet; NE
10 – Plishner Preserve Trail	Seasonal	60'	530 feet; NW
11 – Plishner Preserve Trail	No	n/a	580 feet; W
12 – Putnam Memorial State Park (next to Youth Group Area)	Seasonal	50'	2,270 feet; NW
13 – Putnam Memorial State Park (at Memorial Monument)	No	n/a	2,640 feet; NW
14 – End of Sunnyview Drive	No	n/a	7,760 feet; NW
15 – John Read Road	No	n/a	6,440 feet; NW
16 – Lonetown Road and Putnam Park Road	No	n/a	3,800 feet; N
17 – 196 Lonetown Road	No	n/a	2,380 feet; N

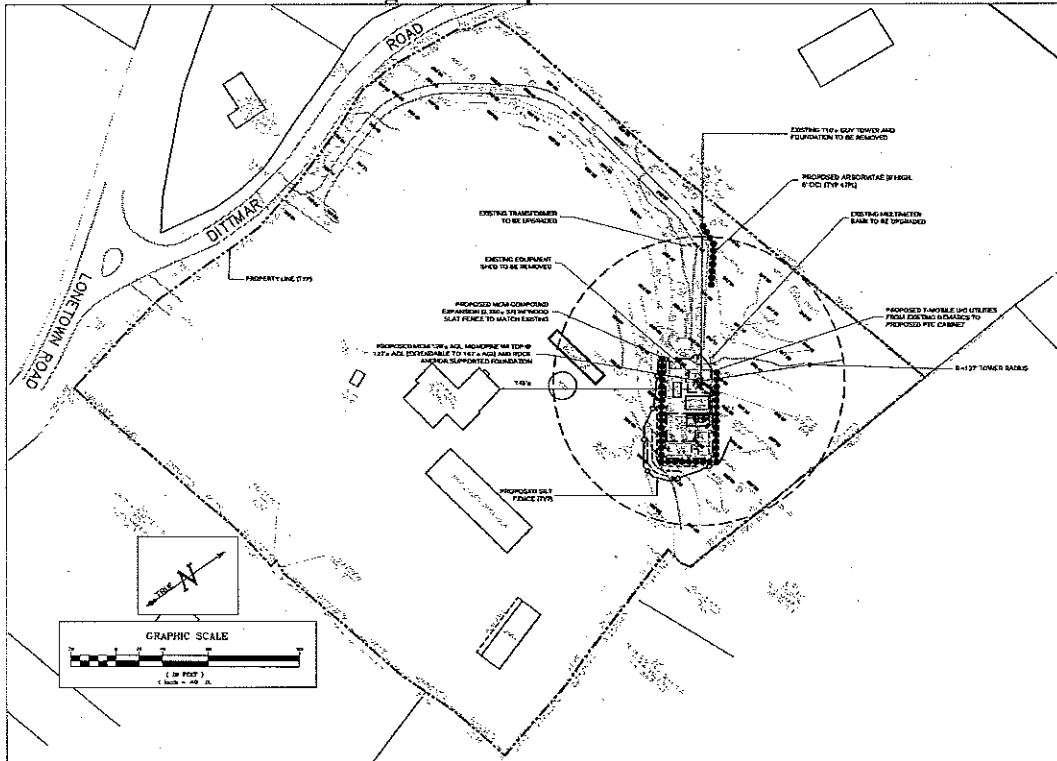
(MCM 1, Attachment 5 – Photographic Simulations)

Figure 1: Aerial View of Site Location



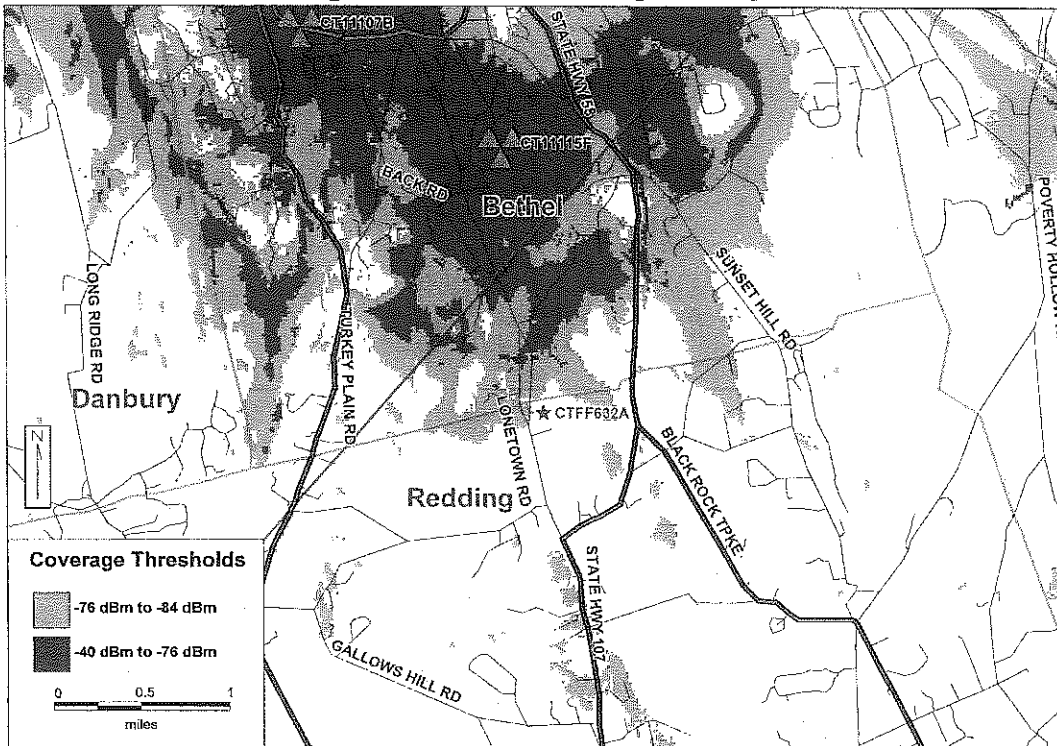
(MCM 1, Attachment 3)

Figure 2: Proposed Site Plan



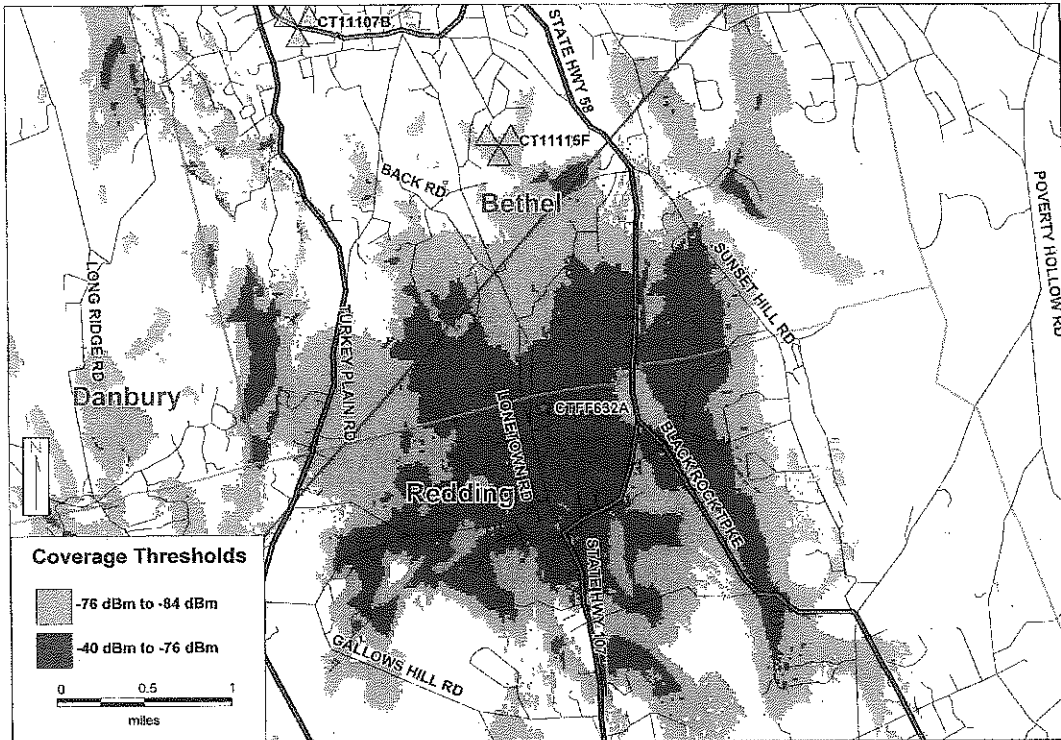
(MCM 1, Attachment 3, Sheet SP-1)

Figure 3: T-Mobile Existing Coverage



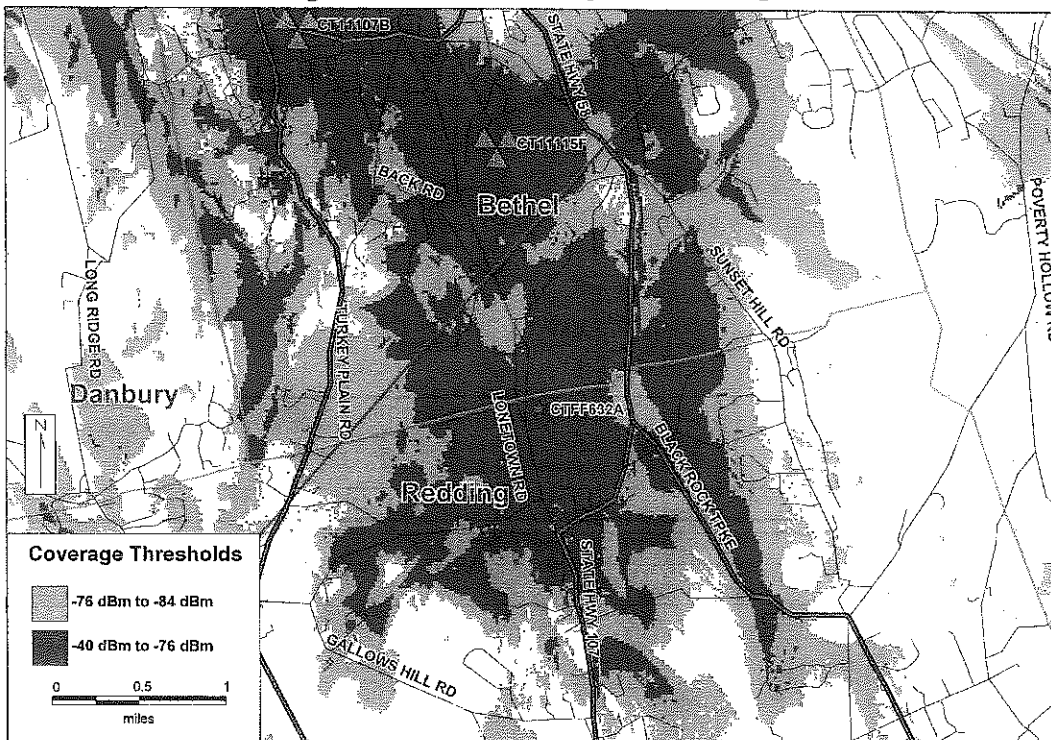
(MCM 1, Attachment 1)

Figure 4: T-Mobile Coverage from Site at 120 feet



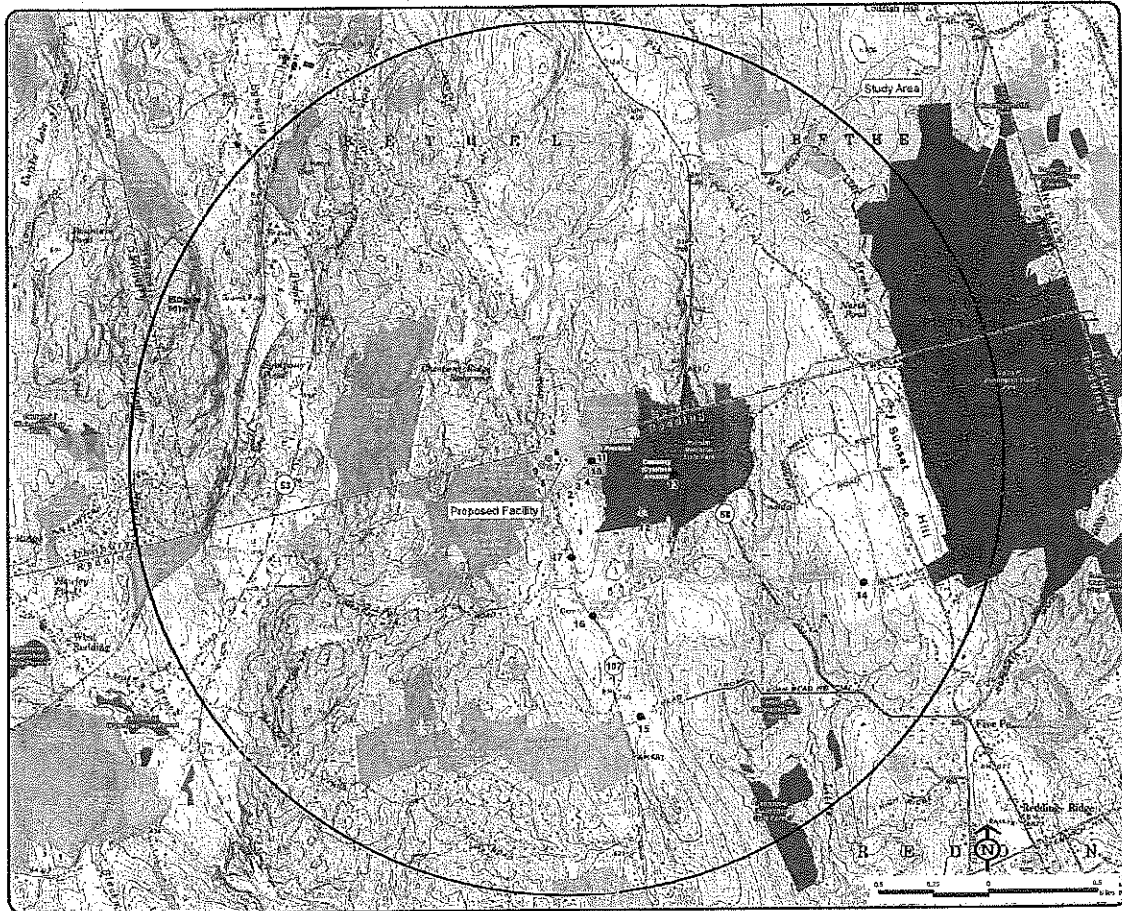
(MCM 1, Attachment 1)

Figure 5: T-Mobile Composite Coverage



(MCM 1, Attachment 1)

Figure 6: Visibility Analysis Map



Legend	
⊙ Proposed Tower Location	CT DEP Property (CT DEP, May 2010)
Photographs - April 7, 2011	
● Balloon is not visible	State Forest
⊙ Balloon visible through trees	State Park
⊙ Balloon visible above trees	DEP Owned Waterbody
Year-Round Visibility (Approximately 17 acres)	State Park Scenic Reserve
Seasonal Visibility Area (Approximately 34 acres)	Historic Preserve
Protected Municipal and Private Open Space (CT DEP, 1997)	Natural Area Preserve
Cemetery	Fish Habitat
Preservation	Flood Control
Conservation	Other
Existing Preserved Open Space	State Park Trail
Recreation	Water Access
General Recreation	Wildlife Area
School	Wildlife Sanctuary
Unvegetated	Federal Open Space (CT DEP, 2004)
	Beal Launches (CT DEP, Dec 2008)
	State Road (State and Local)
	Trails (CT DEP)
	Town Line

(MCM 1, Attachment 5 – Visual Resource Evaluation Report)

DOCKET NO. 425 – Message Center Management application }
for a Certificate of Environmental Compatibility and Public }
Need for the construction, maintenance, and operation of a }
replacement telecommunications facility located at 4 Dittmar }
Road, Redding, Connecticut. }

Connecticut

Siting

Council

June 21, 2012

Opinion

On January 9, 2012, Message Center Management, Inc. (MCM) 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 telecommunications facility, which would replace an existing 110-foot tall guyed lattice tower with a 120-foot tall monopine telecommunications tower, at 4 Dittmar Road in the Town of Redding. There are two wireless carriers on the existing tower: AT&T and Sprint/Nextel. T-Mobile Northeast LLC (T-Mobile) seeks to install its antennas at this location. However, the existing tower has reached the end of its useful life and lacks the structural capacity to accommodate additional antennas of the existing carriers or any new carriers. T-Mobile's objective in locating on the replacement tower would be to provide service in the vicinity of Route 107, Route 58 (Black Rock Turnpike) and other local roads. T-Mobile participated in this proceeding as an intervenor; the Town of Redding (Town) was a party.

The existing tower and facility are located on a 5.6-acre residential property owned by Robert Paradise. In addition to the owner's residence, the property includes a small Christmas tree farm. MCM would locate the replacement tower approximately four feet from the location of the existing tower. MCM chose to design its replacement tower as a monopine in response to concerns about visibility expressed by the nearest neighbors and the town. The Council feels that a monopine tower would be suitable for this location because of the prevalence of mature trees in the area. Because of the new tower's proximity to the location of the existing tower, MCM would have to dismantle the existing tower in order to make room for the new tower. During the time between when the existing tower has been dismantled and before the new tower is in service, MCM would use a temporary mounting facility, such as a cell-on-wheels or a ballasted monopole structure, to maintain the existing carriers' service. In order to accommodate T-Mobile's ground equipment, MCM would expand the existing, 1,126 square foot compound by an additional 2,360 square feet to an overall dimension of 87 feet by 42 feet. The expanded compound would be enclosed by a wooden stockade fence, similar in appearance to the existing fence.

The landscaping of the expanded compound was an issue of considerable interest to the Town and the nearest neighbors to the facility. MCM proposes to plant arborvitae around the perimeter of the compound and to install deer fencing around the arborvitae to prevent deer from browsing on the plants. MCM would also plant arborvitae, with deer fencing, at a location to the north of the compound to help screen the compound from the nearest neighbor to the north. The Town's tree warden expressed a preference for more deer-resistant plantings such as Colorado Spruce. The tree warden also advised abutting property owners on ways to reduce the visual impact of the facility by planting large evergreen trees and installing fences. The Council shall order MCM to consult with the Town about the vegetative screening for the facility as it prepares its Development and Management Plan.

The tower's setback radius was another issue during this proceeding. The nearest property line to the location of the replacement tower is 122 feet to the southeast. The height of the replacement tower would be 120 feet, but with its tree branches in place, the overall height of the monopine tower would be 127 feet.

During the public hearing on this docket, a number of nearby residents expressed concerns about the noise generated by the carriers' backup generators and air conditioners. MCM conducted a noise study and determined that existing noise levels complied with State of Connecticut noise regulations. In order to ensure that its facility would comply with these regulations once the replacement tower was in place and a new carrier has been added, MCM stated that it would conduct a post-construction noise study. The Council agrees that such a study would be useful and will include a noise study as a condition of its Decision and Order.

MCM's replacement monopine tower would be visible above the tree canopy, which averages approximately 65 feet, from approximately 17 acres in the surrounding area on a year-round basis. The majority of this acreage occurs on or in the immediate vicinity of the Paradise property. Other areas of year-round visibility occur on hilltops to the south, southwest and southeast of the proposed replacement tower. It would be seasonally visible from approximately 34 acres. Approximately five residential properties would have at least partial year-round views of the replacement tower, and approximately 10 additional residential properties would have at least partial seasonal views of the replacement tower. Limited portions of Putnam Memorial State Park and the Plishner Wildlife Preserve would have seasonal views of the replacement tower.

No wetlands were identified on the Paradise property, and no extant populations of Federal or State Endangered, Threatened or Special Concern Species would be impacted by the replacement of the existing tower. The State Historic Preservation Office concluded that the replacement tower would have no adverse effects on historic resources.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the worst-case combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated by Council staff to amount to 36.98% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions.

In this proceeding, T-Mobile demonstrated a need for coverage in the area of the existing facility. Extending the existing tower by ten feet to allow for the installation of T-Mobile's antennas is preferable, in the Council's opinion, to the erection of another tower in this section of Redding. Replacing the existing guyed lattice tower that is at its maximum structural capacity with a stronger tower would also enable the two existing carriers, AT&T and Sprint/Nextel, to upgrade their equipment to keep pace with technological advances in the wireless communications industry.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and operation of the telecommunications facility with a 120-foot monopine tower to replace the existing 110-foot guyed lattice tower, 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, maintenance, and operation of a 120-foot monopine telecommunications facility at 4 Dittmar Road.

<p>DOCKET NO. 425 – Message Center Management application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a replacement telecommunications facility located at 4 Dittmar Road, Redding, Connecticut.</p>	<p>} Connecticut } Siting } Council } June 21, 2012</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, maintenance, and operation 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 Message Center Management, hereinafter referred to as the Certificate Holder, for a telecommunications facility at 4 Dittmar Road, located in the Town of Redding, Connecticut.

Unless otherwise approved by the Council, 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 monopine, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of T-Mobile Northeast LLC and other entities, both public and private, but such tower shall not exceed a height of 120 feet above ground level. The overall height of the monopine tower, with all camouflage tree branches in place, shall not exceed 127 feet above ground level.

2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Redding 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;
 - 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; and
 - c) evidence that the Town of Redding has reviewed and is in agreement with the landscaping plan.

3. The Certificate Holder shall conduct a noise study after the replacement facility is fully operational and shall report the results of such study to the Council and the Town of Redding. The Certificate Holder shall take measures to abate noise levels should the results of the study determine that they are above permissible limits according to the State of Connecticut noise regulations.
4. Prior to the commencement of operation, the Certificate Holder shall 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.
5. 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.
6. 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.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service 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. 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.
8. 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 Redding. Any proposed modifications to this Decision and Order shall likewise be so served.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.

12. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
13. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
14. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
15. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

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 Redding Pilot.

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

Message Center Management

Its Representative

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

Virginia King
Message Center Management, Inc.
40 Woodland Street
Hartford, CT 06105

Party

Town of Redding

Intervenor

T-Mobile Northeast, LLC

Its Representative



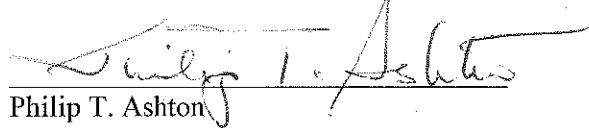
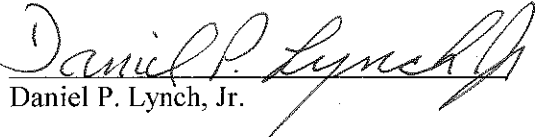
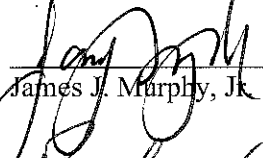

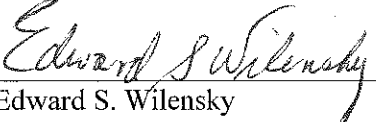
Brad N. Mondschein, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103

Its Representative

Julie D. Kohler, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 425** – Message Center Management application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a replacement telecommunications facility located at 4 Dittmar Road, Redding, Connecticut, and voted as follows to approve the proposed site:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Robert Stein, Chairman	Yes
_____ Colin C. Tait, Vice Chairman	Absent
_____ Chairman Arthur House Designee: Larry P. Levesque	Absent
 _____ Commissioner Dan Esty Designee: Brian Golembiewski	Yes
 _____ Philip T. Ashton	Yes
 _____ Daniel P. Lynch, Jr.	Yes
 _____ James J. Murphy, Jr.	Yes
 _____ Dr. Barbara Currier Bell	No
 _____ Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, June 21, 2012.