DOCKET NO. 138 - An application of SNET Cellular, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of cellular facilities in the Towns of Plymouth, Harwinton, Winchester, and New Milford, Connecticut.

Connecticut Siting Council

November 26, 1990

DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council finds that the effects associated with the construction, operation, and maintenance of four cellular telecommunications towers and associated equipment at the proposed Plymouth, Harwinton, New Milford, and alternate Winchester sites 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 need not be in conflict either alone or cumulatively with other effects, 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 (Certificate), as provided by section 16-50k of the Connecticut General Statutes (CGS), be issued to SNET Cellular Inc., for the construction, operation, and maintenance of a cellular telecommunications tower, associated equipment, and building at the proposed Plymouth, Harwinton, New Milford, and alternate Winchester sites.

The facilities 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 facilities shall be constructed in accordance with the State of Connecticut Basic Building Code.

2. The self-supporting monopole towers shall be no taller than necessary to provide the proposed communication service and in no event shall the Plymouth, Harwinton, and Winchester tower structures exceed 192-feet or the New Milford tower structure exceed 162 feet above ground level (AGL), including antennas and appurtenances.

3. The Certificate Holder shall prepare a Development and Management (D&M) Plan, for approval by the Council, for these sites in compliance with sections 16-50j-75 through 16-50j-77 of the Regulations of State Agencies (RSA). The D&M Plan shall include detailed plans for the towers, tower pedestals, tower foundations, soil boring reports, antenna structures, equipment buildings, access roads, security fences, erosion and sedimentation control plans

consistent with the Connecticut Guidelines of Soil Erosion and Sedimentation Control, and landscaping plans where necessary to screen the equipment building from adjacent land uses.

At the proposed Harwinton site, the accessway shall be designed to avoid a direct sight-line of the entire tower structure from the adjacent Fowler residence. To further mitigate the visibility of the facility, the tower's site shall be moved as close to the electric transmission line right-of-way as safety clearances allow.

At the alternate Winchester site, the Certificate Holder shall design the accessway to avoid a direct sight-line from the northern end of Oakdale Avenue. Prior to construction, the Certificate Holder shall secure all necessary permits and approvals to construct a crossing of the Tennessee Gas Company's underground gas transmission line. Prior to any necessary blasting activities, the Certificate Holder shall secure all necessary permits and shall conduct such blasting in accordance with State regulations. Copies of all permits and approvals shall be forwarded to the Council immediately upon receipt.

4. The Certificate Holder shall comply with any existing and future radio frequency (RF) standard promulgated by State or federal regulatory agencies. Upon the establishment of any new governmental RF standards, the facilities granted in this Decision and Order shall be brought into compliance with such standards.

5. The Certificate Holder shall provide the Council a recalculated report of electromagnetic radio frequency power density if and when circumstances in operation cause a change in power densities above the levels originally calculated and provided in the application.

6. The Certificate Holder shall permit public or private entities to share space on the proposed towers for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.

7. If the facilities do not initially provide, or permanently cease to provide cellular service following completion of construction, this Decision and Order shall be void, and the tower(s) and all associated equipment shall be dismantled and removed or reapplication for any new use shall be made to the Council before any such new use is made.

8. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within three years of the effective date of this Decision and Order or within three years after all appeals to this Decision and Order have been resolved.

Pursuant to Section 16-50p, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in The New Milford Times, The Bristol Press, The Registar-Citizen, and The Danbury News-Times.

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 State Agencies.

The parties to this proceeding are:

(PARTIES)	(ITS REPRESENTATIVES)
SNET Cellular, Inc.	Peter J. Tyrrell Senior Attorney SNET Cellular, Inc. 227 Church Street Room 1021 New Haven, CT 06506
(INTERVENORS)	
Pikeville Cellular Partnership	Charles Wolf, Esq. Robinson & Cole One Commercial Plaza Hartford, CT 06103-3597

TEF:bw

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CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket No. 138 or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut the 26 day of November, 1990.

Council Members	Vote Cast
Gloria Dibble Pond Chairperson	YES
Commissioner Peter Boucher Designee: Mark Marcus	YES
Commissioner Leslie Carothers Designee: Brian Emerick	YES
Harry E. Covey	YES
Mortimer A. Gelston	YES
Daniel P. Lynch, Jr.	YES
Paulann H. Sheets	YES
William H. Smith	ABSENT
Colin C. Tait	YES

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STATE OF CONNECTICUT)
:
ss. New Britain, Connecticut
COUNTY OF HARTFORD)

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

ATTEST:

Joel M. Rinebold
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 138 have been forwarded by Certified First Class Return Receipt Requested mail on December 3, 1990, to all parties of record as listed on the attached service list, dated August 22, 1990.

ATTEST:

Stanley J. Modzelesky
Executive Assistant
Connecticut Siting Council

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Date: August 22, 1990

Docket No. 138

LIST OF PARTIES AND INTERVENORS - SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party [X] Intervenor [ ]	SNET Cellular, Inc.	Peter J. Tyrrell Senior Attorney SNET Cellular, Inc. 227 Church Street Room 1021 New Haven, CT 06506
Party [ ] Intervenor [X]	Pikeville Cellular Partnership	Charles Wolf, Esq. Robinson & Cole One Commercial Plaza Hartford, CT 06103-3597
Party [ ] Intervenor [ ]		

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