

DOCKET NO. 150 - An application of the State of Connecticut, Department of Public Safety, Division of State Police for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a telecommunications facility located on Butternut Hollow Road, in the Town of Greenwich, Connecticut.

Connecticut

Siting

Council

August 4, 1992

DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications tower, building, and associated equipment at the proposed site in Greenwich, Connecticut, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forest and parks; air and water purity; and fish and wildlife are not disproportionate 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, as provided by 16-50k of the General Statutes of Connecticut (CGS), be issued to the Connecticut Department of Public Safety, Division of State Police, for the construction, operation, and maintenance of a telecommunications tower, building, and associated equipment at the proposed site on Butternut Hollow Road, in Greenwich, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this proceeding, and subject to the following conditions:

1. The self-supporting, lattice tower shall be designed no taller than necessary to provide the proposed communications, and in no event shall the tower exceed the proposed tower height of 200 feet above ground level, with antennas and all appurtenances, to maintain a clear microwave path from the Butternut Hollow Road site to the Greenwich Hospital rooftop facility.
2. Prior to construction, a Phase I archaeological survey of the facility site shall be conducted by a professional archaeologist with results submitted to the Council. All artifacts shall be made available for inspection by the Connecticut Historic Preservation Office and, if necessary, a Phase II archaeological survey shall be prepared and submitted to the Council.
3. New connecting utility lines to the facility shall be undergrounded along Butternut Hollow Road.

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 State agencies. The D&M Plan shall be submitted and approved by the Council prior to the commencement of construction and shall also include:
 - A. Final comprehensive site plans detailing the tower location, tower foundation specifications and profiles, tower height and antenna placements, equipment building specifications and profiles, placement of the propane tank, all grading and cut and fill details showing existing and final contour lines and elevations, the security fence, and landscaping and placement of vegetative screening.
 - B. Detailed plans, including grading, for the final route of the site's access road, designed to minimize tree clearing and excessive cutting of earth.
 - C. Detailed plans for the underground utility line from the nearest existing utility pole on Butternut Hollow Road to the tower site. Such plans are to be developed with review by the Connecticut Light and Power Company and the Town of Greenwich.
 - D. Plans for erosion and sedimentation control consistent with the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, including measures for the protection of wetlands, watercourses, and Putnam Lake.
 - E. Plans for the final disposal of excess excavated material from trenching activities.
 - F. Plans and procedures for blasting, including explosion protection, and notification to adjacent property owners.
 - G. Final construction schedule.
5. Selective vegetative clearing shall be allowed prior to approval of the D&M plan to permit reconnaissance necessary to prepare the D&M Plan and the Phase I archaeological survey.
6. The Certificate Holder shall comply with existing and future radio frequency (RF) standards promulgated by State or federal regulatory agencies. Upon the establishment of any new governmental RF standards, the facility granted herein shall be brought into compliance with such standards.

7. 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 density above the levels originally calculated and provided in the application.
8. 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.
9. The Certificate Holder shall notify the Council of the commencement of construction no less than seven days prior to construction and shall provide a report to the Council upon completion of construction, including the final construction costs and date of commercial operation.
10. If the facility does not initially provide, or permanently ceases to provide telecommunications service following completion of construction, this Decision and Order shall be void, and the tower 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.

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

Pursuant to CGS Section 16-50p, we hereby directed 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 Greenwich Time and The Greenwich News.

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

Connecticut State Police

ITS REPRESENTATIVES

L. D. McCallum and
Stephen R. Sarnoski
Office of the Attorney
General
Mackenzie Hall
110 Sherman Street
Hartford, CT 06105
(203) 566-7570

Town of Greenwich

Attorney John K. Wetmore
Assistant Town Attorney
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

Metro Mobile CTS, Inc.

Henry H. Sprague III
Robinson and Cole
One Commercial Plaza
Hartford, CT 06103-3597
(203) 275-8200

INTERVENOR

Springwich Cellular
Limited Partnership

ITS REPRESENTATIVES

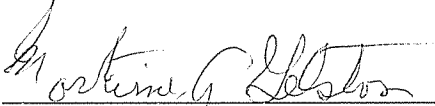
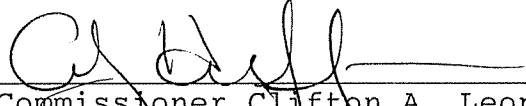
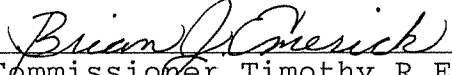

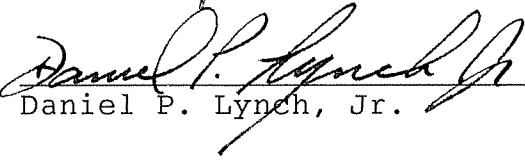
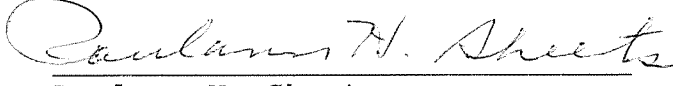
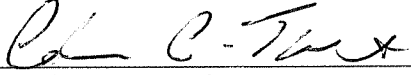
Peter J. Tyrrell, Esq.
Springwich Cellular Limited
Partnership
227 Church Street
New Haven, CT 06510
(203) 771-7381

TEF/bd

6264E

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. 150 - An application of the State of Connecticut, Department of Public Safety, Division of State Police for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a telecommunications facility located on Butternut Hollow Road, in the Town of Greenwich, Connecticut, and voted as follows to approve the site:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Mortimer A. Gelston Chairman	YES
 _____ Commissioner Clifton A. Leonhardt Designee: Gerald J. Heffernan	ABSTAIN
 _____ Commissioner Timothy R.E. Keeney Designee: Brian Emerick	YES
 _____ Harry E. Covey	YES
 _____ Daniel P. Lynch, Jr.	YES
_____ Gloria Dibble Pond	ABSENT
 _____ Paulann H. Sheets	YES
_____ William H. Smith	ABSENT
 _____ Colin C. Tait	ABSTAIN

Dated at New Britain, Connecticut, August 4, 1992.