

DOCKET NO. 75

AN APPLICATION OF THE SOUTHERN NEW ENGLAND : CONNECTICUT SITING  
TELEPHONE COMPANY FOR A CERTIFICATE OF :  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC : COUNCIL  
NEED FOR CELLULAR TELEPHONE FACILITIES :  
IN THE CITY OF DANBURY AND EITHER THE TOWN OF :  
BROOKFIELD OR TOWN OF NEWTOWN, CONNECTICUT. : MAY 13, 1987

DECISION AND ORDER

Pursuant to the foregoing opinion, the Connecticut Siting Council (Council) hereby directs that a Certificate of Environmental Compatibility and Public Need, as provided by Section 16-50k of the General Statutes of Connecticut (CGS), be issued to Southern New England Telephone Cellular, Inc., (SNET) for the construction, operation, and maintenance of cellular mobile telephone facilities in the City of Danbury and Town of Newtown, Connecticut. The proposed Brookfield site is rejected.

The facilities shall be constructed, operated, and maintained as specified in the Council's record on this matter, and subject to the following conditions.

1. The Danbury tower, including antennas, shall be no taller than necessary to provide the proposed service, and in no event shall exceed 37 feet.
2. Unless necessary to comply with condition number three, below, no lights shall be installed on these towers.

3. The facilities shall be constructed in accordance with all applicable federal, state, and municipal laws and regulations.

4. The Newtown tower, including antennas, shall be no taller than necessary to provide the proposed service, and in no event shall exceed 167 feet.

5. The certificate holder shall prepare a development and management (D&M) plan for the Newtown site in compliance with sections 16-50j-75 through 16-50j-77 of the Regulations of State Agencies. The D&M plan shall provide for evergreen screening around the outside perimeter of the eight-foot chain link fence which will surround this site.

6. No construction activities shall take place outside the hours of 7:00 A.M. to 7:00 P.M., Monday through Saturday.

7. The certificate holder or its successor shall notify the Council if and when directional antennas or any equipment other than that listed in this application is added to these facilities.

8. The certificate holder or its successor shall permit public or private entities to share space on the Newtown tower, for due consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.

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

10. 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 issuance of this Decision and Order, or within three years of the completion of any appeal taken in this Decision.

11. The certificate holder shall comply with any future radio frequency (RF) standards promulgated by state or federal regulatory agencies. Upon the establishment of any new governmental RF standards, the Certificate holder shall bring the facilities granted approval in this Decision into compliance with such standards.

Pursuant to CGS section 16-50p, we hereby direct that a copy of the Decision and Order be served on each person listed below. A notice of the issuance shall be published in the Danbury News-Times, the Brookfield Journal, and the Newtown Bee.

The parties to the proceeding are:

SNET Cellular, Inc.  
c/o Peter J. Tyrrell  
Senior Attorney  
Room 1021  
227 Church Street  
New Haven, Connecticut 06506

(Applicant)

Town of Newtown  
Planning and Zoning Commission

represented by:  
Theodore G. Whippie, Chairman  
Chairman  
Planning and Zoning  
Commission  
Edmond Town Hall  
45 Main Street  
Newtown, Connecticut 06470

Metro Mobile CTS of Fairfield  
County  
(INTERVENOR)

represented by:  
Howard L. Slater  
Jennifer Young Gaudet  
Byrne, Slater, Sandler,  
Shulman & Rouse, P.C.  
330 Main Street  
P.O. Box 3216  
Hartford, Connecticut 06103  
its attorneys

Fergus W. O'Donnell  
28 Whisconier Road  
Brookfield, Center, Connecticut 06805

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C E R T I F I C A T I O N

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut, this 13th day of May 1987.

<u>Council Members</u>	<u>Vote Cast</u>
<u>Gloria Dibble Pond</u> ) Gloria Dibble Pond Chairperson	Yes
_____) Commissioner John Downey Designee: Commissioner Peter G. Boucher	Absent
<u>Brian J. Emerick</u> ) Acting Commissioner John Anderson Designee: Brian Emerick	Yes
<u>Owen L. Clark</u> ) Owen L. Clark	Yes
<u>Fred J. Doocy</u> ) Fred J. Doocy	Yes
_____) Mortimer A. Gelston	Absent
<u>James G. Horsfall</u> ) James G. Horsfall	Yes
<u>William Smith</u> ) William Smith	Yes
_____) Colin C. Tait	Absent