

DOCKET NO. 88 - AN APPLICATION OF : CONNECTICUT SITING
METRO MOBILE CTS OF NEW HAVEN, INC.,
FOR A CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED FOR : COUNCIL
CELLULAR TELEPHONE ANTENNAS AND
ASSOCIATED EQUIPMENT IN THE TOWN OF :
SOUTHBURY, CONNECTICUT : MARCH 3, 1988

D E C I S I O N A N D O R D E R

Pursuant to the forgoing opinion, the Connecticut Siting 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 Metro Mobile CTS of New Haven, Inc. for the construction, operation, and maintenance of a cellular telephone tower site and associated equipment at the "M/A-Southbury" alternative site on Old Waterbury Road in the Town of Southbury, Connecticut. The "M-Southbury" site on Luther Drive is hereby denied.

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

1. The monopole tower at the Southbury site shall be no taller than necessary to provide the proposed service, and in no event shall exceed a total height of 243 feet, including antennas and associated equipment, or violate the air space of Oxford Airport as determined by the Federal Aviation Administration (FAA).
2. The facility shall be constructed in accordance with all applicable federal, state, and municipal laws and regulations.
3. Unless necessary to comply with condition number 2, above, no lights shall be installed on this tower.

4. The Certificate Holder shall prepare a development and management (D&M) plan for the Southbury 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 permanent evergreen screening around the outside perimeter of the eight-foot chain link fence which will surround the site. The D&M shall also document the final height of the tower as approved by the FAA.
5. 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 this facility.
6. The Certificate Holder or its successor shall permit public or private entities to share space on the Southbury tower for due consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
7. If this facility does not provide or permanently ceases to provide cellular service following 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.

8. 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 facility granted in this Decision and Order shall be brought into compliance with such standards.
9. 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 and Order.

Pursuant to CGS Section 16-50p, we hereby direct that a copy of this Decision and Order be served on each person listed below. A notice of the issuance shall be published in the Waterbury Republican and Newtown Bee.

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 or intervenors to this proceeding are:

Metro Mobile CTS of
New Haven, Inc.
50 Rockland Road
South Norwalk, CT 06854

(applicant)

Mr. Howard L. Slater, Esq. (its representative)
Ms. Jennifer Young Gaudet
Byrne, Slater, Sandler,
Shulman & Rouse, P.C.
330 Main Street
P.O. Box 3216
Hartford, CT 06103

Fleishman and Walsh, P.C. (party)
1725 N Street, N.W.
Washington, D.C. 20036

SNET Cellular, Inc. (intervenor)
Peter J. Tyrrell, Esq.
227 Church Street
New Haven, CT 06506

Dennis Roberts (intervenor)
Martha J. Roberts
306 Luther Drive
Southbury, CT 06488

Carol A. Herskowitz (intervenor)
First Selectman
Town of Southbury
Town Hall
501 Main Street South
Southbury, CT 06488

Duncan M. Graham (party)
Executive Director
Council of Governments
Of The Central Naugatuck Valley
20 East Main Street
Waterbury, CT 06702

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CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket 88 or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut the 3rd day of March, 1988.

<u>Council Members</u>	<u>Vote Cast</u>
<u><i>Gloria Dibble Pond</i></u> Gloria Dibble Pond Chairperson	Yes
<u><i>Roland A. Miller</i></u> Commissioner Peter Boucher Designee: Roland Miller	Yes
<u><i>Brian J. Emerick</i></u> Commissioner Leslie Carothers Designee: Brian Emerick	Yes
<u>Owen L. Clark</u>	Absent
<u><i>Fred J. Doocy</i></u> Fred J. Doocy	Yes
<u><i>Mortimer A. Gelston</i></u> Mortimer A. Gelston	Yes
<u><i>James G. Horsfall</i></u> James G. Horsfall	Yes
<u><i>William H. Smith</i></u> William H. Smith	Yes
<u>Colin C. Tait</u>	Absent