DOCKET NO. 359 - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 58 Montano Road or 618 Neipsic Road, Glastonbury, Connecticut.	}	Connecticut
	}	Siting
	}	Council

September 11, 2008

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 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 Optasite Towers LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at 58 Montano Road (Site A), Glastonbury, Connecticut. The Council denies certification of the proposed Site B at 618 Neipsic Road, Glastonbury, Connecticut.

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 monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of Omnipoint Communications, Inc. and other entities, both public and private, but such tower shall not exceed a height of 120 feet above ground level. The tower shall be designed and constructed to include a yield point at the height of 82 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 Glastonbury 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; and

    b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the <u>2002 Connecticut Guidelines for Soil Erosion and Sediment Control</u>, as amended.

3. The Certificate Holder shall, prior to the commencement of operation, 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.

4. 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.

5. 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.

6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Glastonbury public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.

7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services 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.

8. Any request for extension of the time period referred to in Condition 7 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 Glastonbury. 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. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, 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.

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 Hartford Courant and the Manchester Journal-Inquirer.

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	**ITS REPRESENTATIVE**
Optasite Towers LLC One Research Drive, Suite 200C Westborough, MA 01581	Carrie L. Larson, Esq. Pullman and Comley, LLC 90 State House Square Hartford, CT 06103
Omnipoint Communications, Inc. 35 Griffin Road South Bloomfield, CT 06002-1351	Julie Kohler, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604

PARTY	**ITS REPRESENTATIVE**
Town of Glastonbury P.O. Box 6523 Glastonbury, CT 06033	Richard J. Johnson Town Manager Town of Glastonbury P.O. Box 6523 Glastonbury, CT 06033

PARTY	**ITS REPRESENTATIVE**
Imtiaz N. Wahla 461 Wickham Road Glastonbury, CT 06033	Sarosh N. Wahla, Esq. Wahla & Associates, P.C. 429 Capitol Avenue Hartford, CT 06106

INTERVENOR	**ITS REPRESENTATIVE**
Karl Wagener 588 Neipsic Road Glastonbury, CT 06033	Eric Knapp Branse, Willis & Knapp, LLC 148 Eastern Boulevard, Suite 301 Glastonbury, CT 06033-6523