

ORIGINAL

DOCKET NO. 122 - AN APPLICATION OF
METRO MOBILE CTS OF NEW HAVEN, INC.,
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, OPERATION, AND
MAINTENANCE OF A CELLULAR TELEPHONE
TOWER AND ASSOCIATED EQUIPMENT IN
THE TOWN OF BRANFORD, CONNECTICUT.

Connecticut Siting
Council

February 15, 1990

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

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 a cellular telephone facility at the proposed Branford site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreation values; forests and parks; air and water purity; and fish and wildlife are not significant 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 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 telecommunications tower, associated equipment, and building at the proposed site in Branford, 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 monopole tower including antennas and associated equipment shall not exceed a height of 123 feet above ground level, 183 feet AMSL.
2. The facility shall be constructed in accordance with the State of Connecticut Basic Building Code.
3. 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 include detailed plans of the site preparation with a soil boring report; plans, design details, and specifications for the tower foundation; and a site plan with placement of the tower as far removed from Stanley Laska's property as possible.

4. The Certificate Holder shall prepare the D&M plan in consultation with the Town of Branford which may provide its comments to the Council within 20 days of submission to the Town.
5. The Certificate Holder shall comply with any future radio frequency (RF) standard, 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.
6. The Certificate Holder shall provide the Council a recalculated report of power density if and when additional channels over the proposed 90 channels, higher wattage over the proposed 100 watts per channel, or if other circumstances in operation cause a change in power density above the levels originally calculated in the application.
7. The Certificate Holder shall permit public or private entities, including the Branford Fire Department, to share space on the tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing. Prior to construction, the Certificate Holder shall notify the Council as to whether or not the Branford Fire Department will use the tower and building for their equipment if deemed appropriate.
8. If this facility does not initially provide, or permanently ceases 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 of any new use shall be made to the Council before any such new use is made.
9. Unless otherwise approved by the Council, this Decision and Order shall be void if construction authorized herein is not completed within three years of the issuance of this Decision and Order, or within three years after the completion of any appeal to this Decision and Order.
10. The Certificate Holder shall provide a final report to the Council upon completion of construction, including the final construction cost and date of commercial operation.

Pursuant to Section 16-50p of the CGS, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below. A notice of issuance shall be published in the New Haven Register.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party names 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 ATTN: Michael W. Riley Vice President	(Applicant)
Robinson & Cole One Commercial Plaza Hartford, CT 06103-3597 ATTN: Earl W. Phillips, Jr. Esq.	(Its Representative)
SNET Cellular, Inc. 227 Church Street New Haven, CT 06506	(Intervenor)
Peter J. Tyrrell SNET Cellular, Inc. Room 1021 227 Church Street New Haven, CT 06506	(Its Representative)
Town of Branford P.O. Box 150 Branford, CT 06405	(Party)
Ms. Judy Gott First Selectman Town of Branford P.O. Box 150 Branford, CT 06405	(Its Representative)
Stanley Laska 137 Brushy Plain Road Branford, CT 06405	(Party)

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CERTIFICATION

The undersigned members of the Connecticut Siting Council hereby certify that they have heard this case in Docket No. 122 or read the record thereof, and that we voted as follows:

Dated at New Britain, Connecticut the 15th day of February, 1990.

<u>Council Members</u>	<u>Vote Cast</u>
<u><i>Gloria Dibble Pond</i></u> Gloria Dibble Pond Chairperson	Yes
<u><i>Robert A. Pulito</i></u> Commissioner Peter Boucher Designee: Robert A. Pulito	Yes
<u><i>Brian J. Emerick</i></u> Commissioner Leslie Carothers Designee: Brian Emerick	Yes
<u><i>Harry E. Covey</i></u> Harry E. Covey	Yes
<u><i>Mortimer A. Gelston</i></u> Mortimer A. Gelston	Yes
<u><i>Daniel P. Lynch, Jr.</i></u> Daniel P. Lynch, Jr.	Yes
<u><i>Paulann H. Sheets</i></u> Paulann H. Sheets	Yes
<u>William H. Smith</u>	Absent
<u><i>Colin C. Tait</i></u> Colin C. Tait	Yes