

DOCKET NO. 148 - An application of Metro Mobile CTS of Hartford, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telephone tower and associated equipment in the Town of Clinton, Connecticut. The proposed site is located on an interior portion of a 59 acre parcel off Glenwood Road approximately 3,500 feet north of I-95. The alternate site is located on a six acre parcel off Cow Hill Road, approximately 300 feet north of I-95.

Connecticut

Siting

Council

May 5, 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 cellular telecommunications tower and equipment building at the proposed Clinton, Connecticut, alternate site 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 section 16-50k of the Connecticut General Statutes (CGS), be issued to Metro Mobile CTS of Hartford, Inc., (Metro Mobile), for the construction, operation, and maintenance of a cellular telecommunications tower, associated equipment, and equipment building at the proposed alternate site off Cow Hill Road in Clinton, 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 self-supporting lattice tower shall be no taller than necessary to provide the proposed communications service and in no event shall the tower exceed a total height of 223 feet above ground level, with antennas and appurtenances.
2. Prior to the commencement of construction, 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 tower, tower foundation, tower anti-climb sections, tower marking and lighting, and the locations of the equipment buildings, access road, and security fence, and all cellular antennas on the tower. In addition, the D&M plan shall include detailed plans for clearing; a site plan orienting the facility, utilities, and access road avoiding inland wetlands; and detailed plans for erosion and sedimentation control.

3. If and when tower marking and lighting become unnecessary pursuant to a determination by the Federal Aviation Administration, within six months of such determination, such tower marking and lighting shall be removed at the expense of the Certificate Holder.
4. The Certificate Holder shall comply with any existing and future radio frequency (RF) standard 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.
5. 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.
6. The Certificate Holder shall permit public or private entities, including Springwich Cellular Limited Partnership (Springwich) which by contract was allowed to share space on the tower, and the Town of Clinton, 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. Provisions shall also be made for the location of a separate Springwich equipment building.
7. If the facility does not initially 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 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. 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 effective date of this Decision and Order or within three years after all appeals to this Decision and Order have been resolved.

Pursuant to CGS Section 16-50p, we hereby direct 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 New Haven Register, Clinton Recorder, Hartford Courant, and the Middletown Press.

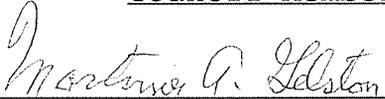
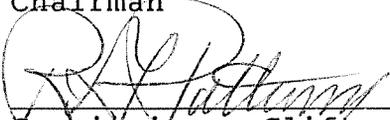
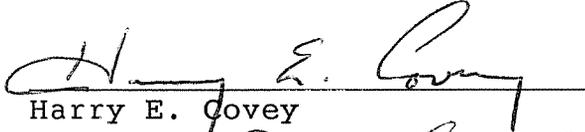
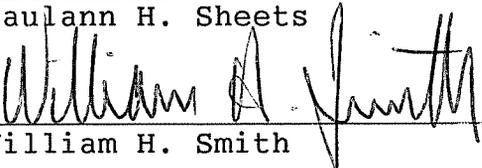
By this Decision and Order, the Council disposes of the legal rights, duties and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of State Agencies.

The parties and intervenor to this proceeding are:

PARTY	ITS REPRESENTATIVE
Metro Mobile CTS of Hartford 20 Alexander Drive Wallingford, CT 06492 Attn: David S. Malko Mgr. Engr, & Reg. Serv.	Earl W. Phillips, Jr., Esq. Robinson & Cole One Commercial Plaza Hartford, CT 06103-3597 (203) 275-8200
Town of Clinton	Lynda Batter Munro Gould, Larson, Bennet and Munro 35 Plains Road P.O. Box 959 Essex, CT 06426
INTERVENOR	
Springwich Cellular Limited Partnership	Peter J. Tyrrell Senior Attorney Springwich Cellular Limited Partnership 227 Church St., Rm. 1021 New Haven, CT 06506 (203) 771-7381

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. 148 - An application of Metro Mobile CTS of Hartford, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telephone tower and associated equipment in the Town of Clinton, Connecticut, and voted as follows to approve the proposed alternate tower site off of Cow Hill Road, approximately 300 feet north of I-95:

<u>Council Members</u>	<u>Vote Cast</u>
 Mortimer A. Gelston Chairman	Yes
 Commissioner Clifton A. Leonhardt Designee: Commissioner Richard G. Patterson	Yes
_____ Commissioner Timothy R.E. Keeney Designee: Brian Emerick	Absent
 Harry E. Covey	Yes
 Daniel P. Lynch, Jr.	Yes
_____ Gloria Dibble Pond	Absent
_____ Paulann H. Sheets	Absent
 William H. Smith	Yes
_____ Colin C. Tait	Absent

Dated at New Britain, Connecticut, May 5, 1992.



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

136 Main Street, Suite 401  
New Britain, Connecticut 06051  
Phone: 827-7682

### CERTIFICATE

OF

ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

DOCKET NO. 148

Pursuant to section 16-50k of the General Statutes of Connecticut, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Metro Mobile CTS of Hartford, Inc., for the construction, maintenance, and operation of a cellular telephone tower and associated equipment on a six acre parcel off Cow Hill Road approximately 300 feet north of I-95, in the Town of Clinton, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on May 5, 1992.

By order of the Council,

A handwritten signature in cursive script, reading "Mortimer A. Gelston".

Mortimer A. Gelston, Chairman

May 5, 1992

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