

DOCKET NO. 155 - An application of Metro Mobile CTS of Fairfield County, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telephone telecommunications tower, antennas, associated equipment, and building on a 17-acre parcel of land used and owned by the Town of Darien as the Town waste transfer station off Ledge Road, with an alternative site on a 1 acre parcel owned by the Noroton Heights Fire Department, Inc., located immediately adjacent to the Noroton Heights Fire Department Building at 209 Noroton Avenue in the Town of Darien, Connecticut.

Connecticut

Siting

Council

December 30, 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 Darien, Connecticut, prime 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 Fairfield County, Inc. (Metro Mobile), for the construction, operation, and maintenance of a cellular telecommunications tower, associated equipment, and building within property owned by the Town of Darien located on Ledge Road, Darien, 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 monopole tower shall be no taller than necessary to provide the proposed communications service and the tower shall not exceed a total height of 113 feet above ground level (AGL), with antennas and appurtenances.

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 State Agencies. The D&M plan shall include detailed plans of the tower, tower foundation, equipment building, access road including all upgrades, utility connection, security fence, and detailed plans for drainage, erosion, and sedimentation controls consistent with the Connecticut Guidelines for Soil Erosion and Sedimentation Control. In addition, the D&M plan shall include detailed landscaping plans for the facility site, with options to provide landscaping on the Town property boundary north of the site and on the Middlesex Common Condominium property subject to their approval.
3. 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.
4. 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.
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. If the facility does not initially provide, or permanently ceases to provide cellular or other services following completion of construction, this Decision and Order shall be void, and the Certificate holder shall dismantle the tower and remove all associated equipment or reapplication for any continued or new use shall be made to the Council before any such use is made.
7. 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 Norwalk Hour, Stamford Advocate, and Darien News-Review.

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 intervenors to this proceeding are:

APPLICANT	ITS REPRESENTATIVES
Metro Mobile CTS of Fairfield County, Inc.	Metro Mobile CTS of Fairfield County, Inc. 20 Alexander Drive Wallingford, CT 06492 Attn: David S. Malko, P.E. Manager, Engineering and Regulatory Services
	Robinson & Cole One Commercial Plaza Hartford, CT 06103-3597 Attn: Earl W. Phillips, Jr., Esq. Charles R. Wolfe, Esq. Henry H. Sprague, III, Esq.
INTERVENOR	ITS REPRESENTATIVE
The Springwich Cellular Limited Partnership	Peter J. Tyrrell Senior Attorney SNET Cellular, Inc. 227 Church Street Room 1021 New Haven, CT 06506
PARTY	ITS REPRESENTATIVE
Middlesex Common Condominium Association, Inc.	Rebecca Oldfield Smith 53 Hale Lane Darien, Connecticut 06820
INTERVENOR	
Bruce Fletcher 236 Noroton Avenue Darien, Connecticut 06820	
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