

DOCKET NO. 156 - An application of Litchfield County Cellular, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of cellular telecommunications towers and equipment on Pine Hill west of South Street, Plymouth; on Wallens Hill north of Oakdale Avenue, Winchester (Winsted); east of Loon Meadow Drive, Norfolk; north of Sunnyside Avenue, Watertown; and on Town Hill south of Legion Road, New Milford, Connecticut.

: Connecticut  
 : Siting  
 : Council  
 : March 16, 1993

#### Decision and Order

Pursuant to 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 primary Plymouth 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, and are not sufficient reason to deny the application for this site. Therefore, the Council 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 Litchfield County Cellular, Inc. for the construction, operation, and maintenance of a cellular telecommunications facility at the proposed primary site off South Street, Plymouth, Connecticut.

The proposed primary and alternate sites in the Town of New Milford are hereby denied without prejudice.

The proposed primary and alternate sites in the Towns of Winchester (Winsted), Norfolk, and Watertown are hereby denied.

The Plymouth 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 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 (RSA).
  - a. The D&M Plan shall include:
    - o modeling and re-evaluation of the tower for the lowest height possible, not to exceed the Federal Aviation Administration threshold requiring tower marking and lighting;

- o detailed plans to compress the facility into an area as compact as possible to minimize vegetation clearing;
- o a site plan orienting the facility to avoid extending the tower structure's fall zone onto the Connecticut Light and Power Company's (CL&P) electric transmission line conductors;
- o detailed plans for the access road and utility lines, configured to minimize disturbance to land area;
- o detailed plans for drainage, erosion, and sedimentation control consistent with the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended;
- o plans for disposition of excess construction debris;
- o plans and soil boring reports for construction of the tower foundation;
- o plans for architecturally treated security fencing;
- o plans for site landscaping;
- o blasting procedures; and
- o a detailed construction schedule.

The Certificate holder shall consult with CL&P, in preparing plans for placement of the utility line and improvement of the existing ROW access road, including detailed specifications for erosion and sediment control, drainage, grading, and gravel surfacing.

The D&M Plan shall be submitted to the Council for approval prior to the commencement of proposed clearing and construction; however, selective removal of vegetation shall be allowed to permit the reconnaissance necessary to prepare this plan.

2. The Certificate holder shall comply with any existing and future radio frequency (RF) standards 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.

3. 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, including any increase over the proposed 30 channels and higher power output over the proposed 100 watts per channel.
4. 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.
5. 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 tower and all associated equipment shall be dismantled and removed or reapplication for any continued or new use shall be made to the Council before any such use is made.
6. 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. An extension of this deadline shall be granted by the Council should the Certificate holder demonstrate that such an extension is necessary to pursue negotiations for tower sharing with the mutual exchange of tower facilities.
7. The Certificate holder shall provide to the Council notification of commencement of facility construction and commencement of facility testing not less than two weeks in advance of their occurrence.
8. The Certificate holder shall provide a final report to the Council upon completion of construction, including the final construction costs and date of commercial operation.
9. The Certificate holder shall notify the Council if and when facility operations terminate.

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, and notice of issuance shall be published in the Torrington Register Citizen, The Waterbury Republican American, The Bristol Press, The New Milford Times, and The Litchfield County Times.

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 RSA section 16-50j-17.

The parties and intervenors to this proceeding are:

APPLICANT

Litchfield County Cellular, Inc.

ITS REPRESENTATIVES

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PARTY  
Town of Winchester

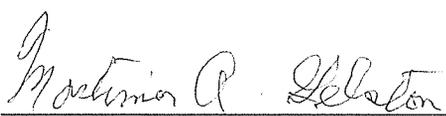
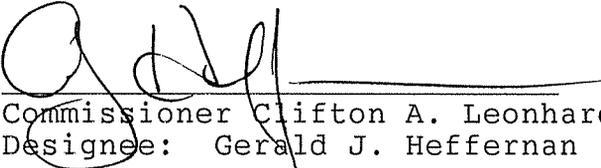
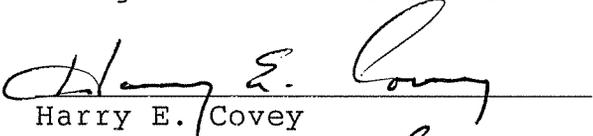
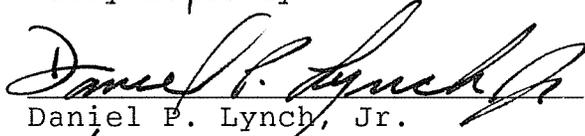
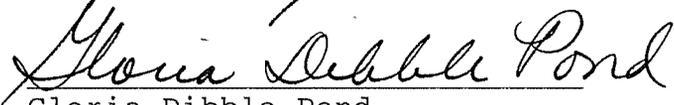
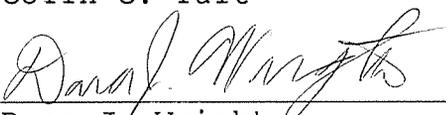
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PARTY  
Town of Watertown

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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. 156 - An application of Litchfield County Cellular, Inc., for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of cellular telecommunications towers and equipment on Pine Hill west of South Street, Plymouth; on Wallens Hill north of Oakdale Avenue, Winchester (Winsted); east of Loon Meadow Drive, Norfolk; north of Sunnyside Avenue, Watertown; and on Town Hill south of Legion Road, New Milford, Connecticut, and voted as follows to approve the proposed primary Plymouth site, deny the proposed primary and alternate sites in Winchester (Winsted), Norfolk, and Watertown, and to deny without prejudice the proposed primary and alternate sites in New Milford:

<u>Council Members</u>	<u>Vote Cast</u>
 Mortimer A. Gelston Chairman	YES
 Commissioner Clifton A. Leonhardt Designee: Gerald J. Heffernan	ABSTAIN
 Commissioner Timothy R.E. Keeney Designee: Brian Emerick	YES
 Harry E. Covey	YES
 Daniel P. Lynch, Jr.	NO
 Gloria Dibble Pond	YES
_____ Paulann H. Sheets	ABSENT
 Colin C. Tait	YES
 Dana J. Wright	ABSTAIN

Dated at New Britain, Connecticut, March 16, 1993.