

DOCKET NO. 161 - 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 telecommunications facility. The proposed prime site is located off of Old Blue Hills Road approximately 2,000 feet from the end of the improved portion of the road in Durham, Connecticut. The proposed alternate sites are located at 199R Cherry Lane and 100 New Haven Road, Durham, Connecticut.

Connecticut

Siting

Council

March 11, 1994

### 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 prime site in Durham, Connecticut, 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 building at the proposed prime site located off of Old Blue Hills Road, Durham, Connecticut. We find the effects on scenic resources and adjacent land uses of the alternative sites to be significant, and therefore deny certification of these sites.

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 road design and drainage system for improvements on approximately 1,600 feet of the Old Blue Hills Road right-of-way shall be subject to approval by the Town of Durham.

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 tower, antenna placement on the tower including entities sharing tower space, tower foundation, equipment building, access road, utility connection, security fence, and erosion and sedimentation controls consistent with the Connecticut Guidelines for Soil Erosion and Sedimentation Control (as amended).
4. The Certificate Holder shall make provision for a Phase I archaeological reconnaissance survey, subject to the consent of the landowner, at the Merwin Cave site, due within six months after the commencement of construction. A final report of this survey shall be provided to the Council upon completion. The Certificate Holder shall not be liable for any site protection, collection and exhibition of artifacts, or other actions beyond a Phase I reconnaissance survey.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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 Hartford Courant and 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 intervenors to this proceeding are:

APPLICANT

Metro Mobile CTS of  
Hartford, Inc.

ITS REPRESENTATIVES

Metro Mobile CTS of  
Hartford, 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: Brian C. S. Freeman, Esq.

PARTY

Town of Durham

ITS REPRESENTATIVE

Henry A. Robinson  
First Selectman  
30 Town House Road  
P.O. Box 428  
Durham, CT 06422

INTERVENOR

Springwich Cellular  
Limited Partnership

ITS REPRESENTATIVE

Peter J. Tyrrell  
Senior Attorney  
Springwich Cellular  
Limited Partnership  
227 Church Street  
New Haven, CT 06506

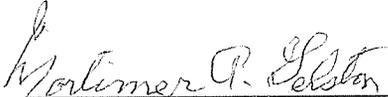
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CERTIFICATION

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. 161 - Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility, in Durham, Connecticut, and voted as follows to approve the proposed prime site located off of Old Blue Hills Road:

Council Members

Vote Cast

  
\_\_\_\_\_  
Mortimer A. Gelston  
Chairman

YES

  
\_\_\_\_\_  
Commissioner Reginald J. Smith  
Designee: Gerald J. Heffernan

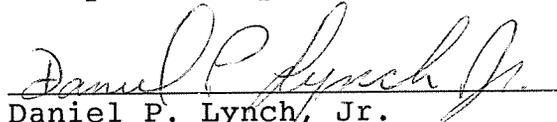
YES

  
\_\_\_\_\_  
Commissioner Timothy R.E. Keeney  
Designee: Brian Emerick

YES

\_\_\_\_\_  
Harry E. Covey

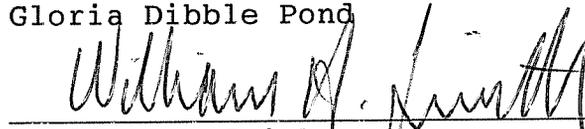
ABSENT

  
\_\_\_\_\_  
Daniel P. Lynch, Jr.

YES

  
\_\_\_\_\_  
Gloria Dibble Pond

YES

  
\_\_\_\_\_  
William H. Smith

YES

  
\_\_\_\_\_  
Colin C. Tait

YES

\_\_\_\_\_  
Dana J. Wright

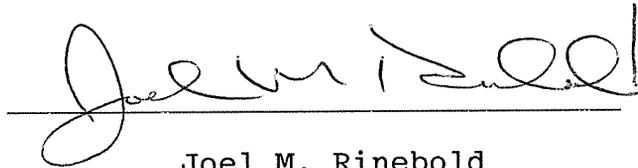
ABSENT

Dated at New Britain, Connecticut, March 11, 1994.  
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STATE OF CONNECTICUT )  
  :  
ss. New Britain, Connecticut  
COUNTY OF HARTFORD    )

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

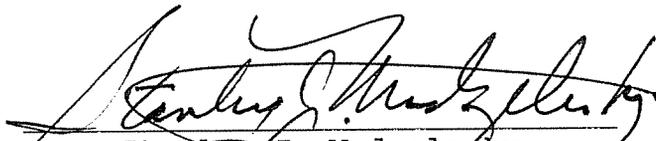
ATTEST:



Joel M. Rinebold  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket 161 have been forwarded by Certified First Class Return Receipt Requested mail on March 11, 1994, to all parties and intervenors of record as listed on the attached service list, dated December 7, 1993.

ATTEST:



Stanley J. Modzelesky  
Executive Assistant  
Connecticut Siting Council