

DOCKET NO. 162 - An application of Springwich Cellular Limited Partnership for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility located on the grounds of South Kent School off Bulls Bridge Road in Kent, Connecticut. : Connecticut : Siting : Council : February 24, 1994

ORIGINAL

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 at the proposed site in Kent, 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 Springwich Cellular Limited Partnership (Springwich), for the construction, operation, and maintenance of a cellular telecommunications tower at the proposed site on property owned by the South Kent School, off Bulls Bridge Road, Kent, 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 cellular communications service and in no event shall the tower structure exceed a total height of 197 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 for the tower and tower foundation; the locations of all antennas to be attached to this tower to ensure maximum sharing of the tower; detailed plans for an accessway from a public roadway, including all improvements and gates installed in the accessway; utility line installation; equipment building plans including elevations; detailed plans for site clearing and tree trimming; detailed plans for erosion and sedimentation control; and plans for the installation of the security fence. The D&M Plan shall be submitted to the Council for approval prior to the commencement of tower construction.

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. Should any agreement, including sharing of this tower, be reached prior to construction of the tower, detailed plans for the third party's equipment shall be included in the D&M Plan.
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 tower and all associated equipment shall be dismantled and removed or re-application 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 Litchfield County Times, the Kent Good Times Dispatch, and the Waterbury Republican-American.

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**

Springwich Cellular  
Limited Partnership

**ITS REPRESENTATIVE**

Peter J. Tyrrell, Esq.  
Senior Attorney  
Springwich Cellular  
Limited Partnership  
227 Church Street-Room 1021  
New Haven, CT 06506  
(203) 771-7381

**PARTY**

Litchfield County Cellular Inc.

**ITS REPRESENTATIVE**

Andrew N. Davis, Esq.  
John J. Russotto, Esq.  
Brown, Rudnick, Freed &  
Gesmer, P.C.  
90 State House Square  
Hartford, CT 06103  
(203) 525-8008

**INTERVENOR**

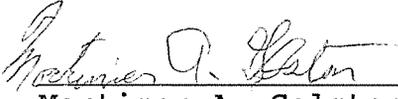
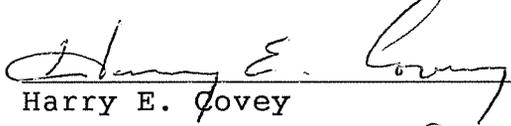
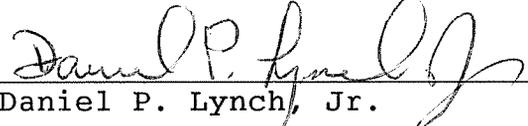
Bell Atlantic Metro Mobile

**ITS REPRESENTATIVE**

Steven R. Humphrey, Esq.  
Brian C.S. Freeman, Esq.  
Robinson & Cole  
One Commercial Plaza  
Hartford, CT 06103-3597  
(203) 275-8200

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. 162, and voted as follows to approve the facility located on the grounds of South Kent School off Bulls Bridge Road in Kent, Connecticut:

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

Dated at New Britain, Connecticut, February 24, 1994.