

DOCKET NO. 165 - An application of Metro : Connecticut
Mobile CTS of Hartford, Inc., for a Certificate :
of Environmental Compatibility and Need for : Siting
the construction, maintenance, and operation of :
a cellular telecommunications facility located at : Council
46 Brendan Street, Stafford, Connecticut. :

December 5, 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 Stafford, 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 46 Brendan Street, Stafford Springs, Connecticut. We find the effects on scenic resources and adjacent land uses of the alternate site to be significant, and therefore deny certification of this site.

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 115 feet above ground level, 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 Connecticut State Agencies (RCSA). The D&M Plan shall be submitted to and approved by the Council prior to the commencement of facility construction and shall include detailed plans for the tower location and tower foundation; the placement of all antennas to be attached to this tower; placement of the emergency generator, equipment building, fuel storage tank, access road, utility line, and security fence; site clearing and tree trimming; and water drainage and erosion and sedimentation controls consistent with the Connecticut Guidelines for Soil Erosion and Sedimentation Control (as amended).

3. The Certificate Holder shall acquire all regulatory permits and approvals prior to operation of the facility and submit copies upon receipt to the Council.
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 State or federal 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 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.
7. If the facility does not initially provide, or permanently ceases to provide, cellular 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.
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.
9. The Certificate Holder shall notify the Council upon completion of construction.

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 The Journal Inquirer.

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 RCSA.

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 & Regulatory Services

Robinson & Cole
One Commercial Plaza
Hartford, CT 06103-3597
Attn: Brian C. S. Freeman, Esq.

INTERVENOR

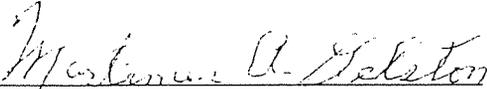
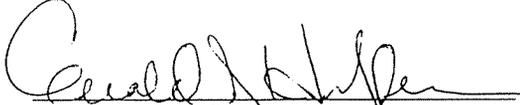
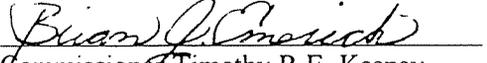
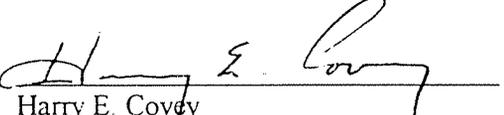
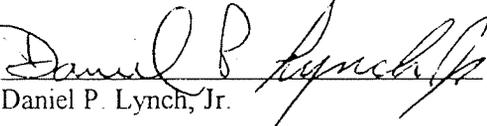
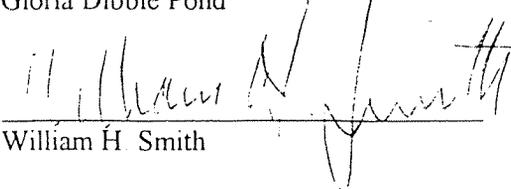
Springwich Cellular Limited Partnership

ITS REPRESENTATIVE

Peter J. Tyrrell, Esq.
Springwich Cellular Limited Partnership
227 Church Street
New Haven, CT 06510

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. 165 - An application of Metro Mobile CTS of Hartford, Inc., for a Certificate of Environmental Compatibility and Need for the construction, maintenance, and operation of a cellular telecommunications facility located at 46 Brendan Street, Stafford, Connecticut, and voted as follows:

<u>Council Members</u>	<u>Vote Cast</u>
 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. Covy	YES
 Daniel P. Lynch, Jr.	YES
 Gloria Dibble Pond	YES
 William H. Smith	YES
_____ Colin C. Tait	ABSENT
_____ Dana J. Wright	ABSENT

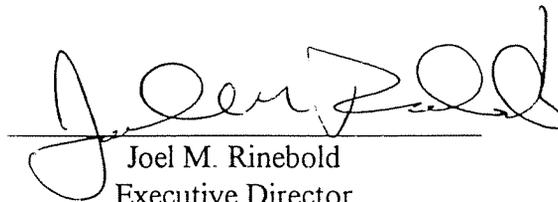
Dated at New Britain, Connecticut, December 5, 1994.

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 No. 165 have been forwarded by Certified First Class Return Receipt Requested mail on December 8, 1994, to all parties and intervenors of record as listed on the attached service list, dated August 9, 1994.

ATTEST:


Stanley J. Modzelesky
Executive Secretary
Connecticut Siting Council