

DOCKET NO. 167 - An application of Springwich Cellular } Connecticut
Limited Partnership for a Certificate of Environmental }
Compatibility and Public Need for the construction, maintenance, } Siting
and operation of a cellular telecommunications facility located }
approximately 2,000 feet east southeast of the intersection of Old } Council
Redding Road and Mountain Road with an alternate site located }
approximately 2,400 feet east of the intersection of Old Redding }
Road and Mountain Road, in the Town of Redding, Connecticut. } August 9, 1995

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 and the alternate access road in Redding, 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 (Certificate) as provided by General Statutes § 16-50k be issued to Springwich Cellular Limited Partnership (Springwich) for the construction, operation, and maintenance of a cellular telecommunications tower, associated equipment, and building at the proposed prime site located approximately 2,000 feet east southeast of the intersection of Old Redding Road and Mountain Road in the Town of Redding, 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 lattice tower shall be no taller than necessary to provide the proposed communication service and the tower shall not exceed a height of 180 feet above ground level (AGL).
2. The Certificate holder shall prepare a Development and Management (D&M) Plan for this site and access road in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. 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 the tower, equipment building, access road, utility line, and security fence; site clearing and tree trimming; and water drainage and erosion and sediment controls consistent with the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
3. Springwich shall provide the Council with a statement of intent and schedule to remove the existing Department of Motor Vehicle (DMV) tower on Fire Tower Road in Redding prior to submission of the D&M Plan to the Council. Springwich must arrange to have the DMV tower removed within one year of the completion of construction of Springwich's tower.
4. No salt or chemicals may be used during access road maintenance to clear snow and ice.

5. Upon the establishment of any new State or federal radio frequency power density standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards as soon as possible.
6. The Certificate holder shall provide the Council a measurement of electromagnetic radio frequency power density at such time when Springwiche, the Connecticut State Police, the DMV, and the Northwest Connecticut Public Safety Communications Center broadcast equipment is fully operational. The Certificate holder shall provide the Council a remeasured report of electromagnetic radio frequency power density if and when circumstances in operation cause a change in power density above the levels originally measured.
7. The Certificate holder shall permit public or private entities to share space on the tower for fair consideration or shall provide any requesting entity with specific legal, technical, environmental, economical, or public safety reasons precluding such tower sharing.
8. If the facility does not initially provide cellular or public safety services following completion of construction or if the facility permanently ceases to provide both cellular and public safety services, this Decision and Order shall be void and the Certificate holder shall dismantle the tower, remove all associated equipment, and restore the site. 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 approval date of this Decision and Order or within three years after all appeals to this Decision and Order have been resolved.
10. The Certificate holder shall notify the Council upon completion of construction and provide the final cost to construct the facility.

Pursuant to General Statutes § 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 Danbury News Times and the Redding Pilot.

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 Connecticut State Agencies. The parties and intervenors to this proceeding are:

APPLICANT

Springwiche Cellular Ltd. Partnership

ITS REPRESENTATIVE

Peter J. Tyrrell, Sr. Attorney
Springwiche Cellular Ltd. Partnership
227 Church St., Rm. 1021
New Haven, CT 06510

PARTIES

George Vermilyea and the Neighbors
Opposed to the Tower (“NOT”)

Town of Redding

State of Connecticut, Department of
Public Safety, Division of State Police

The Hon. John E. Stripp
State Representative
Legislative Office Building
Room 4200
Hartford, CT 06106-1591

The Hon. Judith G. Freedman
State Senator
Legislative office Building
Room 3100
Hartford, CT 06106-1591

INTERVENOR

Robert J. Kaufman
100 Old Redding Rd.
West Redding, CT 06896

ITS REPRESENTATIVE

c/o Marie Burroughs
11 Mine Hill Rd.
West Redding, CT 06893

and

David Silverstone, Esq.
Silverstone & Koontz, P.C.
227 Lawrence St.
Hartford, CT 06106

Michael N. LaVelle, Esq.
Pullman & Comley, LLC
850 Main St., P.O. Box 7006
Bridgeport, CT 06601-7006

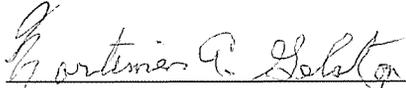
Stephen R. Sarnoski
Assistant Attorney General
MacKenzie Hall
110 Sherman St.
Hartford, CT 06105

CERTIFICATION

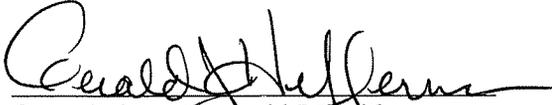
The Undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in Docket No. 167, an application of Springwich Cellular Limited Partnership for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a cellular telecommunications facility located approximately 2,000 feet east southeast of the intersection of Old Redding Road and Mountain Road with an alternate site located approximately 2,400 feet east of the intersection of Old Redding Road and Mountain Road, in the Town of Redding, Connecticut, and voted as follows to approve the prime site:

Council Members

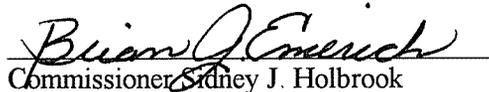
Vote Cast


Mortimer A. Gelston
Chairman

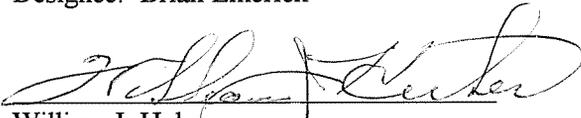
YES


Commissioner Reginald J. Smith
Designee: Gerald J. Heffernan

YES


Commissioner Sidney J. Holbrook
Designee: Brian Emerick

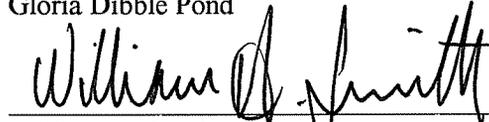
YES


William J. Huber

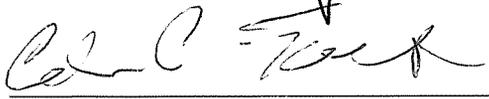
ABSTAIN


Gloria Dibble Pond

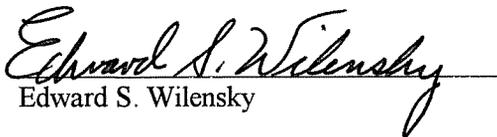
NO


William H. Smith

YES


Colin C. Tait

NO


Edward S. Wilensky

ABSTAIN

Dana J. Wright

ABSENT

Dated at New Britain, Connecticut, August 9, 1995.