

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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Daniel F. Caruso

Chairman

### **CERTIFIED MAIL RETURN RECEIPT REQUESTED**

May 2, 2007

Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597

RE: **PETITION NO. 807** - Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to an existing telecommunications facility located at 723 Farmington Avenue, New Britain, Connecticut.

Dear Attorney Baldwin:

At a public meeting held on May 1, 2007, the Connecticut Siting Council (Council) considered and ruled that this proposal would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need with the condition that Verizon mount the antennas on t-arms to conform with the Decision and Order in Docket No. 303 (Condition No. 2), dated June 28, 2005.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition, dated April 2, 2007.

Enclosed for your information is a copy of the staff report on this project and the Decision and Order for Docket No. 303.

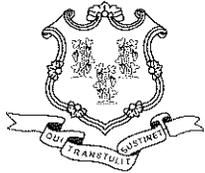
Very truly yours,

Daniel F. Caruso  
Chairman

DFC/RM/laf

Enclosure: Staff Report dated May 1, 2007  
Docket No. 303 Decision and Order, dated June 28, 2005

c: The Honorable Timothy T. Stewart, Mayor, City of New Britain  
Steven P. Schiller, Director of Planning, City of New Britain



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Petition No. 807

Cellco Partnership

723 Farmington Avenue, New Britain

May 1, 2007

Staff Report

On April 2, 2007, the Connecticut Siting Council (Council) received a petition from Cellco Partnership d/b/a Verizon Wireless for declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed extension of an existing telecommunications facility located at the Nest 88 Polish Falcons Alliance of America property at 723 Farmington Avenue in New Britain. The petition was field reviewed by Council member Philip Ashton and Council staff member Robert Mercier on April 25, 2007. Verizon Wireless representative Kenneth Baldwin attended the field review. Town officials, the property owners and abutting landowners were notified on the proposal.

Verizon Wireless (Verizon) seeks to place a 10-foot extension on an existing 110-foot monopole owned by SBA Towers, Inc. The Council approved the 110-foot tower on June 28, 2005 under Docket 303. The tower and foundation were designed to support a 20-foot extension. The tower currently supports Sprint Nextel at the 109-foot level, Cingular at the 98-foot level, and T-Mobile at the 88-foot level.

Verizon would install the 10-foot extension and mount 12 panel antennas on a platform at a centerline height of 118 feet above ground level (agl). The top of the tower with the proposed extension and antennas would not exceed 120 feet agl. Verizon would install a 12-foot by 30-foot equipment shelter within the compound.

The existing tower is structurally capable of supporting the extension and antenna mounting configuration. With Verizon's equipment, the collective radio frequency electromagnetic radiation power density level would be 51.5% of the applicable FCC standard.

The site is on a 31-acre parcel used primarily for recreation purposes. The tower is screened by woodland to the north and east. Open ball fields are located to the west and south. Residential areas exist to the south beyond the ball fields along Joy Lane. Four residences in this area have year-round views of most of the existing tower and four 60-foot light towers. An additional 45 residences within a half-mile of the site have year-round views of the upper portion of the existing tower. Although the tower would be increased in height, the additional visibility would not be significant when compared to existing views.

The Council's Decision and Order for Docket 303 limited the antenna mounting equipment to t-arms or flush mounts. Approval of the petition should contain a condition to replace the proposed antenna platform with t-arm antenna mounts.



<p><b>DOCKET NO. 303</b> – Sprint Spectrum, L.P. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 723 Farmington Avenue, New Britain, Connecticut.</p>	<p>} } }</p>	<p>Connecticut Siting Council June 28, 2005</p>
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**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 telecommunications facility 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 General Statutes § 16-50k, be issued to Sprint Spectrum, L.P., hereinafter referred to as the Certificate Holder, for a telecommunications facility at 723 Farmington Avenue, New Britain, 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 tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of Sprint Spectrum, L.P and other entities, both public and private, but such tower shall not exceed a height of 110 feet above ground level. The height at the top of the antennas shall not exceed a height of 110 feet above ground level, including antennas.
2. Panel antennas shall be installed on the monopole using a flush or T-arm mounting configuration. T-arm antenna mounts shall be designed to reduce the visual profile of the antenna configuration to the greatest extent possible without compromising coverage objectives.
3. Landscaping shall include the addition of deciduous tree plantings between the existing paved driveway and the compound site, preferably along the north edge of the existing driveway.
4. 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. The D&M Plan shall be served on the City of New Britain for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment building, access road, utility line, and landscaping; and
  - b) construction plans for site clearing, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

5. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of electromagnetic radio frequency power density is submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
6. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
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. The Certificate Holder shall provide reasonable space on the tower for no compensation for any City of New Britain public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
9. If the facility does not initially provide wireless services within one year of completion of construction or within two years from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), whichever is earlier, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating these deadlines.
10. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
11. Any antenna that becomes obsolete and ceases to function shall be removed within 60 days after such antennas become obsolete and cease to function.
12. Any request for extension of the period referred to in Condition 9 shall be filed with the Council not later than sixty days prior to the expiration date of this Certificate and shall be served on all parties and intervenors and the City of New Britain, as listed in the service list. Any proposed modifications to this Decision and Order shall likewise be so served.
13. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, the Council hereby directs 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 New Britain Herald.

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**

Sprint Spectrum, L.P.  
d/b/a Sprint PCS

**Its Representative**

Thomas J. Regan, Esq.  
Brown Rudnick Berlack Israels LLP  
CityPlace I, 38<sup>th</sup> Floor  
185 Asylum Street  
Hartford, CT 06103-3402

**Intervenor**

New Cingular Wireless, PCS, LLC

**Its Representative**

Wendell G. Davis  
Blackwell, Davis & Spadaccini, LLC  
158 East Center Street  
Manchester, CT 06040