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CONNECTICUT SITING COUNCIL

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April 11, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director *SDP/DM*

RE: **DOCKET NO. 325** – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road in Southbury, Connecticut.

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By its Decision and Order dated April 10, 2007, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road, Southbury, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/DM/laf

Enclosures (3)

c: State Documents Librarian

**DOCKET NO. 325** – Cellco Partnership d/b/a Verizon Wireless } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance and operation of a } Siting  
telecommunications facility at 111 Upper Fish Rock Road in }  
Southbury, Connecticut. } Council

April 10, 2007

## **Findings of Fact**

### **Introduction**

1. Pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes (CGS), as amended, and Section 16-50j-1 et seq. seq. of the Regulations of Connecticut State Agencies (RCSA), Cellco Partnership d/b/a Verizon Wireless (Cellco) applied to the Connecticut Siting Council (Council) on November 2, 2006 for the construction, operation, and maintenance of a telecommunications facility to be located at 111 Upper Fish Rock Road in the Town of Southbury, Connecticut. (Cellco 1, p. 1)
2. Cellco is a Delaware Partnership with an administrative office located at 99 East River Drive, East Hartford, Connecticut. Cellco is licensed by the Federal Communications Commission (FCC) to operate a wireless telecommunications system in Connecticut. The operation of wireless telecommunications systems and related activities are Cellco's sole business in Connecticut. (Cellco 1, p. 3)
3. The party in this proceeding is the applicant. (Transcript, February 1, 2007, 3:00 p.m. [Tr. 1], p. 4)
4. The proposed facility would provide coverage along Interstate 84 and local roads in the southerly portion of Southbury and northeasterly portion of Newtown. (Cellco 1, pp. 1-2)
5. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on February 1, 2007, beginning at 3:00 p.m. and continuing at 7:00 p.m. in Southbury, Connecticut. (Tr. 1, p. 2 ff.)
6. The Council and its staff conducted an inspection of the proposed site on February 1, 2007, beginning at 2:00 p.m. The applicant flew a balloon from 8:00 a.m. until 5:00 p.m. at the proposed site to simulate the height of the proposed tower. Weather conditions provided good visibility for the balloon flight. (Tr. 1, p. 26)
7. Pursuant to CGS § 16-50/(b), notice of Cellco's intent to submit this application was published on October 30 and 31, 2006 in The Waterbury Republican-American. (Cellco 1, p. 4)
8. In accordance with CGS § 16-50/(b), Cellco sent notices of its intent to file an application with the Council to each person appearing of record as owner of property abutting the property on which the site is located. (Cellco 1, p. 5; Attachment 5)

9. Cellco sent its notice to 28 owners of abutting properties. It received return receipts from 22 of these owners. Five notice letters were returned. Three of the returned letters were resent through regular mail. One letter, to NYCONN Electric, Inc., could not be forwarded because the company had moved without leaving a forwarding address. One letter was resent to a lawyer who is representing the estate of a listed property owner. (Cellco 4, Response 7)
10. Cellco posted a sign advising the general public that a certificate application was pending for the host property. The sign was approximately four feet by six feet in size. (Tr. 1, p. 26)
11. Pursuant to CGS § 16-50/(b), Cellco sent copies of its application to the following municipal, regional, state, and federal agencies and officials: Connecticut Attorney General, Department of Environmental Protection (DEP), Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, Department of Transportation, Division Director/Deputy State Historic Preservation Officer, Council of Governments of the Central Naugatuck Valley, Louis DeLuca — State Senator from the 32nd Senatorial District, Arthur O'Neill — State Representative from the 69th Assembly District, Federal Aviation Administration, Federal Communications Commission, Mark Cooper — Town of Southbury First Selectman, Virginia Salisbury — Southbury Town Clerk, William David — Southbury Planning Commission Chairman, Gary Giroux — Southbury Zoning Commission Chairman, Lemuel Johnson — Southbury Zoning Board of Appeals Chairman, DeLoris Curtis — Southbury Planning Administrator, Mark Cody — Southbury Zoning Enforcement Officer, Scott Martin — Southbury Inland Wetlands Commission Chairman, Herbert Rosenthal — Town of Newtown First Selectman, John McKinney — State Senator from the 28th Senatorial District, Julia Wasserman — State Representative from the 106th Assembly District, Cynthia Simon — Newtown Town Clerk, William O'Neill — Newtown Planning and Zoning Commission Chairman, Charles Annett — Newtown Zoning Board of Appeals Chairman, Gary Frenette — Newtown Zoning Enforcement Officer, Sally O'Neil — Newtown Inland Wetlands Commission Chairman, and Housatonic Council of Elected Officials. (Cellco 1, p. 4; Attachment 3)

#### State Agency Comment

12. Pursuant to CGS § 16-50/, the Council solicited comments on Cellco's application from the following state departments and agencies: Department of Environmental Protection, Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, and the Department of Transportation. The Council's letters requesting comments were sent on January 3 and February 5, 2007. (CSC Hearing Package dated January 3, 2007; CSC Letter to State Department Heads dated February 5, 2007)
13. The Connecticut Department of Transportation (ConnDOT) responded to the Council's solicitation with no comments on this proposal. (Letter from ConnDOT dated January 17, 2007)

14. No other state agency responded to the Council's requests for comments. (Record)

#### **Municipal Consultation**

15. Cellco representatives met with the Town of Southbury's First Selectman, Mark Cooper, and its Planning Administrator, DeLoris Curtis, to discuss its proposed facility on August 22, 2006. At this meeting, First Selectman Cooper received copies of technical information summarizing Cellco's plans. (Cellco 1, p. 16)
16. During Cellco's meeting with Southbury officials, the First Selectman asked Cellco to consider locating its tower on a town-owned parcel north of the proposed site off Ichabod and Lakeside Roads. Cellco's Radio Frequency engineer investigated the town parcel but could not find a suitable location on the parcel that would allow it to achieve its coverage objectives. (Cellco 1, p. 16)
17. Because Cellco's proposed site is within 2,500 feet of the Newtown municipal boundary, Cellco representatives met with Newtown's Director of Public Works, Frederick Hurley, who was representing Newtown's First Selectman. (Cellco 1, p. 16)
18. No comments were entered into the record by any officials or boards of the Town of Newtown. (Cellco 4, Response 29)
19. The Town of Southbury has an agreement with Cellco to install a 20-foot whip antenna at the top of the tower. (Tr. 1, pp. 6 ff.)
20. The town's whip antenna would be shared by the police department, fire department, EMS, and public works department. (Tr. 1, pp. 12-13)
21. Cellco would make space on the tower and within the compound available to the Town of Southbury at no charge. (Cellco 1, p. 10; Cellco 4, Response 30)

#### **Public Need for Service**

22. The federal Telecommunications Act of 1996 (Act) recognized a nationwide public need for high-quality wireless telecommunication services. The Act also promoted competition among wireless service providers, tried to foster lower prices for consumers, and encouraged the rapid deployment of new telecommunications technologies. (Cellco 1, p. 5)
23. In issuing cellular licenses, the federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. (Council Administrative Notice Item No. 7)

24. The Telecommunications Act of 1996 prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice, Telecommunications Act of 1996)
25. The Telecommunications Act of 1996, a Federal law passed by the United States Congress, prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 7)
26. Cellco holds an FCC License to provide cellular and PCS service in New Haven County. (Cellco 1, p. 7)
27. Cellco's antennas would comply with E911 requirements at this site. (Cellco 4, Response 2)
28. The Town of Southbury's police and fire departments' have a need for wireless coverage in the area that would be served by Cellco's proposed facility. (Tr. 1, pp. 8 ff.)

#### Site Selection

29. The search ring for this project was originally issued in 2000 when Cellco was relying on Crown Atlantic Company (Crown) to find and develop tower locations in accordance with a Build to Suit Agreement. This agreement has since been terminated. The original search ring was approximately  $\frac{3}{4}$  of a mile in diameter. (Cellco 4, Response 18)
30. Cellco maintains four existing facilities within four miles of the proposed facility. These existing facilities, however, cannot provide coverage to the areas that Cellco has identified as problems. (Cellco 1, Attachment 9, p. 1)
31. In addition to its proposed site, Cellco investigated three other locations as potential sites for its facility. These sites, and the determination of their respective suitability, are described below.

Sprint/Nextel tower at 214 Russian Village Road, Southbury – existing 120-foot tower located 1.2 miles northwest of the proposed site; this site would not adequately cover the existing gap on I-84.

State police tower at 11 Lakeside Road, Southbury – existing 180-foot tower located 1.2 miles northeast of proposed site; RF signals from this site could not connect with Cellco's Newtown facility.

Town of Southbury property – 203-acre parcel located at Ichabod Road and Lakeside Road approximately .5 miles north of proposed facility; severe topography of parcel does not enable continuous coverage between two of Cellco's adjacent sites. (Cellco 1, Attachment 9, p. 2)

**Site Description**

32. Cellco's proposed site is in the southeastern portion of a 32-acre parcel owned by Carl and Marilyn Ferencek and located at 111 Upper Fish Rock Road in the south central portion of Southbury, Connecticut. (See Figure 1) (Cellco 1, Attachment 1, p. 1)
33. The site is located within a R-20 zone, a designation that allows single family homes on lots of at least 20,000 square feet. Wireless communications facilities are permitted within this zone with a Special Exception from the Zoning Board of Appeals. (Cellco 1, p. 2; Southbury Zoning Regulations bulk filed)
34. At this location, Cellco would erect a 100-foot steel monopole tower within a 50-foot by 60-foot fenced compound. The compound would be within a 100-foot by 100-foot lease parcel. Cellco would house its ground equipment within a 12-foot by 30-foot equipment shelter. (Cellco 1, Attachment 1)
35. The total height of Cellco's proposed tower, including the town's 20-foot whip antenna, would be 120 feet. (Tr. 1, p. 46)
36. The tower would be located at 41° 26' 17.80" north latitude and 73° 14' 15.87" west longitude. Its ground elevation would be 395 feet AMSL. (Cellco 1, Attachment 1, Sheet T-1)
37. The tower would be designed to accommodate up to four carriers. (Cellco 1, Attachment 1, Sheet SC-3; Cellco 4, Response 17)
38. Cellco's tower would be designed in accordance with the specifications of the Electronic Industries Association Standard EIA/TIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Support Structures." (Cellco 1, Attachment 1, p. 6; Cellco 4, Response 16)
39. The tower would be engineered and built to be extendable. (Tr. 1, p. 35)
40. The proposed site would require approximately seven cubic yards of fill and four and a half cubic yards of cut. (Cellco 4, Response 15)
41. Cellco does not anticipate the need for blasting to develop this site. (Cellco 4, Response 22)
42. Cellco would install 12 panel-type directional antennas on a triangular platform at the top of the tower. Cellco's antennas would extend to a height of 104 feet above ground level (AGL). (Cellco 1, p. i)
43. The Town of Southbury would install a 20-foot whip antenna at the top of the proposed tower. (Cellco 1, p. 10)
44. Cellco's compound would be enclosed by an eight-foot chain link fence. (Cellco 1, Attachment 1, Sheet SC-4)

45. Cellco originally proposed building a new 12-foot wide gravel driveway for a distance of approximately 1,130 feet extending from Upper Fish Rock Road along the south side of the owner's residence to provide vehicular access to its proposed facility. (Cellco 1, Attachment 1, p. 5)
46. Cellco was asked by the property owners to amend its plans and relocate the access driveway to the northwesterly portion of the property near the existing driveway used for the residence. The revised route for the proposed drive would add 500 feet to its overall length. (Tr. 1, p. 20)
47. It would be difficult to acquire rights to use an existing private road adjacent to the Ferencek property for access to the proposed site because of the indeterminate ownership of the road. (Tr. 1, p. 27)
48. Utilities to the site would be extended from a utility pole on Upper Fish Rock Road underground following the access driveway. (Cellco 1, Attachment 1, Sheet SC-2)
49. The tower's setback radius would be contained within the Ferencek property. (Cellco 1, Attachment 1, Sheet SC-2)
50. The proposed site is located in a heavily-wooded area of the Ferencek property. Land use in the vicinity of the site consists primarily of wooded land and low-density residential development. (Cellco 1, Attachment 1, p. 4)
51. The closest residence to the proposed facility is 590 feet to the northwest. It is located at 155 Upper Fish Rock Road and owned by Bernice and Victoria Thomas. (Cellco 4, Response 28)
52. There are 17 residences within 1,000 feet of the proposed facility. (Cellco 1, p. 12)
53. Cellco would use a diesel-fueled generator for backup power. The generator would be located within the equipment shelter. It would include a 275 gallon, double-walled fuel tank with leak detection monitoring systems. (Cellco 1, p. 2)
54. The estimated cost of the proposed facility is:
- |  |               |
|--|---------------|
| Cell site radio equipment                      | \$450,000     |
| Tower, coax, and antenna costs                 | 125,000       |
| Power systems                                  | 20,000        |
| Equipment building                             | 60,000        |
| <u>Miscellaneous (site prep, installation)</u> | <u>15,000</u> |
| Total  | \$670,000     |
- (Cellco 1, p. 18)
55. The revised access drive would add approximately \$20,000 to the cost of the facility. (Tr. 1, p. 50)

### Environmental Considerations

56. Cellco's proposed facility would have no effect on Connecticut's cultural heritage. (Cellco 1, Attachment 11 – Letter from State Historic Preservation Officer)
57. No federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). (Cellco 4, Letter from the U.S. Fish and Wildlife Service dated August 24, 2006)
58. Federal threatened and State Endangered Bald Eagles (*haliaeetus leucocephalus*) occur in the vicinity of the proposed project. (Cellco 4, Letter from the DEP Bureau of Natural Resources dated November 2, 2006)
59. DEP's Wildlife Division would recommend that no work be done on this project between February 1 and August 1 to avoid affecting the bald eagles. (Cellco, Letter from the DEP Franklin Wildlife Management Area dated November 27, 2006)
60. Cellco would agree not to do any construction work during the DEP recommended time period. (Tr. 1, p. 37)
61. An estimated 64 trees with diameters of six inches or greater at breast height would be removed to construct the proposed facility. (Cellco 4, Response 14)
62. The revision to the access road would require the removal of an estimated 12 additional trees. (Tr. 1, p. 25)
63. The closest wetland to the proposed facility is approximately 450 feet to the west of the site. (Cellco 1, p. 15)
64. Cellco's facility would not constitute a hazard to air navigation. No obstruction marking or lighting would be required for the proposed tower. (Cellco 1, p. 17)
65. According to calculations performed by Cellco, the maximum power density from the radio frequency emissions of Cellco's proposed antennas would be 29.96% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Cellco 1, p. 14)

### Visibility

66. The proposed tower would be visible year-round from approximately 54 acres within a two-mile radius of the site. (See Figure 5) (Cellco 1, p. 12; Attachment 10)

67. Approximately 15 residences would have year-round views of the proposed tower. (Tr. 1, p, 21)
68. The proposed tower would be seasonally visible from approximately 26 acres in the surrounding vicinity. (Cellco 4, Response 23)
69. Approximately 31 residential properties may have seasonal views of the proposed tower. (Tr. 1, p. 21)
70. Cellco would be willing to erect a tower designed to look like a pine tree (monopine) at this location. (Tr. 1, p. 32)
71. The visibility of the proposed site from different vantage points in the surrounding vicinity is summarized in the following table. The locations of the vantage points listed are identified by their corresponding number in the Visual Resource Evaluation Report contained in Attachment 10 of Cellco's application.

<u>Location</u>	<u>Site Visible</u>	<u>Approx. Portion of (100') Tower Visible (ft.)</u>	<u>Approx. Distance and Direction to Tower</u>
1 – River Road , north of Berkshire Road	Yes	Upper 30'	3800 feet; SE
2 – River Road at I-84 overpass	Yes	Upper 40'	3500 feet; SE

(Cellco 1, Attachment 10)

72. It is unlikely that the tower would be visible from Kettle town State Park. (Cellco 4, Response 25)

#### **Existing and Proposed Wireless Coverage**

73. In the Southbury/Newtown area, Cellco is licensed to operate in the cellular band at 869-880 MHz and 890-891.5 MHz and in the PCS C3 Block at 1985-1990 MHz. Cellco would install antennas operating within both of these frequency ranges on the same platform. (Cellco 4, Response 1)
74. Cellco experiences a coverage gap along I-84 of approximately 1.5 miles on its cellular frequencies and 1.8 miles on its PCS frequencies. Coverage gaps also exist along local roads in the southerly portions of Southbury and northeasterly portions of Newtown, including recreational areas along the Housatonic River. (See Figure 2) (Cellco 4, Response 31; Cellco 1, pp. 2 & 7)
75. Cellco's antennas at this site would hand off signals to Cellco sites at 133 Horse Fence Hill Road in Southbury and on Route 34 in Newtown. (Tr. 1, p. 34)
76. Cellco designs its system for a signal strength of -85 dBm. (Cellco 4, Response 10)

77. Cellco's existing signal strength in the vicinity of its proposed site ranges from -86 dBm to -105 dBm. (Cellco 4, Response 11)
78. On a stand-alone basis, Cellco's cellular antennas could cover an approximately 2.9 mile portion of I-84 from this location. Its PCS antennas could cover an approximately 2.2 mile portion of I-84. (See Figures 3 and 4) (Cellco 4, Response 9)
79. If this site were integrated into Cellco's existing network, its cellular antennas would be the "best server" for an approximately 2.0 mile portion of I-84, and its PCS antennas would be the "best server" for an approximately 1.9 mile portion of I-84. (Cellco 4, Response 9)
80. Cellco's antennas would cover approximately 7.1 square miles from this location at cellular frequencies approximately 4.5 square miles at PCS frequencies. (Cellco 4, Response 8)
81. The lowest height at which Cellco's antennas could achieve its coverage objectives is 100 feet. At 90 feet, there would be gaps in Cellco's PCS coverage along I-84 and on local roads. (Cellco 4, Response 21)
82. It is unlikely that heights below 100 feet would be feasible for other carriers. (Tr. 1, p. 35)

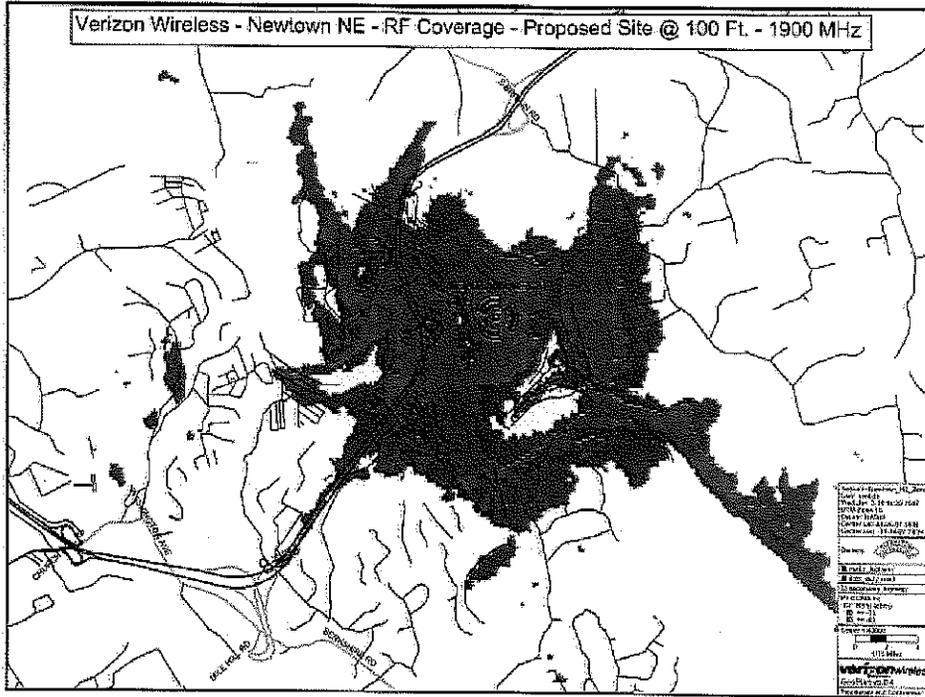
Figure 1: Location Map



(Celco 1, Attachment 1)

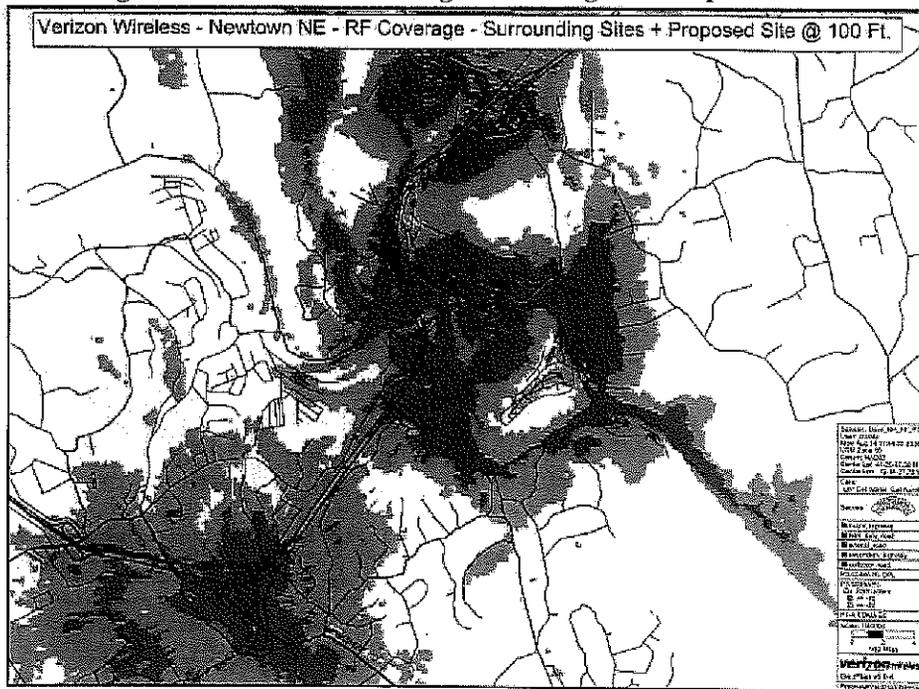


**Figure 4: Coverage from Site at 1900 MHz**



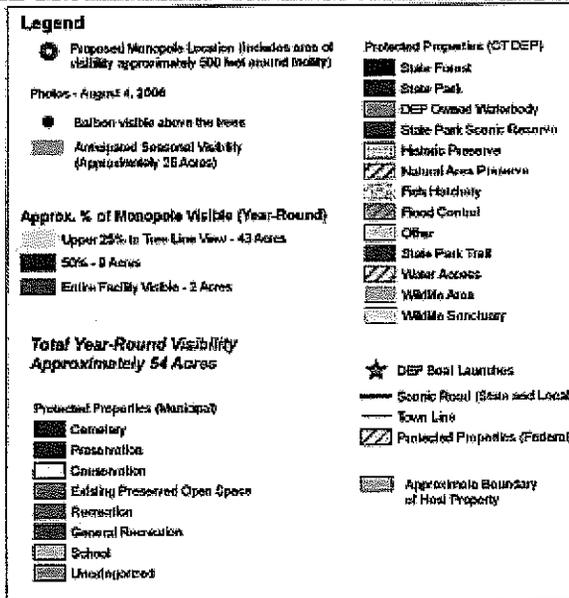
(Cellco 4, Attachment 2)

**Figure 5: Combined Coverage – Existing and Proposed Sites**



(Cellco 1, Attachment 7)

Figure 6: Visibility Map



(Cellco 1, Attachment 10)

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telecommunications facility at 111 Upper Fish Rock Road in }  
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### Opinion

On November 2, 2006, Cellco Partnership d/b/a Verizon Wireless (Cellco) applied to the Connecticut Siting Council (Council) for the issuance of a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility at 111 Upper Fish Rock Road in Southbury, Connecticut. The applicant seeks to develop a facility on a 32-acre parcel owned by Carl and Marilyn Ferencek. This location would enable Cellco to fill existing coverage gaps along Interstate 84 and local roads in the southerly portion of Southbury and northeasterly portion of Newtown. There were no parties or intervenors in this proceeding other than the applicant.

At the proposed location, Cellco would erect a 100-foot steel communications tower. The tower would be located within a 50-foot by 60-foot compound that would include a 12-foot by 30-foot equipment shelter. The compound would be enclosed by an eight-foot high chain link fence. The tower would have four positions at which antennas could be installed. Vehicular access to the facility would be over a gravel drive that would be installed from Upper Fish Rock Road to the location of the compound. Utility service would be extended underground from a utility pole on Upper Fish Rock Road and would follow the gravel access drive to the compound location.

The tower's setback radius would be completely contained within the Ferencek property.

The proposed tower would be visible year-round from approximately 54 acres within a two-mile radius of the site. The tower would be seasonally visible from approximately 26 acres. Approximately 15 residences would have partial year-round views of the tower; 31 residences would have seasonal views of the tower.

The proposed site is located in a heavily-wooded area of the Ferencek property. An estimated 76 trees with a diameter at breast height of six inches or more would need to be removed to develop this facility. Some filling would be required. The closest wetland to the proposed facility is approximately 450 feet west of the site. Developing this facility should have no impact on these wetlands.

Federal threatened and State Endangered Bald Eagles (*haliaeetus leucocephalus*) occur in the vicinity of the proposed project. The Connecticut Department of Environmental Protection recommends that no construction activity occur at this site between February 1 and August 1 to avoid affecting the eagles.

The proposed facility would have no effect on Connecticut's cultural heritage.

The Council has examined the coverage needs of Verizon at this location. Verizon's antennas would cover existing service gaps along I-84 by occupying the top of the 100-foot tower. Placing antennas at a lower height would leave Verizon with gaps in its PCS coverage along I-84. The tower would also allow the Town of Southbury's Police and Fire Departments to cover a part of town in which they do not currently have coverage for their emergency communications systems.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated to amount to 29.96% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the proposed 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 policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, operation, and maintenance of a telecommunications facility, which would include a 100-foot monopole tower, at the proposed site at 111 Upper Fish Rock Road in Southbury, Connecticut.

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telecommunications facility at 111 Upper Fish Rock Road in }  
Southbury, Connecticut. } Council

April 10, 2007

### **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 Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a wireless telecommunications facility to be located at 111 Upper Fish Rock Road in Southbury, 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 no taller than 100 feet above ground level to provide telecommunications services to both public and private entities.
2. No construction activity related to this facility shall occur between February 1 and August 1.
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 Connecticut State Agencies. The D&M Plan shall be served on the Towns of Southbury and Newtown 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, antenna mountings, 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.

4. 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 in the event other carriers locate at this facility or if circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
5. 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.
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. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Southbury public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
8. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), 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 this deadline.
9. Any request for extension of the time period referred to in Condition 8 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Southbury. Any proposed modifications to this Decision and Order shall likewise be so served.
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. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

12. 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 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, 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 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 Connecticut State Agencies.

The parties and intervenors in this proceeding are:

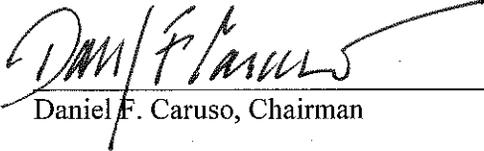
<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	Celco Partnership d/b/a Verizon Wireless 99 East River Drive East Hartford, CT 06108	Sandy Carter Regulatory Manager Verizon Wireless 99 East River Drive East Hartford, CT 06108  Kenneth Baldwin, Esq. Robinson & Cole, LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax <a href="mailto:kbaldwin@rc.com">kbaldwin@rc.com</a>

**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. 325** – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road in Southbury, Connecticut, and voted as follows to approve the proposed site, located at 111 Upper Fish Rock Road, Southbury, Connecticut:

**Council Members**

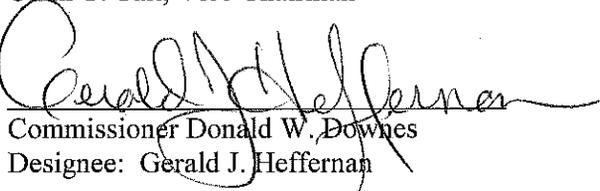
**Vote Cast**

  
Daniel F. Caruso, Chairman

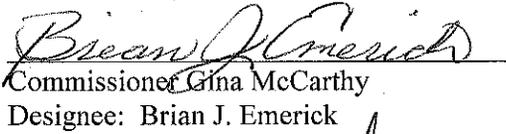
Yes

Colin C. Tait, Vice Chairman

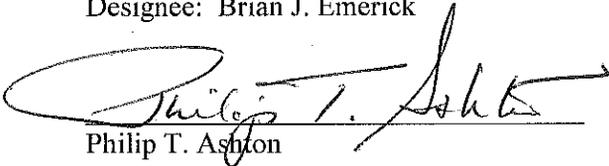
Absent

  
Commissioner Donald W. Downes  
Designee: Gerald J. Heffernan

Yes

  
Commissioner Gina McCarthy  
Designee: Brian J. Emerick

Yes

  
Philip T. Ashton

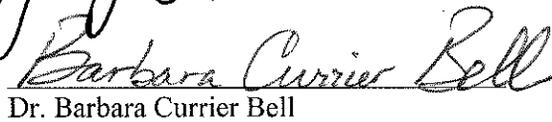
Yes

Daniel P. Lynch, Jr.

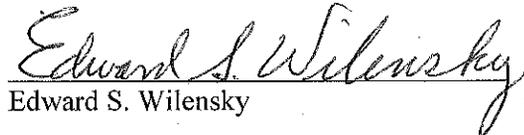
Absent

  
James J. Murphy, Jr.

Yes

  
Dr. Barbara Currier Bell

Yes

  
Edward S. Wilensky

Yes

Dated at New Britain, Connecticut, April 10, 2007.

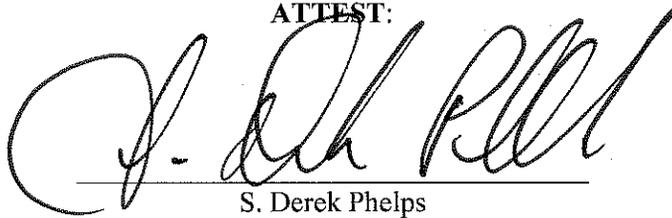
STATE OF CONNECTICUT )

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.

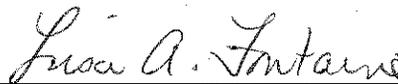
ATTEST:



S. Derek Phelps  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 325 has been forwarded by Certified First Class Return Receipt Requested mail on April 11, 2007, to all parties and intervenors of record as listed on the attached service list, dated November 8, 2006.

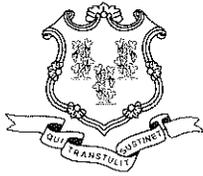
ATTEST:



Lisa A. Fontaine  
Administrative Assistant  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	Cellco Partnership d/b/a Verizon Wireless 99 East River Drive East Hartford, CT 06108	Sandy Carter Regulatory Manager Verizon Wireless 99 East River Drive East Hartford, CT 06108  Kenneth C. Baldwin, Esq. Robinson & Cole, LLP 280 Trumbull Street Hartford, CT 06103-3597 P: 860-275-8200



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Internet: [ct.gov/csc](http://ct.gov/csc)

April 11, 2007

Kenneth C. Baldwin, Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06108

RE: **DOCKET NO. 325** – Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road in Southbury, Connecticut.

Dear Attorney Baldwin:

By its Decision and Order dated April 10, 2007, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road, Southbury, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

S. Derek Phelps  
Executive Director

SDP/DM/laf

Enclosures (4)

c: Sandy M. Carter, Verizon Wireless



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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Internet: [ct.gov/csc](http://ct.gov/csc)

**CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 325**

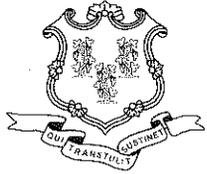
Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road, Southbury, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on April 10, 2007

By order of the Council,



Daniel F. Caruso, Chairman

April 10, 2007



Daniel F. Caruso  
Chairman

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)  
Internet: [ct.gov/csc](http://ct.gov/csc)

April 11, 2007

TO: Classified/Legal Supervisor  
**325061102**  
The Waterbury Republican-American  
389 Meadow Street  
P.O. Box 2090  
Waterbury, CT 06722

Classified/Legal Supervisor  
**325061102**  
Danbury News Times  
333 Main Street  
Danbury, CT 06810

FROM: Lisa A. Fontaine, Administrative Assistant

RE: **DOCKET NO. 325** – Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road in Southbury, Connecticut.

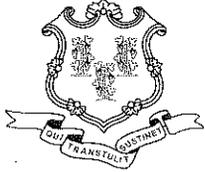
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Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

LAF



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on April 10, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Celco Partnership d/b/a Verizon Wireless for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 111 Upper Fish Rock Road, Southbury, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut