



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

Internet: ct.gov/csc

September 28, 2007

TO: Classified/Legal Supervisor
33071007
Waterbury Republican-American (Daily)
389 Meadow Street, P.O. Box 2090
Waterbury, CT 06722

Voices
332071007
90 Middle Quarter Mall
Woodbury, CT 06798

The Spectrum
332071007
New Milford Spectrum
45-B Main Street
New Milford, CT 06776

FROM: Lisa A. Fontaine,  Administrative Assistant

RE: **DOCKET NO. 332** – 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 located at 6 Mountain Road or 167 New Milford Turnpike, Washington, Connecticut.

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



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NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on September 25, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Cellco 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 located at 6 Mountain Road, Washington, Connecticut.. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut



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September 28, 2007

Sandy M. Carter
Verizon Wireless
99 East River Drive
East Hartford, CT 06108

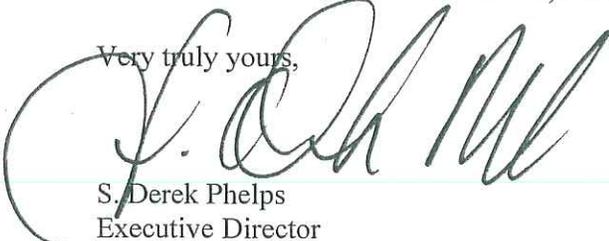
RE: **DOCKET NO. 332** – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 6 Mountain Road or 167 New Milford Turnpike, Washington, Connecticut.

Dear Ms. Carter:


By its Decision and Order dated September 25, 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 located at 6 Mountain Road, Washington, Connecticut.

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

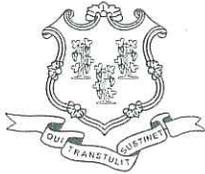
Very truly yours,


S. Derek Phelps
Executive Director

SDP/RDM/laf

Enclosures (4)

c: Kenneth C. Baldwin, Esq., Robinson & Cole LLP



Daniel F. Caruso
Chairman

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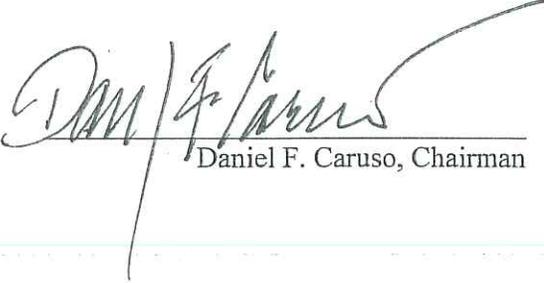
E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 332**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Celco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a telecommunications facility located at 6 Mountain Road, Washington, 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 September 25, 2007.

By order of the Council,



Daniel F. Caruso, Chairman

September 25, 2007



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

Internet: ct.gov/csc

September 28, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 332** – 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 located at 6 Mountain Road or 167 New Milford Turnpike, Washington, Connecticut.

By its Decision and Order dated September 25, 2007, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 6 Mountain, Washington, Connecticut.

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

SDP/RDM/laf

Enclosures (3)

c: State Documents Librarian

<p>DOCKET NO. 332 – 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 located at 6 Mountain Road or 167 New Milford Turnpike, Washington, Connecticut.</p>	<p>} Connecticut } Siting } Council</p>
	<p>September 25, 2007</p>

Findings of Fact

Introduction

1. Cellco Partnership d/b/a Verizon Wireless (Verizon), in accordance with provisions of General Statutes §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on March 29, 2007 for the construction, operation, and maintenance of a wireless telecommunications facility at 6 Mountain Road or 167 New Milford Turnpike in Washington, Connecticut. (Verizon 1, pp. 1-2)
2. Verizon is a Delaware Partnership with an administrative office located at 99 East River Drive in East Hartford, CT. Verizon is licensed by the Federal Communication Commission (FCC) to operate wireless telecommunications services in the State of Connecticut. (Verizon 1, p. 4)
3. The parties in this proceeding are the applicant and the Town of Washington. Intervenors to the proceeding are New Cingular Wireless PCS, LLC (AT&T) and Ms. Malina McNamara, an abutter to the 167 New Milford Road site. (Transcript 1 – 06/21/07, 3:00 p.m. [Tr. 1], p. 6)
4. The purpose of the proposed facility is to provide wireless service to Routes 202 and 45 in the Marbledale and New Preston areas of Washington. (Verizon 1, p. 2; Verizon 8, Q. 3)
5. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on June 21, 2007, beginning at 3:00 p.m. and continuing at 7:00 p.m. at the Bryan Memorial Town Hall, 2 Bryan Plaza, Washington, Connecticut. The public hearing was continued on July 10, 2007 at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut. (Council's Hearing Notice dated May 17, 2007; Tr. 1, p. 3; Transcript 2 – 06/21/07, 7:00 p.m. [Tr. 2], p. 3; Transcript 3 – 07/10/07, 1:00 p.m. [Tr. 3])
6. The Council and its staff conducted an inspection of the proposed sites on June 21, 2007, beginning at 2:00 p.m. The applicant flew a four-foot diameter balloon from 7:45 a.m. to 4:30 p.m. at each site to simulate the heights of the proposed towers. A red balloon was flown to a height of 155 feet at the 6 Mountain Road site and a black balloon was flown to a height of 155 feet at the 167 New Milford Turnpike site. Favorable weather conditions were present during the morning hours. Windy condition prevailed during the afternoon, preventing the balloons from reaching the intended heights. (Council's Hearing Notice dated May 17, 2007; Tr. 3, pp. 53-54)
7. Notice of the application was provided to all abutting property owners by certified mail. Public notice of the application was published in the Waterbury Republican-American on March 26 and 27, 2007. (Verizon 1, pp. 5-6, Verizon 2)
8. A four-foot by six-foot sign describing the proposed project was installed on each respective property prior to the June 21 hearing. (Tr. 3, pp. 54-55)

9. Pursuant to CGS § 16-501 (b), Verizon provided notice to all federal, state and local officials and agencies listed therein. (Verizon 1, p. 5)

State Agency Comment

10. Pursuant to General Statutes § 16-50j (h), on May 14, 2007 and July 11, 2007, the following State agencies were solicited to submit written comments regarding the proposed facility: Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the Department of Transportation (DOT). (Record)
11. The Council received written responses from the DPH's Drinking Water Division on May 25, 2007 and the DOT's Bureau of Engineering and Highway Operations on June 7, 2007, both stating that they have no comment. (Record)
12. No response was received from the DEP, CEQ, DPUC, OPM, or DECD. (Record)

Municipal Consultation

13. Verizon met with the Richard Sears, the First Selectman of the Town of Washington, on January 19, 2007. (Verizon 1, p. 20)
14. Verizon attended a public information meeting presented by the Washington Zoning Commission on March 5, 2007. (Verizon 1, p. 20)
15. At the request of the Town, Verizon conducted a balloon fly of both sites on March 18, 2007. Notice of the balloon fly was mailed to all abutters and was posted on the Town's website. (Verizon 1, p. 20)
16. At the public hearings on June 21 and July 10, 2007, Mr. Sears stated the Town does not want a tower built in either location. If a tower were to be constructed, the Town prefers the 6 Mountain Road location since the site has greater conformity to the Town's zoning regulations. The Town also requests a slender monopole design with flush mounted antennas. The town objects to any platform design even if the platforms were concealed by a stealth monopine design. (Tr. 2, pp. 11-12; Tr. 3, pp. 63-65)

Public Need for Service

17. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 7)
18. 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)
19. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)

20. 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)

Site Selection

21. Verizon established a half-mile wide search ring immediately north of Marbledale village. (Verizon 5, Attachment 3)
22. The nearest existing tower facility to the search ring is approximately 2.7 miles to the south at 399 Chestnut Lane in New Milford (New Milford East site). Verizon is located at the 140-foot level of this 160-foot monopole. This site does not provide adequate coverage to the Marbledale area. (Verizon 1, Attachment 7, Attachment 9; Verizon 8, Q. 2)
23. Verizon examined the steeple at the New Preston Congregational Church as a possible telecommunication site but rejected that location since use of the church steeple for telecommunications purposes is prohibited by the Washington Zoning Regulations. (Verizon 1, Washington Zoning Regulations Bulk File; Tr. 1, p. 76)
24. At the Town's request, Verizon examined the possibility of locating on existing electric transmission structures near the junction of Route 202 and Route 45 in the New Preston section of Washington. The existing poles are 60 to 80 feet in height. Verizon modeled coverage from a height of 120 feet and determined coverage would not extend to the southwest along Route 202 due to area topography. (Exhibit 13; Tr. 1, pp. 62-63; Tr. 2, pp. 18, 26-27)
25. After determining there were no viable structures within the search area, Verizon searched for properties suitable for tower development. Verizon investigated six parcels and selected two for site development. The four rejected parcels and reasons for their rejection are as follows:
- a) New Preston Fire Department – Town is not interested in having a tower at this location.
 - b) Property off North Sawyer Hill Road – owner decided not to pursue lease agreement.
 - c) Property off Sunset Lane – site does not meet coverage objectives.
 - d) Property off Route 202 near Flirtation Avenue – Verizon could not reach lease agreement with property owner.
- (Verizon 1, Attachment 9)

Site Description – 6 Mountain Road

26. The proposed 6 Mountain Road (Site 1) facility is located on a 32.07-acre parcel owned by H. Ray and Carol A. Underwood. The parcel is west of Route 202 and is mostly undeveloped, although a single-family residence is located in the southwest portion. (Verizon 1, p. 2, Attachment 1)
27. The Site 1 parcel is zoned Farming and Residential, R-1. (Verizon 1, p. 18)
28. Access to Site 1 would extend over an abutting property at 16 Mountain Road. The 16 Mountain Road parcel is 5.34 acres and is developed with a single-family residence. (Verizon 1, p. 2; Attachment 1)

29. The tower site is located in the heavily wooded western portion of the 6 Mountain Road property at an elevation of 693 feet above mean sea level (amsl). It occupies a small level area adjacent to a steep sloping hillside. (Verizon 1, Attachment 1)
30. Verizon proposes to construct a 150-foot monopole designed as a pine tree at the site. The overall height of the tower with simulated branches would be 157 feet above ground level (agl). It would be designed to support four levels of antennas with a 10-foot center-to-center vertical separation. The tower would be constructed in accordance with the American National Standards Institute TIA/EIA-222-G "Structural Standards for Steel Antenna Towers and Antenna Support Structures". (Verizon 1, p. 2, Attachment 1; Tr. 3, pp. 88-89)
31. Verizon proposes to install 12 panel antennas on t-arms at a centerline height of 150 feet agl. AT&T would mount six antennas on t-arms at a centerline height of 140 feet agl. (Verizon 1, Attachment 1; Tr. 3, pp. 51-52; AT&T 1, Q. 2)
32. Verizon proposes to construct a 55-foot by 65-foot equipment compound within an 80-foot by 120-foot lease area at the base of the tower. An eight-foot high chain link fence topped with barbed wire would enclose the compound. Within the compound, Verizon proposes to install a 12-foot by 30-foot equipment shelter and AT&T proposes to install a 12-foot by 20-foot equipment shelter. (Verizon 1, p. 2, Attachment 1; AT&T 1, Q. 8)
33. Access to the site would be provided by a 12-foot wide, 1,065-foot long access drive originating from an existing driveway on the 16 Mountain Road property. The access drive would follow an existing gravel road that crosses onto the 6 Mountain Road property, then turns north from the existing road, and goes up a slope to the compound site. Underground utilities would be installed along the access road to the compound. (Verizon 1, Attachment 1)
34. The nearest abutting property from the tower site is approximately 220 feet to the east, owned by Beatrice Tollman. (Verizon 1, Attachment 1)
35. The nearest residence to the proposed tower site is approximately 840 feet to the south, on property owned by the lessor. There are no other residences within 1,000 feet of the site. The nearest residence to the tower site on property not owned by the lessor is 1,265 feet to the southwest at 17 Pleasant Drive (Brennan Property). (Verizon 1, Attachment 1; Verizon 9, Q. 9)
36. Land within a quarter-mile of the site is predominately low density residential, commercial, agricultural, or undeveloped. (Verizon 1, Attachment 1)
37. The estimated cost of construction for the Site 1 facility is:

Cell site radio equipment	450,000.
Tower, coax, and antenna	200,000.
Utilities	20,000.
Equipment building	50,000.
<u>Site preparation, facility installation</u>	<u>130,000.</u>
Total estimated cost	\$850,000.

(Verizon 1, p. 22)

Site Description – 167 New Milford Turnpike

38. The proposed 167 New Milford Turnpike facility (Site 2) is located on a 1.25-acre parcel owned by Unice and Lloyd Waldron. The parcel, developed with a single-family residence, abuts the east side of Route 202. (Verizon 1, Attachment 2)
39. The Site 2 parcel is zoned business, B-3. (Verizon 1, p. 18)
40. The tower site is located in the rear portion of the parcel at an elevation of 643 feet amsl. (Verizon 1, Attachment 2)
41. Verizon proposes to construct a 150-foot monopole designed as a pine tree at the site. The overall height of the tower with simulated branches would be 157 feet agl. The tower would be designed to support four levels of antennas with a 10-foot center-to-center vertical separation. The tower would be constructed in accordance with the American National Standards Institute TIA/EIA-222-G “Structural Standards for Steel Antenna Towers and Antenna Support Structures”. (Verizon 1, p. 2, Attachment 2; Tr. 3, pp. 88-89)
42. Verizon proposes to 12 panel antennas on t-arms at a centerline height of 150 feet agl. AT&T would mount six antennas on t-arms at a centerline height of 140 feet agl. (Verizon 1, Attachment 2; Tr. 3, pp. 51-52; AT&T 1, Q. 2)
43. Verizon proposes to construct a 48-foot by 75-foot equipment compound within a 60-foot by 95-foot lease area. Due to the 15% grade on the property, the compound would be designed with two tiers at different elevations. The lower tier would be surrounded by a concrete retaining wall. (Verizon 1, Attachment 2)
44. Within the compound, Verizon proposes to install a 12-foot by 30-foot equipment shelter and AT&T proposes to install a 12-foot by 20-foot equipment shelter. An eight-foot high chain link fence topped with barbed wire would enclose the compound. (Verizon 1, Attachment 2; AT&T 1, Q. 8)
45. Verizon proposes to construct a new 12-foot wide, 350-foot long gravel access road from the existing driveway entrance on the property. The access drive would require the construction of a concrete retaining wall adjacent to the compound turnaround area. (Verizon 1, Attachment 2)
46. The nearest property from the tower site is approximately 25 feet to the north (Gill & Hardy Property). The tower radius would extend onto this property by 132 feet. No structures are located within the tower radius. (Verizon 1, Attachment 2; Tr. 1, pp. 84-86)
47. There are 18 residences within 1,000 feet of the site. The nearest residence is approximately 248 feet west of the tower site (Meissner Property). Ms. McNamara’s property abuts the site to the south. Ms. McNamara’s residence is approximately 298 feet south of the tower site. (Verizon 1, Attachment 2; Tr. 1, p. 97)

48. The estimated cost of construction of Site 2 facility is:

Cell site radio equipment	450,000.
Tower, coax, and antenna	200,000.
Utilities	20,000.
Equipment building	50,000.
<u>Site preparation, facility installation</u>	<u>80,000.</u>
Total estimated cost	\$800,000.

(Verizon 1, p. 22)

Environmental Concerns

49. The proposed facilities would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. The New Preston Hill Historic District, approximately 0.75 miles northwest of the site, would not be affected by the Site 2 facility. (Verizon 1, Attachment 10, Attachment 11)
50. The residence at the Site 2 property is not historically or architecturally significant and is not eligible for the National Register. (Verizon 1, Attachment 11)
51. The proposed sites contain no known existing populations of Federal or State Endangered, Threatened or Special Concern Species. (Verizon 1, Attachment 11)
52. Construction of the Site 1 facility would require the removal of 24 trees in and around the lease area. (Verizon 1, Attachment 1; Verizon 4, Q. 4)
53. Construction of the Site 2 facility would not require the removal of any trees. (Verizon 4, Q. 4)
54. No wetlands or watercourses would be impacted by construction of the proposed sites. A manmade pond is approximately 440 feet south of Site 1. A drainage ditch is approximately 100 feet south of Site 2. (Verizon 1, p. 19, Attachment 12)
55. Aircraft hazard obstruction marking or lighting would not be required for either site. (Verizon 1, p. 20, Attachment 13)
56. The cumulative maximum power density from the radio frequency emissions of the proposed Verizon and AT&T antennas is calculated to be 7.9 % of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of either proposed tower. This calculation was based on 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. (Verizon 1, p. 16, AT&T 1, Q. 9)
57. Assuming all of the carriers licensed to serve Litchfield County located on the tower, the cumulative maximum power density at the base of the tower, the nearest uncontrolled access area, would be 37.67 % of the standard for Maximum Permissible Exposure, as adopted by the FCC. (Verizon 12; Tr. 1, pp. 35-40; Tr. 3, pp. 89-90)

Visibility

58. The tree canopy height used in the visibility analysis is 65 feet agl. (Verizon 1, Attachment 10)
59. The Site 1 tower would be visible year-round above the tree canopy from approximately 48-acres within a two mile radius of the site (refer to Figure 2). The tower would be seasonally visible from an additional 13 acres. (Verizon 1, Attachment 10)
60. The Site 2 tower would be visible year-round above the tree canopy from approximately 36-acres within a two mile radius of the site (refer to Figure 3). The tower would also be seasonally visible from an additional 12 acres. (Verizon 1, Attachment 10)
61. The tree canopy height immediately surrounding the Site 1 area is approximately 60-80 feet. The simulated branches would be installed on the tower from seven feet above the 150-foot monopole descending to a height of approximately 60 feet agl. (Verizon 1, Attachment 10; Tr. 3, p. 36)
62. The tree canopy height immediately surrounding the Site 2 area is approximately 30 feet. The simulated branches would be installed on the tower from seven feet above the 150-foot monopole descending to a height of approximately 30 feet agl. (Verizon 1, Attachment 10; Tr. 3, p. 36)
63. The diameter of the tree tower, including simulated branches, would taper from 40 feet at the lowest point of installation of the simulated branches to 15 feet at the uppermost antenna platform (150 feet agl). (Tr. 3, pp. 50-51)
64. The Site 1 location is in a more forested setting and has more surrounding vegetative screening than Site 2. (Tr. 3, pp. 35-36)
65. The Site 1 tower would be visible year-round from 23 residential properties, including 12 units within the Quarry Ridge Condominium complex. No residences within a quarter mile of the site would have a view of the tower. (Verizon 1, Attachment 10; Verizon 9, Q. 15)
66. The Site 2 tower would be visible year-round from five residential properties, including three properties within a quarter mile of the site, one of which is Ms. McNamara's property. (Verizon 1, Attachment 10; Verizon 9, Q. 15; McNamara 7)

67. Visibility of the Site 1 tower from specific locations within a two-mile radius of the site is as follows:

Location	Visible	Approximate Portion of Tower Visible	Distance from Tower
Route 202 at Mygatt Road	Yes	60 feet - unobstructed with hillside as a backdrop.	0.4 mile east
Route 202 east of site	Yes	85 feet – unobstructed. Length of road visibility is 0.4 mile.	0.2 mile east
Mygatt Road, between Route 202 and #60	Yes	60 feet – unobstructed with hillside as a backdrop. Length of road visibility is 0.4 mile.	0.3 mile east
Quarry Ridge Condominiums off Mygatt Road	Yes	40 feet – unobstructed.	0.3 mile south
Scofield Hill Road, adjacent to #47	Yes	75 feet – unobstructed with hillside as a backdrop. Length of road visibility is 0.2 mile.	0.6 mile southeast
Baldwin Hill Road	Yes	30 feet - unobstructed with hillside as a backdrop. Length of road visibility is >0.1 mile.	0.8 mile northeast
Preston Hill Road adjacent to #38	Yes	85 feet – unobstructed. Length of road visibility is 0.1 mile.	0.6 mile north
Wheaton Road (scenic road)	Yes	30 feet – through trees with hillside as a backdrop. Length of road visibility >0.1 mile.	0.6 mile south

(Verizon 1, Attachment 10)

68. Visibility of the Site 2 tower from specific locations within a two-mile radius of the site is as follows:

Location	Visible	Approximate Portion of Tower Visible	Distance from Tower
Route 202 at Mygatt Road	Yes	120 feet – through sparse vegetation.	0.05 miles south
Property at 169 New Milford Turnpike	Yes	110 feet – unobstructed.	0.05 miles south
Route 202 southwest of site	Yes	100 feet – unobstructed. Length of road visibility is 0.4 mile.	0.1 miles southwest
Route 202 immediately northwest of site	Yes	150 feet – unobstructed.	0.05 miles northwest
Baldwin Hill Road	Yes	70 feet – unobstructed. Length of road visibility is 0.1 mile.	0.4 miles northeast
Main Street (New Preston)	Yes	20 feet – through sparse vegetation. Length of road visibility is 0.1 mile.	0.4 miles north
Main Street (New Preston) at Route 202	Yes	50 feet – unobstructed. Length of road visibility on Route 202 is 0.1 mile.	0.4 miles northeast
Christian Road North	Yes	60 feet – unobstructed. Length of road visibility is 0.1 mile.	0.3 miles northeast

(Verizon 1, Attachment 2, Attachment 10; Tr. 3, p. 35)

69. Both towers would be visible along a 0.4-mile section of Route 202 north of Marbledale. The predominant land use in this area is commercial, including two gas stations, restaurants, a nursery, and small offices. (Verizon 9, Q. 16)
70. The towers would not be visible from any hiking trails maintained by the DEP or the Connecticut Forest and Parks Association. Neither tower would be visible from Mount Bushnell State Park, located approximately one mile north of the sites. (Verizon 1, Attachment 10)

Verizon - Existing and Proposed Wireless Coverage

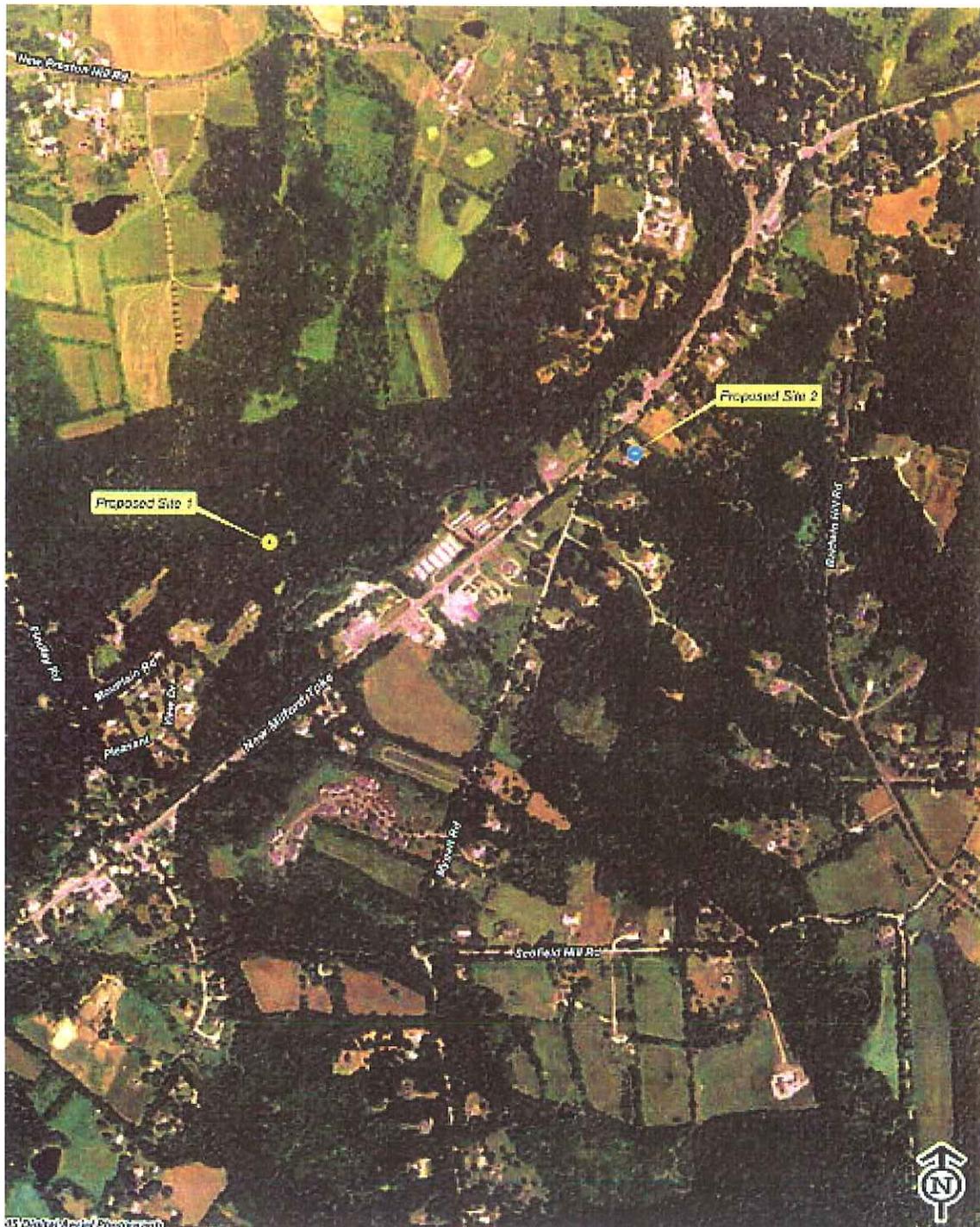
71. Verizon proposes to operate 1900 MHz equipment at this site. Verizon is designing the site for in-vehicle coverage, using a signal level threshold of -85 dBm for 99% reliability. (Verizon 1, p. 8; Verizon 5, Q. 5; Tr. 1, p. 34)
72. Verizon currently has no reliable, continuous coverage on Route 202 in the Washington area. Limited coverage from the New Milford East site extends along several high elevation areas above Route 202 in Marbledale, including the ridge where Site 1 is located. The coverage from this site does not reach Route 202. Verizon currently has a roaming agreement that provides limited service along Route 202 south of Marbledale. (Verizon 1, p. 2, Attachment 7; Verizon 9, Q. 12; Tr. 1, pp. 18-19; Tr. 3, pp. 68-69, 80)
73. Both proposed sites would provide approximately 3.5 miles of coverage along Route 202. Site 1 would provide a coverage footprint of 4.6 square miles (refer to Figure 4). Site 2 would provide a coverage footprint of 3.6 square miles (refer to Figure 6). (Verizon 1, pp. 10-11; Tr. 1, pp. 44-45)
74. The proposed site would be designed to provide continuous service to a future site located to the southwest along Route 202 in New Milford (New Milford NE). Potential sites for the New Milford NE site include a monopole proposed by Optasite (Docket 342) or a facility at the Northville Fire Department. (Verizon 5, Q. 2; Verizon 9, Q. 13, Q. 14)
75. Continuous service requires coverage from each interacting site to overlap by approximately 10%. For Site 1, there would be 14% overlapping coverage with the Northville Fire Department site and 25% overlapping coverage with the Docket 342 site. For Site 2, there would be 11% overlapping coverage with the Northville Fire Department site and 21% overlapping coverage with the Docket 342 site. (Tr. 1, p. 45; Tr. 3, pp. 52-53)
76. Reducing the antenna height at Site 1 to 140 feet would cause a degradation of coverage of 0.25 miles on Route 45 in New Preston village and of 0.25 miles on Route 202 northeast of the site (refer to Figure 5). Both areas of degradation are on the edge of the coverage footprint. Currently, there are no Verizon sites north of the coverage footprint, although Verizon does have two active search rings to serve Routes 45 and 202 in these areas. (Verizon 4, Q. 8; Tr. 3, pp. 29-30)
77. Reducing the antenna height at Site 1 to 130 feet would cause further degradation at the junction of Route 202 and Route 45 in New Preston and along Route 202 northeast of the site. At 130 feet, the site would provide continuous coverage with the proposed Docket 342 site but not with the potential Northville Fire Department site. (Verizon 4, Q. 8; Verizon 5, Q. 2; Verizon 9, Q. 14; Tr. 3, pp. 29-30)

78. Reducing the antenna height at Site 2 to 130 feet would cause degradation of coverage of 0.5 miles on Route 45 in New Preston and 0.2 miles on Route 202 northeast site (refer to Figure 7). Additionally, small gaps (>0.1 mile) would occur on Route 202 southeast of the site, resulting in non-continuous coverage with either the potential Northville Fire Department site or the proposed Docket 342 site. (Verizon 4, Q. 8; Verizon 5, Q. 2; Verizon 9, Q. 14)
79. Installing antennas on the monopole at a height of 150 feet agl in a three antenna, flush mount configuration would cause an overall degradation of the coverage footprint by 2 dB. The coverage loss would be similar to reducing the height of platform-mounted antennas by 10 feet. To achieve coverage objectives using flush mounted antennas, the antennas would need a height of 160 feet. (Tr. 1, p. 89; Tr. 3, pp. 31-32)

AT&T - Existing and Proposed Wireless Coverage

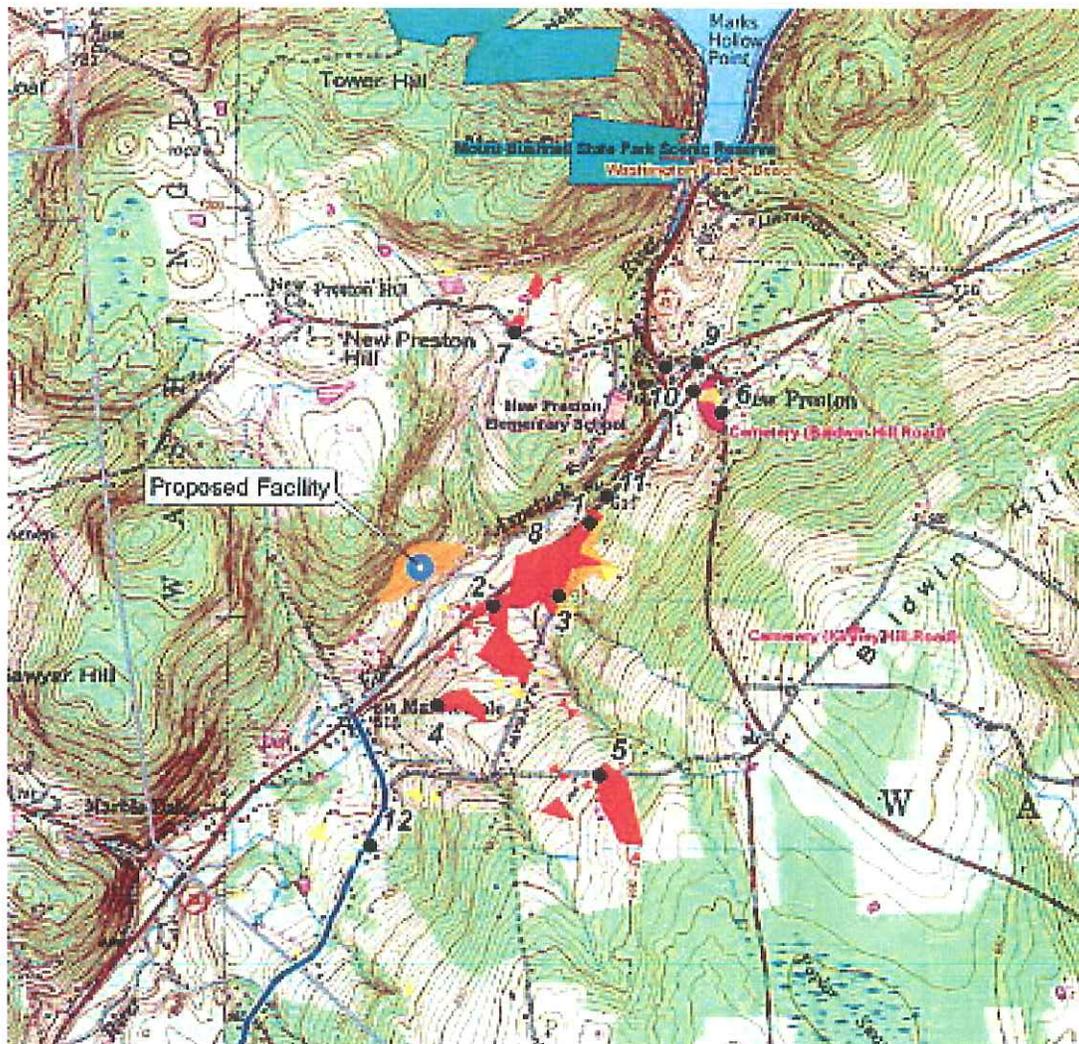
80. AT&T proposes to operate 850 MHz equipment at this site. AT&T's current design thresholds for this site are -75 dBm for in-building service, -82 dBm for in-vehicle service and -92 for on-street service. (AT&T 1, Q. 4)
81. AT&T's seeks to provide service on Route 202 and Route 45 in Washington. Currently, there is no usable signal along portions of Route 202 and Route 45 and surrounding areas east and north of the site. The existing signal west of the site is below -100 dBm, which is unacceptable for reliable service. (AT&T 1, Q. 1)
82. AT&T proposes to install antennas at a tower height of 140 feet agl (refer to Figures 8 & 9). AT&T's minimum height requirements to achieve coverage objectives are 110 feet agl at Site 1 and 120 feet agl at Site 2. (AT&T 1, Q. 7)
83. Installing flush mounted antennas would not affect AT&T's coverage objectives. (Tr. 3, p. 84)

**FIGURE 1
LOCATION OF SITES**



(Verizon 1, p. iii)

FIGURE 2
VISIBILITY OF SITE 1



● Proposed Monopine Location

Photographs - March 18, 2007

● Balloon visible above trees

Anticipated Seasonal Visibility
(Approximately 12 Acres)

Approx. % of Monopine Visible (Year-Round)

Upper 25% Visible - 15 Acres

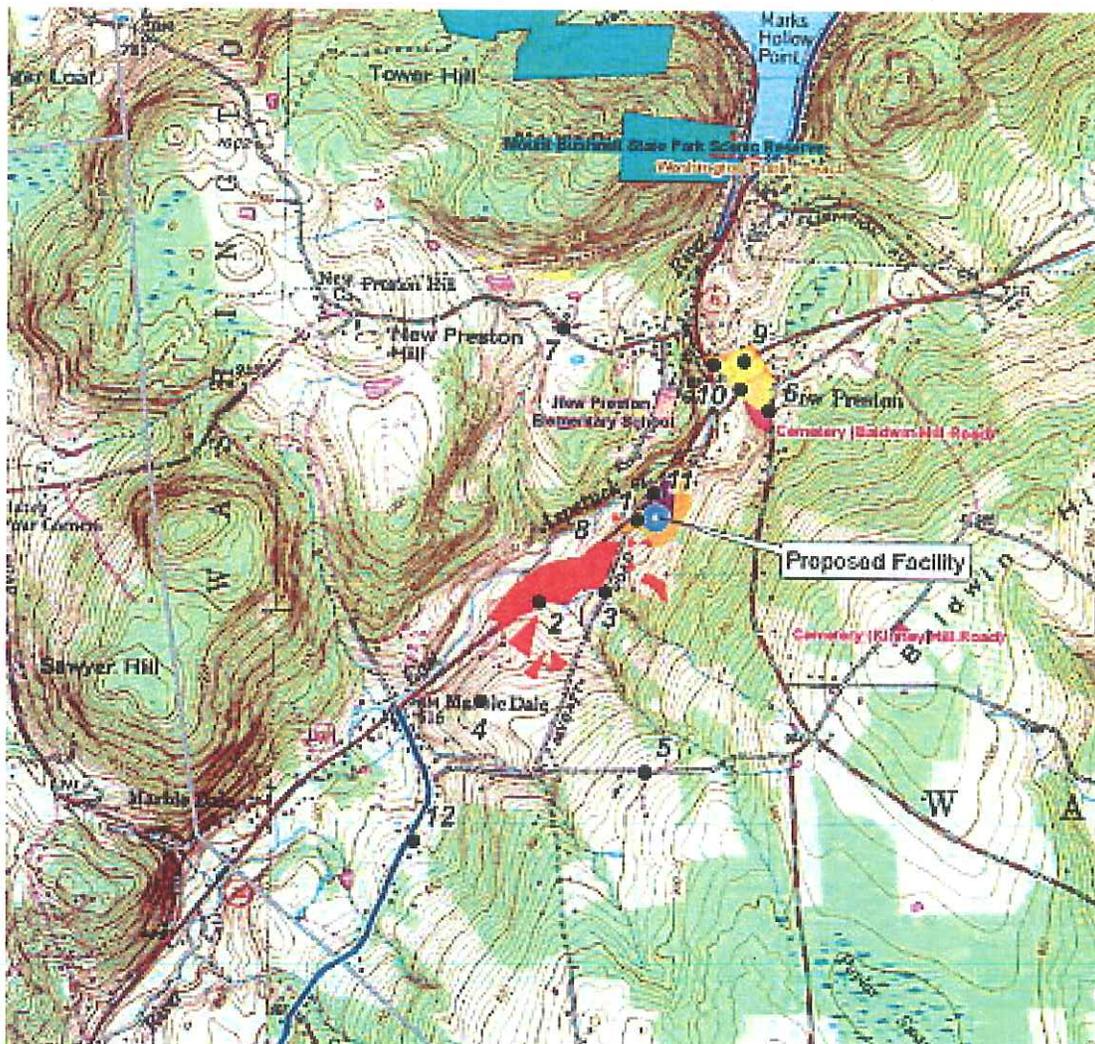
50% Visible - 17 Acres

75% Visible - 3 Acres

Entire Facility Visible - 1 Acre



FIGURE 3
VISIBILITY OF SITE 2



● Proposed Monopine Location

Photographs - March 18, 2007

● Balloon visible above trees

■ Anticipated Seasonal Visibility
(Approximately 12 Acres)

Approx. % of Monopine Visible (Year-Round)

■ Upper 25% Visible - 15 Acres

■ 50% Visible - 17 Acres

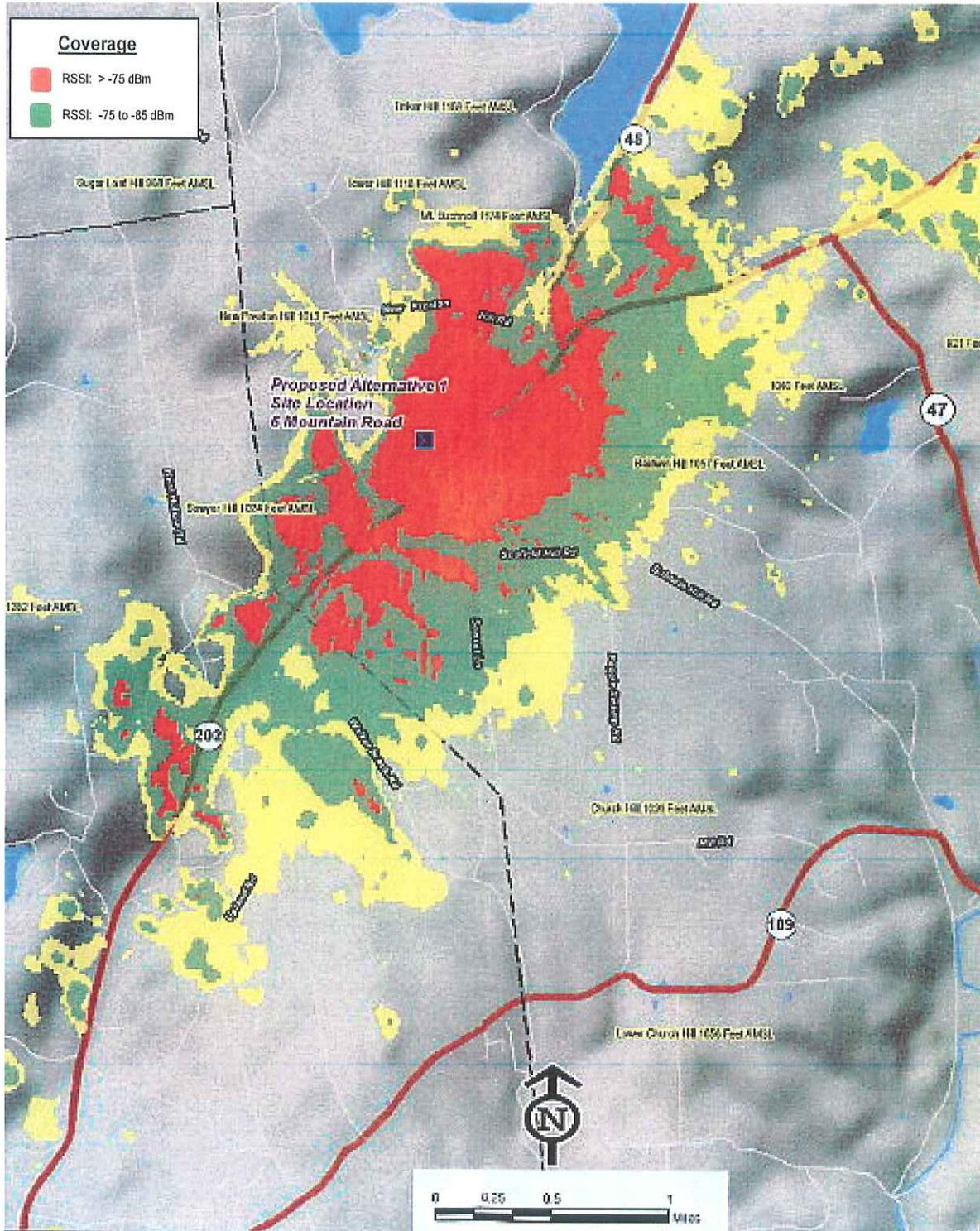
■ 75% Visible - 3 Acres

■ Entire Facility Visible - 1 Acre



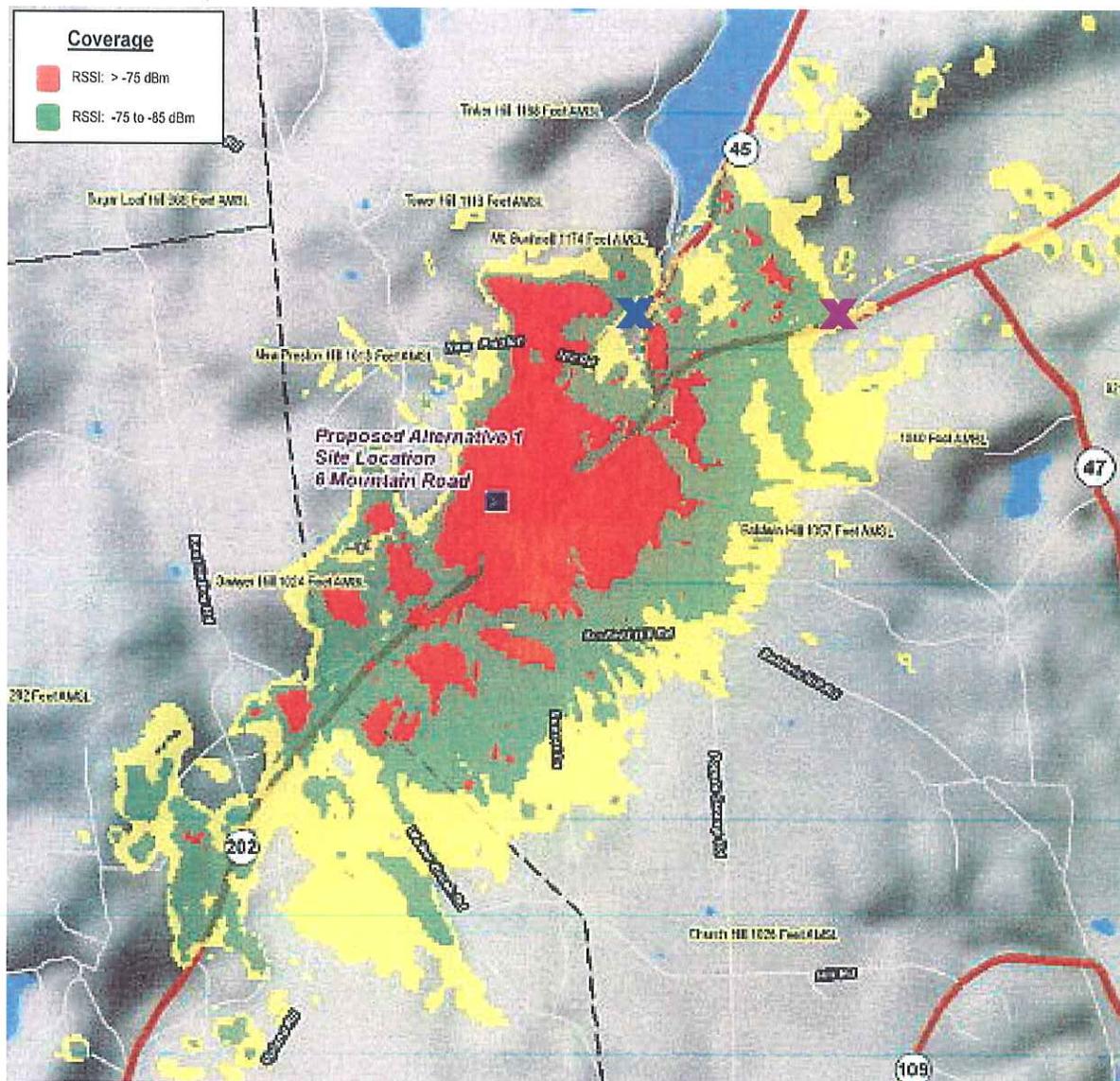
(Verizon I, Attachment 10)

FIGURE 4
VERIZON COVERAGE FROM SITE 1 AT 150 FEET



(Verizon 4, Q. 8)

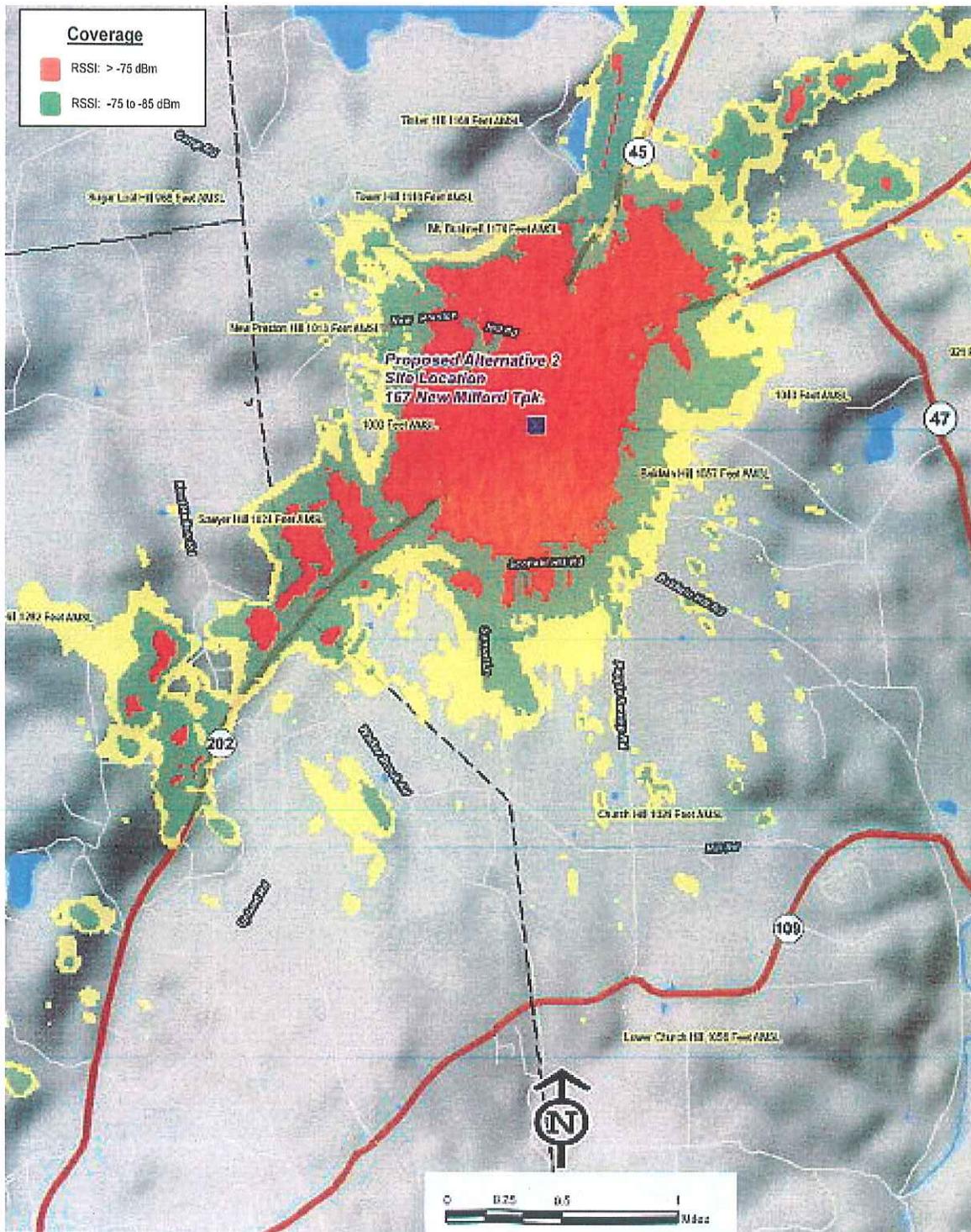
FIGURE 5
VERIZON COVERAGE FROM SITE 1 AT 140 FEET



- ✖ Area on Route 202 where coverage would degrade by a quarter mile.
- ✖ Area on Route 45 (New Preston Village) where coverage would degrade by a quarter mile.

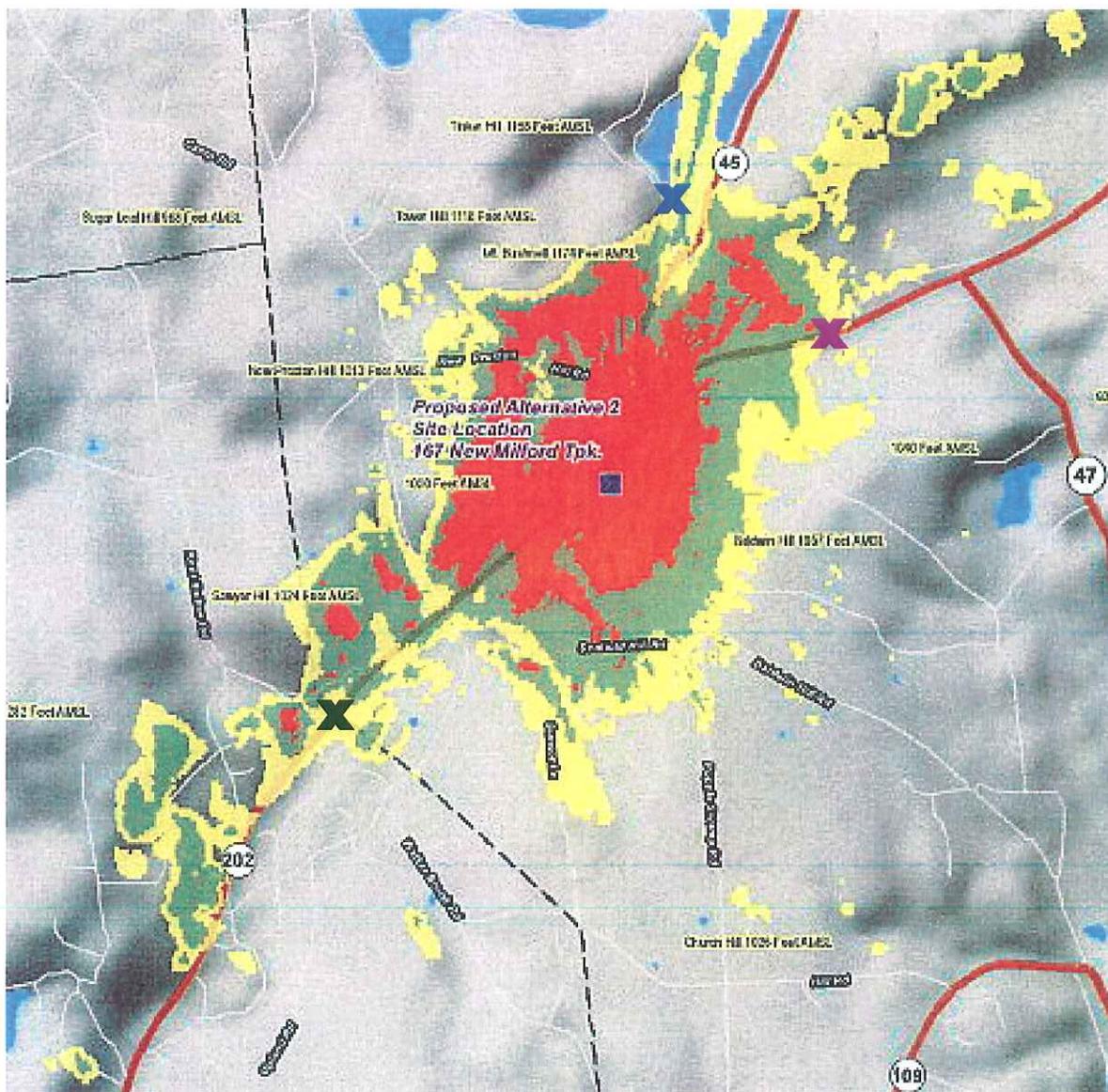
(Verizon 1, 4, Q. 8)

FIGURE 6
VERIZON COVERAGE FROM SITE 2 AT 150 FEET



(Verizon 4, Q. 8)

FIGURE 7
VERIZON COVERAGE FROM SITE 2 AT 130 FEET



- ✕** Area on Route 202 where coverage would degrade by a 0.2 mile.
- ✕** Area on Route 45 (New Preston Village) where coverage would degrade by a 0.5 mile.
- ✕** Area on Route 202 where small gaps in coverage would occur if either the Northville Fire Department site or the D 342 site were developed and utilized by Verizon.

(Verizon 4, Q. 8)

FIGURE 8
AT&T EXISTING COVERAGE

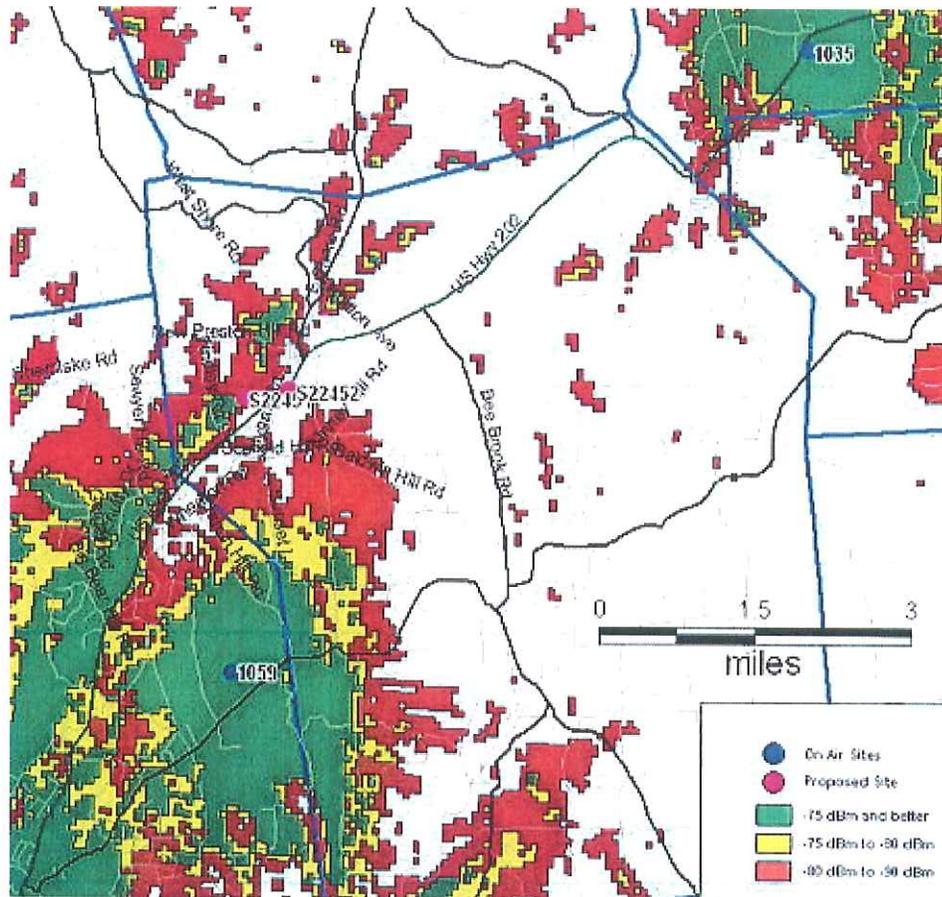


FIGURE 9
AT&T EXISTING COVERAGE AND PROPOSED COVERAGE FROM SITE 1

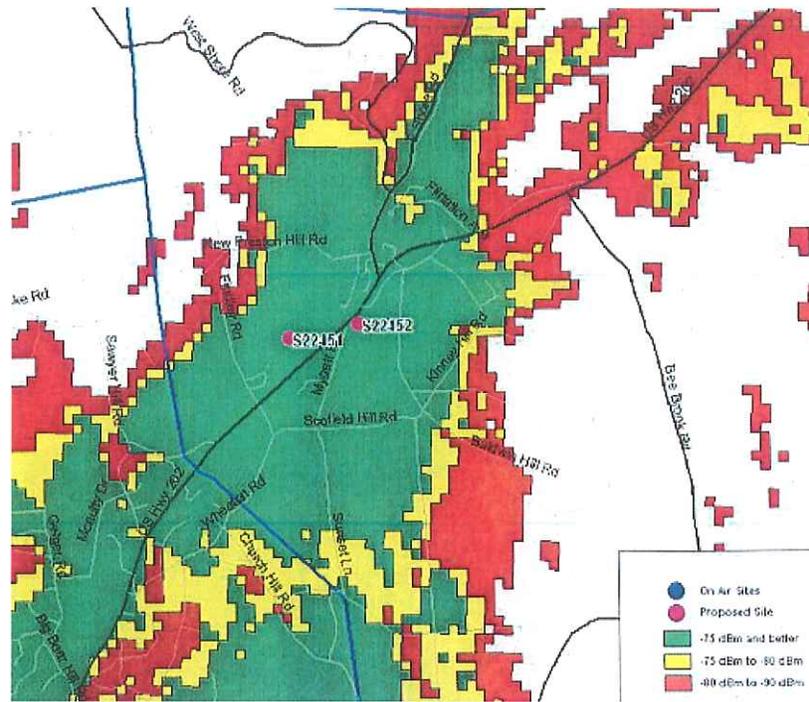
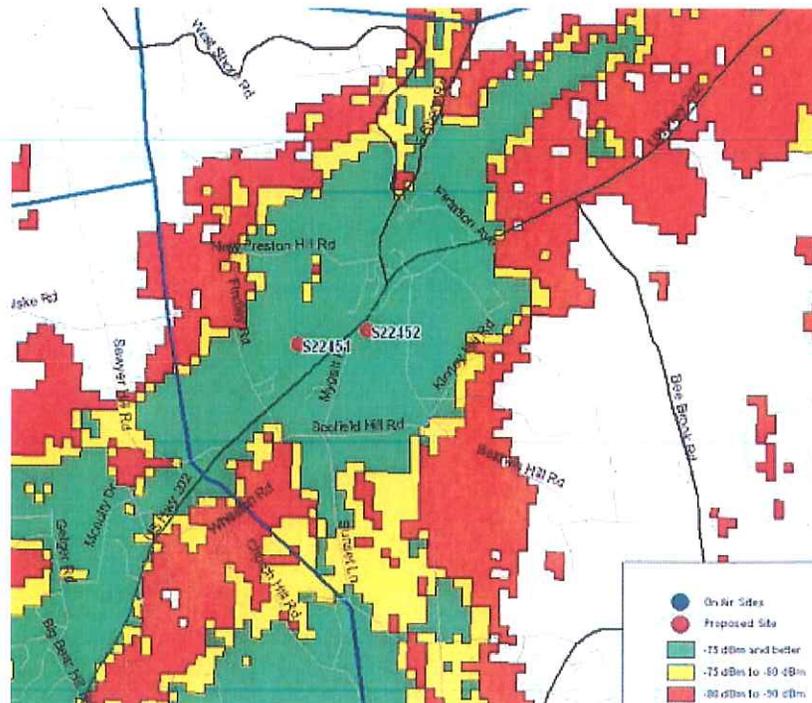


FIGURE 10
AT&T EXISTING COVERAGE AND PROPOSED COVERAGE FROM SITE 2



(AT&T 1, Q. 7)

<p>DOCKET NO. 332 – 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 located at 6 Mountain Road or 167 New Milford Turnpike, Washington, Connecticut.</p>	<p>} Connecticut } Siting } Council } September 25, 2007</p>
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Opinion

On March 29, 2007, Cellco Partnership d/b/a Verizon Wireless (Verizon) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, operation, and maintenance of a wireless telecommunications facility at either 6 Mountain Road or 167 New Milford Turnpike, Washington, Connecticut. Parties to the proceeding are the Town of Washington and Malina McNamara, an abutter to the 167 New Milford Turnpike site. An intervenor is New Cingular Wireless PCS LLC (AT&T).

The purpose of the proposed facility is to provide wireless telecommunication service to Routes 202 and 45 in the Marbledale and New Preston areas of Washington.

At either site, Verizon proposes to construct a 150-foot monopole designed as a pine tree. The top of the tower with simulated branches would be 157 feet above ground level. Verizon proposes to install 12 panel antennas on t-arms at the 150-foot level of the tower to provide cellular and PCS coverage to the area. AT&T proposes to install six panel antennas at 140 feet to provide cellular coverage to the area.

The 6 Mountain Road site (Site 1) is located on a 32-acre parcel zoned residential and west of Route 202. The tower would be located on a heavily wooded steep hillside in the northern portion of the property. The property is adjacent to a small residential development, but only one residence, owned by the lessor, is within 1,000 feet of the tower site. The tower setback radius is contained within the site parcel. Access to the tower would traverse an adjacent residential parcel at 16 Mountain Road.

The 167 New Milford Turnpike site (Site 2) is located on a 1.25-acre parcel zoned for business. The parcel is east of Route 202 and is developed with a single-family residence. The site is within a residential area with 18 residences within 1,000 feet of the site. The tower setback radius would extend onto the northerly abutting property by 132 feet. Ms McNamara’s property abuts the site to the south.

The nearest existing tower facility to the target service area is located 2.7 miles south of the Marbledale area on Route 109. Although the signal from the Route 109 tower can provide service to the western ridge above Route 202, the signal cannot reach Route 202 in the valley below due to terrain blockage.

Several structures in the area were examined for use, including the New Preston Congregational Church and Connecticut Light and Power Company (CL&P) transmission structures near the junction of Route 202 and Route 45, but both were ultimately rejected. Telecommunications use of the church steeple is prohibited by the Washington Zoning Regulations and coverage from the CL&P structures would not adequately serve the area. Based on the substantial gaps in existing coverage for both telecommunications carriers and the lack of suitable existing structures, the Council finds a need for a new tower.

Development of either site would not affect any wetlands or watercourses or any rare, endangered, or special concern species. The proposed facilities would have no effect on archaeological or historic resources. Aircraft obstruction lighting or marking would not be required.

Visibility impacts of both sites would be confined to areas of the Route 202 corridor between Marbledale and New Preston. The upper half of both towers would be visible year-round from an approximate 0.4-mile section of Route 202, an area predominantly commercial in nature. Upper portions of the Site 1 tower would also be visible year-round from a 0.4-mile section of Mygatt Road, a rural residential area, and from short sections of Scofield Hill Road, Baldwin Hill Road, Preston Hill Road, and Wheaton Road, a town designated scenic road. Upper portions of the Site 2 tower would be visible from short sections of Mygatt Road, Baldwin Hill Road, Christian Street North, and Main Street in New Preston.

Despite the fact that the Site 1 tower would be visible from 23 residential properties, including 12 units in the Quarry Ridge Condominium complex, none of these residences is within a quarter-mile of the site. Additionally, Site 1 is located on a steep hillside that allows the tower to be viewed from most vantage points with the hillside as a backdrop rather than silhouetted against the sky. The Site 2 tower would be visible year-round from five residences but three of the residences are within a quarter-mile of the site, including Ms. McNamara's residence, which is only 298 feet from the tower site.

After reviewing the record in this matter, the Council finds Site 1 preferable due to the site's remoteness from adjacent residential parcels, minimal visibility to adjacent residential properties, a location on a steep hillside that allows for the tower to blend into the backdrop, and comments from the town indicating a preference for Site 1 only if the Council deems a tower is necessary.

Although the Council acknowledges the proposed tower features a pine tree design in an attempt to blend in with the surroundings, a 150-foot tree tower could appear out of scale with the surrounding canopy which is at about 65 feet. A tree tower would extend above the existing canopy by 80 to 90 feet and would have a base diameter of 40 feet, tapering to 15 feet near the top. The Town would prefer a monopole design with flush-mounted antennas. If flush-mounted antennas were used, however, coverage would degrade through the loss of antenna spatial diversity. To compensate for such loss, the Verizon antennas would need to be mounted 10 feet higher, raising the height of the monopole from 150 feet to 160 feet. This design would decrease the visual profile of the proposed tower because no t-arms or platforms would extend out from the relatively slim monopole. Thus the Council will order the Applicant to construct a monopole at a height of 160 feet with all antennas installed in an exterior flush-mount configuration.

Radio frequency power density levels at the base of the proposed tower will be well below federal and state standards for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the facility be brought into compliance with such standards. The Council will require that the power densities be remodeled in the event other carriers locate at this facility.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of a proposed telecommunications facility at Site 1 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 160-foot monopole telecommunications facility at proposed Site 1, located at 6 Mountain Road in Washington, Connecticut, and deny the certification of proposed Site 2 located at 167 New Milford Turnpike in Washington, Connecticut.

DOCKET NO. 332 – 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 located at 6 Mountain Road or 167 New Milford Turnpike, Washington, Connecticut.	} } }	Connecticut Siting Council September 25, 2007
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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 Cellco Partnership d/b/a Verizon Wireless, hereinafter referred to as the Certificate Holder, for a telecommunications facility at Site 1 located at 6 Mountain Road, Washington, Connecticut. The Council denies certification of Site 2, located at 167 New Milford Turnpike, Washington, 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 Verizon Wireless, New Cingular Wireless d/b/a AT&T and other entities, both public and private, but such tower shall not exceed a height of 160 feet above ground level. The height at the top of the antennas shall not exceed 160 feet above ground level.
2. All antennas shall be installed on the tower in an exterior, flush-mount configuration.
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 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 compound, radio equipment, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, grading, 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 if and when 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 Washington 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. 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 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 Waterbury Republican-American and the New Milford Spectrum.

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

Cellco Partnership d/b/a
Verizon Wireless

Its Representative

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

Sandy Carter, Regulatory Manager
Verizon Wireless
99 East River Drive
East Hartford, CT 06108

Party

Town of Washington

Its Representative

Steven R. Smart, Esq.
Riefberg, Smart, Donohue & NeJames,
P.C.
9 Old Sugar Hollow Road
Danbury, CT 06810

Intervenor

New Cingular Wireless PCS, LLC
d/b/a AT&T

Its Representative

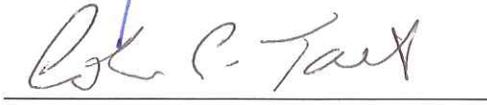
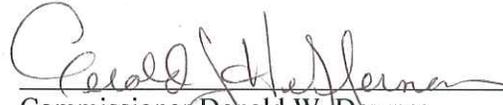
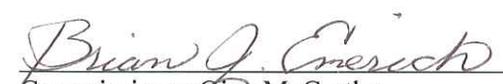
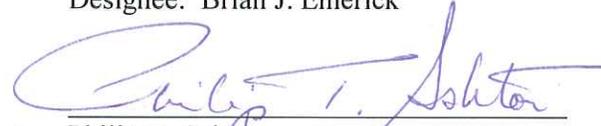
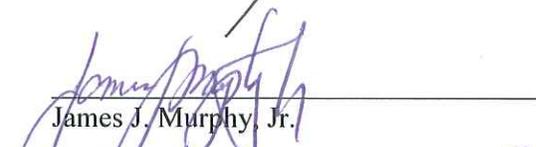
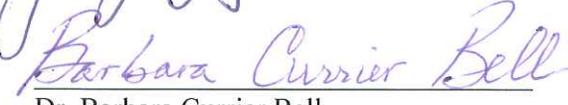
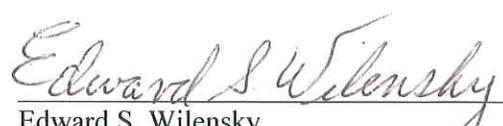
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Intervenor

Malina McNamara
76 Mygatt Road
New Preston, CT 06777

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, **DOCKET NO. 332** – 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 located at 6 Mountain Road or 167 New Milford Turnpike, Washington, Connecticut, and voted as follows to approve proposed Site 1 located at 6 Mountain Road, Washington, Connecticut, and deny certification of the proposed Site 2, 167 New Milford Turnpike, Washington, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 Daniel F. Caruso, Chairman	Yes
 Colin C. Tait, Vice Chairman	Yes
 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.	Yes
 James J. Murphy, Jr.	Yes
 Dr. Barbara Currier Bell	Yes
 Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, September 25, 2007.

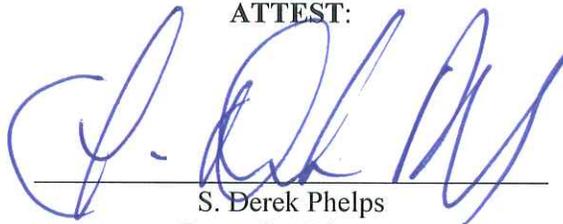
STATE OF CONNECTICUT)

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.

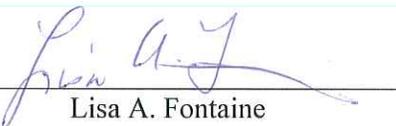
ATTEST:



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. 332 has been forwarded by Certified First Class Return Receipt Requested mail on September 28, 2007, to all parties and intervenors of record as listed on the attached service list, dated June 22, 2007.

ATTEST:



Lisa A. Fontaine
Administrative Assistant
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Cellco Partnership d/b/a Verizon Wireless	<p>Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com</p> <p>Sandy Carter, Regulatory Manager Verizon Wireless 99 East River Drive East Hartford, CT 06108 (860) 803-8219 alexandria.carter@verizonwireless.com</p>
Party (granted on 5/1/07)	Town of Washington	<p>Steven R. Smart, Esq. Riefberg, Smart, Donohue & NeJames, P.C. 9 Old Sugar Hollow Road Danbury, CT 06810 (203) 748-9259 (203) 796-7584 fax ssmart@rsdn.com</p> <p>The Honorable Richard C. Sears First Selectman Washington Town Hall P.O. Box 383, 2 Bryan Plaza Washington Depot, CT 06794 (860) 868-2259 (860) 868-3103 fax First.selectman@washingtonct.org</p>
Intervenor (granted on 05/22/07)	New Cingular Wireless PCS, LLC d/b/a AT&T	<p>Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-6405 fax cfisher@cuddyfeder.com</p>

Date: June 22, 2007

Docket No. 332
Page 2 of 2

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted 06/21/07)	Malina McNamara 76 Mygatt Road New Preston, CT 06777 (860) 868-7996 (860) 868-0203 fax Mmcnamara1955@charter.net	