



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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August 3, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *LR*

RE: **DOCKET NO. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut.

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At the energy/telecommunications meeting held on July 28, 2011, the Connecticut Siting Council (Council) did not issue a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut. Due to a tie vote, the motion to approve the Findings of Fact, Opinion, and Decision and Order failed; therefore, the application was denied.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order that were considered during the July 28, 2011 meeting.

LR/RDM/laf

Enclosures (3)

c: State Documents Librarian

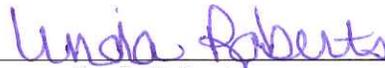
STATE OF CONNECTICUT )

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 that were considered, but not approved by the Connecticut Siting Council, State of Connecticut.

ATTEST:



\_\_\_\_\_  
Linda Roberts  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order that were considered, but not approved by the Connecticut Siting Council, in Docket No. 408 has been forwarded by Certified First Class Return Receipt Requested mail, on August 3, 2011, to all parties and intervenors of record as listed on the attached service list, dated January 13, 2011.

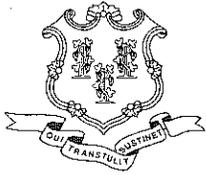
ATTEST:



\_\_\_\_\_  
Lisa Fontaine  
Fiscal Administrative Officer  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<b>Applicant</b>	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	<p>Lucia Chiocchio, Esq. Christopher B. Fisher, Esq. Cuddy &amp; Feder LLP 445 Hamilton Avenue, 14<sup>th</sup> floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 <a href="mailto:lchiocchio@cuddyfeder.com">lchiocchio@cuddyfeder.com</a> <a href="mailto:cfisher@cuddyfeder.com">cfisher@cuddyfeder.com</a></p> <p>Michele Briggs AT&amp;T 500 Enterprise Drive Rocky Hill, CT 06067 <a href="mailto:Michele.g.briggs@cingular.com">Michele.g.briggs@cingular.com</a></p>
<b>Party (granted on 11/18/10)</b>	<input checked="" type="checkbox"/> E-Mail	Thomas H. Sirman	<p>David F. Sherwood, Esq. Moriarty, Paetzold &amp; Sherwood 2230 Main Street, P.O. Box 1420 Glastonbury, CT 06033-6620 (860) 657-1010 (860) 657-1011 fax <a href="mailto:dfsherwood@gmail.com">dfsherwood@gmail.com</a></p>
<b>Party (granted on 01/06/11)</b>	<input checked="" type="checkbox"/> U.S. Mail	Town of Hartland	<p>Margaret F. Rattigan Murphy, Laudati, Kiel, Buttler &amp; Rattigan, LLC 10 Talcott Notch, Suite 210 Farmington, CT 06032 (860) 674-8292 (860) 674-0850 fax</p>
<b>Party (granted on 01/13/11)</b>		<p>Heike M. Krauland 64 Balance Rock Road East Hartland, CT 06027 (860) 413-9483 <a href="mailto:heiketavin@yahoo.com">heiketavin@yahoo.com</a></p>	



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August 3, 2011

Lucia Chiochio, Esq.  
Christopher B. Fisher, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> floor  
White Plains, NY 10601

RE: **DOCKET NO. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut.

Dear Attorney Chiochio and Attorney Fisher:

At the energy/telecommunications meeting held on July 28, 2011, the Connecticut Siting Council (Council) did not issue a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut. Due to a tie vote, the motion to approve the Findings of Fact, Opinion, and Decision and Order failed; therefore, the application was denied.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order that were considered during the July 28, 2011 meeting.

Very truly yours,

Linda Roberts  
Executive Director

LR/RDM/laf

Enclosures (3)

c: Michele Briggs, AT&T

**DOCKET NO. 408** - New Cingular Wireless PCS, LLC }  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance and operation of a }  
telecommunications facility located at 95 Balance Rock Road, }  
Hartland, Connecticut. }

Connecticut

Siting

Council

July 28, 2011

## **Findings of Fact**

### **Introduction**

1. New Cingular Wireless PCS, LLC (AT&T), in accordance with the provisions of Connecticut General Statutes (CGS) §§ 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on October 13, 2010 for the construction, maintenance, and operation of a 190-foot wireless telecommunications facility located at 95 Balance Rock Road in Hartland, Connecticut. (AT&T 1, pp. 3-4)
2. The parties in the proceeding are AT&T, Thomas H. Sirman, Heike M. Krauland, and the Town of Hartland. (Record)
3. AT&T is a Delaware Partnership with an office in Rocky Hill, Connecticut. AT&T is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless service system in Connecticut. (Cellco 1, p. 4)
4. Pursuant to CGS § 16-50m, the Council held a public hearing on January 13, 2011, at the Hartland Fire Department building, 34 South Road, East Hartland, Connecticut. The hearing was continued on March 1, 2011, and May 16, 2011 at the Council's office at 10 Franklin Square, New Britain, Connecticut. (Transcript 1 – 01/13/11, 3:10 p.m. [Tr. 1], p. 2; Transcript 2 – 01/13/11, 7:00 p.m. [Tr. 2], p. 3; Transcript 3 – 03/01/11, 11:25 a.m. [Tr. 3], p. 3; Transcript 4 – 05/16/11, 1:05 p.m. [Tr. 4], p. 3)
5. The application contained information regarding one site, referred to as Site A. After the application was filed and prior to the January 13, 2011 hearing, AT&T presented a second site on the property for Council consideration, referred to as Site B. After the March 1, 2011 hearing, AT&T presented a third potential site on the property for Council consideration, referred to as Site C (refer to Figure 1). (AT&T 1, Tab 3; AT&T 3, R. 8; AT&T 22, R. 9)
6. The Council and its staff conducted an inspection of the Site A and Site B on January 13, 2011 beginning at 2:00 p.m. The applicant attempted to fly balloons at both sites to simulate the heights of the proposed towers, but weather conditions were not favorable and the balloons were only flown between 8:00 a.m. and 10:00 a.m. (AT&T 17, R. 9; Tr. 2, pp. 4-5)
7. Notice of the application was sent to all abutting property owners by certified mail. All return receipts were received. (AT&T 1, Tab 11)
8. Public notice of the filing of the application with the Council was published in the Hartford Courant on October 7 and 11, 2010. (AT&T 2)
9. AT&T installed a sign along the entrance to the site property on December 29, 2010. The sign presented information regarding the project and public hearing. (AT&T 17, R. 10; Tr. 2, p. 5)

10. Pursuant to CGS § 16-50l(b), AT&T provided notice of the application to all federal, state and local officials and agencies listed therein. (AT&T 1, Tab 10)

#### **State Agency Comment**

11. Pursuant to General Statutes § 16-50j(h), on November 22, 2010 and May 16, 2011, 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), Department of Transportation (DOT), Department of Agriculture (DOAg), and Department of Emergency Management and Homeland Security (DEMHS). (Record)
12. On February 22, 2011, the Council received written comment from CEQ stating that further wildlife studies at the site should be conducted, that the site would affect scenic resources in the area, and that approval should not be given to impact wetland areas that may have been previously filled without proper permits. (Record)
13. No other state agencies commented on the proposal. (Record)

#### **Municipal Consultation**

14. On June 29, 2010, AT&T submitted a technical report to the Town of Hartland First Selectman Wade Cole. (AT&T 1, Tab 9)
15. On August 16, 2010, AT&T attended a public information session hosted by the Town of Hartland Planning and Zoning Commission. As a result of this meeting, AT&T revised the site plans prior to submission of the application to the Council to address some of the concerns expressed by some members of the Planning and Zoning Commission. (AT&T 1, Tab 9)
16. At the request of the Hartland Inland Wetlands & Watercourses Commission, site visits were conducted on November 8 and November 9, 2010. AT&T representatives Dean Gustafson and David Vivian, Sean Hayes of the Northwest Conservation District and members of the Inland Wetlands & Watercourses Commission attended the site visits. (AT&T 10)
17. A public information meeting held by the Inland Wetlands & Watercourses Commission was held on December 2, 2010. (AT&T 10)
18. The Town of Hartland became a party to the proceeding on January 6, 2011. (Record)

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

19. 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 8)

20. 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. Celco is licensed by the FCC to provide wireless service to Windham County. (Council Administrative Notice Item 8)
21. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item 8)
22. The Telecommunications Act of 1996 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 8)
23. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999. The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. Congress further enacted the Enhanced 911 Act to facilitate emergency response capabilities. (Council Administrative Notice Items 9 & 10)
24. AT&T would provide space on the tower for Town emergency service antennas, if the need arises. (AT&T 1, p. 10)

#### **AT&T - Existing and Proposed Wireless Coverage**

25. AT&T proposes to operate cellular (800 MHz), and personal communication service (PCS - 1900 MHz), equipment at the proposed site. The cellular system is used to design coverage needs for the site (refer to Figures 3, 4, 5 & 6). LTE services ( 700 MHz) are not part of the initial build out but may be installed in the future. (AT&T 3, R. 3)
26. In this area of Connecticut, AT&T is allowed to transmit cellular coverage to and from Massachusetts but not allowed to transmit PCS coverage across the State line. (Tr. 3, p. 189)
27. AT&T designs and operates its network at the following signal-level thresholds: -82 dBm for in-vehicle service and -74 dBm for in-building service. Even if a call is maintained at a signal level below these thresholds, service is still considered unreliable. (AT&T 3, R. 1; AT&T 17, R. 3)
28. AT&T seeks to provide coverage to Route 20 and surrounding areas in the north-central section of Hartland. Existing AT&T facilities at 22 Welsh Road, 350 Hartland Boulevard, Center Hill Road in Hartland, and on Sodom Road and North Lane in Granville Massachusetts do not provide adequate coverage to the area (refer to Figure 2). (AT&T 1, Tab 1, AT&T 3, R. 3; AT&T 17, R. 2; Tr. 1, p. 64)
29. The existing cellular signal level in the proposed service area ranges from -70 dBm to -105 dBm. (AT&T 3, R. 2)

30. Installing antennas at any of the three sites considered - A, B, C - would provide the following reliable coverage to the proposed service area:

Coverage Type	Approx. Linear Miles on Rt. 20	Approx. Square Miles
Cellular (-82 dBm)	2.8	17
Cellular (-74 dBm)	not quantified	10
PCS (-82 dBm)	2.6	10
PCS (-74 dBm)	not quantified	6

\* Assuming antennas at Site A are at 190 feet above ground level (agl), antennas at Site B are at 160 feet agl, and antennas at Site C are at 190 feet agl. (AT&T 3, R. 4; AT&T 17, R. 5; AT&T 22, R. 9)

31. Although coverage objectives could generally be met at a height of 160 feet at Site B, AT&T requests approval to install antennas at 190 feet to increase coverage to the area, specifically where Route 20 traverses a deep valley north of the Barkhamsted Reservoir, also known as the "hollow", approximately 1.6 miles northwest of the site (refer to Figure 2). Due to the great elevation range between the proposed site and the bottom of the hollow, coverage along this section of Route 20 is particularly difficult to attain. (AT&T 17, R. 4, R. 5; Tr. 1, pp. 64-65, 82-83, 85-86; Tr. 2, p. 23)
32. Lowering the heights of the proposed facilities would reduce coverage in the Route 20 hollow. The table below presents an analysis of the changes in signal level at different antennas heights within the Route 20 hollow:

Route 20 north of Barkhamsted Reservoir		
Antenna height	Length of Coverage Gap	Weakest Signal
190 feet	900 feet	-99.6 dBm
170 feet	970 feet	-102.9 dBm
150 feet	1250 feet	-104.4 dBm

This analysis is based on propagation models for Site A. Coverage from Site B at 160 feet agl and Site C at 190 feet agl would be similar.

(AT&T 17, R. 3 AT&T 22, R. 9; Tr. 3, pp. 104-105)

33. Signal levels in the -94 dBm to -95 dBm range make the network unstable as it tries to maintain a call. A signal level that approaches -100 dBm would have difficulty maintaining a call. (Tr. 1, pp. 84-86; Tr. 3, pp. 52-56, 76-77)
34. Site B with antennas at 190 feet agl would increase the signal level within the Route 20 hollow to -97 dBm at its weakest point. (Tr. 3, p. 97)
35. Lowering the Site B antenna height to 140 feet would decrease the signal level within the Route 20 hollow to -103 dBm and increase the length of the gap from 900 feet to 1,500 feet. Although propagation modeling of 150 feet at Site B was not performed, the signal level would be between -103 dBm and -99.6 dBm within the Route 20 hollow. (Tr. 3, pp. 130-132)
36. A second gap on Route 20 approximately two miles west of the site where Falls Brook crosses the road would remain even with the proposed installation, due to local topography. Signal levels would be approximately -90 dBm for a length of 1,340 feet. Lowering the height of the antennas would not have an effect on this gap. (AT&T 17, R. 3; Tr. 3, pp. 10, 129)

37. The proposed site would not be able to provide coverage to Route 179 south of East Hartland village. This area has more traffic and development than the area to be served by the proposed tower. AT&T would issue a separate search ring to provide coverage to this area. (AT&T 1, Tab 1; AT&T 18, R. 3; Tr. 3, pp. 135-138)

#### Site Selection

38. AT&T established a search ring for the proposed service area in December of 2008. The ring initially focused on an area along Route 20 west of the Barkhamsted Reservoir, but the unavailability of land in this area caused AT&T to look elsewhere. (AT&T 1, Tab 2; AT&T 3, R. 6; Tr. 1, pp. 64-65)
39. During the initial search, AT&T investigated 11 properties, eight of which were in DEP-owned state forest or owned by the Metropolitan District Commission (MDC) as Class I & II watershed land. DEP state forest property is not available for development in accordance with a directive from the DEP and Class I & II watersheds land are not available due to State statute. Two privately-owned parcels, one on Milo Coe Road, and one on Brook Drive, were examined but neither met coverage objectives. A third privately-owned parcel at 384 Center Street was not available. (AT&T 1, Tab 2; AT&T 3, R. 11; AT&T 4, R. 2; AT&T 8)
40. During the proceeding, AT&T was requested to examine the feasibility of installing a facility at a DOT salt garage located on Route 20 approximately 0.4 miles northeast of the site. A tower at this location would not be able to meet AT&T's coverage objectives in the Route 20 hollow area due to a prominent ridge directly to the northeast that would block coverage. Additionally, a new coverage gap of 0.1 mile would occur on Route 20 at the intersection with Milo Coe Road on the west side of the reservoir. The DOT responded to an inquiry from AT&T and stated the DOT property (approx. 0.25-acre) has limited space and a 75-foot by 75-foot compound area would hinder DOT operations. (AT&T 3, R. 9; AT&T 17, R. 1; AT&T 22, R. 5; Tr. 3, pp. 49-50; Tr. 4, pp. 20-21, 61-62)
41. During the proceeding, AT&T was requested to examine the feasibility of a facility at the Camp Alice Merritt property; 339 South Road; 55 Pell Road; and 150 East Pell Road. None of the four properties would meet coverage objectives. (AT&T 4, R. 3; AT&T 10; AT&T 18, R. 1, R. 2, AT&T 22, R. 8)
42. A property at 38 Pell Road was also examined but rejected because it is mostly cleared, contains a residence, is immediately adjacent to other residences, and is of relatively small size (3.8 acres). (AT&T 4, R. 3)
43. AT&T did not identify any existing structures in the search area that would be suitable for a telecommunications facility. (AT&T 1, Tab 2; )
44. AT&T examined locations and existing towers in Massachusetts north of Route 20 but determined this area to be too far from the proposed service area. AT&T is located on two towers in Granville Massachusetts. (AT&T 17, R. 2)
45. An existing SBA site in Tolland Massachusetts, approximately 4.5 to 5.0 miles northwest of the site, is too far from the proposed service area to provide adequate coverage. (AT&T 22, R. 10; Tr. 4, p. 18)

### Property Description

46. The site property consists of a 12-acre parcel owned by the Ring Mountain Hunt Club. (AT&T 1, Tab 3)
47. The property is located near the end of Balance Rock Road and west of Route 20, at the north end of the East Hartland section of town. The property is approximately 1.8 miles south of the Massachusetts border. (AT&T 1, Tab 1)
48. The property is zoned residential, R-1. (AT&T 1, Tab 3)
49. The property is used as a gun club and improved with a shooting range, clubhouse and parking area, all of which are located in the southwest portion of the property. The remaining portion of the property is wooded. (AT&T 1, Tab 1)
50. The Tunxis State Forest abuts the property to the north, east and west. Two residential properties abut the site to the south (Sirman at 88 Balance Rock Road and Krauland at 72 Balance Rock Road). (AT&T 1, Tab 3)
51. Land use within a quarter-mile of the site includes low-density residential and state forest. (AT&T 1, p. 17, Tab 3)

### Proposed Facility

52. AT&T proposes to construct a 190-foot monopole at one of the three alternative sites, capable of supporting four levels of platform-mounted antennas. The monopole would be constructed in accordance with the Electronic Industries Association standard ANSI/TIA-222-F. (AT&T 1, Tab 3; AT&T Tab D; AT&T 22, Tab 4)
53. AT&T proposes to install up to 12 panel antennas on a platform at a centerline height of 187 feet agl. (AT&T 1, Tab 3)
54. AT&T proposes to construct a compound within a 100-foot by 100-foot lease area at the site. Site A would have a 60-foot by 85-foot compound. Sites B and C would have a 75-foot by 75-foot compound. (AT&T 1, Tab 3; AT&T Tab D; AT&T 22, Tab 4)
55. A 12-foot by 20-foot equipment shelter would be installed within the compound, enclosed by an eight-foot high chain-link fence. An emergency diesel generator would be located within the shelter. (AT&T 1, Tab 3)
56. The estimated construction cost of the facility\*, not including antennas or radio equipment, is:

Tower, and foundation	\$90,000.
Site development	9,100.
Utilities	11,600.
<u>Installation</u>	<u>93,000.</u>

Total estimated cost \$203,700.

\* based on the development of Site A.  
(AT&T 1, p. 19)

### Alternate Site Descriptions

#### *Site A*

57. Proposed Site A is located in the southwest corner of the property, adjacent to the existing clubhouse (refer to Figure 7). (AT&T 1, Tab 3)
58. The proposed tower would be located at an elevation of 1100 feet above mean sea level (amsl). (AT&T 1, Tab 3)
59. The proposed tower would be approximately 190 feet north of the property line with Balance Rock Road and 165 feet east of the boundary with the Tunxis State Forest. The tower radius would extend onto the state forest property by 25 feet. (AT&T 1, Tab 3)
60. The nearest residence to the proposed tower is approximately 457 feet to the southeast at 72 Balance Rock Road (Krauland). (AT&T 1, Tab 3)
61. There are two residences within 1,000 feet of the tower site. (AT&T 1, Tab 3)
62. Access to the site would be along an existing driveway for 100 feet, and a new driveway for 72 feet. (AT&T 1, Tab 3)
63. Utilities would be installed by connecting an overhead line from a utility pole on Balance Rock Road to a new pole on the property. From the new pole, utilities would extend underground 100 feet to the compound. The utility route would initially follow an existing route that services the clubhouse. (AT&T 1, Tab 3; Tr. 1, p. 60)

#### *Site B*

64. Proposed Site B is located in the forested northeast portion of the property, approximately 500 feet northeast of proposed Site A (refer to Figure 8). (AT&T 4, R. 14)
65. The proposed tower would be located at an elevation of 1,135 feet amsl. (AT&T 7)
66. The proposed tower is approximately 475 feet north of Balance Rock Road and 165 feet south and 170 feet west of the Tunxis State Forest. The tower radius would extend onto the state forest property by 25 feet. If a 160-foot tower were constructed, the tower radius would be contained within the site parcel. (AT&T 4, Tab D)
67. The nearest residence to the proposed Site B tower is approximately 700 feet to the south at 72 Balance Rock Road (Krauland). (AT&T 4, Tab D)
68. There are three residences within 1,000 feet of the Proposed Site B tower. (AT&T 4, Tab D)
69. Access to the proposed tower would be from a new, 12-foot wide gravel road extending 475 feet north from Balance Rock Road. The road curves slightly near the compound area. AT&T could design the access road with a more pronounced curve near the middle to provide more screening of the tower from the road entrance on Balance Rock Road. (AT&T 4, Tab D; AT&T 22, R. 13)
70. Utilities would be installed underground along the access road. (AT&T 4, Tab D)

71. A culvert would be installed in the access road to cross over a drainage ditch along Balance Rock Road. Two additional culverts would be required along the access road to cross over an intermittent watercourse. (AT&T 4, Tab D, Tab E; Tr. 1, pp. 56-57)

#### *Site C*

72. Proposed Site C is located in the northeast corner of the parcel, 150 feet northeast of proposed Site B (refer to Figure 9). (AT&T 22, Tab 3, Tab 6)
73. The proposed tower would be located at an elevation of 1,148 feet amsl. (AT&T 22, Tab 3)
74. The proposed tower is approximately 590 feet north of Balance Rock Road and 100 feet south and 100 feet west of the Tunxis State Forest. The tower radius would extend onto the state forest property by 90 feet. (AT&T 22, Tab 3)
75. The nearest residence to the proposed Site C tower is approximately 740 feet to the south at 72 Balance Rock Road (Krauland). The number of residences within 1,000 feet was not quantified. (AT&T 22, Tab 6)
76. Access to the proposed tower would be from a new, 12-foot wide gravel road extending 770 feet northeast from the existing clubhouse on the property. The road would traverse the shooting range, then go through the forested area of the property to the compound. (AT&T 22, Tab 3)
77. Underground utilities would be installed along the access road. (AT&T 22, Tab 3)

#### **Environmental Considerations**

78. Development of a tower facility would have no effect on historic or archeological resources listed in or eligible for the National Register of Historic Places. A historic cabin constructed by the Civilian Conservation Corps in 1937 is located at the west end of Balance Rock Road, within Tunxis State Forest. The tower would not be visible from the cabin. A local historic residence is located near the intersection of Balance Rock Road and Route 20. The tower would not be visible from the residence. (AT&T 1, Tab 6, Tab 7; Tr. 3, pp. 43-44, 226; Tr. 4, p. 25)
79. Although the subject property is not within any designated area indicating the presence of Federally threatened or endangered species or State endangered, threatened or special concern species, the property is near areas where records indicate the presence of the Saw-whet owl, a State species of special concern. (Council Administrative Notice Item 30; AT&T 1, Tab 7)
80. The owl regularly winters in the State and is considered an uncommon to rare breeder in Connecticut. A call back survey identified a Saw-whet owl southwest of the property on January 5, 2011. The owl prefers dense mixed forest for roosting and foraging and favors dense stands of mature evergreens as a daytime roost site. The site property and surrounding state forest areas contains suitable mixed forest habitat. (AT&T 1, Tab 7; AT&T 9)
81. Proposed Site A does not have any tree cavities that are suitable for nesting owls. The proposed Site B area and remaining wooded areas of the property contain stands of evergreens where some trees contain cavities that could be used for nesting. An examination of the trees in the Site B and Site C development areas did not find any evidence of owl nests. (AT&T 9; AT&T 22, Tab 9)

82. Although no owls were identified on the site property during owl surveys, it would be beneficial to restrict work from occurring between March 1 and July 1 to minimize any potential for disturbance to nesting owls. (AT&T 22, Tab 6)
83. Approximately 30 trees with a diameter of six inches or greater would be removed to develop Site A. Approximately 180 trees would be removed to develop Site B. A tree count for Site C is not in the record. It may be similar to that of Site B because the compound is also in a heavily wooded area and the proposed access road would pass through 380 feet of woodland. (AT&T 1, Tab 4; AT&T 4, Tab D; AT&T 22, Tab 3)
84. The proposed site is not located near any areas identified by the Connecticut Audubon Society as an Important Bird Area (IBA). The IBA designation refers to specific areas and properties owned by the State, local jurisdictions and conservation groups. (Council Administrative Notice No. 39)
85. The site is located at the edge of a major forest area designated as key bird habitat by the Connecticut Audubon Society. This is a large area covering portions of several towns. (Sirman 9; Tr. 4, pp. 72-73)
86. The site property and surrounding area is located along a north-south ridge that runs along the east side of the Barkhamsted Reservoir, and is in an area that contains large unfragmented forest tracts suitable to support fragmentation-sensitive Neotropical songbirds. (Sirman 9; Tr. 4, pp. 92-94)
87. Migratory birds use ridgelines as well as valleys during migration. Although the site is on a ridgeline, it is not considered to be in a major flyway where birds concentrate. Rather, it is in a diffuse flyway that spreads among portions of the eastern states. (Tr. 3, pp. 57-59; Tr. 4, pp. 98-102, 147-149)
88. Bird mortality caused by tower strikes occur generally where telecommunications towers are over 1,000 feet in height, are illuminated at night, have guy wires, are located near wetlands, are in major songbird migration pathways, and have frequent periods of poor weather during bird migration periods. (Sirman Administrative Notice 2)
89. The proposed tower would comply with recommended guidelines of the United States Fish and Wildlife Service for minimizing potential impact to bird species. The guidelines recommend that towers be less than 199 feet tall, avoid the use of aviation lighting, and avoid guy wires as tower supports. (Council Administrative Notice No. 39; AT&T 3, R. 15)
90. A few studies have been conducted for telecommunication towers below 200 feet. One of these studies examined a 100-foot tower for one year and found no bird mortality. Another examined a 197-foot tower for four years and attributed four bird deaths to tower collision. No studies referenced indicate any owl mortality from cell tower strikes. (AT&T 12; Tr. 4, pp. 41-42, 147)
91. Development of Site A does not directly affect any wetlands or watercourses. The nearest wetland to Site A is a forested swamp 40 feet from the north, south and east sides of the site. The swamp is dominated by eastern hemlock and drains to a drainage ditch along Balance Rock Road. The wetlands in this area are already located near existing development (e.g., the clubhouse, parking lot) and are already degraded. (AT&T 4, Tab E; AT&T 15, R. 9)
92. Development of the Site B access road would affect an intermittent watercourse. The watercourse, generally three feet wide and six inches deep, flows from wetlands within Tunxis State Forest to the wetland near Site A. The watercourse is seasonal and does not support fish. (AT&T 4, Tab 4; AT&T 22, R. 8)

93. The Site B access road crossing would utilize a natural stream-crossing design that recreates the streambed within a culvert. Approximately 45 feet of the watercourse would be permanently affected by the road crossing. Another 10 feet would be affected by temporary construction impacts. (AT&T 15; Tr. 1, pp. 57-58)
94. Stormwater discharge into the watercourse and downgradient wetlands could be a concern, and can be managed by adhering to the DEP's Stormwater Management Plan and 2004 DOT drainage manual. (AT&T 15, R. 8, R. 9)
95. No vernal pools were identified at the property, but wetland areas in and around the site could support amphibians. To prevent impacts on migrating amphibians, construction work should not occur between March 1 and May 15. (AT&T 15, R. 10)
96. Development of Site C would impact wetlands where the proposed access road passes through the shooting range. Construction of the road would impact approximately 1,900 square feet of this wetland which has already been disturbed and where disturbance continues due to maintenance of the shooting range. No wetlands are located within the Site C compound area. (Tr. 3, pp. 120-121; Tr. 4, pp. 21-22, 56, 116)
97. The Site B access road could be relocated to follow the proposed access road for Site C. This would prevent impacts to the intermittent watercourse and buffering forest along the original Site B access road, a more productive habitat than the already disturbed wetlands within the shooting range. (Tr. 3, pp. 123-125; Tr. 4, pp. 21-22, 56)
98. The subject property is within the watershed of the Barkhamsted Reservoir, a public water supply reservoir operated by the Metropolitan District Commission (MDC). The MDC commented on the proposal, their primary concern being the implementation and maintenance of proper erosion and sedimentation controls and the prevention of spills during construction. The MDC would also monitor construction activities during routine watershed inspections. (MDC letter of January 4, 2011)
99. Erosion and sedimentation controls and other best management practices would be established and maintained for the duration of site construction and would be consistent with MDC recommendations. A spill prevention program would also be established to protect watershed resources. (AT&T 15)
100. Aircraft hazard obstruction marking or lighting would not be required. (AT&T 1, p. 14)
101. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's antennas has been calculated to total 3.6 percent of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the 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, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower. (AT&T 3, Tab I)

**Visibility**

102. The projected visibility of the tower from each of the proposed sites within a two-mile radius of the subject property is as follows:

	<b>Site A (190 feet agl)</b>	<b>Site B (160 feet agl)</b>	<b>Site C (190 feet agl)</b>
Area of year-round visibility (not including water areas)	~ 2 acres	~ 1 acre	~ 2 acres
Area of seasonal visibility	~ 21 acres	~ 5 acres	~ 5 acres
48 Balance Rock Road	Upper 40 feet visible leaf-off from driveway area	Non-visible	Non-visible
64 Balance Rock Road	Upper 50 feet visible leaf-off from front deck and interior areas	Non-visible	Non-visible
72 Balance Rock Road	Upper 70 feet visible year-round from rear yard  Upper 15 feet visible leaf-off from interior areas and front deck	Upper 20 feet visible leaf-off from front deck and rear yard	Upper 20 feet visible leaf-off from front deck, side and rear yards
88 Balance Rock Road	Upper 40 feet visible year-round from rear yard	Upper 15 feet visible leaf-off from front yard	Upper 75 feet visible leaf-off from front yard. Portion visible from kitchen window

The data in the table indicates Site B would be least visible from area residences with two residences having seasonal visibility of the upper 15-20 feet. (Refer to Figures 10, 11 & 12). (AT&T 1, Tab 5; AT&T 7; AT&T 22, Tab 6; Krauland 3; Tr. 4, pp. 90, 96, 141)

103. The projected visibility of the proposed towers from select roads and scenic resources is as follows:

<b>Resource</b>	<b>Approximate Distance/Direction from Sites</b>	<b>Visibility of towers</b>
Balance Rock Road	Adjacent to site	Seasonal visibility from select areas
Route 20 north and east of site	0.3 to 1.6 miles north and east	No
Route 20 west of site	1.4 to 1.9 miles west	Seasonal visibility from 0.8 mile segment for Site A. 0.1 mile for Sites B & C
Route 20 overlook	1.4 miles northwest	Yes (above 65-foot treeline)
Meadow along Route 20, part of Tunxis State Forest	2.5 miles west	Yes
CCC Ski Cabin	0.5 mile west	No
Tunxis hiking trail	0.1-0.2 mile west	Seasonal visibility in spot areas near state forest boundary
Falls Brook hiking trail	1.7 miles west	No
Pine Mountain Overlook (Tunxis Trail)	2.8 miles south	Yes
Indian Council Caves (Tunxis Trail)	4.3 miles south	No
Beach Rock	6.7 miles southwest	No
Saville Dam	7 miles southwest	No

(AT&T 1, Tab 5; AT&T 7; AT&T 22, R. 2, R. 7, Tab 6; Sirman 12, R. 7; Tr. 4, pp. 11-12, 87-88, 112)

104. AT&T would consider installing a monopine at the site to mitigate some of the near range views. The monopine would appear out of scale with the surrounding vegetation when viewed from the Route 20 overlook. (Tr. 4; pp. 30, 68, 142)
105. A telecommunications tower disguised as a fire tower would not be beneficial in this area because it would be a bulkier structure, increasing some of the near range visibility. (Tr. 4. pp. 43-44)
106. There are no state or local designated scenic roads in the Town of Hartland. (AT&T 22, Tab 6; Tr. 4, p. 126)



**Figure 1:** Location of proposed Site A, Site B, and Site C at 95 Balance Rock Road.  
(AT&T 1, AT&T 4, AT&T 22)

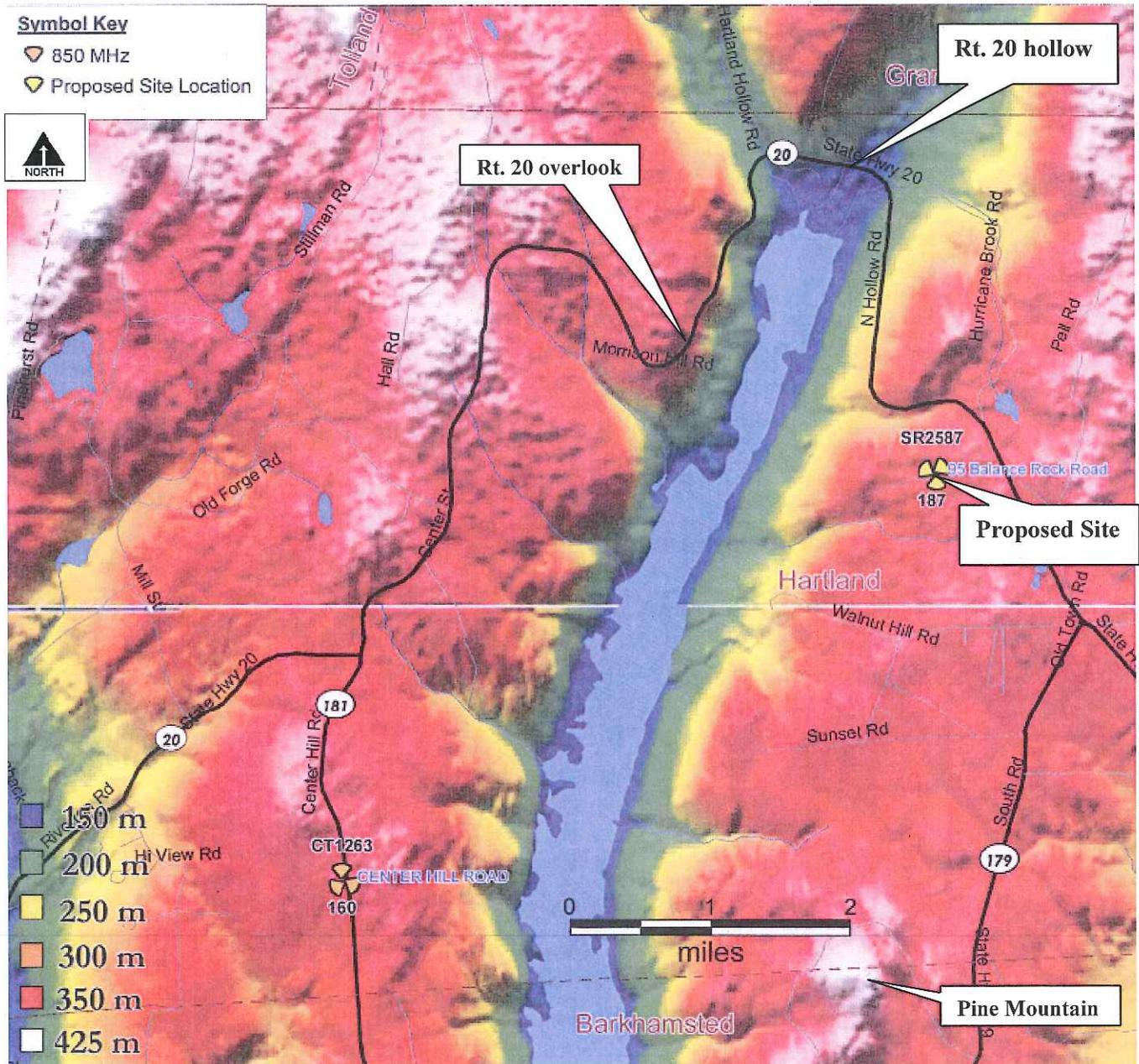


Figure 2: Terrain profile of surrounding area showing high elevation at proposed site and low elevation along Route 20 at north end of reservoir ("hollow"). (AT&T 3, Tab F; Council Administrative Notice 33)

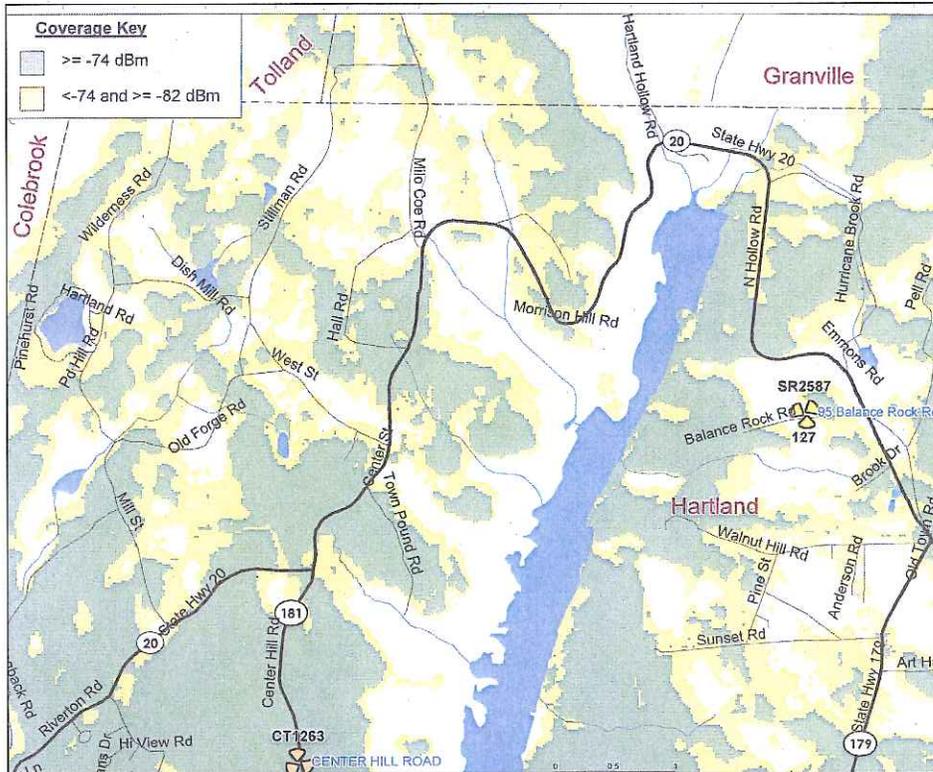


Figure 3: Existing cellular coverage. (AT&T 1)

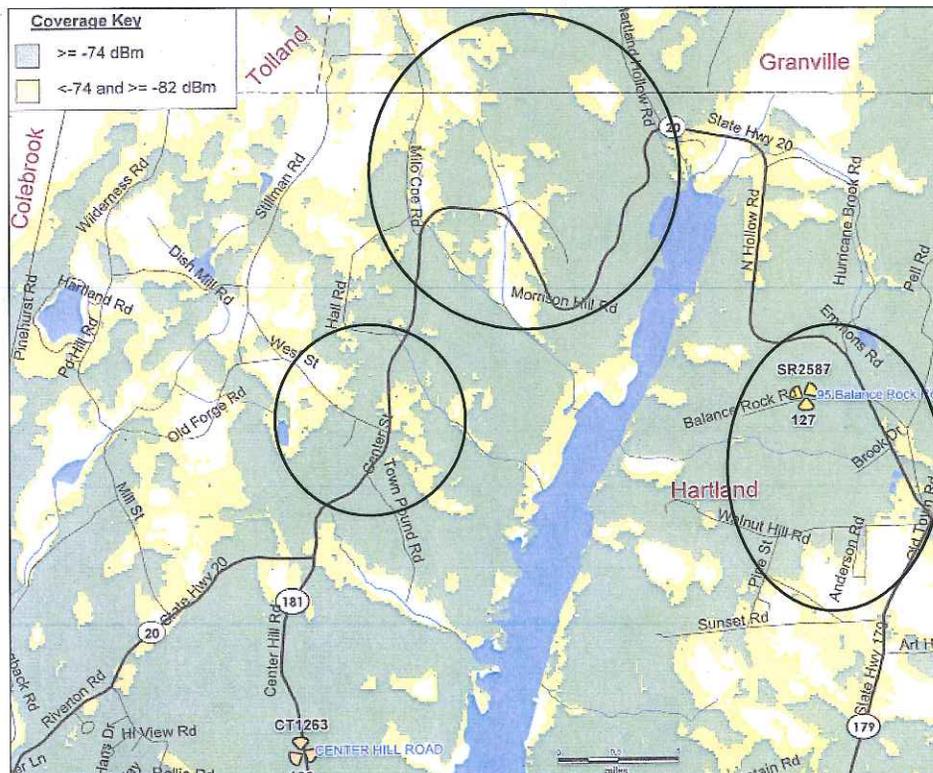


Figure 4: Existing and proposed cellular coverage (Site A). Circles denote main areas of proposed coverage. Coverage from Sites b & C is similar. (AT&T 1)

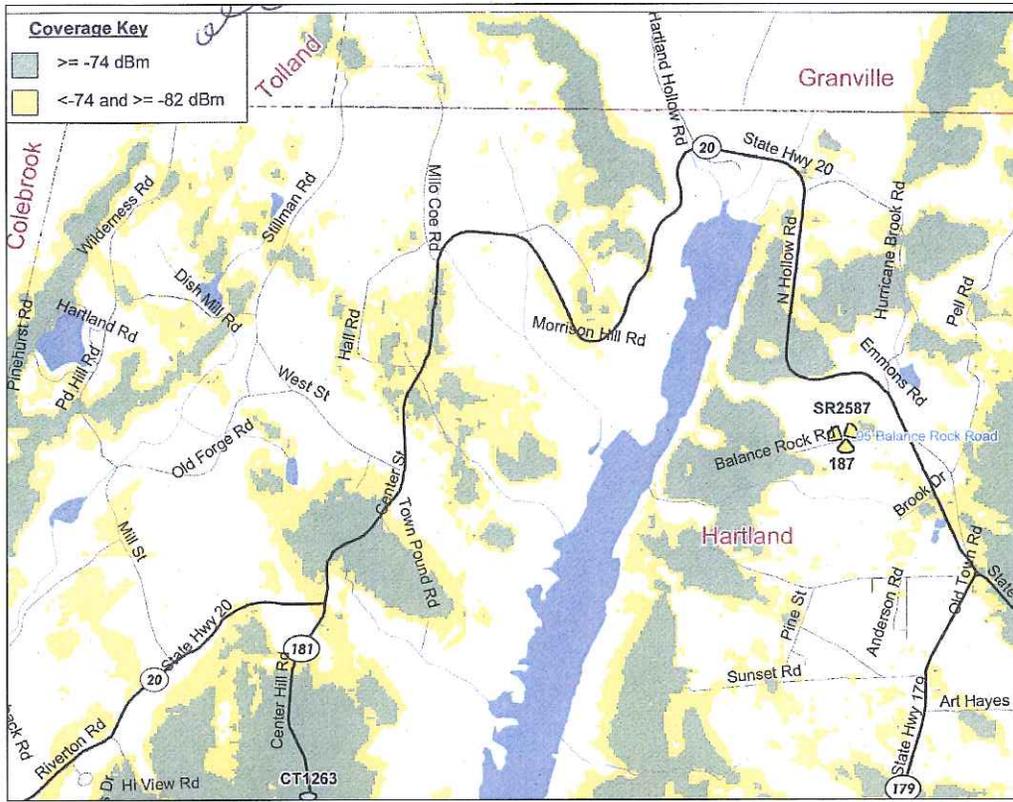


Figure 5: Existing PCS coverage. (AT&T 3)

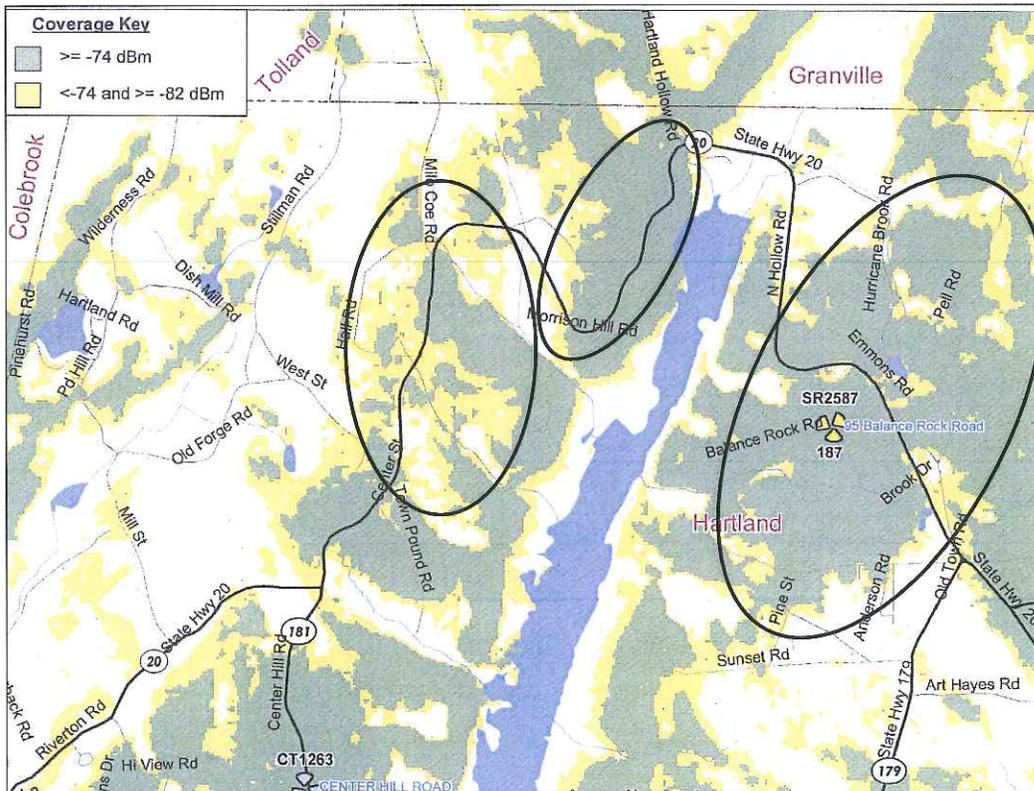


Figure 6: Existing and proposed PCS coverage (site A). Ovals denote main areas of coverage. (AT&T 3)

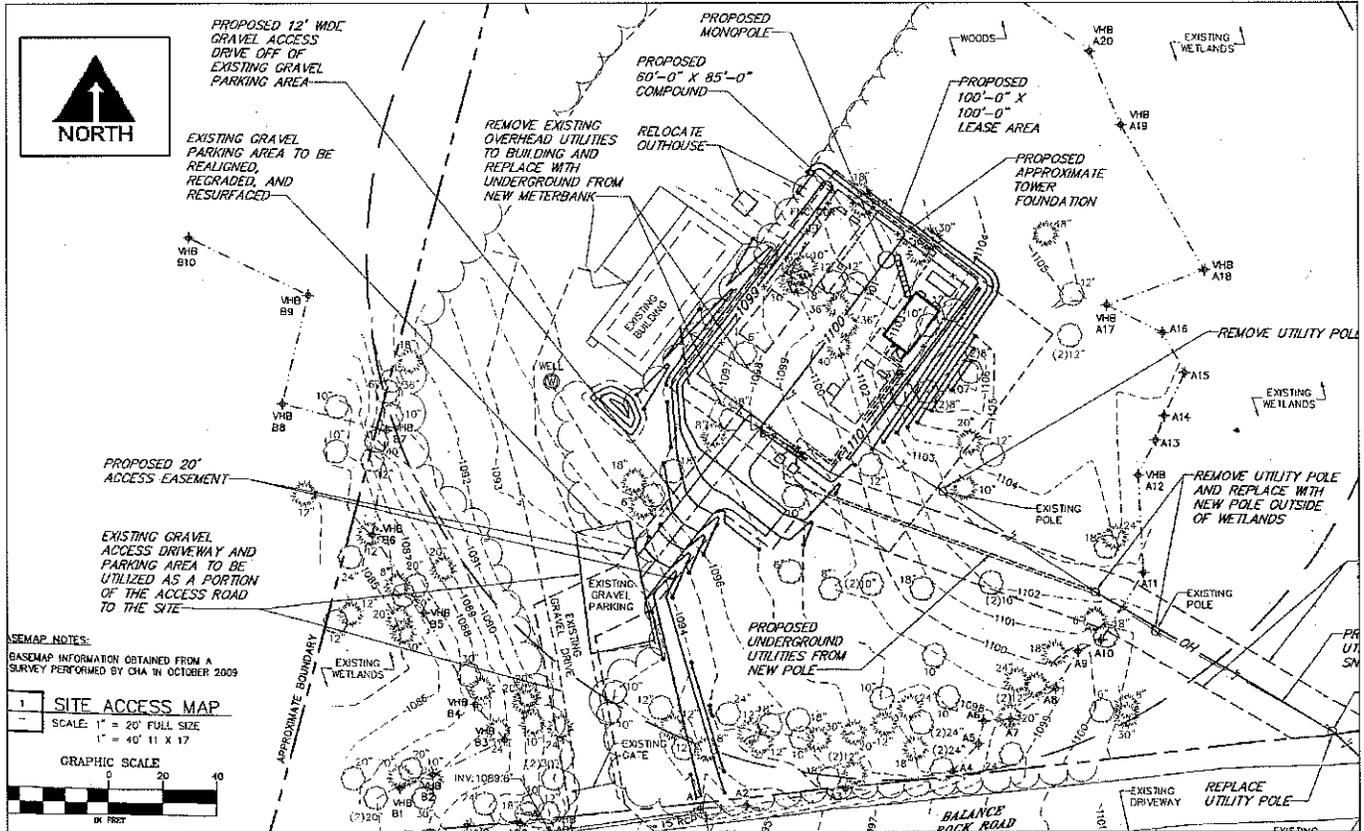


Figure 7: Proposed Site A development plan. (AT&T 1)

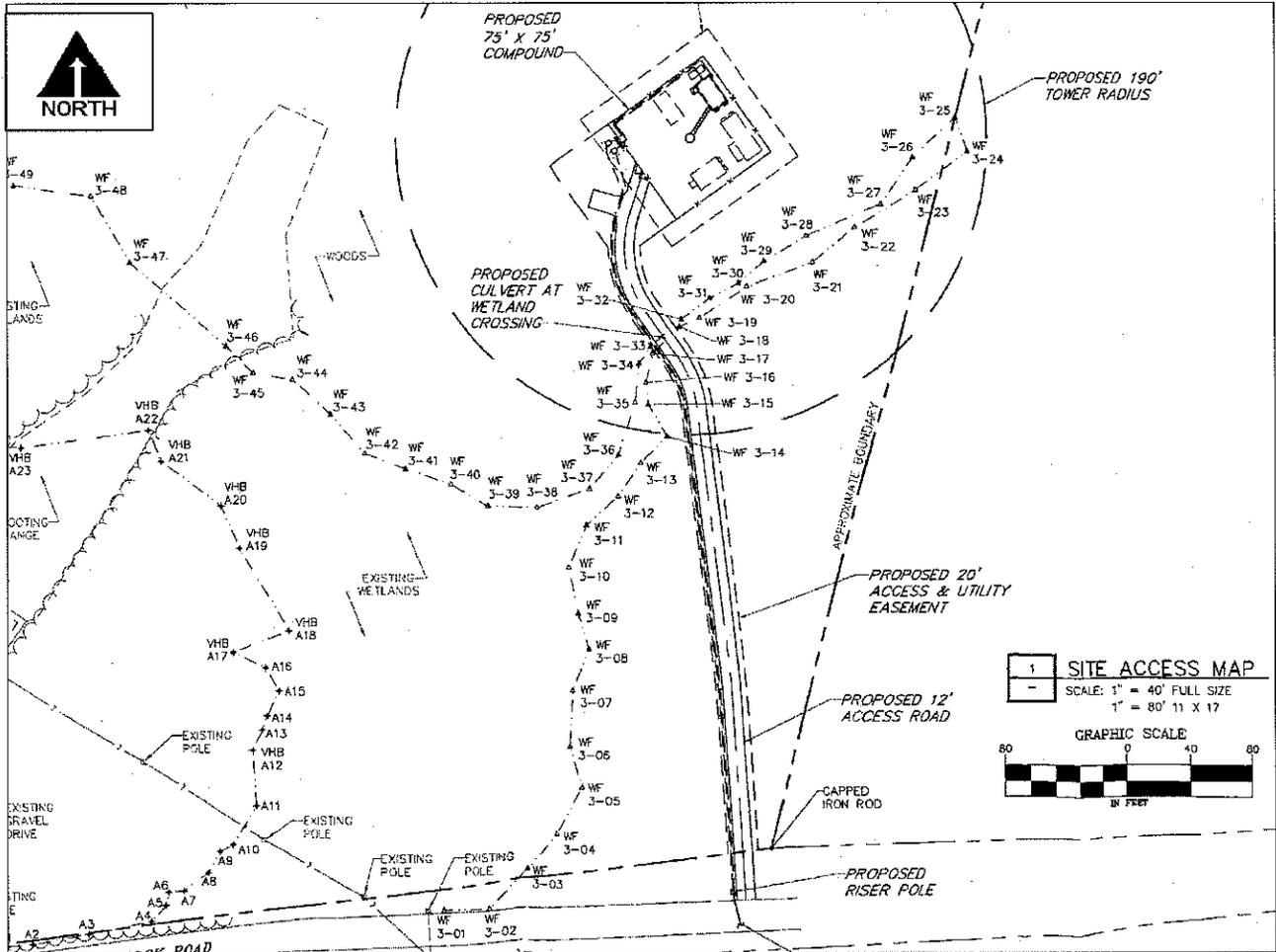


Figure 8: Proposed Site B development plan. (AT&T 3)

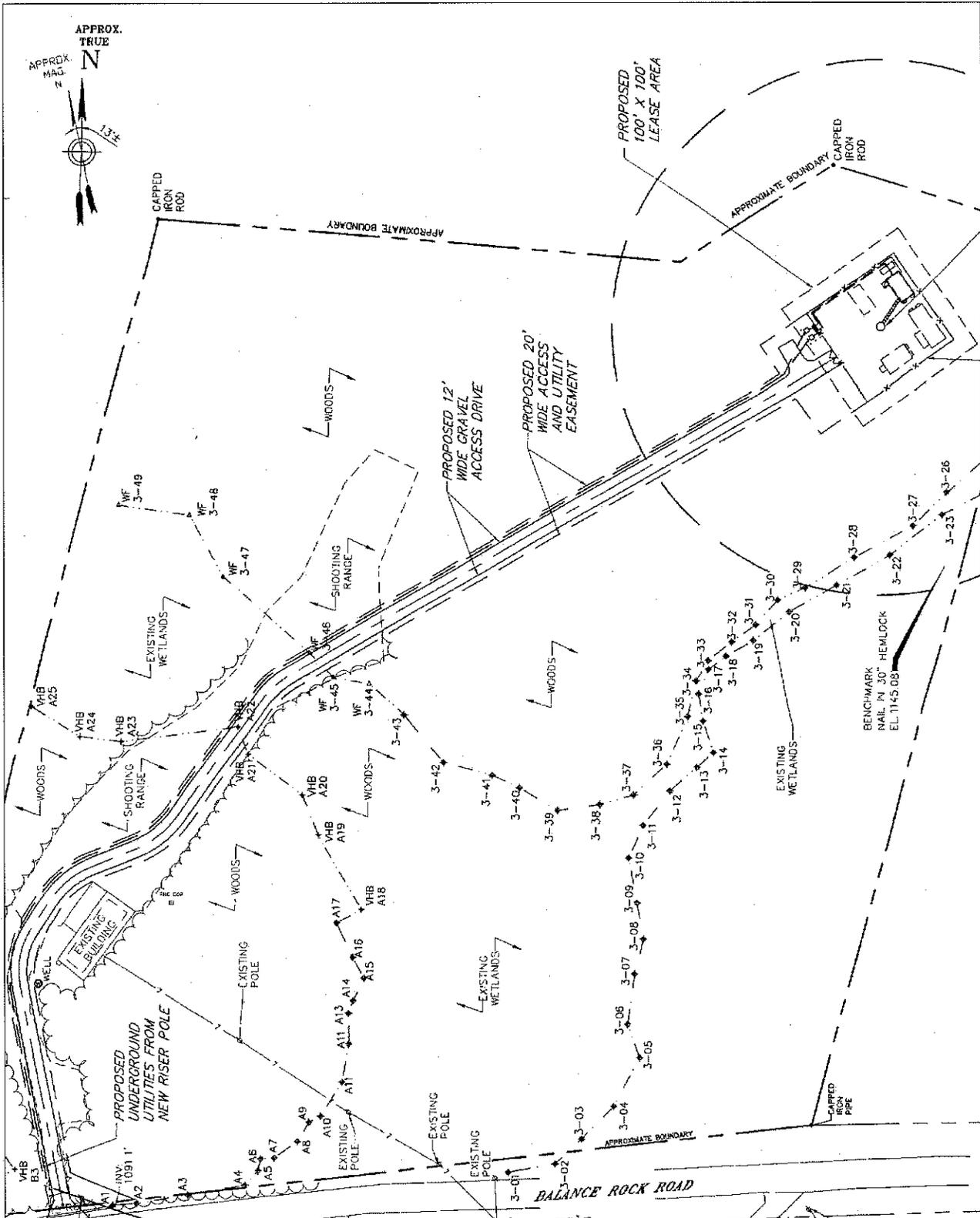
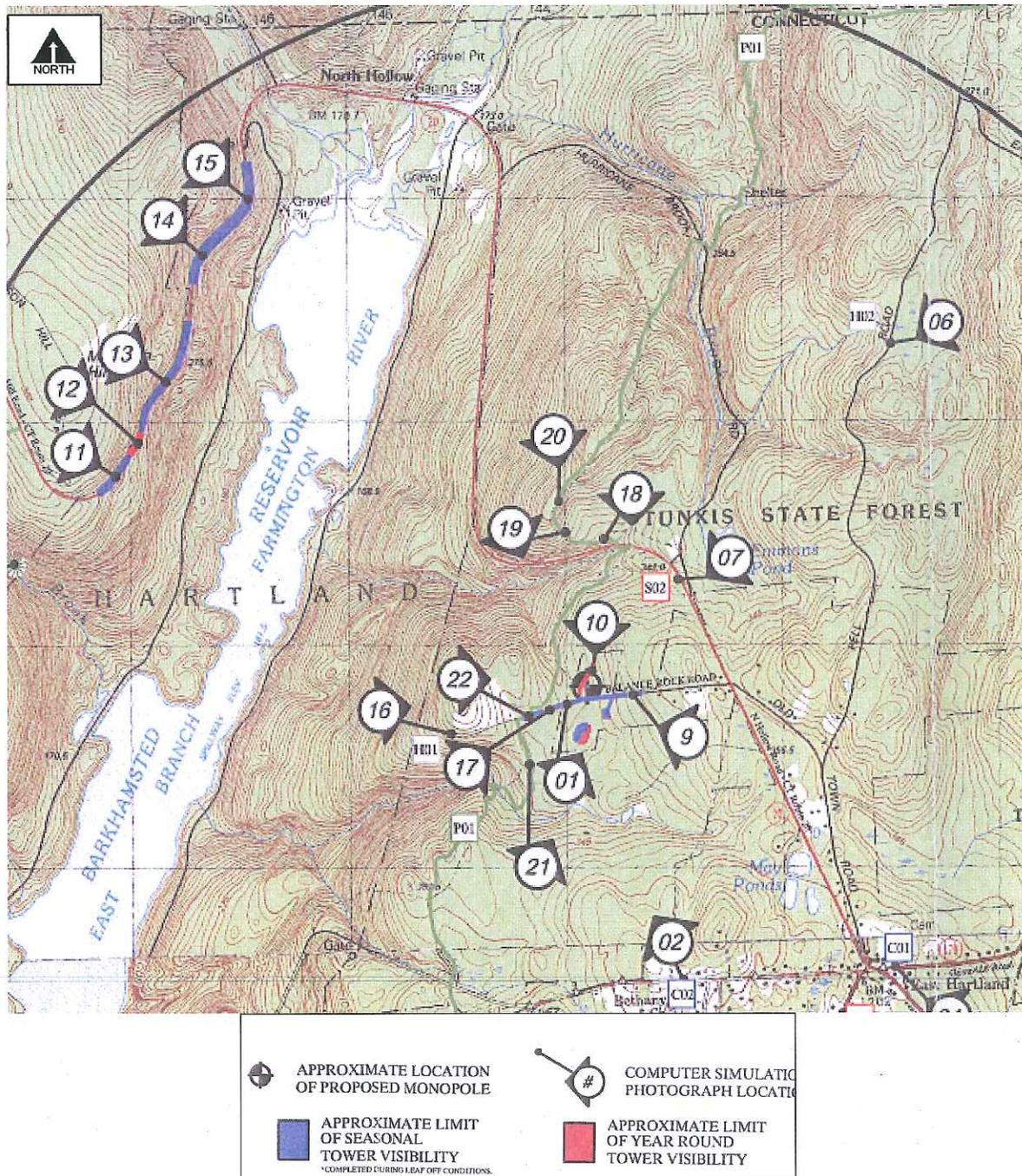


Figure 9: Proposed Site C development plan (AT&T 22)



**Figure 10:** Projected visibility of Site A. Location 12 is Route 20 overlook. (AT&T 1)



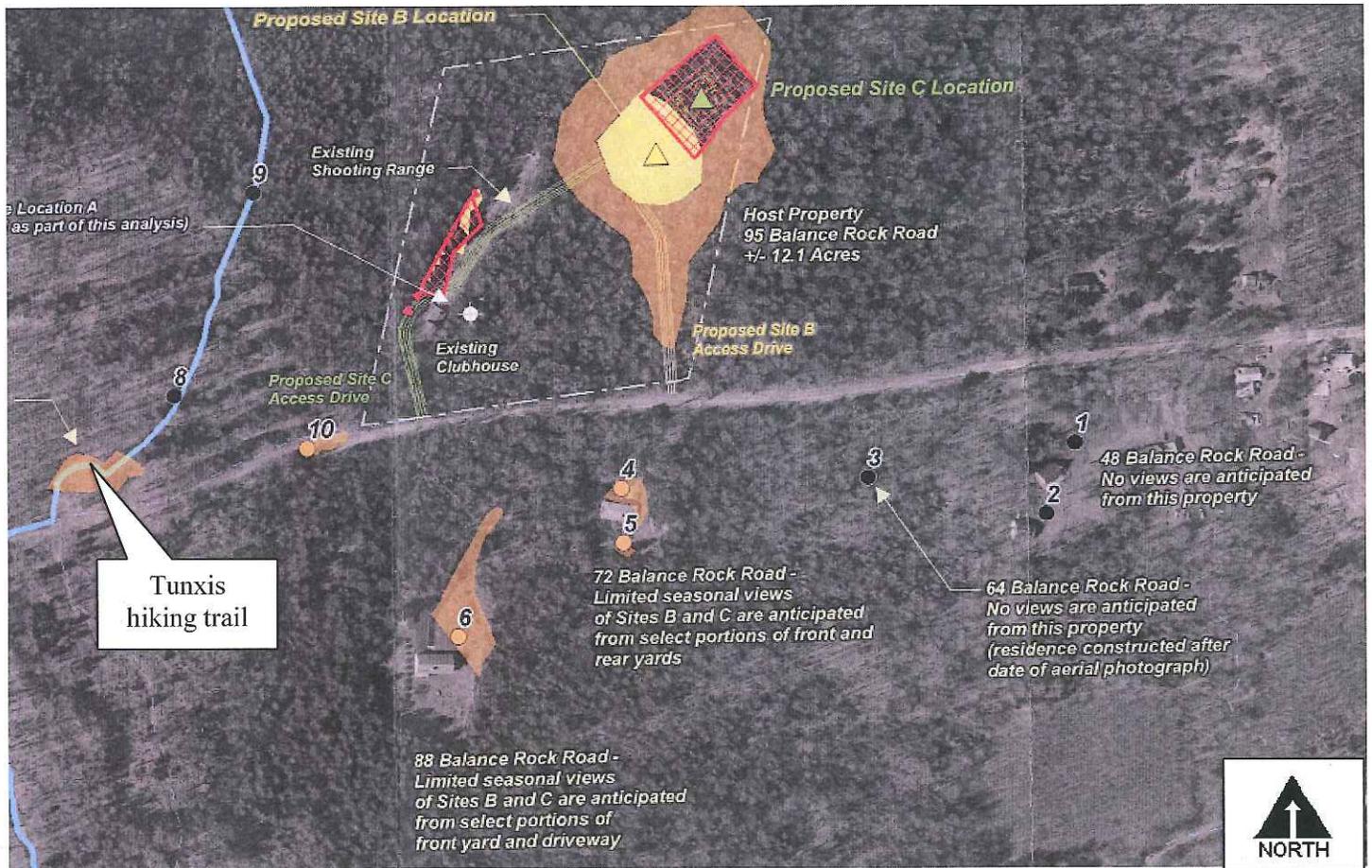
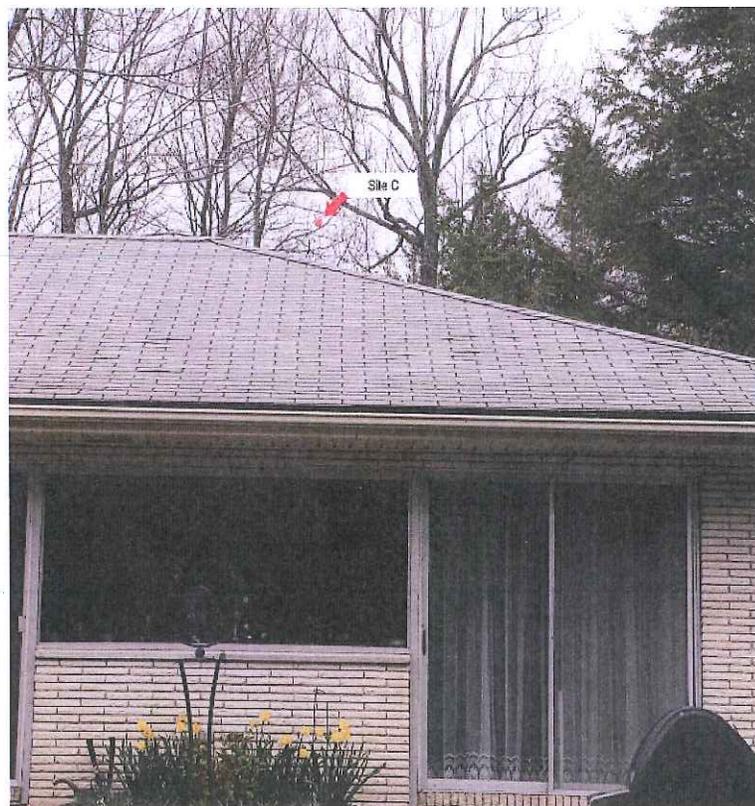


Figure 12: Projected visibility of Sites B & C from Balance Rock Road area. (AT&T 22)



**Figure 13:** Visibility of Site B & C from rear yard of 72 Balance Rock Road. (AT&T 4)



**Figure 14:** Visibility of Sites B & C from front yard of 88 Balance Rock Road. (AT&T 22)



**Figure 15:** Photosimulation of 190-foot tower at Site C from Route 20 overlook. (AT&T 22)



**Figure 16:** Photosimulation of 160-foot tower at Site B from Route 20 overlook. (AT&T 22)

**DOCKET NO. 408** - New Cingular Wireless PCS, LLC } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance and operation of a } Siting  
telecommunications facility located at 95 Balance Rock Road, }  
Hartland, Connecticut. } Council

July 28, 2011

### Opinion

On October 13, 2010, New Cingular Wireless PCS, LLC (AT&T) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility located at 95 Balance Rock Road in Hartland, Connecticut. The proposed facility would provide wireless service for AT&T to the northern portion of Hartland, including the Route 20 corridor and adjacent areas.

The property consists of a 12 acre, residentially-zoned parcel owned by the Ring Mountain Hunt Club. The parcel is located in the northern portion of the East Hartland section of town. The property is improved with a wood-frame lodge, a shooting range, and associated parking areas, all of which are located in the southwest portion of the parcel. The remaining property is heavily wooded. The parcel abuts state forest to the north, east and west. Developed residential properties abut the site to the south, across Balance Rock Road.

AT&T initially proposed to locate a tower adjacent to the lodge, referred to as Site A. During the proceeding, two other locations were proposed in the forested, northeastern portion of the property, referred to as Site B and Site C. Site B is approximately 165 feet south and 170 feet west of the Tunxis State Forest. Site C is approximately 150 feet northeast of Site B, close to the northeast corner of the property.

Access to Site A would be from the existing driveway extending from Balance Rock Road that services the shooting range and lodge. Access to Site B would be from a new, 475-foot gravel drive that would extend through forest from a new opening on Balance Rock Road. Access to Site C would be from a new gravel drive that would extend through the shooting range, then through 380 feet of forest.

Existing AT&T coverage in the area is unreliable and cannot be served by existing structures. The nearest towers are over two miles away from the proposed service area, including towers in Massachusetts and as well as Connecticut. One challenge in this area is serving the Route 20 corridor as it traverses Hartland at the north end of the Barkhamsted Reservoir. This area is referred to as the "hollow" since it lies in a deep valley with high elevation ridges to the east and west.

Although the northern area of Hartland contains little development, consisting of mostly watershed land and extensive state forest lands, the Council does find AT&T's existing service along the Route 20 corridor is inadequate and a particular need exists to improve this service. The site will hand-off coverage to existing AT&T sites to the east and west, as well as a site to the northwest in Tolland, Massachusetts.

AT&T is requesting a 190-foot monopole at one of three proposed sites to provide the maximum amount of service within the hollow. Even with a 190-foot tower at either Site A or C, an area of degraded service would still occur, given the range of elevation between the hollow and the site. A 190 foot tower at Site B would slightly improve coverage in the hollow when compared to Sites A or C. A 160-foot tower at Site B provides similar coverage to a 190-foot tower at Sites A and C.

Other potential properties in the area were examined and rejected due to inadequate coverage, existing residential use, or non-availability from a leasing perspective. Most of the land area consists of State forest or restricted watershed land owned by the Metropolitan District Commission. DEP departmental policy precludes the use of state forest for telecommunications use, and watershed land in this area is restricted from development by State statute.

Development of any of the sites would not have an adverse effect on wetland or watercourse resources. Site A would have no direct impact since it would be accessed by an existing driveway. Access to Site B would require a culvert crossing of an intermittent watercourse, impacting 45 feet of the watercourse channel, but the affected streambed can be restored within the culvert. Access to Site C would traverse an already disturbed wetland in the cleared shooting range area.

The site is within the range of the Saw-whet Owl, a State species of special concern. The forested portion of the property contains suitable habitat to support foraging and nesting for the owl. Although no owls were identified on the site property during owl surveys, the Council will restrict work from occurring between March 1 and July 1 to minimize any potential for disturbance to any nesting owls.

The property is at the edge of an extensive forested area designated by the Connecticut Audubon Society as a key bird habitat. The site would be designed to conform to the United States Fish and Wildlife Service guidelines to reduce the potential for avian collisions. The guidelines recommend that towers be less than 199 feet tall, avoid the use of aviation lighting, and avoid guy wires as tower supports.

The Council considered the visibility impacts of all three sites, with particular attention to the adjacent properties on Balance Rock Road. Any of the three towers would be minimally visible, with only one or two acres of year-round visibility from surrounding areas. The Site B tower at a height of 160 feet would have the least amount of impact. It is not anticipated to be visible year-round from any of the residences on Balance Rock Road whereas the upper portion of the Site A tower would be visible year-round from two residences. As for seasonal visibility, the upper 20 feet of the Site B tower would be visible from two residences. The upper 75 feet of the Site C tower would be seasonally visible from one residence and the upper 20 feet seasonally visible from a second residence.

Although all three towers would be visible from an overlook along Route 20, approximately 1.4 miles northwest of the sites, the 160 foot tower at Site B would be the least visually obtrusive. Other recreational resources with visibility would include seasonal visibility from spot locations along the Tunxis hiking trail, approximately 0.1 mile west of the site, and year-round visibility from the summit of Pine Mountain, an overlook along the Tunxis hiking trail approximately three miles south of the site. Views from this summit would be negligible given the distance to the tower. The Council has considered a fire tower and tree tower as stealth designs for this site, and determined the mass of these structures would be out of scale with the surroundings, extending up to 95 feet above the tree line for a 160 foot tower, and thus not appropriate.

The Council finds that a 160-foot tower is appropriate for Site B. It would be less visually obtrusive than a 190-foot tower at either Sites A or C. It would meet AT&T's coverage objectives for the area while providing co-location opportunities for other carriers. Although coverage in the Route 20 hollow will be less than ideal, this problem is a result of intervening topography that limits radio-frequency signals. To reduce disturbance during development of the site, the Council will require that the access drive follow a route through the shooting range, across already disturbed wetlands, rather than through the forested, intermittent watercourse, as proposed.

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 Federal Communications Commission's (FCC) regulations concerning such emissions. According to methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined worst case radio frequency power density levels of Celco's antennas proposed to be installed on the tower have been calculated to amount to 3.6% 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.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, maintenance and operation of a telecommunications facility at Site B, 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, maintenance, and operation of a 160-foot monopole telecommunications facility at Site B, with a modified access drive, at 95 Balance Rock Road in Hartland, Connecticut. The Council denies certification of proposed Site A and proposed Site C.

<p><b>DOCKET NO. 408</b> - New Cingular Wireless PCS, LLC }          application for a Certificate of Environmental Compatibility and }          Public Need for the construction, maintenance and operation of a }          telecommunications facility located at 95 Balance Rock Road, }          Hartland, Connecticut. }</p>	<p>Connecticut          Siting          Council          July 28, 2011</p>
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**Decision and Order**

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation 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 New Cingular Wireless PCS, LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility located at Site B at 95 Balance Rock Road in Hartland, Connecticut. The Council denies certification of the Site A and Site C also located at 95 Balance Rock Road in Hartland, Connecticut.

Unless otherwise approved by the Council, 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 the Certificate Holder and other entities, both public and private, but such tower shall not exceed a height of 160 feet above ground level.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Hartland for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, utility line, and landscaping;
  - b) details of the access road that follows a route through the shooting range to the site;
  - c) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended; and
  - d) construction schedule that avoids the time period of March 1 to July 1 to minimize potential disturbance to nesting Saw-whet owls.
3. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities’ antennas at the closest point of uncontrolled access to the tower base, and at the nearest point of abutting property lines consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. Additionally, the Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be 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.

4. 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.
5. 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.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Hartland public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service 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. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
8. Any request for extension of the time period referred to in Condition 7 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 Hartland. Any proposed modifications to this Decision and Order shall likewise be so served.
9. 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.
10. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
11. 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.
12. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.

13. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.
14. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
15. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in *The Hartford Courant* and the *Register Citizen*.

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**

New Cingular Wireless PCS, LLC

**Its Representative**

Lucia Chiocchio, Esq.  
Christopher B. Fisher, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> floor  
White Plains, NY 10601

Michele Briggs  
AT&T  
500 Enterprise Drive  
Rocky Hill, CT 06067

**Party**

Thomas H. Sirman

**Its Representative**

David F. Sherwood, Esq.  
Moriarty, Paetzold & Sherwood  
2230 Main Street, P.O. Box 1420  
Glastonbury, CT 06033-6620

**Party**

Town of Hartland

**Party**

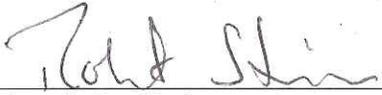
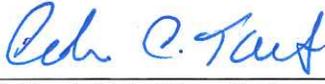
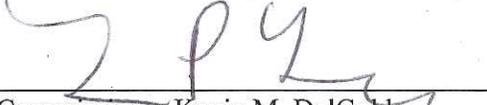
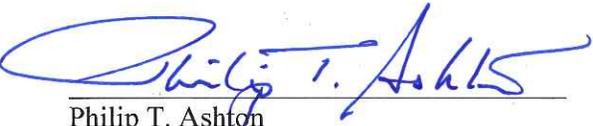
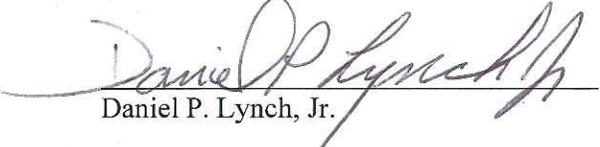
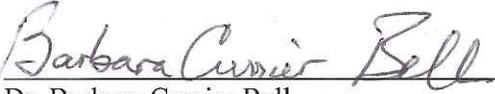
Heike M. Krauland  
64 Balance Rock Road  
East Hartland, CT 06027

**Its Representative**

Margaret F. Rattigan  
Murphy, Laudati, Kiel, Buttler &  
Rattigan, LLC  
10 Talcott Notch, Suite 210  
Farmington, CT 06032

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. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut, and voted as follows:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Robert Stein, Chairman	Yes
 _____ Colin C. Tait, Vice Chairman	No
 _____ Commissioner Kevin M. DelGobbo Designee: Larry P. Levesque	No
 _____ Commissioner Dan Esty Designee: Brian Golembiewski	Yes
 _____ Philip T. Ashton	Yes
 _____ Daniel P. Lynch, Jr.	No
_____ James J. Murphy, Jr.	Absent
 _____ Dr. Barbara Currier Bell	Yes
 _____ Edward S. Wilensky	No

Dated at New Britain, Connecticut, July 28, 2011.



# 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)

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

August 3, 2011

TO: Classified/Legal Supervisor  
**408110113**  
The Hartford Courant  
285 Broad St.  
Hartford, CT 06115

FROM:  Lisa A. Fontaine, Fiscal Administrative Officer

RE: **DOCKET NO. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, 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



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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### NOTICE

Pursuant to General Statutes § 16-50p (a), the Connecticut Siting Council (Council) announces that, on July 28, 2011, the Council considered Findings of Fact, an Opinion, and a Decision and Order regarding an application from New Cingular Wireless PCS, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut. The Council vote was tied on the motion to approve the Findings of Fact, Opinion, and Decision and Order. Therefore, the motion to approve did not pass, and the application was denied. The record of this proceeding is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.