

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Docket No. 500

5 **Arx Wireless Infrastructure, LLC application for a**
6 **Certificate of Environmental Compatibility and**
7 **Public Need for the construction, maintenance,**
8 **and operation of a telecommunications facility**
9 **located at 1061-1063 Boston Post Road,**
10 **Milford, Connecticut.**

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12
13 **VIA ZOOM AND TELECONFERENCE**

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16 **Remote Public Comment Session held on Tuesday,**
17 **June 15, 2021, beginning at 6:30 p.m.**
18 **via remote access.**

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21 **H e l d B e f o r e:**

22 **JOHN MORISSETTE, Presiding Officer**

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24
25 **Reporter: Lisa L. Warner, CSR #061**

1 **A p p e a r a n c e s :**

2
3 **Council Members:**

4 **ROBERT HANNON**
5 Designee for Commissioner Katie Dykes
6 Department of Energy and Environmental
7 Protection

8 **ROBERT SILVESTRI**

9 **EDWARD EDELSON**

10 **Council Staff:**

11 **MELANIE BACHMAN, ESQ.**
12 Executive Director and
13 Staff Attorney

14 **IFEANYI NWANKWO**
15 Siting Analyst

16 **LISA FONTAINE**
17 Fiscal Administrative Officer

18 **For Applicant Arx Wireless Infrastructure,**
19 **LLC:**

20 **COHEN & WOLF, P.C.**
21 1115 Broad Street
22 Bridgeport, Connecticut 06604
23 BY: **DAVID A. BALL, ESQ.**
24 **PHILIP C. PIRES, ESQ.**

1 **A p p e a r a n c e s: (Cont'd)**

2
3 **For Intervenor Cellco Partnership d/b/a**
4 **Verizon Wireless:**
5 **ROBINSON & COLE LLP**
6 **280 Trumbull Street**
7 **Hartford, Connecticut 06103-3597**
8 **BY: KENNETH C. BALDWIN, ESQ.**

9
10 **For Intervenor New Cingular Wireless PCS,**
11 **LLC:**
12 **CUDDY & FEDER, LLP**
13 **445 Hamilton Avenue, 14th Floor**
14 **White Plains, New York 10601**
15 **BY: KRISTEN MOTEL, ESQ.**
16 **LUCIA CHIOCCHIO, ESQ.**

17
18 **For Party City of Milford:**
19 **HURWITZ, SAGARIN, SLOSSBERG & KNUFF, LLC**
20 **147 North Broad Street**
21 **Milford, Connecticut 06460**
22 **BY: JEFFREY P. NICHOLS, ESQ.**
23 **JOHN W. KNUFF, ESQ.**

24 **Public Speakers:**

25 **STATE REP. KATHY KENNEDY**
26 **JOHN AND ENZA RICHARDS**

27 **Also present:**

28 **KEITH COPPINS, Arx Wireless**
29 **Infrastructure, LLC**
30 **DOUGLAS ROBERTS, AECOM**

31 **Zoom Co-host: Aaron Demarest**

32 ****All participants were present via remote access.**

1 MR. MORISSETTE: This remote public
2 hearing is called to order this Tuesday, June 15,
3 2021 at 6:30 p.m. My name is John Morissette,
4 member and presiding officer of the Connecticut
5 Siting Council. Other members of the Council are
6 Robert Hannon, designee for Commissioner Katie
7 Dykes of the Department of Energy and
8 Environmental Protection, Robert Silvestri and
9 Edward Edelson.

10 Members of the staff are Melanie
11 Bachman, executive director and staff attorney;
12 Ifeanyi Nwankwo, siting analyst; and Lisa
13 Fontaine, fiscal administrative officer.

14 As everyone is aware, there is
15 currently a statewide effort to prevent the spread
16 of the Coronavirus. This is why the Council is
17 holding this remote public hearing, and we ask for
18 your patience. If you haven't done so already, I
19 ask that everyone please mute their computer audio
20 and telephones now.

21 This is a continuation of a remote
22 public hearing that began at 2 p.m. this
23 afternoon. A copy of the prepared agenda is
24 available on the Council's Docket No. 500 webpage
25 with the record of this matter, the public hearing

1 notice, instructions for public access to this
2 remote public hearing, and the Council's Citizens
3 Guide to Siting Council Procedures.

4 This hearing is being held pursuant to
5 the provisions of Title 16 of the Connecticut
6 General Statutes and of the Uniform Administrative
7 Procedure Act upon an application from Arx
8 Wireless infrastructure, LLC for a Certificate of
9 Environmental Compatibility and Public Need for
10 the construction, maintenance, and operation of a
11 telecommunications facility located at 1061-1063
12 Boston Post Road in Milford, Connecticut. This
13 application was received by the Council on March
14 30, 2021.

15 The Council's legal notice of the date
16 and time of this remote public hearing was
17 published in The New Haven Register on April 27,
18 2021. Upon this Council's request, the applicant
19 erected a sign along Boston Post Road at the
20 entrance to the proposed site so as to inform the
21 public of the name of the applicant, the type of
22 facility, the remote public hearing date, and
23 contact information for the Council, including
24 website and phone number.

25 Please be advised that the Council's

1 project evaluation criteria under the statute does
2 not include consideration of property values.

3 This remote public comment session is
4 reserved for members of the public who signed up
5 in advance to make brief statements into the
6 record. These public statements are not subject
7 to questions from the parties or the Council, and
8 members of the public making statements may not
9 ask questions of the parties or the Council. In
10 fairness to everyone who has signed up to speak,
11 these public statements will be limited to three
12 minutes and will become part of the record for
13 Council consideration. Please be advised that
14 written comments may be submitted by any person
15 within 30 days of this public hearing.

16 As a reminder to all, off-the-record
17 communications with a member of the Council or a
18 member of the Council's staff upon the merits of
19 this application is prohibited by law.

20 I wish to note that parties and
21 intervenors, including their representatives,
22 witnesses and members, are not allowed to
23 participate in the public comment session. I also
24 wish to note for those who are listening and for
25 the benefit of your friends and neighbors who are

1 unable to join us tonight for this remote public
2 comment session that you or they may send written
3 comments to the Council within 30 days of the date
4 hereof by either mail or email, and such written
5 statements will be given the same weight as if
6 spoken at the remote public comment session.

7 Please be advised that any person may
8 be removed from the Zoom remote public comment
9 session at the discretion of the Council.

10 We ask each person making a public
11 statement in this proceeding to confine his or her
12 statements to the subject matter before the
13 Council and to avoid unreasonable repetition so
14 that we may hear all the concerns that you or your
15 neighbors may have. Please be advised that the
16 Council cannot answer questions from the public
17 about the proposal.

18 A verbatim transcript of this remote
19 public hearing will be posted on the Council's
20 Docket No. 500 webpage and deposited at the
21 Milford City Clerk's Office for the convenience of
22 the public.

23 At this time, I request the applicant
24 to make a brief presentation to the public
25 describing the proposed facility, Mr. Coppins and

1 Mr. Roberts, please.

2 MR. BALL: Thank you, Mr. Morissette.
3 It's David Ball, counsel for the applicant Arx
4 Wireless Infrastructure, LLC. I just wanted to
5 introduce the presenters, if I may. As you know,
6 Keith Coppins is the managing director of ARX,
7 which is based in North Haven, he is here, and
8 Doug Roberts, who is part of the team, who is a
9 senior architect at AECOM in Rocky Hill. And they
10 are prepared to present the site plans. Thank
11 you.

12 MR. MORISSETTE: Thank you, Attorney
13 Ball. Please continue.

14 MR. ROBERTS: Again, my name is Doug
15 Roberts from AECOM. Our site is located at 1063
16 Boston Post Road. We can jump to the next slide,
17 please.

18 This is an as-built survey. The Boston
19 Post Road is on our left side northwest. Home
20 Acres Avenue is to the northeast. And our site is
21 in the shaded areas to the rear of the parcel in
22 an unused section of the lot itself. We can jump
23 to the next one.

24 This is showing the depiction and the
25 location of the site itself. It's a 75 by 75

1 lease area with a 60 by 60 fenced compound. Our
2 access will be off the Boston Post Road. We'll be
3 bringing utilities in from utility poles along
4 Home Acres Avenue. And the next slide, please.

5 The compound is designed for multiple
6 carriers. We'll be bringing, like I said,
7 underground utilities to the site from the side
8 street. And it's designed for four carriers, and
9 we're showing that on the elevation. The top of
10 the Verizon antennas are 116. The top of the
11 monopole is 115. We have room for four carriers
12 on this site with ground mounted equipment. Thank
13 you.

14 MR. MORISSETTE: Thank you, Mr.
15 Roberts.

16 Just a quick note on remote public
17 hearings. Remote public hearings are quite
18 different from in-person public hearings. For
19 in-person public hearings members of the public
20 could sign in, step up to podium and offer their
21 comments. For remote public hearings, the public
22 is required to sign up to speak well in advance in
23 order to provide the Council staff with the
24 necessary time to facilitate connection
25 precautions and to prevent interruptions, or in

1 common terms, bombing of the proceedings. There
2 are protocols, procedures and consistency measures
3 that we are following as part of the remote public
4 hearing process. As I noted before, written
5 comments may be submitted within 30 days of this
6 public hearing.

7 We will now call on the list to make
8 public statements. We will call on Representative
9 Kathy Kennedy, state representative of District
10 119.

11 Representative Kennedy, welcome.

12 REP. KENNEDY: Thank you, sir, and
13 thank you to the Council. I am pleased to have
14 this opportunity to speak with you tonight. I
15 represent the 119th, which entails parts of
16 Milford and Orange, and a portion of that is Home
17 Acres Avenue along with the Boston Post Road in
18 the area where the proposed cell tower is.

19 I just want to start off by saying we
20 did submit a letter on behalf of the entire
21 Milford delegation, which consists of myself,
22 Representative Charles Ferraro, Representative
23 Frank Smith and Senator James Maroney. We're not
24 opposed to, and I don't believe the neighbors that
25 I spoke to are necessarily opposed to, the

1 installation of a cell tower, but the location of
2 this cell tower. We feel that a more suitable
3 location is possible. And based on what I've read
4 and the information I have, we believe, and in
5 speaking with the neighbors, that enough due
6 diligence was not done by ARX to possibly come up
7 with another location. I also had the opportunity
8 to sit in this afternoon at the 2 o'clock, so I
9 thank you for that opportunity. And it was stated
10 by Mr. Coppins that they would be amenable to
11 moving to a different location.

12 My other concern is it was asked by one
13 of the members of the Council if -- I'm sorry, I'm
14 just looking at my notes -- regarding the coverage
15 analysis, and I didn't think that the answer was
16 very thorough. But that was just my observations
17 of today's 2 o'clock. As I said, I spoke with a
18 number of residents that live primarily on Home
19 Acres Avenue, and their concern is the tower size,
20 which I believe my notes said is 160, but then 116
21 in the document, so I'm not sure there.

22 So that's why I'm coming here on behalf
23 of the residents of Home Acres Avenue and the
24 surrounding streets, Corona Avenue and Corona
25 Circle. I would respectfully request that a new

1 location be determined and that the Council reject
2 this application. I'm happy to answer any
3 questions, otherwise I thank you very much for the
4 opportunity to speak tonight. Thank you, sir.

5 MR. MORISSETTE: Thank you,
6 Representative Kennedy. I appreciate your
7 comments and your attendance. Thank you.

8 We'll now call upon John and Enza
9 Richards. John and Enza Richards, please.

10 ENZA RICHARDS: Hello. Thank you for
11 the opportunity for us to be here today. We
12 really appreciate it. To date, we have collected
13 approximately, or exactly 232 signatures for a
14 petition to not put the cell tower in our
15 neighborhood. We happen to live right across the
16 street. I'm looking at it right now. We're at 28
17 Home Acres Avenue. So the location of the
18 proposed cell tower would be situated in a
19 residential property even though it's behind
20 Mexico Tipico and Firestone. It would sit
21 directly behind our neighbor's backyard, literally
22 in his backyard, and directly in front of us, less
23 than 300 meters.

24 There have been studies that were
25 conducted, and we do have copies of those, that

1 support the strong concerns over the health and
2 safety of cell towers in proximity of families,
3 people, wildlife. And I can speak for myself.
4 When I'm in close proximity to a cell tower for a
5 period of time, I do get very ill. I can feel it.
6 I get nauseous and I get dizzy, so I know that
7 there's substance to those studies. One of the
8 things the studies have indicated that it makes
9 the air toxic for people living within 300 meters.

10 But besides these strong health
11 concerns, and I know you did note it earlier,
12 there's also a devaluing of our property, and
13 that's a strong concern for myself and our
14 neighbors. The surrounding neighborhood,
15 including Corona and Spruce, have families, have
16 elderly that are, again, potentially impacted by
17 the impacts of having a cell tower so close to us.

18 We lovingly have cared for our home.
19 Since 1952 it's been in our family. We're the
20 third generation raising our family here. We
21 respectfully ask that you imagine a cell tower
22 placed in front of your home or directly in back
23 of your yard or even down the street. Imagine the
24 worry that it would cause you, the concerns and
25 the heartbreak. So we appeal to you and ask you

1 that you do not allow this cell tower in our
2 neighborhood.

3 Anything to add?

4 JOHN RICHARDS: Just thank you for the
5 opportunity to address our concerns. We really
6 appreciate it.

7 ENZA RICHARDS: Thank you.

8 JOHN RICHARDS: Those are our concerns.
9 Beyond that, I know where -- the Mayor has
10 consulted with us -- and where the proposal is.
11 It is zoned in an R-12.5 which is a one-family
12 residential zone. And I know Attorney Berchem is
13 going to address that.

14 MR. MORISSETTE: Very good. Thank you
15 so much for your comments. We really appreciate
16 you coming out tonight to voice your opinions.
17 Thank you.

18 JOHN RICHARDS: Thank you.

19 ENZA RICHARDS: Thank you.

20 MR. MORISSETTE: The Council announces
21 that it will continue the evidentiary session of
22 this public hearing on Tuesday, July 27, 2021, at
23 2 p.m. via Zoom remote conferencing. A copy of
24 the agenda for the continued remote evidentiary
25 hearing session will be available on the Council's

1 Docket No. 500 webpage, along with the record of
2 this matter, the public hearing notice,
3 instructions for public access to the remote
4 evidentiary hearing session, and the Council's
5 Citizens Guide to Siting Council Procedures.

6 Please note that anyone who has not
7 become a party or intervenor but who desires to
8 make his or her views known to the Council may
9 file written statements with the Council until the
10 public comment record closes.

11 Copies of the transcript of this
12 hearing will be filed at the Milford City Clerk's
13 Office.

14 I hereby declare this hearing
15 adjourned, and I thank everyone for their
16 participation. Thank you very much. Have a good
17 evening.

18 (Whereupon, the above proceedings
19 adjourned at 6:46 p.m.)
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1 CERTIFICATE FOR REMOTE HEARING

2
3 I hereby certify that the foregoing 15 pages
4 are a complete and accurate computer-aided
5 transcription of my original stenotype notes taken
6 of the REMOTE PUBLIC COMMENT SESSION IN RE:
7 DOCKET NO. 500, ARX WIRELESS INFRASTRUCTURE, LLC
8 APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL
9 COMPATIBILITY AND PUBLIC NEED FOR THE
10 CONSTRUCTION, MAINTENANCE, AND OPERATION OF A
11 TELECOMMUNICATIONS FACILITY LOCATED AT 1061-1063
12 BOSTON POST ROAD, MILFORD, CONNECTICUT, which was
13 held before JOHN MORISSETTE, PRESIDING OFFICER, on
14 June 15, 2021.

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21 Lisa L. Warner, CSR 061
22 Court Reporter
23 BCT REPORTING, LLC
24 55 WHITING STREET, SUITE 1A
25 PLAINVILLE, CONNECTICUT 06062