

**STATE OF CONNECTICUT  
SITING COUNCIL**

**DOCKET NO. 502 - 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 118 Newton Road, Woodbridge, Connecticut**

SEPTEMBER 16, 2021

**MOTION FOR HEARING CONTINUATION TO ACCEPT SHPO RULINGS OR IN THE ALTERNATIVE TO DENY THE APPLICATION AS INCOMPLETE**

WNNET, Intervenor in these proceedings, hereby moves the Council to continue the hearing on this matter to a session in mid-October 2021 to allow the State Historic Preservation Office to provide its opinion on whether the alternative site at 15 Meetinghouse Lane has any likelihood of adverse impact to historic resources on the grounds that the Intervenors have demonstrated that there exists an alternative site which meets the public need for wireless coverage and poses lesser impact to scenic resources and which the Applicant, without any basis in the record other than proximity, suggests may have such impact.

In the alternative, Intervenor moves the Council to deny the Application on the grounds that it is incomplete by virtue of having failed to submit a SHPO opinion on the relative impacts to historic, archeological, cultural or environmental impacts as required under NEPA.

**BACKGROUND**

At the previous hearing, Intervenors presented the Council with expert testimony from Isotrope that there exists an available alternative macro site of lesser impact on Meetinghouse Road which the Hearing Officer described as “a very good alternative” (Transcript 8/31/21, p.69, In 15-17).

As a result, the Council asked the Applicant to provide coverage plots for the

Meetinghouse Road sites. In the interim, Intervenors conducted a drive test for the 15 Meetinghouse Road alternative using a live transmitter in current real world conditions – a type of test the Applicant’s RF engineer described as “more accurate” and using “actual measurements” as opposed to Applicant’s coverage modeling “which has a certain margin of error”. (Transcript 8/31/21, p. 43, ln 2 – 9).

That drive test indicates that the coverage provided from 15 Meetinghouse Road provides at least equivalent if not better coverage than the proposed tower at 118 Newton Road and poses almost material visual impact because it is surrounded by 500ft of vegetation. Thus, the site is truly “a very good alternative”.

However, in Applicant’s responses to the Council’ inquiries filed on September 14<sup>th</sup>, Verizon suggested – without any actual evidence - that the Meetinghouse Road site was inadequate due to its proximity to the Woodbridge Town Green Historic District. Intervenor has initiated a request to the State Historic Preservation Office for a determination of whether there is any adverse impact which is not yet available.

**A. The known information submitted in this proceeding indicates that Verizon’s suggestion of historic impact is speculative.**

The National Historic Register Application for the Woodbridge Green is found at <https://npgallery.nps.gov/AssetDetail/NRIS/03000233>

A casual review reveals that the Woodbridge Green Historic District was accepted by the National Register with the police radio tower at 4 Meetinghouse Lane (not to be confused with 15 Meetinghouse Lane) featuring prominently in one of the application photos (photo #9 - <https://npgallery.nps.gov/GetAsset/7e2a2f6b-e1b4-47bd-9dbc-3b6d0a3f51fc> ).<sup>1</sup>

If the Council is to entertain Verizon’s *suggestion* of adverse impact, then in

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<sup>1</sup> That existing radio tower is currently *in* the district – 15 Meetinghouse Lane is *adjacent* at the public works department and at a lower elevation.

conducting a fundamentally fair hearing, it should wait for a determination from SHPO before rendering a decision to reject (or accept) Meetinghouse Lane as a viable alternative.

**B. Intervenor suggests that there are two alternative ways of handling this issue other than waiting for a SHPO determination:**

1. **Weigh the evidence in the record which shows that Meetinghouse Lane is in fact an equivalent site of lesser impact** which is unlikely to have any impact whatsoever on historic or cultural resources. (See Isotrope Late File 9-14-21 including photos)

2. **Deny the Application without prejudice** on the grounds that Verizon's application is incomplete because:

a. **Applicant failed to meet its burden to adequately locate and analyze the Meetinghouse Lane alternative.**

b. **Applicant has also failed to provide evidence of consultation with SHPO** and instead has only provided a "preliminary" historic resources determination prepared by a project manager, Brian Gaudet, an engineer with no credentials as an architectural historian (Application Attachment 12). That preliminary letter admits that "*As part of its obligations for compliance with the National Environmental Policy Act ("NEPA"), Verizon Wireless will be submitting required documentation to the State Historic Preservation Office ("SHPO") for that agency's review and determination. The SHPO submission will be prepared by a qualified architectural historian that meets criteria developed by the*

Secretary of the Interior. ***That process has not yet been initiated.***" (emphasis added)<sup>2</sup>

**c. Applicant failed to meet the requirements of NEPA and NHPA** which is federally mandated of wireless carriers, over and above any requirements imposed by the Council. Among the items on the NEPA checklist are things reported in Attachments 10 (USFWS, NDDDB Compliance determination), Attachment 11 (Wetlands inspection report), Attachment 13 Farmland soils map, Attachment 15 National Flood Hazard map and Attachment 17 FAA, however, no evidence of consultation with Tribal Nations have been submitted.

Further, Verizon's ***Preliminary*** Historic Resources Determination displays an archaeological asset close to the site. An actual consultation and complete NEPA review might determine that a Phase 1 archaeological investigation should be conducted.

## **C. CONCLUSION**

In conclusion, the Applicant tried to suggest that Intervenor's alternative site at 15 Meetinghouse was inadequate by suggesting that the coverage maps were of lesser reliability. When WNNET conducted a CW drive test to confirm the coverage maps, Verizon switched tactics to suggest that the alternative site might create historic impact.

In fairness, in order to fairly carry out the requirements of PUESA to balance public need (coverage) with environmental compatibility (visual impact) the Council must require Applicant to submit a proper SHPO consultation and to allow Intervenor the same opportunity so it has a complete record;

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<sup>2</sup> There is no evidence in Docket 502 that Verizon has subsequently done a credentialed review, submitted to SHPO, or received SHPO determination. Why would citizen intervenors be held to a higher standard?

Or in the alternative, the Council should simply recognize that Intervenor has demonstrated that there is sufficient record evidence that an alternative facility location of lesser impact exists which it should direct Applicant to explore.

Respectfully Submitted,

WNNET,

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was deposited in the United States mail, first-class, postage pre-paid this 16th day of September 2021 and addressed to:

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