

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Docket No. 504

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 Lot N-4, Sequin Drive,**
10 **Glastonbury, Connecticut.**

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12
13 **VIA ZOOM AND TELECONFERENCE**

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16 **Public Comment Session held on Thursday,**
17 **August 19, 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 **EDWARD EDELSON, Presiding Officer**

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

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

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3 **Council Members:**

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

8 **QUAT NGUYEN**
9 Designee for Chairman Marissa Paslick
10 Gillett
11 Public Utilities Regulatory Authority

12 **ROBERT SILVESTRI**

13 **LOUANNE COOLEY**

14 **Council Staff:**

15 **MELANIE BACHMAN, ESQ.**
16 Executive Director and
17 Staff Attorney

18 **IFEANYI NWANKWO**
19 Siting Analyst

20 **LISA FONTAINE**
21 Fiscal Administrative Officer

22 **For Applicant Arx Wireless Infrastructure,**
23 **LLC:**

24 **COHEN & WOLF, P.C.**
25 1115 Broad Street
26 Bridgeport, Connecticut 06604
27 BY: **PHILIP C. PIRES, ESQ.**
28 **DAVID A. BALL, ESQ.**

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

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3
4 **For Intervenor New Cingular Wireless PCS,
LLC (AT&T):**

5 **CUDDY & FEDER, LLP**
6 **445 Hamilton Avenue, 14th Floor**
7 **White Plains, New York 10601**
8 **BY: KRISTEN MOTEL, ESQ.**

9
10 **ALSO PRESENT: Douglas Roberts, architect**

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12 **PUBLIC SPEAKER: Matthew Ranelli, Esq.,**
13 **Shipman & Goodwin LLP, for the Town of**
14 **Glastonbury**

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16 **Zoom co-host: Aaron Demarest, Zoom co-host**

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

1 MR. EDELSON: Good evening, ladies and
2 gentlemen. This remote public hearing is called
3 to order this Thursday, August 19, 2021, at 6:30
4 p.m. My name is Ed Edelson, member and presiding
5 officer of the Connecticut Siting Council. Other
6 members of the Council are Robert Hannon, designee
7 for Commissioner Katie Dykes of the Department of
8 Energy and Environmental Protection; Quat Nguyen,
9 designee for Commissioner Marissa Paslick Gillett
10 of the Public Utilities Regulatory Authority;
11 Robert Silvestri; Louanne Cooley; and I don't
12 believe Mr. Lynch was able to join us tonight.

13 Members of the staff are Melanie
14 Bachman, executive director and staff attorney;
15 Ifeanyi Nwankwo, siting analyst; and Lisa
16 Fontaine -- somebody seems to not be on mute, if
17 you could check yourself -- okay, Lisa Fontaine,
18 fiscal administrative officer.

19 Please note there is currently a
20 statewide effort to prevent the spread of the
21 Coronavirus. This is why the Council is holding
22 this first ever remote public hearing, and we ask
23 for your patience. If you haven't done so
24 already, I ask that everyone please mute their
25 computer audio and/or telephone now.

1 This is a continuation of a remote
2 public hearing that began at 2 p.m. this
3 afternoon. A copy of the prepared agenda is
4 available on the Council's Docket No. 504 webpage,
5 along with the record of this matter, the public
6 hearing notice, instructions for public access to
7 the remote public hearing, and the Council's
8 Citizens Guide to Siting Council Procedures.

9 This hearing is held pursuant to the
10 provisions of Title 16 of the Connecticut General
11 Statutes and of the Uniform Administrative
12 Procedure Act upon an application from Arx
13 Wireless Infrastructure, LLC for a Certificate of
14 Environmental Compatibility and Public Need for
15 the construction, maintenance, and operation of a
16 telecommunications facility located at Lot N-4,
17 Sequin Drive, Glastonbury, Connecticut. The
18 application was received by the Council on June 4,
19 2021.

20 This application is governed by the
21 Telecommunications Act of 1996, which is
22 administered by the Federal Communications
23 Commission. This act prohibits this Council from
24 considering the health effects of radio frequency
25 emissions on human health and wildlife to the

1 extent the emissions from towers are within the
2 federal acceptable safe limits standard, which
3 standard is also followed by the state Department
4 of Public Health. The Federal Act also prohibits
5 this Council from discriminating between and
6 amongst providers of functionally equivalent
7 services. This means that if one carrier already
8 provides service for an area, other carriers have
9 a right to compete and provide service for the
10 same area.

11 The Council's legal notice of the date
12 and time of this remote public hearing was
13 published in The Glastonbury Citizen on July 22,
14 2021. Upon this Council's request, the applicant
15 erected a sign along Sequin Drive at the entrance
16 of the proposed site so as to inform the public of
17 the name of the applicant, the type of facility,
18 the remote public hearing date, and contact
19 information for the Council, including website and
20 phone number.

21 This remote public comment session is
22 reserved for the public to make brief statements
23 into the record. These public statements are not
24 subject to questions from the parties or the
25 Council, and members of the public making

1 statements may not ask questions of the parties or
2 the Council. These statements will become part of
3 the record for the Council's consideration.

4 Please be advised that written comments may be
5 submitted by any person within 30 days of this
6 public hearing.

7 As a reminder to all, off-the-record
8 communication with a member of the Council or a
9 member of the Council staff upon the merits of
10 this application is prohibited by law.

11 I wish to note that parties and
12 intervenors, including their representatives,
13 witnesses and members, are not allowed to
14 participate in the public comment session.

15 I also wish to note for those who are
16 listening, and for the benefit of your friends and
17 neighbors who are unable to join us for the remote
18 public comment session, that you or they may send
19 written comments to the Council within 30 days of
20 the date hereof, by mail or by email, and such
21 written statements will be given the same weight
22 as if spoken at the remote public comment session.
23 Please be advised that any person may be removed
24 from the Zoom remote public comment session at the
25 discretion of the Council.

1 We ask each person making a public
2 statement in this proceeding to confine his or her
3 statements to the subject matter before the
4 Council and to avoid unreasonable repetition so
5 that we may hear all of the concerns you and your
6 neighbors have. Please be advised that the
7 Council cannot answer questions from the public
8 about the proposal.

9 A verbatim transcript of this remote
10 public hearing will be posted on the Council's
11 Docket No. 504 webpage and deposited at the
12 Glastonbury Town Clerk's Office for the
13 convenience of the public.

14 Please be advised that the Council's
15 project evaluation criteria under the statute does
16 not include consideration of property values.

17 Before I call on members of the public
18 to make statements, I request the applicant to
19 make a very brief presentation to the public
20 describing the proposed facility. And I believe
21 that will be done by Mr. Coppins and Mr. Roberts,
22 and the floor is yours.

23 MR. ROBERTS: Thank you. I guess if we
24 can go to the -- thank you very much. This is our
25 project located on Sequin Drive. You can probably

1 jump to the next sheet, C-1, would be the best.

2 Our site itself is located on this 11
3 acre parcel. Access is off Sequin Drive. Our
4 utilities, both natural gas, electric and fiber,
5 will be brought in from that location. Our access
6 road is approximately 250 feet long. We are
7 developing a 50 by 50 compound, fenced compound
8 for the carriers to locate within. And we also
9 have a 115 foot monopole in that compound.

10 If we can jump to C-2, please. We have
11 AT&T as the first one on the site, and they're
12 shown on the top of the monopole. And we're
13 showing their equipment shelter as well as their
14 back-up generator. You can see we have a
15 turn-around as well as utilities at the base of
16 the tower. And that's pretty much the site.
17 Thank you.

18 MR. EDELSON: That completes your
19 presentation, correct?

20 MR. ROBERTS: Yes. Thank you.

21 MR. EDELSON: I just want to be sure.
22 Just a note on remote public hearings. Remote
23 public hearings are quite different from in-person
24 public hearings. For in-person public hearings
25 members of the public could sign in, step up to

1 the podium and offer their comments. For remote
2 public hearings the public is required to sign up
3 to speak in advance in order to provide Council
4 staff with the time necessary to facilitate
5 connection precautions to prevent interruption, or
6 in common terms bombings of the proceedings.
7 There are protocols, procedures and consistency
8 measures that are followed as part of the remote
9 public hearing process. Again, written comments
10 may be submitted within 30 days of the public
11 hearing.

12 And we have our first person who has
13 asked to speak. Okay, I just want to make sure
14 he's there. So I'm going to call on Mr. Ranelli
15 to make a public statement on behalf of the town.
16 Mr. Ranelli.

17 MR. RANELLI: Yes. Good evening, Mr.
18 Edelson and members of the Council. I'm Matt
19 Ranelli from the law firm of Shipman & Goodwin,
20 and we represent the Town of Glastonbury. I know
21 I have three minutes, but I want to use the first
22 part just to say thank you to the Council and the
23 staff for accommodating us to speak at the public
24 portion this evening. We appreciate this
25 opportunity. And then I'll just try to be as

1 direct as possible to stay within the time limits.

2 The town, you know, reluctantly opposes
3 this application because the town prefers another
4 site, 311 Oakwood Drive, for which it is actively
5 preparing an application. We believe that the
6 Oakwood Drive site and the application that is
7 being prepared for a 156 foot, approximately 156
8 foot tower would be better suited to serve this
9 area not only for the primary tenant but for
10 co-location purposes for tenants further down the
11 tower.

12 And we also think that some of the
13 information that is in response to the
14 interrogatories and that was presented at the
15 evidentiary hearing may understate the coverages
16 that are available from that location because of
17 assumptions that were made. Not that there was
18 anything nefarious, I'm not saying that, but I'll
19 explain. It appears the response to Interrogatory
20 15 and the propagation study that was done by
21 AT&T, in their words, used a similar tower, and it
22 was confirmed to us, to the town, that it was a
23 111 foot tower. So it did not do a propagation
24 study at the tower that's being prepared for a
25 proposal at 156 feet, which we think will enhance

1 the coverage provided by that tower not only for
2 the main tenant, but as you go down, the proposed
3 tower at Sequin Drive at 111 feet and 12 foot
4 intervals would have the second, third and fourth
5 position at 99, 87 and 75 feet may not be
6 attractive, so we may end up having more poles
7 than needed and that's something the town would
8 like to avoid. In addition, the town is going to
9 house its emergency communication antennas on top
10 of this tower at Oakwood Drive, so that is also
11 attractive to us given that we own, the town owns
12 the site.

13 As you heard, the site was the subject
14 of an RFP. It is within the search radius, the
15 quarter mile of ARX. The town has to follow an
16 RFP process. It may not be as swift as working
17 with a private landowner, but we don't feel the
18 town should be excluded or penalized for following
19 sort of good government practice, and we ask
20 respectfully that the commission or the Council
21 either deny this application without prejudice or
22 at a minimum ask that the applicant and its tenant
23 provide the RF study. They indicated that it had
24 been done and was complete so that won't require
25 any additional work, and it will clarify whether

1 it was done at 151 feet or at 111 feet. I know
2 I've run out of time, and I don't want to impose,
3 so I will stop there.

4 (Pause.)

5 MR. EDELSON: Sorry about that. We
6 were just having a little unmuting and muting
7 problem. But thank you for your statement,
8 Mr. Ranelli. And it's good to be back with my
9 voice. Thank you.

10 At this point there are no other people
11 who've signed up to make a comment, so let me make
12 the following notes before we close. Before
13 closing the evidentiary record of this matter, the
14 Connecticut Siting Council announces that briefs
15 and proposed findings of fact may be filed with
16 the Council by any party or intervenor no later
17 than September 18, 2021. The submission of briefs
18 or proposed findings of fact are not required by
19 this Council, rather, we leave it to the choice of
20 the parties and the intervenors.

21 Anyone who has not become a party or
22 intervenor but who desires to make his or her
23 views known to the Council may file written
24 statements with the Council within 30 days of the
25 date hereof. The Council will issue draft

1 findings of fact, and thereafter parties and
2 intervenors may identify errors or inconsistencies
3 between the Council's draft findings of fact and
4 the record. However, no new information, no new
5 evidence, no argument and no reply briefs, without
6 our permission, will be considered by the Council.

7 Copies of the transcript of this
8 hearing will be filed at the Glastonbury Town
9 Clerk's Office. I hereby declare this hearing
10 adjourned. Thank you for your participation. And
11 I hope everybody has a good evening. Thank you.

12 (Whereupon, the public comment session
13 concluded at 6:44 p.m.)

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1 CERTIFICATE FOR REMOTE HEARING

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3 I hereby certify that the foregoing 14 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. 504, 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 LOT N-4,
12 SEQUIN DRIVE, GLASTONBURY, CONNECTICUT, which was
13 held before EDWARD EDELSON, PRESIDING OFFICER, on
14 August 19, 2021.

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19 -----
20 Lisa L. Warner, CSR 061
21 Court Reporter
22 A PLUS REPORTING SERVICE
23 55 WHITING STREET, SUITE 1A
24 PLAINVILLE, CONNECTICUT 06062
25