



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 502

Tuesday, July 13, 2021

2:00 p.m./6:30 p.m.

Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Motions

1. Ochsner Place LLC Request for Party Status and CEPA Intervenor Status, dated June 22, 2021
2. WNNET Motion for Hearing in Woodbridge or New Haven County and Site Visit, dated June 28, 2021

C. Administrative Notice taken by Council

FEDERAL

1. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields*, OET Bulletin No. 56, August 1999, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf
2. FEDERAL COMMUNICATIONS COMMISSION, OFFICE OF ENGINEERING AND TECHNOLOGY, *Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, OET Bulletin No. 65, August 1997, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf
3. FEDERAL COMMUNICATIONS COMMISSION, *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation Report and Order*, August 1, 1996, available at https://transition.fcc.gov/Bureaus/Engineering_Technology/Orders/1996/fcc96326.pdf
4. Telecommunications Act of 1996, as amended, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C), available at <https://transition.fcc.gov/Reports/tcom1996.pdf>
5. FEDERAL COMMUNICATIONS COMMISSION, *Warning, Alert and Response Network Act*, Pub. L. No. 109-437, 120 Stat. 1936 (2006), (codified at 47 U.S.C. §332(d)(1)) (2006), available at <https://transition.fcc.gov/pshs/docs/emergency-information/emas-warn-act.pdf>

6. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b, as amended, *available at* <https://www.congress.gov/bill/106th-congress/house-bill/438/text/ih>.
7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942, as amended, *available at* <https://www.gpo.gov/fdsys/pkg/PLAW-108publ494/pdf/PLAW-108publ494.pdf>
8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment 2012, *available at* <https://www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf>
9. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307, as amended, *available at* <https://www.gpo.gov/fdsys/pkg/CFR-2013-title47-vol1/pdf/CFR-2013-title47-vol1-sec1-1307.pdf>
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310, as amended, *available at* <https://www.gpo.gov/fdsys/pkg/CFR-2002-title47-vol1/pdf/CFR-2002-title47-vol1-sec1-1310.pdf>
11. Presidential Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
12. Presidential Order No. 13616, Accelerating Broadband Infrastructure Development, 77 Fed. Reg. 119 (June 14, 2012), *available at* <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf>
13. Presidential Policy Directive No. 21, Critical Infrastructure Security and Resilience, February 12, 2013, *available at* <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil>
14. DIVISION OF MIGRATORY BIRD MANAGEMENT, UNITED STATES FISH & WILDLIFE SERVICE, UNITED STATES DEPARTMENT OF THE INTERIOR, *Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance and Decommissioning*, last updated August 2016, *available at* <https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance.pdf>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places* *available at* <https://www.nps.gov/subjects/nationalregister/index.htm>
16. FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1L*, December 4, 2015, *available at* https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf
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19. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2017*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, June 2018, available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201806.pdf>
20. FEDERAL COMMUNICATIONS COMMISSION, *Public Notice – Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012*, DA 12-2407, January 25, 2013, available at https://apps.fcc.gov/edocs_public/attachmatch/DA-12-2047A1.pdf
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24. FEDERAL COMMUNICATIONS COMMISSION, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, *Second Report and Order*, FCC 18-30, March 30, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-30A1.pdf>
25. FEDERAL COMMUNICATIONS COMMISSION, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment/Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, *Third Report and Order and Declaratory Ruling*, FCC 18-111, August 3, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-111A1.pdf>
26. FEDERAL COMMUNICATIONS COMMISSION, *FCC Fact Sheet: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, *Third Report and Order*, FCC 18-133, September 27, 2018, available at <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
27. FEDERAL COMMUNICATIONS COMMISSION, *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, *Declaratory Ruling and Notice of Proposed Rulemaking*, FCC 20-75, June 10, 2020, available at <https://ecfsapi.fcc.gov/file/0610971105336/FCC-20-75A1.pdf>
28. FEDERAL COMMUNICATIONS COMMISSION, *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, *Report and Order*, FCC 20-153, November 3, 2020, available at <https://docs.fcc.gov/public/attachments/FCC-20-153A1.pdf>
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33. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-432
34. **DOCKET NO. 486** - Tarpon Towers II, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 796 Woodin Street, Hamden, Connecticut, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-486--TarponHamden

Department of Energy and Environmental Protection

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Department of Transportation

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58. *Connecticut Energy Marketers Association v. Dept. of Energy and Environmental Protection*, 324 Conn. 362 (2016).

TECHNICAL

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ENVIRONMENTAL

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MAPS

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78. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>
79. Mail-A-Map Street Map, Woodbridge, available at <http://mailamap.com/street-maps>
80. UNITED STATES GEOLOGICAL SURVEY, Interactive Topographical Map Viewer, available at <https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.06>

D. State Agency comments

1. Connecticut Airport Authority Comments, dated June 8, 2021

E. Public Official comments

1. Senator Richard Blumenthal Comments, dated June 21, 2021
2. Senator Cabrera, Senator Maroney and Representative Welander Comments, dated May 26, 2021

II. Appearance by Applicant

Applicant:	Cellco Partnership d/b/a Verizon Wireless
Representative:	Kenneth C. Baldwin, Esq. Robinson & Cole LLP

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Cellco Partnership d/b/a Verizon Wireless, received May 13, 2021, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Technical Report
 - b. Zoning Regulations for the Town of Woodbridge
 - c. Town of Woodbridge Inland Wetlands and Watercourses Regulations
 - d. Town of Woodbridge 2015-25 Plan of Conservation and Development
2. Applicant's Affidavit of Publication, dated May 24, 2021
 3. Signed Protective Order, dated June 3, 2021
 4. Applicant's Responses to Council Interrogatories, Set One, dated June 30, 2021
 5. Applicant's Sign Posting Affidavit, dated July 12, 2021
 6. Applicant's Corrected Revised Viewshed Map "Area of Seasonal Visibility", dated July 13, 2021

C. Swear Witnesses

1. Ziad Cheiban, Radio Frequency Engineer, Verizon Wireless
2. Timothy Parks - Real Estate/Regulatory Specialist, Verizon Wireless
3. Sylvester Bhembe, Project Manager, Hudson Design Group LLC
4. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corp. P.C.
5. Brian Gaudet, Project Manager, All-Points Technology Corp. P.C.
6. Dean Gustafson, Senior Wetland Scientist and Professional Soil Scientist, All-Points Technology Corp. P.C.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Woodbridge Newton Neighborhood Environmental Trust (WNNET)
3. Town of Woodbridge

III. Appearance by Intervenor/CEPA Intervenor: Woodbridge Newton Neighborhood Environmental Trust (WNNET)

Representative: Keith R. Ainsworth, Esq.

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. WNNET's Application to Intervene Under CEPA §22a-19, §4-177a and §16-50n, dated June 8, 2021
2. WNNET's Pre-Filed Testimony of Richard B. Feldman, dated May 20, 2021
3. WNNET's Responses to Council Interrogatories, Set One, dated July 6, 2021 and attached photographs:
 - a. 06/25/2021 Mark Greengarden/end of Soundview cul-de-sac
 - b. 11/09/2020 15 Soundview Drive Ring doorbell camera
 - c. 04/15/2021 Judy Letis/backyard of 7 Soundview Drive
 - d. 03/20/2021 Michele Greengarden/end of 15 Soundview Drive driveway
 - e. 03/10/2021 Kristy Laydon/facing Soundview Drive cul-de-sac
 - f. 03/10/2021 Mark Greengarden/from Soundview Drive cul-de-sac
 - g. 03/10/2021 Mark Greengarden/from Soundview Drive cul-de-sac
 - h. 03/10/2021 Mark Greengarden/from 15 Soundview Drive driveway
 - i. 03/10/2021 Mark Greengarden/from 15 Soundview Drive garage
 - j. 03/10/2021 Mark Greengarden/from 15 Soundview Drive garage (2nd floor)
 - k. 03/10/2021 Mark Greengarden/from 15 Soundview Drive master bedroom
 - l. 03/10/2021 Kristy Laydon/from in front of 114 Newton Road
 - m. 03/10/2021 Steven Kleinstein/from corner of Newton and Swamp
 - n. 03/10/2021 Steven Kleinstein/from Newton - Burnt Swamp intersection
 - o. 03/10/2021 Kristy Laydon/from backyard of 8 Forest Glen Drive
 - p. 03/10/2021 Kristy Laydon/from backyard of 16 Forest Glen Drive

C. Swear Witnesses

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Applicant
3. Town of Woodbridge

IV. Appearance by Party:	Town of Woodbridge (Town)
Representatives:	Ira W. Bloom, Esq. Nicholas R. Bamonte, Esq. Berchem Moses PC

A. Administrative Notice.

B. Exhibits for Identification.

1. Town of Woodbridge Request for Party Status, dated June 9, 2021
 2. Town of Woodbridge Pre-filed Testimony of First Selectwoman Beth Heller, dated June 6, 2021
- C. Swear Witnesses
1. Beth Heller, First Selectwoman, Town of Woodbridge
- D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
1. Council
 2. Applicant
 3. WNNET
- V. Continuation by Siting Council.