

# STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL
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Hearing Program
Docket No. 507
Tuesday, March 15, 2022
2:00 p.m./6:30 p.m.
Zoom Remote Public Hearing

- I. Opening by Council
  - A. Statement read by Presiding Officer.
  - B. 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 <a href="https://transition.fcc.gov/Bureaus/Engineering\_Technology/Documents/bulletins/oet56/oet56e4.pdf">https://transition.fcc.gov/Bureaus/Engineering\_Technology/Documents/bulletins/oet56/oet56e4.pdf</a>
- 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 <a href="https://transition.fcc.gov/Bureaus/Engineering\_Technology/Documents/bulletins/oet65/oet65.pdf">https://transition.fcc.gov/Bureaus/Engineering\_Technology/Documents/bulletins/oet65/oet65.pdf</a>
- 3. FEDERAL COMMUNICATIONS COMMISSION, Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation Report and Order, August 1, 1996, available at <a href="https://transition.fcc.gov/Bureaus/Engineering">https://transition.fcc.gov/Bureaus/Engineering</a> 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* <a href="https://transition.fcc.gov/Reports/tcom1996.pdf">https://transition.fcc.gov/Reports/tcom1996.pdf</a>
- 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/cmas-warn-act.pdf
- 6. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b, as amended, *available at* <a href="https://www.congress.gov/bill/106th-congress/house-bill/438/text/ih">https://www.congress.gov/bill/106th-congress/house-bill/438/text/ih</a>.
- 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* <a href="https://www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf">https://www.gpo.gov/fdsys/pkg/PLAW-112publ96.pdf</a>
- 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*. <a href="https://www.gpo.gov/fdsys/pkg/CFR-2013-title47-vol1/pdf/CFR-2013-title47-vol1-sec1-1307.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2013-title47-vol1/pdf/CFR-2013-title47-vol1-sec1-1307.pdf</a>
- 10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310, as amended, *available at* <a href="https://www.gpo.gov/fdsys/pkg/CFR-2002-title47-vol1/pdf/CFR-2002-title47-vol1-sec1-1310.pdf">https://www.gpo.gov/fdsys/pkg/CFR-2002-title47-vol1/pdf/CFR-2002-title47-vol1-sec1-1310.pdf</a>
- 11. Presidential Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <a href="http://www.presidency.ucsb.edu/ws/index.php?pid=86954">http://www.presidency.ucsb.edu/ws/index.php?pid=86954</a>
- 12. Presidential Order No. 13616, Accelerating Broadband Infrastructure Development, 77 Fed. Reg. 119 (June 14, 2012), *available at* <a href="http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf">http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf</a>
- 13. Presidential Policy Directive No. 21, Critical Infrastructure Security and Resilience, February 12, 2013, available at <a href="https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil">https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil</a>
- 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 <a href="https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance.pdf">https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance.pdf</a>
- 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
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- 19. Stephen J. Blumberg, et al, Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2020, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, August 2021, available at https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202108-508.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
- 21. FEDERAL COMMUNICATIONS COMMISSION, Connecting America: The National Broadband Plan, 2010, available at http://www.broadband.gov/plan/
- 22. FEDERAL COMMUNICATIONS COMMISSION, Text-to-911: Quick Facts & FAQs, June 2013, available at http://www.fcc.gov/guides/text-911-quick-facts-fags.
- 23. FEDERAL COMMUNICATIONS COMMISSION, Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, et al, Wireless Infrastructure Report and Order, FCC 14-153, October 21, 2014, available at http://www.fcc.gov/document/wirelessinfrastructure-report-and-order
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- 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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### **Connecticut Siting Council**

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- 31. STATE OF CONNECTICUT SITING COUNCIL, *Telecommunications Facilities: An Illustrated Primer on the Siting of Facilities Within Connecticut and Throughout the Nation, Version II, available at* https://portal.ct.gov/-/media/CSC/CSCtower307pdf.pdf
- 32. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Telecommunications Coverage Database*, *available at* <a href="https://portal.ct.gov/CSC/Common-Elements/Common-Elements/Connecticut-Siting-Council---Disclaimer">https://portal.ct.gov/CSC/Common-Elements/Common-Elements/Connecticut-Siting-Council---Disclaimer</a>
- 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*

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- 37. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Air Quality Standards*, Effective April 15, 2014, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq.
- 38. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq.

- 39. STATE OF CONNECTICUT, DEPT. OF PUBLIC UTILITY CONTROL, Docket No. 08-06-19, DPUC Investigation into the Deployment of Distributed Antenna System (DAS) in the Public Rights of Way, September 29, 2010.
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- 43. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, WETLANDS MANAGEMENT SECTION, Guidelines: Upland Review Area Regulations, Connecticut's Inland Wetlands and Watercourses Act, June 1997, available at https://portal.ct.gov/-/media/DEEP/water/wetlands/uplandreviewdocumentjune1997PDF.PDF?la=en

## **Department of Transportation**

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# Other State Agencies

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## **TECHNICAL**

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# **ENVIRONMENTAL**

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- Pg. 8
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## **MAPS**

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- 79. NATIONAL AUDUBON SOCIETY, Connecticut Important Bird Areas, available at http://netapp.audubon.org/iba/state/US-CT
- 80. Mail-A-Map Street Map, North Branford, available at http://mailamap.com/street-maps
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## C. State Agency comments

1. Connecticut Council on Environmental Quality Comments, dated February 23, 2022

II. Appearance by Applicants

Applicants: Homeland Towers, LLC and

Cellco Partnership d/b/a Verizon Wireless (HTVER)

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 Homeland Towers, LLC and Cellco Partnership d/b/a Verizon Wireless, received January 27, 2022, and attachments and bulk file exhibits including:

#### Bulk file exhibits:

- a. Technical Report
- b. Town of North Branford Zoning Regulations
- c. Town of North Branford Inland Wetlands and Watercourses Regulations
- d. Town of North Branford Plan of Conservation and Development
- 2. Applicants' Affidavit of Publication in the New Haven Register, dated February 3, 2022
- 3. Protective Order related to unredacted lease agreement, signed February 10, 2022
- 4. Applicants' Sign Posting Affidavit, dated March 3, 2022
- 5. Applicants' Partial Responses to Council Interrogatories, Set One Nos. 1-4, 7-12; 14, 17, 19-24, 26-27, and 29-30, dated March 4, 2022
- 6. Applicants' Remaining Responses to Council Interrogatories, Set One Nos. 5, 6, 13, 15-16, 18, 25 and 28, dated March 8, 2022
- 7. Updated State Historic Preservation Office Determination Letter for the Relocated Tower Site, dated March 8, 2022
- 8. Applicants' Witness Resumes, dated March 8, 2022

#### C. Swear Witnesses

- 1. Raymond Vergati, Regional Manager, Homeland Towers LLC
- 2. Ziad Cheiban, Radio Frequency Engineer, Verizon Wireless
- 3. Robert Burns, P.E., All-Points Technology Corporation P.C.
- 4. Matthew W. Allen, RLA, Saratoga Associates
- 5. Martin Brogie, Principal Environmental Scientist, Martin Brogie, Inc.
- 6. Maureen A. Bowman, Senior Architectural Historian, EBI Consulting
- 7. Elaine Langer, Program Manager, EBI Consulting
- 8. Robert C. Russo, CSS, Soil Scientist/Environment Scientist/Biologist
- 9. Paul H. Zito, Town of North Branford Communications Consultant
- D. Full Exhibits Verification of exhibits by witnesses and admission by the Council.
- E. Cross Examination.
  - 1. Council

III. Closing by Connecticut Siting Council.