



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 509
Tuesday, June 28, 2022
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. Mark Buschmann, Trustee and Mark Buschmann Motion for Site Inspection, dated June 14, 2022
2. New Canaan Neighbors Motion to Compel Applicant Responses to Interrogatories, dated June 23, 2022
3. Mark Buschmann, Trustee Motion to Compel Applicant Responses to Interrogatories, dated June 27, 2022
4. Mark Buschmann, Trustee, Jamie Buschmann, Trustee, and Mark Buschmann Motion in Limine, dated June 27, 2022

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 March 2021, *available at* <https://www.fws.gov/sites/default/files/documents/usfws-communication-tower-guidance.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
17. FEDERAL AVIATION ADMINISTRATION, *Specification for Obstruction Lighting Equipment, Advisory Circular AC No. 150/5345-43J*, March 11, 2019, *available at* https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5345-43J.pdf

18. FEDERAL COMMUNICATIONS COMMISSION, *Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs*, January 6, 2017, available at <https://www.fws.gov/migratorybirds/pdf/management/fccopportunitiestoreducebirdcollisions.pdf>
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
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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>
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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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32. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Telecommunications Coverage Database*, available at <https://portal.ct.gov/CSC/Common-Elements/Common-Elements/Connecticut-Siting-Council---Disclaimer>
33. **DOCKET NO. 360** - Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 188 Route 7 South, Falls Village (Canaan), Connecticut. Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-360--Canaan
34. **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
35. **DOCKET NO. 487** – Homeland Towers, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 183 Soundview Lane, New Canaan, Connecticut, Record, available at [Docket No 487 Homeland ATT New Canaan \(ct.gov\)](#)

Department of Energy and Environmental Protection

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41. 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 NATURAL RESOURCES, *Connecticut's Wildlife Action Plan*, 2015 Revision, available at http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review
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46. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Long Island Sound Blue Plan*, September 2019, available at <https://portal.ct.gov/DEEP/Coastal-Resources/LIS-Blue-Plan/Long-Island-Sound-Blue-Plan-Home>

Department of Transportation

47. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *ConnDOT Drainage Manual* 2000, last revised July 2016, available at <https://portal.ct.gov/DOT/Hydraulics-and-Drainage/Drainage-Manual>
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Other State Agencies

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52. STATE OF CONNECTICUT, STATE VEGETATION MANAGEMENT TASK FORCE, *Final Report Issued to the Connecticut Department of Energy and Environmental Protection*, August 28, 2012, available at https://portal.ct.gov/-/media/DEEP/forestry/VMTF/Final_Report/SVMTFFinalReportpdf.pdf
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ENVIRONMENTAL

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MAPS

75. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of New Canaan*, (last updated December 2021), available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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80. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>
81. Mail-A-Map Street Map, New Canaan and Stamford available at <http://mailamap.com/street-maps>
82. 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 Department of Public Health Comments, dated June 1, 2022
2. Council on Environmental Quality Comments, dated June 27, 2022

II. Appearance by Applicants

Applicants: Homeland Towers, LLC and
New Cingular Wireless PCS, LLC (ATTHT)

Representatives: Lucia Chiocchio, Esq.
Kristen Motel, Esq.
Cuddy & Feder, LLP

A. Administrative Notice.

1. **DOCKET NO. 488** - Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at one of two sites: Kent Tax Assessor ID #M10, Block 22, Lot 38 Bald Hill Road or 93 Richards Road, Kent, Connecticut. Record available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-488-Homeland-ATT-Kent

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T, received April 13, 2022, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. New Canaan 2014 Plan of Conservation
 - b. Town of New Canaan Zoning Regulations
 - c. Town of New Canaan Zoning Map
 - d. Town of New Canaan Inland Wetlands and Water Courses Regulations
 - e. Technical Report
 - f. Wireless Market Study of the Town of New Canaan
 - g. New Canaan Cell Phone Survey Results through October 25, 2012
2. Applicants' Affidavit of Publication, dated May 5, 2022
 3. Applicants' Signed Protective Order related to unredacted lease agreement, dated May 26, 2022
 4. Applicants' Responses to Council Interrogatories, Set One, dated June 2, 2022
 5. Applicants' Sign Posting Affidavit, dated June 13, 2022
 6. Applicants' Supplemental Submission, dated June 21, 2022
 7. Applicants' Responses to Buschmann Interrogatories, dated June 21, 2022
 8. Applicants' Responses to New Canaan Neighbors' Interrogatories, dated June 21, 2022
 9. Resume of Eric Fine, received June 21, 2022
 10. Revised Site Plans, submitted June 24, 2022

C. Swear Witnesses

1. Raymond Vergati, Regional Manager, Homeland Towers, LLC
2. Harry Carey, Director, External Affairs, AT&T
3. Robert Burns, P.E., Project Manager, All Points Technology Corporation P.C.
4. Michael Libertine, LEP, Director of Siting and Permitting, All Points Technology Corporation P.C.
5. Dean Gustafson, Professional Soil Scientist and Senior Wetland Scientist, All Points Technology Corporation P.C.
6. Brian Gaudet, Project Manager, All Points Technology Corporation P.C.
7. Martin Lavin, Radio Frequency Engineer, C² Systems
8. Eric Fine, Implementation Engineer, Town of New Canaan Wireless Consultant, Norcom Northeastern Communications, Inc.

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

E. Cross Examination.

1. Council
2. Verizon Wireless
3. Grouped Party/CEPA Intervenor: Buschmanns
4. New Canaan Neighbors

III. Appearance by Intervenor: Cellco Partnership d/b/a Verizon Wireless (VER)

Representative: Kenneth C. Baldwin, Esq.
Robinson & Cole LLP

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Verizon's Request for Intervenor Status, dated April 14, 2022
2. Verizon's Responses to Council Interrogatories, Set One, dated June 2, 2022
3. Verizon's Responses to Council Interrogatories, Set Two, dated June 13, 2022

C. Swear Witnesses

1. Shiva Gadasu, Radio Frequency Engineer, Verizon Wireless
2. Timothy Parks, Real Estate/Regulatory Specialist, Verizon Wireless

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

E. Cross Examination.

1. Council
 2. Applicants
 3. Grouped Party/CEPA Intervenor: Buschmanns
 4. New Canaan Neighbors
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IV. Appearance by Grouped Parties and CEPA Intervenor: (JMB or Buschmanns))

Grouped Parties: Mark and Jamie Buschmann, Trustees
CEPA Intervenor: Mark Buschmann

Representative: David F. Sherwood, Esq.
Moriarty, Paetzold & Sherwood

A. Administrative Notice.

1. CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, *Circular Letter 2017-01 - 2016 High Quality Source (HQS) List, available at https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/drinking_water/pdf/CircularLetter201701pdf.pdf*

2. AQUARION WATER COMPANY, *Drinking Water Supply Watershed Area in New Canaan, Connecticut (n.d.)*, available at <https://cms3.revize.com/revize/newcanaanct/Departments/Land%20Use/Drinking%20Water%20Supply%20Watershed%20Areas%20in%20New%20Canaan,%20CT.pdf>
3. WESTERN CONNECTICUT COUNCIL OF GOVERNMENTS, *2020-2030 Regional Plan of Conservation and Development*, available at https://westcog.org/wp-content/uploads/2020/07/ADOPTED_-2020-2030-WESTCOGPOCD.pdf
4. CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, *Conservation and Development Policies: The Plan for Connecticut 2018-2023*, available at <https://portal.ct.gov/-/media/OPM/IGP/ORG/cdplan/20190214--Formatted-Document--20182023-Revised-State-CD-Plan.pdf>
5. STATE OF CONNECTICUT, Executive Chambers, Press Release: Governor Rell Announces the Dedication Of Centennial Watershed State Forest September 16, 2004, available at <https://www.ct.gov/GovernorRell/cwp/view.asp?A=1793&Q=277614>
6. CONNECTICUT OFFICE OF LEGISLATIVE RESEARCH, *2002-R-0460, Class I and Class II Watershed Lands*, By Joseph R. Holstead, Research Analyst (April 23, 2002), available at <https://www.cga.ct.gov/2002/rpt/2002-R-0460.htm>
7. CONNECTICUT OFFICE OF LEGISLATIVE RESEARCH, *2010-R-0504, Siting Telecommunications Towers on State Land or in Watersheds*, by Kevin E. McCarthy, Principal Analyst (December 3, 2010), available at <https://www.cga.ct.gov/2010/rpt/2010-R-0504.htm>
8. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Nonpoint Source Management Program Plan September 2019*, available at <https://portal.ct.gov/-/media/DEEP/water/nps/2019ctdeepnpsplanpdf.pdf>
9. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Stream Flow Classifications, Stream Segment ID: 202,001,367.00*, available at <https://ctdeep.maps.arcgis.com/apps/Minimalist/index.html?appid=97f2377907824234ae9e5b964ddc28c3>
10. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Section 26-141b-5 RCSA Adoption of river or stream system classifications, Fact Sheet for Stream Flow Classification Process under Section 26-141b-1 to 26-141b-8 of the Regulations of Connecticut State Agencies*, available at https://portal.ct.gov/-/media/DEEP/water/watershed_management/flowstandards/summarystreamflowregulationspdf.pdf
11. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Bureau of Natural Resources, Division of Forestry, *Forest Management Plan 2013-2023 Means Brook Watershed Block Centennial Watershed State Forest*, available at <https://portal.ct.gov/->

/media/DEEP/forestry/Management_Plans/MeansBrookpdf.pdf

12. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Technical Support Document Methodology for Defining Preliminary Stream Flow Classification, and Final Stream Flow Classifications and Statement of Reasons*, available at https://portal.ct.gov/-/media/DEEP/water/watershed_management/flowstandards/StreamflowClassProcess050216updatepdf.pdf?la=en&hash=EE687D685427FDF3B37677652B0C7A 12
13. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Find a State Park or Forest*, available at <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=950da678b13b458ba4cbe5687e902c19&deepNav=|>
14. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Data Base Area New Canaan CT December 2021*, available at <https://www.depdata.ct.gov/naturalresources/endangeredspeciesmaps/nd090.pdf>
15. CONNECTICUT SITING COUNCIL, **DOCKET NO. 387** - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 44 Gavitt Road, Barkhamsted, Connecticut, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-No-387--Barkhamsted
16. CONNECTICUT SITING COUNCIL, **DOCKET NO. 441** - Homeland Towers, LLC and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 10 Blackville Road, Washington, Connecticut, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-441--Washington
17. CONNECTICUT SITING COUNCIL, **PETITION NO. 983** BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 4.8 MW Wind Renewable Generating facility located on Flagg Hill Road, Colebrook, Connecticut, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-0001-1219/Petition-No-983-BNEColebrook
18. CONNECTICUT SITING COUNCIL, **PETITION NO. 984** - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 4.8 MW Wind Renewable Generating facility located on Winsted-Norfolk Road (Route 44), Colebrook, Connecticut, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-0001-1219/Petition-No-984-BNEColebrookNorth

19. CONNECTICUT SITING COUNCIL, **PETITION NO. 1056** – GRE 314 East Lyme, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 5.0 MW Solar Photovoltaic Renewable Energy Generating Project located on Grassy Hill Road and Walnut Hill Road, East Lyme, Connecticut, *available at* https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-0001-1219/Petition-No-1056-- East-Lyme
20. CONNECTICUT SITING COUNCIL, **PETITION NO. 1178** - Fusion Solar Center, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation and maintenance of a ground-mounted 20 megawatt solar photovoltaic electric generating facility located on Potash Hill Road, Sprague, Connecticut, *available at* https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-0001-1219/Petition-No-1178- Fusion-SolarSprague
21. CONNECTICUT SITING COUNCIL. Petition No. 1310 - Quinebaug Solar, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 50 megawatt AC solar photovoltaic electric generating facility on approximately 561 acres comprised of 29 separate and abutting privately-owned parcels located generally north of Wauregan Road in Canterbury and south of Rukstela Road and Allen Hill Road in Brooklyn, Connecticut, *available at* https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1301-1310/Petition-No-1310- CanterburyBrooklyn
22. U.S. FISH & WILDLIFE SERVICE, ECOS Environmental Conservation Online System, *Little brown bat (Myotis lucifugus)* , *available at* <https://ecos.fws.gov/ecp/species/9051>
23. “*Map Showing Subdivision of Property Owned by The Stamford Water Company, New Canaan, Connecticut Scale 1” = 100’ Certified Substantially Correct Edward F. Verplanck, L.S. No. 3779 New Canaan, Connecticut, July 2, 1968 Revised October 3, 1968 on file in the Office of the New Canaan Town Clerk as Map No. 5246*”
24. Letter dated May 18, 2022 from Joseph T. Welsh, Manager, Natural Resources, Aquarion Water Company to Melanie Bachman, Executive Director, Connecticut Siting Council re Docket No. 509
25. NATURAL RESOURCES MANAGEMENT AGREEMENT, By and among BHC Company, The State of Connecticut, Acting Through Its Department of Environmental Protection, and The Nature Conservancy dated March, 2002
26. Centennial Watershed State Forest Adjacent to Laurel Reservoir 1” = 1,000 ft.
27. Deed from Bruce R. Baron to 1837 LLC dated September 10, 2020 and recorded on September 16, 2021 in Volume 1073 at Page 771 of the New Canaan Land Records
28. Connecticut Department of Energy and Environmental Protection, 2020 Integrated Water Quality Report, September 2020 https://portal.ct.gov/-/media/DEEP/water/water_quality_management/305b/2020/2020IWQRFinal.pdf

29. New Canaan Planning and Zoning Commission Meeting Minutes, January 25, 2022.
<https://newcanaantownct.documents-ondemand.com/?l=36ae5b8c8979e911a2cd000c29a59557&d=a86ac0796599ec11a36b000c29a59557>

30. Klemens. M. W., H. J. Gruner, D. P. Quinn, and E. R. Davison. 2021. Conservation of Amphibians and Reptiles in Connecticut. Revision to Bulletin 112. DEEP.

B. Exhibits for Identification.

1. Mark Buschmann, Trustee Request for Party Status, dated May 6, 2022
2. Jamie Buschmann, Trustee Request for Party Status, dated May 6, 2022
3. Mark Buschmann, Request for CEPA Intervenor Status, dated May 9, 2022
4. Letter from Attorney David F. Sherwood to Attorney Joseph J. Rucci, Jr. regarding access to 1837 Ponus Ridge Road, New Canaan, dated June 14, 2022
5. Mark Buschmann Responses to Council Interrogatories, Set One, dated June 21, 2022
6. Pre-filed Testimony of Witnesses with attachments, received June 21, 2022

C. Swear Witnesses

1. David S. Ziaks, P.E., President and Principal Engineer, F.A. Hesketh & Associates, Inc.
2. Todd S. Hesketh, L.S., F.A., Chief of Survey and Chief Financial Officer, Hesketh & Associates, Inc.
3. Michael W. Klemens, Ph.D.
4. Alan E. Burg, Radio Frequency Engineer, 360° RF

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

E. Cross Examination.

1. Council
2. Applicants
3. Verizon Wireless
4. New Canaan Neighbors

V. Appearance by Party and CEPA Intervenor: New Canaan Neighbors (NCN)

Representative: Justin Nishioka

A. Administrative Notice.

1. TOWN OF NEW CANAAN, Public Session on Cell Towers. Held on January 24, 2022 at 7:30 P.M., *available at* <https://us02web.zoom.us/rec/share/CCBu2RwkmucfHdMeB3dacPz993nptJSB-GS57RfWLA94giiZglJU0u9HLKYIUqx2.VTFaLgaWd7KPhAyn> Access Passcode: @059z#\$A

2. CONNECTICUT SITING COUNCIL **DOCKET NO. 501** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 106 Sharon Road, Lakeville (Salisbury), Connecticut, Council on Environmental Quality Comments (5/26/21); and Application, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-501
3. TOWN OF SALISBURY website: “Town Grove”, *available at* <https://www.salisburyct.us/town-grove/> (Last visited on June 12, 2022).
4. LAKE WONONSCOPOMUC ASSOCIATION website: Homepage, statement that the lake is a “premiere recreational asset for swimming, sailing, canoeing and fishing in the summer and skating and cross country skiing in the winter.” <https://lakewononscopomuc.com/> (last visited on June 12, 2022)
5. CONNECTICUT SITING COUNCIL **DOCKET NO. 498** – Diamond Towers V, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 185 Academy Road (Route 68/Route 70), Cheshire, Connecticut.: Location of cell tower site to the Broad Brook Reservoir presented in the Bulk Filing (3/11/21) pg. 516 – 518 and 567; and Application, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-498---Diamond-Towers-V_Cheshire
6. GOOGLE MAPS – ‘Measure Distance’ between cell tower site at 185 Academy Road in Cheshire and the Broad Brook Reservoir. (Nearest point of cell tower compound to nearest point of Broad Brook Reservoir approximately 1.72 miles away. Last checked on June 13, 2022).
7. CONNECTICUT SITING COUNCIL **DOCKET NO. 489** – The First Taxing District Water Department of Norwalk application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 173 ½ West Rocks Road, Norwalk, Connecticut.: Application, Attachment 9, Wetland Inspection Form, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-489---First-Tax-Dis-Water-Dept_Norwalk
8. CONNECTICUT SITING COUNCIL **DOCKET NO. 455** – 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 Southington Tax Assessor Map/Lot 066053, 99 East Street, Southington, Connecticut.: Application, Tab 14, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-455--Southington

9. CONNECTICUT SITING COUNCIL **DOCKET NO. 449** – Message Center Management and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Redding Tax Assessor Map 23, Lot 72, Redding Ridge Fire Department, 186 Black Rock Turnpike, Redding, Connecticut.: Application, Tab 4, Wetlands Investigation, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-449--Redding
10. Google Maps – ‘Measure Distance’ between nearest portion of cell tower site at Redding Tax Assessor Map 23, Lot 72, Redding Ridge Fire Department, 186 Black Rock Turnpike in Redding, and the Saugatuck Reservoir, Hemlock Reservoir, and the Easton Reservoir. (Nearest point of cell tower compound to nearest point of Saugatuck Reservoir is 2 miles, nearest point of Hemlock Reservoir is 3.84 miles, and the nearest point of Easton Reservoir is 3.92 miles. Last checked on June 13, 2022).
11. CONNECTICUT SITING COUNCIL **DOCKET NO. 423** – American Towers LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located off Route 198, Woodstock, Connecticut.: Application, pg. 17; Application, Attachment 3; Application, Attachment 4; and Application, Attachment 10, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-423--Woodstock
12. Google Maps – ‘Measure Distance’ between nearest point of cell tower site compound on Route 198 in Woodstock to the nearest point of the Mansfield Hollow Lake Reservoir. (Nearest point of the cell compound located at 1825/1839 Route 198 in Woodstock, Connecticut is approximately 16.9 miles from the nearest point of the Mansfield Hollow Lake Reservoir. Last checked on June 13, 2022).
13. CONNECTICUT SITING COUNCIL **DOCKET NO. 422**- American Towers LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 655 Basset Road, Watertown, Connecticut.: Application, Attachment 3, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-422--NoAtlanticCingularWatertown

14. Google Maps – ‘Measure Distance’ between nearest point of cell tower site compound at 655 Basset Road in Watertown to nearest stream and wetland that feeds into the Wigwam Reservoir; ‘Measure Distance’ between nearest point of cell tower site compound at 655 Basset Road in Watertown to the nearest point of the Wigwam Reservoir. (Nearest point of cell compound to nearest stream and wetlands that feeds into the Wigwam Reservoir is approximately 918 feet away from the nearest point of the stream, and the nearest point of the cell compound to the Wigwam Reservoir is approximately 2922 feet away from the nearest point of the Wigwam Reservoir. Last checked on June 13, 2022).
15. CONNECTICUT SITING COUNCIL **DOCKET NO. 397** - Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility at 445 Prospect Street, Woodstock, Connecticut.: Application, Factual Summary and Project Plans; and DPH Comment, 2/26/10, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-No-397--Woodstock
16. Google Maps – ‘Measure Distance’ between nearest point of cell tower site compound at 445 Prospect Street in Woodstock, Connecticut, to the nearest point of the Quinebaug River and the Quinebaug River Reservoir. (Nearest point of cell tower compound is approximately 1.42 miles from the nearest point of the Quinebaug River and approximately 6 miles from the Quinebaug River Reservoir. Last checked on June 13, 2022).
17. CONNECTICUT SITING COUNCIL **DOCKET NO. 388** – New Cingular Wireless, PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1990 Litchfield Turnpike, Woodbridge, Connecticut.: Application, pgs. 28, 37-42; and DPH Comments,
18. Google Maps – ‘Measure Distance’ between nearest point of parcel located at 1990 Litchfield Turnpike to the Lake Dawson Reservoir; and ‘Measure Distance’ between nearest point of the access road for the cell tower facility to the Lake Dawson Reservoir. (Nearest point of the 1990 Litchfield Turnpike property line is approximately 306 feet from the nearest point of the Lake Dawson Reservoir, and the nearest point of the cell tower compound access road is approximately 416 feet from the nearest point of the Lake Dawson Reservoir. Last checked on June 13, 2022).
19. CONNECTICUT SITING COUNCIL **DOCKET NO. 380** – Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 170 Southeast Road, New Hartford, Connecticut.: Comments from the Department of Public Health, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-No-388--Woodbridge

20. Google Maps – ‘Measure Distance’ between nearest point of parcel located at 170 Southeast Road in New Hartford to the nearest point of Spruce Brook; and ‘Measure Distance’ between nearest point of Spruce Brook to the Nepaug Reservoir. (Nearest point of the property line at 170 Southeast Road is approximately 1300 feet from the nearest point of the Spruce Brook, and the nearest point of the Spruce Brook is approximately 2300 feet from the nearest point of the Nepaug Reservoir. Last checked on June 16, 2022).
21. CONNECTICUT SITING COUNCIL **DOCKET NO. 351** – Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 93 Lake Street, Manchester, Connecticut. Application, Exhibit B; Department of Public Health Comment; and CSC Draft Findings of Fact, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-351-Manchester
22. Google Maps – ‘Measure Distance’ between nearest point of cell tower compound and the nearest points of the Willow Brook stream, Risley Reservoir, and the Porter Reservoir; (Nearest point of the cell tower compound is approximately 1380 feet from the nearest point of Willow Brook, 3600 feet away from the nearest point of Risley Reservoir, and 3900 feet from the nearest point of the Porter Reservoir. Last checked on June 13, 2022).
23. CONNECTICUT SITING COUNCIL **DOCKET NO. 223** – 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 cellular telecommunications facility at 484 Meriden Road, Middlefield, Connecticut, *available at* <https://portal.ct.gov/CSC/Decisions/DocketLists/Docket-List-Nos1-499>
24. Google Maps – ‘Measure Distance’ between nearest point of cell tower compound and the nearest point of the nearest stream, and the nearest point of the Mt. Higby Reservoir; (Nearest point of the cell tower compound is approximately 1000 feet from the nearest point of Fall Brook, and approximately 1400 feet away from the nearest point of the Mt. Higby Reservoir. Last checked on June 13, 2022).
25. CONNECTICUT SITING COUNCIL **DOCKET NO. 117A** – An amended application of Cellco Partnership d/b/a Bell Atlantic Mobile for a Certificate of Environmental Compatibility and Public Need for a two cell-site configuration in the Town of Orange. The proposed Prime A site would be located approximately 875 feet east of Orange Center Road at the rear of the High Plains Community Center, 525 Orange Center Road, with the Prime B site located approximately 400 feet northwest from the end of Ogg Meadow Road. These sites would replace the previously proposed Camp Cedarcrest site. A proposed alternate site is located within a 5.5 acre parcel of property approximately 250 feet south and west of Robert Treat Drive Extension, Orange, Connecticut.: Findings of Fact, *available at* <https://portal.ct.gov/CSC/Decisions/DocketLists/Docket-List-Nos1-499>

26. Administrative notice of fact that the Wepawaug River flows south into Milford Harbor on Long Island Sound. (Wikipedia, ‘Wepawaug River,’ https://en.wikipedia.org/wiki/Wepawaug_River, last visited on June 16, 2022.)
27. CONNECTICUT SITING COUNCIL **DOCKET NO. 40** – SNET application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of facilities to provide cellular service in the Hartford and Middlesex Counties.: Findings of Fact; and Status Report, *available at* <https://portal.ct.gov/CSC/Decisions/DocketLists/Docket-List-Nos1-499>
28. Google Maps – ‘Measure Distance’ between nearest point of cell tower compound and the nearest point of the nearest reservoirs for the Berlin, Southington, East Hartford, and South Windsor cell facility locations; (Nearest point of 260 Beckley Road in Berlin is approximately 1850 feet from the nearest point of Spruce Brook and approximately 3000 feet from the nearest point of the Mattabeset River. Nearest point of Shuttle Meadow Road in Southington is approximately 1000 feet from the nearest point of Crescent Lake. Nearest point of 183 Prestige Park Road in East Hartford is approximately 2300 feet away from the nearest point of the Hockanum River Reservoir. Nearest point of 391 Niederwerfer Road in South Windsor to the nearest point of Barkhamstead Reservoir and Nepaug Reservoir is approximately 21 miles. Last checked on June 16, 2022).
29. CONNECTICUT SITING COUNCIL **DOCKET NO. 487** –Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 183 Soundview Lane, New Canaan, Connecticut.: Hearing Transcript, pgs. 91, 117 - 119 (07/09/2020, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-487-Homeland-ATT-New-Canaan
30. CONNECTICUT SITING COUNCIL **DOCKET NO. 507** –Homeland Towers, LLC and 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 wireless telecommunications facility located at 222 Clintonville Road, North Branford, Connecticut.: Hearing Transcript 2 p.m., 03/15/22, pgs. 25-27, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-507
31. 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.: Hearing Transcript 2 p.m., 7/13/21, pgs. 32 – 42, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-502
32. CONNECTICUT SITING COUNCIL **PETITION NO. 1056** – GRE 314 East Lyme, LLC petition for a declaratory ruling that no Certificate of Environmental

Compatibility and Public Need is required for the proposed construction and operation of a 5.0 MW Solar Photovoltaic Renewable Energy Generating Project located on Grassy Hill Road and Walnut Hill Road, East Lyme, Connecticut.: Petition, Stormwater Management Report; and Council Decision on Revision to D&M Plan, 6/16/14, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-0001-1219/Petition-No-1056--East-Lyme

33. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY website, Potential Well Water Contaminants and Their Impacts, <https://www.epa.gov/privatewells/potential-well-water-contaminants-and-their-impacts> (last visited on June 13, 2022).
34. UNITED STATES ENVIRONMENTAL PROTECTIVE AGENCY website, Climate Adaptation and Erosion Sedimentation, <https://www.epa.gov/arc-x/climate-adaptation-and-erosion-sedimentation> (last visited on June 16, 2022).
35. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, 'Connecticut: Our Changing Climate,' <https://portal.ct.gov/-/media/DEEP/education/kellogg/CT-Changing-Climate-Booklet.pdf> (last visited on June 16, 2022).
36. CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, 'Sodium & Chloride in Well Water Health Considerations,' https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/private_wells/Sodium--Chloride-FS-sept-2018-update.pdf (last visited June 16, 2022).
37. In the Matter of the Appeal of Chris Nubbe and Alison Baker, Thurston County, WA, Albert Manville II Hearing Testimony, Applicant's Response to Appellant's Dispositive Motion, August 13, 2018, <https://www.co.thurston.wa.us/permitting/hearing/2015103966/Exhibit-D38-Albert-Manville-8-13-18.pdf> (last visited on June 16, 2022).
38. DEPARTMENT OF ADMINISTRATIVE SERVICES website, 'Lease State-Owned Real Estate,' <https://portal.ct.gov/DAS/Leasing-and-Property-Transfer/Lease-State-Owned-Real-Estate> (last visited June 18, 2022).
39. GOVERNMENT OF CANADA, Species at Risk Act, Listing of Little Brown Bat, <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/little-brown-myotis-2018.html> (last visited June 19, 2022).
40. GOVERNMENT OF NEWFOUNDLAND AND LABRADOR, Canada, 'Two Bats Receive Protection under Endangered Species Act,' <https://www.gov.nl.ca/releases/2021/ffa/0527n02/> (last visited on June 19, 2022).
41. WIKIPEDIA, Little Brown Bat, https://en.wikipedia.org/wiki/Little_brown_bat (last visited June 19, 2022).

42. EBIRD, Sightings, 'Laurel Reservoir,' <https://ebird.org/hotspot/L1305427?yr=all&m=&rank=mrec> (last visited on June 20, 2022).
43. DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION, 'Endangered, Threatened, and Special Concern Birds,' <https://portal.ct.gov/DEEP/Endangered-Species/Endangered-Species-Listings/Endangered-Threatened--Special-Concern-Birds> (last visited June 20, 2022).
44. NEW YORK NATURAL HERITAGE PROGRAM, 'Pied-billed Grebe,' <https://guides.nynhp.org/pied-billed-grebe/> (last visited on June 20, 2022)
45. Public records held by the State of Connecticut and/or the Town of New Canaan:
 - a. Public Record 1. Email exchange, Town of New Canaan.
 - b. Public Record 2. Homeland & AT&T Technical Report, excerpt, Town of New Canaan.
 - c. Public Record 3. Public Comment by Aquarion Water Company, Docket No. 509, Connecticut Siting Council.
 - d. Public Record 4. 1837 LLC Annual Report, Secretary of State of Connecticut.
 - e. Public Record 5. Tom and Emily Nissley Property Transactions, Town of New Canaan Clerk's Office, Town of New Canaan.
 - f. Public Record 6. 1837 Ponus Ridge Road water examination, Town of New Canaan.
 - g. Public Record 7. Email exchange, Town of New Canaan.
 - h. Public Record 8. FOIA response email exchange, Department of Administrative Services.
 - i. Public Record 9. FOIA response email exchange, Connecticut Siting Council.
 - j. Public Record 10. Office of Legislative Research, Class I and II Water Company Lands, April 23, 2002, Connecticut General Assembly.
 - k. Public Record 11. Office of Legislative Research, Siting Telecommunications Towers on State Land or in Watersheds, December 3, 2010, Connecticut General Assembly.
 - l. Public Record 12. DEEP Natural Diversity Data Base, Areas in New Canaan, December 2021, Connecticut Department of Energy & Environmental Protection.
 - m. Public Record 13A/B. 59 Squires Lane and 60 Squires Lane land swap map filed with Town of New Canaan and Lot Line Approval, Town of New Canaan.
 - n. Public Record 14. 1837 Ponus Ridge Road well system blueprint, Town of New Canaan.
 - o. Public Record 15. 1837 Ponus Ridge Road map of well, Town of New Canaan.
 - p. Public Record 16. 1837 Ponus Ridge Road driveway map, Town of New Canaan.
 - q. Public Record 17. Email exchange, Town of New Canaan.
 - r. Public Record 18. 1837 Ponus Ridge Road water and wet soil map, Town of New Canaan.

- s. Public Record 19. Email exchange, Town of New Canaan.
- t. Public Record 20. Email exchange, Town of New Canaan.
- u. Public Record 21. Email exchange, Town of New Canaan.
- v. Public Record 22. Map of 1837 Ponus Ridge Road and abutting properties, Town of New Canaan.
- w. Public Record 23. Email exchange, Town of New Canaan.
- x. Public Record 24. Email exchange, Town of New Canaan.
- y. Public Record 25. Email exchange, Town of New Canaan.
- z. Public Record 26. Email exchange, Town of New Canaan.
- aa. Public Record 27. Email exchange, Town of New Canaan.
- bb. Public Record 28. Email exchange, Town of New Canaan.
- cc. Public Record 29. FOIA request response email exchange, Town of New Canaan.
- dd. Public Record 30. Town of New Canaan and 1837 LLC Option Agreement (February or March 2021)
- ee. Public Record 31. FOIA request response email exchange, Town of New Canaan.

B. Exhibits for Identification.

- 1. New Canaan Neighbors Request for Party/CEPA Intervenor Status, dated May 9, 2022
- 2. New Canaan Neighbors Responses to Council Interrogatories, Set One, dated June 20, 2022
- 3. New Canaan Neighbors Supplemental Response to Council's Interrogatory 7, dated June 23, 2022

C. Swear Witnesses

- 1. Justin Nishioka
- 2. Jane Ravaret

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

E. Cross Examination.

- 1. Council
- 2. Applicants
- 3. Verizon Wireless
- 4. Grouped Party/CEPA Intervenor: Buschmanns

VI. Continuation by Connecticut Siting Council.