

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION BY MCM HOLDINGS, LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE
CONSTRUCTION MAINTENANCE AND
OPERATION OF A WIRELESS
TELECOMMUNICATIONS FACILITY AT
3 MARCHANT ROAD (CAMP HOYT), 288
SIMPAUG TURNPIKE (PARCEL NO. 12-29),
REDDING, CONNECTICUT

DOCKET NO. 517

November 20, 2023

**RESPONSES OF MCM HOLDINGS, LLC TO INTERVENOR
SUZANNE FOGLE PRE-HEARING INTERROGATORIES**

- Q1. Has MCM shown a significant gap in cell coverage in the Town of Redding? Is there any documented instance in anything MCM has submitted to the town of Redding residents suffering from poor cell reception/performance?
- A1. *See Cellco's Responses to Intervenors Interrogatories.*
- Q2. Does MCM's application include a detailed alternative-site analysis documenting all possible locations it had considered and evaluated? Has MCM shown that there's no feasible alternative to the Hoyt campground? If so, how and where is this documented?
- A2. *MCM respectfully refers to the Site Search Summary included as Attachment 2 to its August 14, 2023 Application for a Certificate of Environmental Compatibility and Public Need which provides a detailed list of alternative sites considered and reasons those alternative sites were not pursued.*
- Q3. Has the town council secured access to the un-redacted lease agreement between MCM and The Boy Scouts of America? Will that be made available to the public?
- A3. *No and no. A copy of the unredacted lease agreement between MCM and the Boy Scouts of America was submitted to the Siting Council with a Motion for Protective Order on November 1, 2023. On November 9, 2023, the Siting Council approved the Applicant's Motion for Protective Order.*
- Q4. MCM says "the tower and foundation are not currently designed to accommodate any future height increase or extension," as per Docket #517. Could the tower, in the future, be modified to accommodate a height increase? If so, would a light then be required for the top of the tower, which would further increase the threat to migrating birds?
- A4. *The tower and foundation are not currently designed to accommodate any future height increase or extension. Any future proposals to increase the height will include an analysis of any FAA required marking or lighting. However, it is not anticipated that an increase of the tower height would exceed 200' AGL and would not likely require lighting. As such, no additional impact would be present for migratory bird movement.*

- Q5. Was West Redding FD included in your site search? What evidence do you have that it was?
- A5. *Please refer to the Site Search Summary included as Attachment 2 to the August 14, 2023 Application for a Certificate of Environmental Compatibility and Public Need which indicates that the property at 306 Umpawaug Road, owned by Redding Fire District #2, was considered and eliminated as a feasible alternative*
- Q6. Would the greatest number of people benefiting from the installment of the cell tower at Hoyt be residents of Redding? Or would a greater number of people benefiting live in Bethel and/or Danbury?
- A6. *See Cellco's Responses to Intervenors Interrogatories.*
- Q7. How close will the proposed tower be to the nearest existing tower? What is the distance the Town or Redding or the State of Connecticut requires?
- A7. *The proposed tower is approximately 1.85 miles to the nearest existing tower which is located to the southwest at 845 Ethan Allen Highway in Ridgefield. To the best of the Applicant's knowledge, there are no such minimum distances regulated by the Town of Redding or the State of Connecticut. Furthermore, please refer to the below Response A8 as it pertains to any local municipal regulations if one were to exist.*
- Q8. In the event you are granted approval for construction, will you be applying for a variance from the zoning board of appeals? How many variances will you be applying for?
- A8. *Pursuant to C.G.S. Section 16-50x, the Siting Council has exclusive jurisdiction over telecommunications tower facilities in the State. Based on judicial decisions of the United States Second Circuit Court of Appeals and the Supreme Court of the State of Connecticut, no local zoning approvals or compliance with local zoning regulations are required for such telecommunication tower facilities. See Sprint Spectrum LP v. Connecticut Siting Council, 274 F.3d 674, 677 (Dec. 17, 2011); Town of Westport v. Connecticut Siting Council, 47 Conn. Supp. 382 (Super. Ct. 2001), aff'd, 260 Conn. 266, 274 (2002). Therefore, any Siting Council consideration of local zoning regulations is advisory and not controlling. Thus, the Proposed Facility does not need to comply with local development standards. As a result, no variances are required from the Town of Redding Zoning Board of Appeals. Furthermore, as stated in the August 14, 2023 Application for a Certificate of Environmental Compatibility and Public Need, the most recent Town of Redding Zoning Regulations, effective August 18, 2020, do not address telecommunications towers and antennas.*
- Q9. How close will the tower be to the nearest residential structure? What is the distance required by the town?
- A9. *The proposed tower compound will be approximately 935' from the nearest residential structure, as shown on Page SP-1 of the Drawings included as Attachment 5 to the August 14, 2023 Application for a Certificate of Environmental Compatibility and Public Need. To the best of the Applicant's knowledge, there is no distance requirement imposed by the Town. In any event, please refer to the above Response A8 as it pertains to any local municipal regulations if one were to exist.*

CERTIFICATE OF SERVICE

I hereby certify that on this day, one original and fifteen (15) hard copies of the foregoing was sent via overnight Federal Express and electronically to the Connecticut Siting Council and to the parties on the service list as noted below.

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cc: MCM Holdings, LLC