

CERTIFIED COPY

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

DOCKET NUMBER 517: Application from MCM Holdings, LLC
for a Certificate of Environmental Compatibility and
Public Need for the Construction, Maintenance, and
Operation of a Telecommunications Facility Located at
the Boy Scouts of America Camp Hoyt, 288 Simpaug
Turnpike (Parcel No. 12-29), Redding, Connecticut.

PUBLIC COMMENT SESSION
HELD VIA ZOOM VIDEOCONFERENCING
NOVEMBER 30, 2023
AT 6:30 PM

HELD BEFORE:

John Morissette - Member and Presiding Officer

Brian Golembiewski - Designee for Commissioner Katie
Dykes, Department of Energy and Environmental Protection

Quat Nguyen - Designee for Chairman Marissa Paslick
Gillett, Public Utilities Regulatory Authority

Daniel P. Lynch

Robert Silvestri

Melanie Bachman, Esq. - Executive Director/Staff
Attorney

Robert Mercier - Siting Analyst

Lisa Fontaine - Fiscal Administrative Officer

Reporter: Theresa Bergstrand, CSR #406

A P P E A R A N C E S

MEMBERS OF THE PUBLIC:

Jason Jaffee
Paska Ann Nayden
Lauren De Souza
Clifford De Souza

APPLICANT, MCM Holdings, LLC:

Lucia Chiocchio, Esq. - Cuddy & Feder, LLP
Daniel Patrick, Esq. - Cuddy & Feder, LLP

Witnesses:

Virginia King, Project Manager, MCM Holdings, Inc.
Jason Mead, P.E., Structural Engineering Department
Manager, All Points Technology
Corporation P.C.
Dean Gustafson, Professional Soil Scientist and Senior
Wetland Scientist, All Points
Technology Corporation P.C.
Matt Gustafson, Environmental Scientist, All Points
Technology Corporation P.C.
Brian Gaudet, Project Manager, All Points Technology
Corporation P.C.

INTERVENOR, Cellco Partnership d/b/a Verizon Wireless:

Kenneth C. Baldwin, Esq. - Robinson & Cole LLP
Emily Deans, Esq. - Robinson & Cole, LLP

Witnesses:

Shiva Gadasu, Radio Frequency Engineer, Verizon Wireless
Elizabeth Glidden, Real Estate/Regulatory Specialist,
Verizon Wireless

GROUPED RESIDENT INTERVENORS:

Dorothy DeLuca
Suzanne Fogle
JoAnn Villamizar
Danielle Caldwell
Meredith Miller

GROUPED BUSINESS INTERVENORS:

Ann Taylor - New Pond Farm Education Center
Dino Trevisani - Marchant Farms, LLC

1 (The hearing commenced at 6:30 PM)

2
3 MR. MORISSETTE: Good evening, ladies and
4 gentlemen. This hearing is called to order. It is
5 Thursday, November 30th, 2023 at 6:30 PM. My name is
6 John Morissette, Member and Presiding Officer of the
7 Connecticut Siting Council.

8 Other members of the Council are Brian
9 Golembiewski, Designee for Commissioner Katie Dykes of
10 the Department of Energy and Environmental protection;
11 Quat Nguyen, Designee for Chairman Marissa Paslick
12 Gillett of the Public Utilities Regulatory Authority;
13 Robert Silvestri and Daniel P. Lynch, Jr.

14 Members of the staff are Melanie Bachman, Executive
15 Director and Staff Attorney; Robert Mercier, Siting
16 Analyst; and Lisa Fontaine, Fiscal Administrative
17 Officer.

18 If you haven't do so, I ask that everyone please
19 mute their computer audio and/or telephones now. This
20 is a continuation of the public hearing that began at
21 2:00 PM this afternoon. A copy of the prepared agenda
22 is available on the Council's Docket Number 517 web
23 page, along with the record of this matter, the Public
24 Hearing Notice, instructions for public access to this
25 public hearing and the Council's Citizens Guide to

1 Siting Council's Procedures.

2 This hearing is held pursuant to the provisions of
3 Title 16 of the Connecticut General Statutes, and of the
4 Uniform Administrative Procedure Act upon an application
5 from MCM Holdings, LLC for a Certificate of
6 Environmental Compatibility and Public Need for the
7 construction, maintenance and operation of a
8 telecommunications facility located at the Boy Scouts of
9 America Camp Hoyt, 288 Simpaug Turnpike, parcel number
10 12-29 in Redding, Connecticut. This application was
11 received by the Council on August 15th, 2023. This
12 application is also governed by the Telecommunications
13 Act of 1996, which is administered by the Federal
14 Communications Commission. This act prohibits this
15 Council from considering the health effects of radio
16 frequency emissions on human health and wildlife to the
17 extent emissions from towers are within the federal
18 acceptable safe limit standards, which standards is also
19 followed by the State Department of Health. The Federal
20 Act also prohibits the Council from discriminating
21 between and amongst providers of functionally equivalent
22 services. This means that if one carrier already
23 provides service in the area, other carriers have the
24 right to compete and provide service in the same area.

25 The Council's legal notice of the date and time of

1 this public hearing was published in the Redding
2 Sentinel on September 14th, 2023. Upon this Council's
3 request, the Applicant erected signs in the vicinity of
4 the proposed site so as to inform the Public of the name
5 of the applicant, the type of the facility, the public
6 hearing date and contact information for the Council,
7 including the website and phone number.

8 Please be advised that the Council's project
9 evaluation criteria under the statute does not include
10 consideration of property value.

11 As a reminder to all, off-the-record communication
12 with a member of the Council, or a member of the
13 Council's staff upon the merits of this application is
14 prohibited by law.

15 This public comment session is reserved for members
16 of the public who signed up in advance to make brief
17 statements. These limited appearance statements are not
18 subject to questions from the parties or the Council;
19 and members of the public making statements may not ask
20 questions of the parties or the Council. In accordance
21 with the Public Hearing Notice, and in fairness to
22 everyone who is signed up to speak this evening, these
23 public statements will be limited to three minutes.

24 Please be advised that written comments may be submitted
25 by any person within 30 days of this public hearing.

1 I wish to note that parties and intervenors,
2 including their representatives, witnesses and members,
3 are not allowed to participate in the public comment
4 session.

5 I also wish to note for those who are listening,
6 and for the benefit of your friends and neighbors who
7 are unable to join us for the public comment session,
8 that you or they may send written statements to the
9 Council within 30 days of the date hereof by mail or by
10 e-mail.

11 Please be advised that any person may be removed
12 from the public comment session at the discretion of the
13 Council. We ask each person making the limited
14 appearance statement in this proceeding to confine his
15 or her statements to the subject matter before the
16 Council, and to avoid unreasonable repetition so that we
17 may hear all of the concerns you and your neighbors may
18 have. Please be advised that the Council cannot answer
19 questions from the Public about the proposal. A
20 verbatim transcript will be made of this hearing and be
21 placed and deposited at Redding Town Clerk's Office for
22 the convenience of the public.

23 At this time I request the Applicant make a brief
24 presentation to the Public describing the proposed
25 facility. I believe Brian Gaudet is going to make that

1 presentation; Mr. Gaudet.

2 MR. GAUDET: Good evening, Mr. Morissette. For the
3 record, my name is Brian Gaudet. I am a Project Manager
4 with All Points Technology.

5 The Applicant that has proposed a 150 monopole is
6 MCM Holdings, LLC. The site is located at 3 Marchant
7 Road, also known as 288 Simpaug Turnpike in Redding. It
8 is approximately a 174-acre parcel that is currently
9 owned by the Connecticut Yankee Council. The property
10 is located within an R2 residential zone, and is
11 occupied by the Boy Scouts of America, Hoyt Scout Camp.

12 The new compound will be located in the north
13 central section of the parcel. Vehicle access to the
14 site will be along the existing paved driveway off of
15 Simpaug Turnpike to the north, and traverse generally to
16 the south, transitioning to an existing gravel parking
17 area. An approximately 125-foot long gravel access
18 drive extension will be installed from the southeast
19 corner of the parking area, and extend to the southeast
20 into the compound. Next page, please. Thank you very
21 much.

22 The compound is a 4,880 square foot, irregularly
23 shaped gravel based compound, surrounded by an eight
24 foot high chain link fence with privacy slats. The
25 compound will be accessed by a 12-foot wide gate on the

1 western fence line. Electric and telco utilities will
2 run underground from an existing utility pole that will
3 be placed by the utility owner in the existing parking
4 lot along with the proposed access drive extension, and
5 terminate at a proposed stepdown transformer and
6 multimeter bank outside the southwest corner of the
7 compound. Next slide, please. Thank you.

8 The compound has been sized for four carriers,
9 Verizon, and three future carriers. Verizon equipment,
10 including a 50kw liquid propane emergency back-up
11 generator, will be installed on a 10-foot by 20-foot
12 concrete pad in the northeast corner of the compound. A
13 1,000 gallon propane tank will be installed on a
14 separate 5-foot by 16-foot concrete pad in the northwest
15 corner of the compound.

16 The new 150-foot tall monopole, to be painted
17 brown, will be located in the eastern portion of the new
18 compound. Verizon plans to install nine antennas, nine
19 remote radio heads and one OBP mounted on a new
20 platform. The center line of the antennas will be
21 146 feet above ground level.

22 The tower has been designed to accommodate three
23 future carriers, with additional leased area within the
24 existing compound. No future tower extension is to be
25 designed at this time. Thank you very much.

1 MR. MORISSETTE: Thank you, Mr. Gaudet. We will
2 now call on Jason Jaffee to make a public statement,
3 followed by Paska Ann Nayden. Mr. Jaffee.

4 MR. JAFFEE: Yes, good evening. Can everyone hear
5 me?

6 MR. MORISSETTE: Good evening. Yes, we can hear
7 you fine. Thank you.

8 MR. JAFFEE: Great. So, yes, my name is Jason
9 Jaffee. I am a resident of West Redding, and I just
10 wanted to take this opportunity to voice my opposition
11 to the construction of this cell tower at the Hoyt Scout
12 Reservation.

13 To begin, I do not believe that the dark zones
14 lacking cell service in West Redding are as widespread
15 and prevalent as the filings in Docket 517 would lead
16 one to believe. I live less than one mile from the
17 proposed cell site and utilize Verizon as my carrier. I
18 have no issues with service at my residence. I also
19 drive on the local roads everyday, and rarely run into
20 instances where I lose service. To validate my claims
21 and provide additional clarity regarding current cell
22 coverage availability in the region, I conducted a
23 simple assessment by driving around to each of the 29
24 locations presented within Attachment 5, all within a
25 roughly two-mile radius of the proposed tower site. 26

1 of these locations are in the Town of Redding, with
2 Ridgefield, Danbury and Bethel all represented with one
3 location. My cell service ranged from two to three bars
4 depending on the location and I had no problems sending
5 and receiving text message, as well as phone calls from
6 each of these 29 locations. I prepared a document with
7 screenshots of my phone at each of these locations
8 displaying the cell service, as well as a map overlay.
9 I am happy to share this document with anyone who would
10 like to see it.

11 I also have concerns about the location that is
12 being proposed. Adjacent to the tower site is the
13 Saugatuck River, the primary source for the namesake
14 reservoir that provides clean drinking water to
15 thousands of people in Fairfield County. There is also
16 a wetland less than 50 feet from the site, per
17 Attachment 4.

18 Additionally, many of Redding's most unique and
19 beautiful natural resources and youth educational
20 centers, either directly border or lie near the Hoyt
21 Scout Property where the tower would sit, including the
22 New Pond Farm Education Center, the Marchant Farm, the
23 Westbrook Nature School, as well as various Redding Land
24 Trust Conservation Lands. I fear the visual impact
25 associated with the construction of a 150-foot tall

1 structure so close to these cherished natural resources
2 will permanently impair the experience that the users of
3 these resources seek to enjoy.

4 Finally, there is the obvious safety concern that
5 must be considered when placing a cell tower in a
6 location that children frequent at all hours of the day
7 and night, given that camping is a common activity at
8 the Hoyt property, and campsites are located just a
9 short walk away. I would not trust a simple fence to
10 keep the tower protected from infringements and the
11 potential for serious injury.

12 Redding is unique in its rural and bucolic
13 attributes in a region of the state that is otherwise
14 highly populated and urbanized. Residents have
15 tremendous pride in the Town's natural beauty, and many
16 elect to live and raise their families here for this
17 very reason. The potential gain for so few is not worth
18 the permanent impairment and erosion of the very
19 characteristics that make Redding a unique and desirable
20 place to live to so many. Thank you.

21 MR. MORISSETTE: Thank you, Mr. Jaffee.

22 I will state that you are allowed to provide and
23 send written statements to the Council within 30 days of
24 the date hereof by either mail or e-mail. And we will
25 take a look at it and consider it in our deliberation.

1 Thank you.

2 And we will now call upon Paska Ann Nayden,
3 followed by Lauren De Souza.

4 MS. NAYDEN: Thank you so much. This is Paska Ann
5 from Easton, Connecticut. I thank you all for this time
6 this evening.

7 And I am voicing my opposition to this tower in
8 Redding. Why? I think basically, it is simple law. I
9 am objecting because just as Connecticut and Redding is
10 bound to follow every U.S. Supreme Court ruling and
11 every U.S. Court of Appeals Second Circuit rulings, it
12 is also bound to follow every D.C. Circuit Ruling,
13 including, but not limited to, the Missoula Corp. Versus
14 the FCC in 2019, the United Keetoowah Band of Cherokee
15 Indians versus the FCC in 2019, and the Environmental
16 Health Trust versus the Federal Communications, FCC, in
17 2021. I think you are all familiar with those cases, if
18 not, in my written that I will be e-mailing tomorrow,
19 you can review those cases.

20 But in particular is the 2022 case, the Second
21 Circuit case, out of Long Island. That is a very
22 important case. This case is not under appeals, because
23 I checked with the lawyers this week, and it has not
24 been in appeals, they dropped their appeals, but this
25 case is very important. It is a landmark legal decision

1 by Judge Frederick Block, a Senior United States
2 District Judge for the Eastern District of New York.
3 They found that the Village of Flower Hill, New York,
4 was justified in denying the application of ExteNet, as
5 an agent for Verizon Wireless, to place 18 small cell
6 antennas in the Village. The Judge quoted the 1996
7 Telecommunication Act, citing the provision that nothing
8 in this chapter shall limit or affect the authority of a
9 State or Local Government or instrumentality thereof,
10 over decisions regarding the placement, construction and
11 modification of personal wireless services. Most
12 importantly, the Judge ruled that the 1996 Act do not
13 necessarily apply to the new uses of wireless, and that
14 is what this tower is all about. It is new uses to
15 provide broadband and other services. Improved
16 capacity, he said, and speed are desirable, and no doubt
17 profitable, but the goals in the age of smart phones, he
18 wrote, but they are not protected by the Act.

19 So I think this is very important that this
20 Council, in their due diligence, and I know they do due
21 diligence, and I respect with they do, honors and
22 respects these Supreme Court cases, as well as the
23 Second Circuit Court from this, just 2022, that we have
24 a right, and the Telecommunication Act does not protect
25 the 3.9, 3.7, call it the CBan, 5G, whatever they are

1 calling it these days, because 5G is just a marketing
2 term that is used. So, I yield.

3 MR. MORISSETTE: Thank you for your comments this
4 evening, and thank you for coming out.

5 We will now call on Lauren De Souza, followed by
6 Clifford De Souza. Lauren.

7 MS. DE SOUZA: Hello.

8 MR. MORISSETTE: Good evening.

9 MS. DE SOUZA: Good evening. I am here to voice
10 essentially my opposal to this. I know that there's,
11 there are many restrictions placed on what we can and
12 can't bring up that just so happen to coincide with many
13 concerns we all have when a new cell tower is proposed.
14 Those restrictions may be legal, but in my opinion they
15 are incredibly unethical. And if our concerns prove
16 valid, we are the ones left footing the bill,
17 figuratively and literally. I yield.

18 MR. MORISSETTE: Thank you, Ms. De Souza.

19 Now calling upon Clifford De Souza.

20 MR. DE SOUZA: Good evening.

21 MR. MORISSETTE: Good evening.

22 MR. DE SOUZA: I am a resident of Redding, and I am
23 here to voice my opposition to the cell tower proposal.
24 Whereas the Connecticut Siting Council is not required
25 to look at health risks or economic risks, I believe

1 that as a body of government, we should be aware of the
2 issues. So the ruling rests on a piece of research that
3 at this stage is over a quarter of a century old.

4 Speaking as a scientist, I find that absurd. If you
5 look at more recent decisions by bodies, governmental
6 bodies, including the (inaudible), the International
7 Commission on the Biological Effects of Electromagnetic
8 Fields, you will find that there is a very strong case
9 that these cellphone towers are responsible, and have
10 been noted, to create (inaudible) effects.

11 This is not a trivial issue. It is not something
12 the CT Council can just simply ignore as a matter of
13 law, because it does require to some degree of
14 substantiation. It is not just simply about putting a
15 tower where you will, it is about the effects of the
16 people and the residents of the Town of Redding.

17 I would note what one of the previous speakers,
18 that United States Court of Appeal for the District of
19 Columbia noted that the 1996 safety limits for human
20 exposure to wireless radiation, based on the FTC, and
21 the inability to update this would define as arbitrary
22 and capricious. So it seems absurd to me that we are
23 actually proceeding on those grounds when the health
24 risks are not actually known, and that we are not
25 allowed to look at it.

1 You also mentioned that we are not allowed to
2 discuss the issue of house prices. Well I would note
3 that in the Journal of Real Estate Finance and
4 Economics, in a recent issue a couple of years ago, we
5 noted that house prices within a kilometer of cellphone
6 towers dropped by an average of 10 percent. As a member
7 of the Town of Redding, I don't particularly want to see
8 that happen to my real estate prices. And I
9 particularly, if I was, certainly the father of a young
10 child, would not consider living in Redding if a
11 cellphone tower went up. Thank you very much.

12 MR. MORISSETTE: Thank you, Mr. De Souza, and thank
13 you for coming out this evening.

14 Well before closing this hearing, we, the
15 Connecticut Siting Council announces that briefs and
16 proposed findings of fact may be filed with the Council
17 by any party or intervenors no later than the
18 continuation of this hearing -- excuse me, let me start
19 over. The Council announces that it will continue the
20 evidentiary session of this public hearing on
21 January 23rd, 2024, at 2:00 PM via Zoom remote
22 conferencing. The copy of the agenda for the continued
23 evidentiary hearing session will be available on the
24 Council's Docket 517 web page. Along with a record of
25 this matter, the Public Hearing Notice, instructions for

1 public access to this evidentiary hearing session, and
2 the Council's Citizens Guide to Siting Council
3 Procedures.

4 Please note that anyone who has not become a party
5 or intervenors, but who desires to make his or her views
6 known to the Council, may file written statements with
7 the Council until the public comment record closes.
8 Copies of the transcript of this hearing will be filed
9 at the Redding Town Clerk's Office.

10 I hereby declare this hearing adjourned, and thank
11 you everyone for your participation this evening. Thank
12 you. Good evening.

13
14 (Whereupon the hearing concluded at 6:50 PM)
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STATE OF CONNECTICUT

I, THERESA BERGSTRAND, a Professional Reporter/Commissioner within and for the State of Connecticut, do hereby certify that I took the above hearing testimony on NOVEMBER 30, 2023, In Re, Connecticut Siting Council Docket Number 517 Public Comment Session.

I further certify that the within testimony was taken by me stenographically and reduced to typewritten form under my direction by means of computer assisted transcription; and I further certify that said deposition is a true record of the testimony given by said witness.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

WITNESS my hand and seal the 18th day of December, 2023.

Theresa Bergstrand

Theresa Bergstrand, CSR.
My commission expires 3/31/2026