



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

November 22, 2023

Michael Ungerer
130 Topstone Road
Redding, CT 06896
SayNoToHoytCellTower@gmail.com

RE: **DOCKET NO. 517** – MCM Holdings, LLC application 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. **Request for Intervenor Status.**

Dear Michael Ungerer:

The Connecticut Siting Council (Council) is in receipt of your correspondence of November 21, 2023, requesting Intervenor status under Connecticut General Statutes (C.G.S.) §4-177a and §16-50n in Docket No. 517.

The Council does not have a meeting scheduled at which this request could be taken up as an order of business before the November 30, 2023 hearing date for this matter. Therefore, your request will be taken up as an order of business during the 2:00 p.m. evidentiary session of the hearing on Thursday, November 30, 2023 via Zoom conferencing. Copies of the application are available at the Redding Town Clerk's Office. All documents filed to date are available on our website.

Enclosed please find the Council's Information Guide to Party and Intervenor Status and the public hearing notice.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Bachman".

Melanie Bachman
Executive Director

MB/RDM/laf

Enclosures

c: Service List, dated September 14, 2023

From: Michael <saynotohoytcelltower@gmail.com>
Sent: Tuesday, November 21, 2023 8:50 PM
To: CSC-DL Siting Council <Siting.Council@ct.gov>
Subject: Fwd: Intervenor Request - Docket No. 517
To Whom It May Concern,

Per the email correspondence below, I hereby certify that a copy of the foregoing document was electronically mailed to the attached service list (dated 9/14/23) on November 21, 2023.

Sincerely,

Michael Ungerer
130 Topstone Road
Redding, CT 06896

----- Forwarded message -----

From: **Michael** <saynotohoytcelltower@gmail.com>
Date: Tue, Nov 21, 2023 at 8:46 PM
Subject: Fwd: Intervenor Request - Docket No. 517
To: lchiocchio@cuddyfeder.com <lchiocchio@cuddyfeder.com>, <dpatrick@cuddyfeder.com>, <vking@mcmgmt.com>, <kbaldwin@rc.com>, <info@fleurdelisct.com>, <sfged444@gmail.com>, <jlvilla56@aol.com>, <dcaldwell29@gmail.com>, <meredithfordmiller@aol.com>, <ann@newpondfarm.org>, <marchantfarm@gmail.com>
Cc: <siting.council@ct.gov>

To Whom It May Concern,

Please find attached an Intervenor Request for Docket No. 517.

Best,
Michael Ungerer

----- Forwarded message -----

From: **Michael** <saynotohoytcelltower@gmail.com>
Date: Tue, Nov 21, 2023 at 8:38 PM
Subject: Intervenor Request - Docket No. 517
To: <siting.council@ct.gov>

Hi,

Please find attached a completed Intervenor Form, as well as a separate letter (single PDF) in opposition to Docket No. 517. Thank you very much.

Best,
Michael Ungerer



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INTERVENOR STATUS REQUEST FORM

Docket/Petition No.

517

Town/City

Redding

Date

11/4/23

Name:

Michael Ungerer

Street Address:

130 Topstone Road

City, State, Zip:

Redding, CT 06896

Contact Number:

(203) 731-4902

E-mail:

SayNoToHoytCellTower@gmail.com

1. Manner in which intervenor's participation is in the interests of justice and will not impair the orderly conduct of the proceedings:

I have been a resident of Redding, CT since 2014 and currently live just over one (1) mile from the proposed 150' tower at the John Sherman Hoyt Scout Reservation property. To this end, I have an interest in the proposed cell phone tower.

2. Manner and extent to which intervenor proposes to participate:

I would like to be copied on all copies of all motions and correspondence, and notice of all public meetings, conferences and hearing dates regarding the proposed cell phone tower.

3. Statutory authority for intervenor request:

I understand that requests to intervene are usually in the form of a written motion. However, I am also aware that a letter may be sufficient if it complies with the format requirements of the DEEP Rules of Practice, RCSA §§22a-3a-2 to 22a-3a-6.

4. Nature of evidence intervenor intends to present:

The proposed cell phone tower will provide access to cell phone service to only a small number of households, at the cost of the destruction of the visual aesthetics of the rural Redding community at large. Additionally, as per typical generators for cell phone towers, the proposed backup generator will be run weekly for at least one (1) hour, plus at all times when the power is out, resulting in unnecessary noise for Redding residents.

Signature

Date

11/4/23

November 4, 2023

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

RE: MCM Holdings LLC – Proposed Wireless Telecommunications Tower Facility at 3 Marchant Road (Camp Hoyt) in Redding, CT – Docket/Petition No. 517

Dear Ms. Bachman,

I reside at 130 Topstone Road in Redding. My property is located just over one (1) mile from the proposed 150' cell phone tower at the John Sherman Hoyt Scout Reservation ("Camp Hoyt").

I have reviewed the Technical Report prepared by the applicant, MCM Holding LLC. Per the report, MCM Holdings would lease **6,800-square-feet of ground space** to support a self-supporting **monopole tower that is 150 feet in height**. Verizon would install nine (9) panel antennas and related equipment at a height of about 146 feet above grade level (i.e., at the top of the tower). Among other things, Verizon would install a provide a propane-fueled backup generator on a 10' x 20' concrete pad in the northeastern corner of the fenced compound. Moreover, a 1,000-gallon propane fuel tank will be placed on a separate 5' x 16' concrete pad in the northwest portion of the compound. All equipment will be fenced in within a 4,880-square-foot fenced area (e.g., equivalent to about 69' x 69') with an 8' high chain link fence with privacy slats and 6'8" evergreen plantings along three (3) sides. The proposed fixture would like something like the following:





Melanie A. Bachman, Esq.
November 4, 2023
Page 3

Per the website for Camp Hoyt¹, the “*John Sherman Hoyt Scout Reservation is located on 170 acres of pristine forest and fields in West Redding, Connecticut.*” Sadly, if this project is approved, that will no longer be the case. The pristine nature of the forest and fields will be tainted by an obtrusive and unnecessary 150’ cell phone tower.

These monopole structures contradict the rural nature of Redding and will be a great eyesore to the community, resulting in decreased property values and are a potential significant liability, given that they are located in the middle of the property of a very popular, local scout camp. Such a structure is an accident waiting to happen.

Most residents of Redding such as myself have chosen to live in Redding for the bucolic nature of the community. It is a shame that the owners of MCM Holdings LLC, who are not even residents of this community, nor any community in close proximity to Redding, can force this cell phone tower to be erected for their own financial gains. I guarantee that if a cell phone tower was to be constructed near any of the Zachs’ family residences in West Hartford or any other locations, it would be fought tooth and nail, with dozens of highly paid lawyers. Perhaps some of the Zachs’ family members should remain in the CT cannabis business and stay out of the business of our local residents, who simply want to prevent the unnecessary proliferation of cell phone towers in our community, and leave us to tend to our pristine forest and fields.

Lastly, I ask that the following question be answered by the applicant:

- How many houses located within Redding, Danbury and Bethel, separately, that currently do not have any Verizon cell phone service would subsequently have Verizon cell phone service as a result of this project?

I surmise that the answer is relatively small in number. So, I ask the Siting Council: Why don’t the residents of Redding get to vote on this matter? Where is the equity when we, as residents, don’t even have a chance to vote on a proposal that results in a visual nuisance, decreased property values and a significant liability to both the Town of Redding, the Council and the State?

I ask you to vote to NO to this proposal of MCM Holdings.

Best,



Michael Ungerer

¹ <https://www.ctyankee.org/scout-info/council-camps/hoyt/>



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CONNECTICUT SITING COUNCIL INFORMATION GUIDE TO PARTY AND INTERVENOR STATUS

The Connecticut Siting Council (Council) will name or admit as a **party** any person whose legal rights, duties or privileges will be specifically affected by the Council's decision in a docket.

The Council will name or admit as an **intervenor** any person whose participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

Service List and Service Requirements

Once a person is named or admitted as a party or intervenor, they will be added to the "Service List," which lists all of the participants in a docket that is prepared and made available to the public under the link for a specific docket on the "Pending Proceedings" page on the Council website. Parties and intervenors will receive documents via e-mail. If a party or intervenor prefer to have hard copies of documents via regular mail, they must notify the Council in writing. Also, documents filed with the Council must contain one original, 15 copies and an electronic version for scanning to the website via e-mail or disk. The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list and include a certification as follows:

"I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on (date)." Signature and printed name of the sender.

Conduct of the Proceedings

- A. Pre-hearing Conference:** The Council will schedule a pre-hearing conference on procedural matters in the Council's office or by telephone. All parties and intervenors are requested to attend or participate. This is the proper venue to informally discuss the Council's procedure and ask any questions related to procedure. Failure to attend results in a lost opportunity to discuss process matters. The Council will also announce a schedule for the submission of pre-filed testimony and pre-hearing interrogatories.
- B. Pre-Filed Testimony:** The Council requires that testimony be pre-filed with the service list before the hearing to avoid direct testimony and to save the time and expense of the public at the hearing. Pre-filed testimony is the only chance for parties and intervenors to make a statement of position. Pre-filed testimony is posted on the docket webpage and is part of the record in a proceeding. Pre-filed testimony consists of allegations of fact and statements of position with exhibits attached in support of the allegations of fact and stated position. Parties and intervenors are not permitted to make statements (ex. directly testify) during the hearing.
- C. Pre-hearing Interrogatories:** The Council encourages parties and intervenors to file pre-hearing questions to the applicant and other parties and intervenors in the proceeding on any information in the record, including, but not limited to, the application, other pre-hearing questions, pre-filed testimony of the applicant or pre-filed testimony of other parties and intervenors in the

proceeding. Pre-hearing questions are an opportunity for parties and intervenors to request more information. The applicant, parties and intervenors are obligated to respond to pre-hearing questions directed to them that are filed by the Council, the applicant and any party or intervenor in the proceeding in accordance with the schedule announced by the Council.

- D. Administrative Notice:** The Council routinely develops a list of exhibits known as “Administrative Notice Items” in every docket. Administrative Notice items are generally recognized technical or scientific facts within the Council’s specialized knowledge, including, but not limited to, prior decisions of the Council, publications of federal state agencies such as the Federal Communications Commission and publications of other state agencies such as the Department of Transportation. Scientific studies or publications for which the author is not available for questioning by participants in the proceeding should be submitted as administrative notice items rather than exhibits attached to pre-filed testimony.
- E. Experts and/or Witnesses:** Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct testimony. For example, if a party or intervenor presents a land survey in their pre-filed testimony, the author or engineer that prepared the land survey must be present at the hearing, sworn in and available to answer questions pertaining to the land survey that are asked by the Council and the other participants in the proceeding.
- F. Cross examination at the hearing:** The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council. Typically, the hearing proceeds as follows:
1. Opening Statement from the Council Chairman
 2. Administrative Notice Items of the Council
 3. **Applicant’s Appearance**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of the Applicant by:
 - i. Council
 - ii. Party
 - iii. Intervenor
 4. **Appearance by Party**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)

- b. Swear Witnesses
- c. Cross Examination of Party by:
 - i. Council
 - ii. Applicant
 - iii. Intervenor

5. Appearance by Intervenor

- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
- b. Swear Witnesses
- c. Cross Examination of Intervenor by:
 - i. Council
 - ii. Applicant
 - iii. Party

6. Oral Limited Appearance Statements/Public Comment Session

- this portion of the hearing is reserved for members of the public who are not parties and intervenors in the proceeding to express concerns
- members of citizens' groups or associations that have attained party or intervenor status are represented by the group or association and may not also provide oral limited appearance statements

- 7. Rebuttal by Applicant:** Limited to facts and evidence addressed during the hearing. No argument or closing statements/remarks will be allowed.

G. Post-Hearing Procedure: At the conclusion of the hearing, when the evidentiary record is officially closed, the Council announces a post-hearing schedule for written limited appearance statements, briefs and proposed findings of fact. No new information, no new evidence and no arguments will be considered by the Council.

1. 30 Day Written Limited Appearance/Public Comment Period: Written limited appearance statements from the public are accepted within 30 days after the close of the hearing. Parties and intervenors may not submit additional written statements after the close of the evidentiary record.

2. Post Hearing Brief and Proposed Findings of Fact Schedule: Parties and intervenors may file a brief with the Council summarizing allegations of fact and statements of position presented during the evidentiary hearing. Parties and intervenors may also submit suggestions of facts in the record for inclusion in the Council's final decision.

3. Draft Findings of Fact Issued by Council: The Council will issue draft findings of fact from the record to be issued as part of the final decision. Parties and intervenors will be given an opportunity to identify errors or inconsistencies between the Council's draft findings of fact and the record.

4. Final Decision: The Council will make a final decision at a regular Council meeting. The agenda for all Council meetings is published on the Council

website. All parties and intervenors to a docket that is on an agenda will receive a copy of the agenda. Although regular Council meetings are open to the public, there is no opportunity for public participation during the meeting. All parties and intervenors will receive a copy of the final decision in the mail.



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HEARING NOTICE

Pursuant to provisions of Connecticut General Statutes § 16-50m and Public Act No. 22-3, notice is hereby given that the Connecticut Siting Council (Council) will conduct a public hearing via Zoom remote conferencing on Thursday, November 30, 2023, beginning with an evidentiary session at 2:00 p.m., and continuing with a public comment session at 6:30 p.m. The hearing will be on an 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.

The purpose of the hearing is to receive evidence on the applicant's assertions that the public need for the facility outweighs any adverse environmental effects from the construction, operation, and maintenance of the facility. The 2:00 p.m. evidentiary session will provide the applicant, parties and intervenors an opportunity to cross-examine positions. **No public comments will be received during the 2:00 p.m. evidentiary session.** The 6:30 p.m. public comment session is reserved for the public to make statements into the record. Public statements are limited to 3 minutes. During the 6:30 p.m. public comment session, the applicant will present an overview of the proposed facility.

Attendees can join by clicking (or entering) the following link:

<https://us06web.zoom.us/j/82544229508?pwd=QzZBM25CeVc1eHg4T3dhNzFDUUVjdz09>

from a computer, smartphone, or tablet. **Meeting ID: 825 4422 9508 and Passcode: 4xTYZ4.**

No prior software download is required. For audio-only participation, attendees can join by dialing in at **1(929) 205-6099 (not toll free)** and then enter the **Meeting ID: 825 4422 9508 and Passcode: 676552** from a telephone.

Interested persons may join any session to listen, but must sign-up in advance to speak during the 6:30 p.m. public comment session.

To participate in the **6:30 p.m. public comment session by computer, smartphone or tablet**, please send an email to siting.council@ct.gov with your name, email address and mailing address by **November 29, 2023**. To participate in the **6:30 p.m. public comment session by telephone**, please leave a voicemail message at 860-827-2935 with your name, telephone number, and mailing address by **November 29, 2023**. Public comments may also be submitted to the Council by electronic mail or by regular mail.

Any person may be removed from the Zoom remote evidentiary session or public comment session at the discretion of the Council.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1, et seq., of the Regulations of Connecticut State Agencies.

The Council directs that all testimony and exhibits be pre-filed electronically with the Council and all parties and intervenors by November 16, 2023.

Individuals are encouraged to participate through their elected officials and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at siting.council@ct.gov, on or before November 22, 2023.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the evidentiary record.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council up to 30 days after the close of the evidentiary record. No written statement or any other information will be accepted after 30 days of the close of the evidentiary record, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing will be posted on the Council's project webpage and deposited in the Town Clerk's Office of the Redding Town Hall for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by November 22, 2023.

Information about how the public hearing will be conducted and how the public can access it will be posted on the Council's Docket No. 517 project webpage at the following link:

https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Pending-Matters

The applicant is represented by the following:

Applicant

MCM Holdings, LLC

Its Representative

Lucia Chiocchio, Esq.
Daniel Patrick, Esq.
Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

A copy of the application is available for review on the Council's website at portal.ct.gov/csc under the link "Pending Matters." The Council has assigned this application Docket No. 517.

**Instructions for Public Access Docket No. 517 Remote Public Hearing
November 30, 2023
Evidentiary Session at 2 PM
Public Comment Session at 6:30 PM**

PLEASE NOTE:

- Interested persons may join any session to listen, but **you must sign-up in advance to speak during the 6:30 p.m. public comment session**
- Any person may be removed from the Zoom remote evidentiary session or public comment session at the discretion of the Council.
- All participants are requested to mute sound notifications on their computer, smartphone or tablet. Telephones are often equipped with a “do not disturb” feature for the dial-in option.

A. Evidentiary Session – 2 PM

1. Attendees can join by clicking (or entering) the following link:
<https://us06web.zoom.us/j/82544229508?pwd=QzZBM25CeVc1eHg4T3dhNzFDUUVjdz09>
from a computer, smartphone, or tablet. **Meeting ID: 825 4422 9508 and Passcode: 4xTYZ4.** No prior software download is required.
2. For audio-only participation, attendees can join by dialing in at **1(929) 205-6099 (not toll free)** and then enter the **Meeting ID: 825 4422 9508 and Passcode: 676552** from a telephone.
3. All microphones will be muted upon entry into the meeting and will be turned on in the order of party appearances and cross examination governed by the Hearing Program.
4. **No public comments will be received during the 2:00 p.m. evidentiary session.**

B. Public Comment Session – 6:30 PM

1. Attendees can join by clicking (or entering) the following link <https://us06web.zoom.us/j/82544229508?pwd=QzZBM25CeVc1eHg4T3dhNzFDUUVjdz09> from a computer, smartphone, or tablet. **Meeting ID: 825 4422 9508 and Passcode: 4xTYZ4.** No prior software download is required.
2. For audio-only participation, attendees can join by dialing in at **1(929) 205-6099 (not toll free)** and then enter the **Meeting ID: 825 4422 9508 and Passcode: 676552** from a telephone.
3. **You must sign-up in advance to speak during the 6:30 p.m. public comment session. Statements will be limited to 3 minutes.**
 - a. If you anticipate participating in the **6:30 p.m. public comment session by computer, smartphone or tablet**, please send an email to siting.council@ct.gov with your name, email address and mailing address by **November 29, 2023**.
 - b. If you anticipate participating in the **6:30 p.m. public comment session by telephone**, please leave a voicemail message at 860-827-2935 with your name, telephone number, and mailing address by **November 29, 2023**.
4. If the email and name of the person or the phone number and name of the person is not provided in writing to the Council in advance, they will not be admitted into the meeting.
5. All microphones will be muted upon entry into the meeting and will be turned on in the order in which people are signed up to speak.

6. Public comments may also be submitted to the Council by email at siting.council@ct.gov or by regular mail. Such written comments will be given the same weight as if spoken during the public comment session.