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Re: MCM Holdings, LLC
Proposed Wireless Telecommunications Tower Facility
3 Marchant Road (Camp Hoyt), Redding, CT
Docket 517

Intervenor Villamizar Brief: Opposition to Granting a Certificate of
Environmental Compatibility and Public Need

On August 15, 2023 MCM Holdings, LLC ("Applicant") submitted an application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunication facility ("Facility") on the basis that Verizon (aka Cellco) needs the Facility to provide reliable wireless services to northwestern Redding, southwestern Bethel and southern Danbury. The Facility is proposed on an approximately 174-acre parcel of land owned by the Connecticut Yankees Council Inc. (Boy Scouts of America) located at 3 Marchant Road in the Town of Redding ("Parcel"). The Parcel is stated to be used as a camp by the Boy Scouts of America and includes various camp sites, hiking trails, a training facility, a parking area and cabins. The Facility is proposed within an approximately 6,800 square-foot leased area in the center of the Parcel.

Specifically, Applicant intends to construct a 150-foot monopole, equipment cabinet, a back-up battery cabinet and a propane fueled emergency back-up generator in an approximately 4,880 s.f. fenced equipment compound ("Compound").

The proposed Facility will only accommodate 3 carriers rather than the 4 that is preferred in order to reduce the number of towers being constructed. It is submitted that this may be the result of the limited space available in the location chosen by Applicant. The Compound is essentially shoe-horned in-between the camp facilities, hiking trails, wetlands and a vernal pool. It should be noted that the Compound is in an area that is used by the scouts and not some remote location on the 174-acre lot. It is submitted that the recreational value of the Parcel will be greatly diminished by the construction of proposed 150-foot monopole and related equipment directly in the middle of the campgrounds and hiking trails being only 90 feet from the Garfield camp site and 65 feet from the Blue Trail. The proposed Compound is so shoe-horned in to the Parcel that Applicant admits that it cannot move the Compound an additional 50 feet away from Wetlands 1 due to the existing infrastructure, trails and usage by the camp (Villamizar second set of interrogatories Q.8 and Jason Mead testimony during the January 23, 2024 hearing p.59). Thus, it is difficult to understand how the proposed Facility and Compound will not diminish the recreational value of the campgrounds in view of its proposed location in the middle of the area that is used by the scouts.

Furthermore, it is believed that the tower setback radius results in a much larger diameter than is encompassed by the Facility and a possible tower failure could result in injury or death to the participants at the scout camp based on the location of the proposed Facility and monopole. Even with the addition of a hinge to reduce the potential radius, it is respectfully submitted that such does not adequately address the safety issue as Facility is located in such close proximity to where the campers will be walking, camping and participating in activities.

It is further noted that the proposed Facility, including the 150-foot monopole, will greatly reduce the recreational value of the property owned by New Pond Farm. New Pond Farm was begun by actress and environmentalist, Carmen Mathews, over 40 years ago to serve as an oasis of beauty where people of all ages could connect with the natural world in a meaningful way. In 1995 Carmen gave a conservation easement on 80 acres to the Redding Land Trust in order to preserve the open vista and for her beloved property to serve as a model for enlightened land use. It is respectfully submitted that erecting a 150-foot monopole with accompanying infrastructure will greatly diminish the recreational, aesthetic and scenic quality of the New Pond Farm property and the conservation property as the structure is so close that it will permanently impair the experience that users of these resources seek to enjoy.

Applicant states that the Facility will not have any substantial adverse effect on the aesthetics or scenic quality of the neighborhood. The proposed Facility is in the middle of the campgrounds in an approximately 5000 s.f, fenced area including a 150-foot monopole, of which the monopole extends 65 feet above the tree line and is located on a ridgeline. It is respectfully submitted that the foregoing will greatly diminish the aesthetic and scenic quality of the campgrounds as well as properties surrounding the Parcel including but not limited to those located at 235 Simpaug Turnpike, New Pond Farm, Redding Land Trust Properties in the area, and houses along George Hull Hill Road. Another balloon float would be required to establish the visibility from locations not included in the Application as well as those that were included in order to get a true picture of the potential visibility in the area. For example, the photograph taken from 235 Simpaug Turnpike submitted by the undersigned as Exhibit IV-6 clearly shows that the

monopole will be visible from the residence on a year-round basis whereas Applicant expressed some doubt as to whether there would be any visibility from this location (November 30, 2023 testimony p. 36). The monopole is proposed to be located on a ridgeline with 65 feet of the monopole above the treeline which will include the Cellco equipment on the top. Applicant has taken photographs which are stated to show that the visibility will be minimal from locations that surround the Facility (Attachment 5 to the Application). The undersigned is somewhat confused by a few of the photographs and it should be noted that the undersigned has not undertaken a review of the locations where the photographs were taken, but simply a review of the photographs themselves and the map provided in Tab 1 of the Application. Let us begin with photograph No. 27 which is the only photograph taken from George Hull Hill Road. It appears to have been taken at nearly the furthest location on the road from the location of the balloon float as shown on Applicant's site map in Tab 1. Notwithstanding, the house is visible in the photograph behind the trees and there is also a view of the tree line which is believed to include the site which indicates that the balloon float would be visible from that residence and probably others along George Hull Hill Road. Applicant has stressed that the monopole is not visible as the perspective of the proposed facility is from the ground looking up towards the tower (response of Applicant to Deluca second set of interrogatories Q6.). George Hull Hill Road is west of the proposed site and is on a ridgeline of substantially the same height as the proposed site which would then be looking directly across at the monopole. It is difficult to believe that the 65 feet of the monopole with Cellco's equipment on top would not be visible. Finally, a review of photographs 20-22 purports to establish that there is no view of the balloon float from the site search center area at the intersection of Simpaug Turnpike and Long Ridge Road. Each of these photographs are taken

very close to the tree line on the road in the area which may obscure the visibility of the balloon float. It is noted that there is a large parking lot diagonally across from the Post Office depicted in photograph 22 which would then perhaps provide a clear view of the balloon float. This treeless parking area can be seen in Mr. Jaffee's screenshot of Location 19 (submitted as Exhibit IV-7 by Intervenor Villamizar) wherein it can be seen that there is a large area without tree coverage. Additionally, the balloon float would not have been visible in photograph 22 as the balloon float is approximately .45 miles to the south of the location which would have put it outside the frame of the camera or behind the pines seen in the photograph. As Applicant has stated during the testimony on January 23, 2024, it is a matter of perspective. Looking up from a location under trees will preclude a view of the balloon but stepping back will then allow a broader depth of field. West Redding is unique in its rural and bucolic attributes and the erection of a 150-foot monopole on the ridgeline with 65 feet of it above the tree-line will permanently impair the experience users seek to enjoy in the surrounding area. By no stretch of the imagination will there be no substantial adverse effect on the aesthetics or scenic quality of the neighborhood.

Applicant has addressed concerns with bog turtles, migratory birds, Appalachian blue butterfly and the northern long-eared bat, but does not address the concerns raised at the June 8, 2023 public meeting relative to the children and the tower creating an attractive nuisance. The children cannot be watched every minute that they are on the site and the construction of the cell tower with fencing, etc. presents a situation for children to be children which may result in harm to them. This situation falls squarely within the Attractive Nuisance Doctrine as an attractive nuisance is essentially anything that can attract teens

and children to a property that threatens them with harm. There are even TikTok challenges related to climbing cell towers. It is respectfully submitted that the temptation of climbing the fence and/or cell tower during overnight camping should not be permitted in this case as the proposed facility is directly in the middle of the camp with the Garfield campsite 90 feet away and the blue hiking trail only 65 feet away. I am sure that there are many other more appropriate sites that could be chosen where children's safety will not be such an issue. It is noted that Mr. Gadasu admitted that after Cellco became aware of the proposed site availability, they were done (January 23, 2024 testimony p.35). It is respectfully submitted that Cellco and Applicant did not adequately evaluate alternative sites as the search area appears to have been chosen based upon the availability of the site and not using the coverage maps that are normally used by Cellco. Use of the coverage maps would have placed the search center somewhere on Route 53 where there is allegedly a substantial issue with coverage and the one mile radius would not have encompassed the proposed site. It is submitted that the location of the cell tower in the middle of a children's campgrounds is not the best location, particularly due to the close proximity to the camp's infrastructure, trails and usage of the camp grounds by the scouts. Even assuming the use of removable pins from the lower portion of the monopole, it is respectfully submitted that this may not prevent children from attempting to climb the fence and tower.

As to the wetlands and vernal pool on the Parcel, the State of Connecticut Council on Environmental Quality states that the Compound is closer than 48 feet to Wetlands 1 and, therefore, the construction of the proposed Facility would be considered a regulated activity. The Inland Wetlands and Watercourses Act (IWWA) specifically states that the inland wetlands and watercourses of the

state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and inland watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. Applicant's location for the proposed Compound does not afford an adequate buffer to Wetland 1. Specifically, there is a distance of only 19 feet to Wetland 1 from the access road and less than 48 feet to the Compound itself. The Council on Environmental Quality recommends that the Applicant consider relocating the proposed Compound and access road to maintain a 100-foot vegetated buffer between the proposed Compound and access road and the nearby Wetlands 1.

Applicant attempts to diminish the fact that the proposed Compound and access road are too close to Wetland 1 by stating that it is of a lesser quality than Wetlands 2 in order to dissuade the Council from requiring adherence to the minimum buffer zone for Wetland 1. It should be noted that Applicant stated that contractors and all personnel would need to be trained as to the environmentally sensitive nature of the project given the proximity to wetlands and vernal pools. Mr. Gustafson, on behalf of Applicant, stated at the November 30, 2023 hearing that Applicant did consider moving the Compound and access road to maintain a 100-foot buffer around Wetlands 1 but this would reduce the separation distance to Wetlands 2 which contains vernal pool 1, a much higher quality wetland system. Furthermore, he stated that more grading and tree clearing would be required (November 30, 2023 hearing testimony p. 45-46 and 53-54). It would appear that the more critical aspect of moving the Compound and access road to maintain the 100-foot buffer with Wetlands 1 is that the existing infrastructure, trails and

usage by the scout camp prohibit the movement of the proposed Compound 50-feet further from Wetlands 1 (Villamizar second set of interrogatories Q.8 and Jason Mead testimony during the January 23, 2024 hearing p.59). Applicant stated during cross-examination that they considered moving the Compound further from Wetlands 1 but determined that environmental considerations precluded such movement (January 23, 2024 hearing p. 56). As Applicant has admitted that they cannot move the Compound as it is shoe-horned into the campgrounds amongst the infrastructure, trails and usage by the scout camp why would they have even entertained the idea of moving it. It would be an exercise in futility.

The IWWA balances the need for economic activities and wetland preservation. The impact of proposed Facility and Compound on the wetlands and watercourses will be from the area outside the physical boundaries of the wetlands. Loss or negative impact on a wildlife species may have negative consequential effects on the physical characteristics of wetlands for which regulatory agencies should deny an application for a regulated activity in an area outside wetlands or watercourses.

The record demonstrates that certain types of species, such as wood frogs and the spotted salamander occur on the site and are known to contribute to the life cycle of the wetlands and bear a direct relationship to the quality of the water. Wood frogs are a keystone species in terms of wetland cycles. Loss of wood frogs could have negative consequential effects on the physical characteristics of wetlands, such as impacts to water quality of vernal pools if wood frogs were eliminated from breeding within them. A substantial reduction in the capacity of the wetlands to sustain biological life and the clearing of forests

would greatly reduce the capacity for survivorship of amphibians and adversely affect the nutrient and energy recycling within the wetlands. It is respectfully submitted that Wetland 1 is equally important to Wetland 2 and Applicant's attempt at minimizing the importance of Wetlands 1 in order to construct an unnecessary telecommunications facility in such close proximity should not sway the Siting Council.

Public need is stated to be a significant deficiency in Cellco's wireless communications service in the northwestern part of Redding. In support of the Application, Applicant submitted Cellco (aka Verizon) coverage maps. It is further stated by Cellco that there are significant areas of unreliable service in West Redding, including and "perhaps most significantly, an approximately 1.5-mile portion of State Route 53" (Cellco response to Siting Council Q.9). It is stated that the proposed Facility will provide service to West Redding and portions of southwestern Bethel and southern Danbury. Based on the coverage maps, it is submitted that the search area for the proposed Facility appears to have been chosen because it encompassed the scout camp site as no other reason could be delineated during cross examination of Cellco during the January 23, 2024 hearing (see Testimony p. 31-35). During cross examination, Cellco stated that they use coverage maps to decide where a cell tower is needed. Based thereon, in the case of West Redding wherein the significant problem lies on Route 53, Cellco was unable to explain why the center of the search radius was chosen as the intersection between Simpaug Turnpike and Long Ridge Road where there are no cell service issues as opposed to in close proximity to the area on Route 53 where they state there is a significant area of unreliable service. Finally, Mr. Gadasu admitted that when Cellco became aware of the scout camp availability, they were

done. So, from this it appears that Cellco developed their search center based upon the availability of the Parcel. This is further bolstered by the fact that neither Cellco nor Applicant were willing to answer the interrogatories directed to the date when Applicant advised Cellco of the availability of the Parcel.

Specifically:

1. Cellco response to Villamizar Interrogatory 2: "The cell site lease, between MCM and the Boy Scouts appears to have been signed prior to the commencement of Cellco's site search."
2. Cellco's response to Villamizar Second Set of Interrogatories No. 1 related to the cell site lease: "See Cellco's response to your November 20, 2023, Interrogatory Q. 2 and its November 1, 2023 responses to Council's Interrogatories Q.1 and Q2."
3. Applicant's response to Villamizar second set of interrogatories Q2: "As Ms. King testified at the November 30th evidentiary hearing, (11/30/23 Transcript pg. 31) it is her understanding that MCM's review of this area was based on interest for a site expressed by Verizon through their submission of an application to collocate on the facility in October of 2016".
4. Applicant's response to Villamizar first set of interrogatories Q6. relative to when MCM began a search in West Redding: "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.
5. Applicant's response to Villamizar second set of interrogatories Q11. Relative to when MCM informed Cellco of the lease agreement: "Verizon

submitted an application to MCM to collocate on the proposed facility in October of 2016."

6. Cellco's testimony at the 1/23/24 hearing Ms. Glidden's response: "When - in 2016 Cellco was looking for - became aware of some coverage issues in this area and began looking for a possible site. And shortly after beginning a search in looking at a number of different parcels, we became aware that MCM had an option on this particular parcel."
7. Cellco's testimony at the 1/23/24 hearing Mr. Gadasu's response is that when they became aware of the availability of the scout property by MCM, they were done and they became aware of this after they began their search in the area in Q1. of 2016 (January 23, 2024 hearing testimony p.32-35 and response to Siting Council interrogatory Q.1).

As Cellco's testimony was Applicant had an option for a lease of the Parcel and the attachments to the lease are dated in 2014, Applicant had to have undertaken a search in West Redding prior to Cellco's initiation of a search. So, it would appear that there is not a straight answer or even a consistent response from Applicant and Cellco relative to a very simple question regarding when a search in West Redding was undertaken and when Cellco and Applicant began a collaboration relative to the site in question. The real question, is why are Applicant and Cellco unwilling to answer this question. It would appear that Applicant at some early point in the process advised Cellco of the option for a lease of the Parcel and a proper evaluation of alternative sites was not undertaken by Cellco. Also, it would appear that Applicant undertook a search of properties in West Redding prior to Cellco's initiation of a search in quarter one of 2016 contrary to their responses to the interrogatories in this proceeding.

Another example where there is reluctance to answer a simple question which should be straight-forward relates to the location of the search center and radius. Cellco stated during cross-examination at the January 23, 2024 hearing that the search center and radius are determined based upon the coverage maps which would result in a search center on Route 53 in the area where there is a significant gap in coverage as stated hereinbefore. Cellco was not able to provide an answer to the question of how the search center located at Long Ridge Road and Simpaug Turnpike in West Redding in this Application was arrived at. Again, the avoidance to answer the question is stunning:

1. Cellco response to Villamizar Second set of interrogatories Q2. asking how the search center was chosen: "The search center of the one-mile search ring established in this case, to satisfy Cellco's need for service in northwest Redding."
2. Testimony during January 23rd, 2024 hearing relative to search center choice see pages 31-35 wherein Cellco's witnesses were unable or unwilling to answer the question.

If the search center was located on Route 53 in the area where there is allegedly a significant area of unreliable service, the one mile radius would then exclude the Parcel as a site based upon their criteria for a search. Only through cross-examination was the fact that the methodology normally used by Cellco for a site search was not used in this case.

As this is the first time the undersigned has participated in a proceeding before the Siting Council, the criteria for evaluating the standard of conduct that Applicant and Cellco are held to in filing and defending their request is not known to me. The undersigned expected that questions that were asked in interrogatories would be answered and documents requested by the Siting Council would be provided. Perhaps the undersigned is just naive in her expectations.

The West Redding Fire Department is very near the area on Route 53 that Cellco states is in substantial need of additional wireless service but Mr. Gadasu stated that the reason the site was rejected was that the ground elevation is lower compared with the Parcel so a significantly taller tower would be needed to compensate for the height (January 23, 2024 hearing testimony p. 18-19). It is difficult to see how this is true as Mr. Gadasu also testified that the terrain is flat in the area surrounding the Parcel allowing for a service radius from the tower of between one and a half to two miles (January 23, 20-24 hearing testimony p. 36). So it would seem that the West Redding Fire Department would be suitable to address the alleged deficiency on Route 53. Notwithstanding the fact that it would be suitable, an additional tower is not needed to address the deficiencies alleged by Cellco.

Cellco states that the existing cell towers at 4 Dittmer Road and 66 Sugar Hollow Road were not evaluated on the basis that Cellco believes that use would not satisfy Cellco's wireless service objectives but has not provided coverage maps in support of this allegation notwithstanding that the Siting Council specifically requested these in their interrogatory 3. Cellco stated that no coverage maps were developed for these locations using Cellco's internal coverage mapping tool

(i.e. Atoll) in response to that interrogatory (Cellco's response to Siting Council Q.3: "The existing tower at 4 Dittmer Road is located approximately 2.7 miles to the northeast of the proposed MCM tower. The tower at 66 Sugar Hollow Road is located approximately 2.0 miles to the northwest of the proposed MCM tower. Due to the overall distance between Cellco's Redding North search ring and these existing tower sites, detailed coverage plots were not prepared and were not needed to confirm that these existing towers would not satisfy Cellco's wireless service objectives in northwest Redding."). This was contradicted during cross examination as their witness, Mr. Gadasu, admitted that coverage maps were done for the Dittmar and Sugar Hollow locations (January 23, 2024 hearing testimony p. 24-25). Furthermore, Mr. Gadasu stated that it is really quick to create a coverage map using Cellco's Atoll program but coverage maps in support of Cellco's assertions during this proceeding have not been provided. Why? It is respectfully submitted that if in fact these sites were not capable of providing the coverage allegedly needed by Cellco, they could have easily provided evidence in support of their position but chose not to. The Sugar Hollow site in combination with the Dittmar site will address Cellco's alleged cellular issues. The Dittmar site would cover West Redding including Route 53 and Southwestern Bethel (January 23, 2024 hearing p. 21 wherein Mr. Gadasu states that 4 Dittmar Road would fill in the gaps in their network to the east) Mr. Gadasu further testified that the terrain is flat in the area allowing for a service radius from the tower of between one and a half to two miles (January 23, 20-24 hearing testimony p. 36). Use of the Sugar Hollow would cover Southern Danbury and West Redding but not to the Parcel where there is coverage as shown on the Cellco coverage maps submitted as Attachment 2 (January 23, 2024 hearing testimony p. 21-22). This is supported by Cellco's carefully worded response to Intervenor Villamizar's first set of

interrogatories to Cellco Q.5 wherein Cellco stated: "The proposed MCM tower site is appropriately located so that Cellco can satisfy most, if not all its wireless service objective from a single tower." (emphasis added). Cellco apparently did not want to evaluate a combination of existing towers to meet their needs as that would require twice the expense on their part for two cellular fixtures, leases, generators, etc. rather than only one if they could use the scout camp. It is respectfully submitted that assuming that there is an actual need by Cellco for further cellular capacity such could be addressed utilizing currently existing cell towers in the area. An additional cell tower on the scout camp will be an unnecessary proliferation of cell towers in the area and can only be justified as a cost savings for Cellco.

Applicant has submitted coverage maps purporting to establish a need for the Facility at the scout camp. These coverage maps were created using Cellco's Atoll program as previously discussed. These maps appear to show that there is virtually no coverage on a section of Route 53 and Cellco has so stated in response to Villamizar Interrogatory Q5 and Siting Council interrogatory 9 wherein it is stated that there are 700 MHz coverage gaps. Intervenor Villamizar has submitted a coverage map for the area in question taken from Cellco's (dba Verizon) website promoting cellular services marked Exhibit IV-2 (attached hereto for convenience). The Cellco publicly available coverage map shows 4GLTE and 5G coverage for the area in question. Mr. Gadasu agreed that 4GLTE meant that the service at that level would allow downloading of music, websites, videos, making phone calls and texting (January 23, 2024 hearing p. 25-26). During cross-examination of Cellco's panel, they were unable or unwilling to explain this discrepancy between what was submitted to the Siting Council and what they

advertise to the public simply stating that they stand behind their submission to the Council and that their advertising contains a disclaimer. It is inconceivable that the disclaimer can possibly address this discrepancy. Furthermore, there is testimony from the intervenors stating that they are not having any difficulty with cellular services in the area on Route 53. Thus, the foregoing casts doubt as to the actual need for additional cellular service in West Redding. Additionally, Mr. Gadasu stated that Cellco does not have any cell sites in the area and have to extend the service from neighboring sites to provide service to Redding (January 23, 2024 hearing testimony p. 10-11). This could explain how they are advertising 4GLTE service on Route 53 where they assert there is substantially no service but then the submission which they stand behind comes into question. Mr. Gadasu further stated that when this proposed site goes on air they will pull back the service from the neighboring sites (January 23, 2024 hearing testimony p. 10-11). Could the service have been pulled back from the neighboring sites to create the coverage maps submitted to the Siting Council - unfortunately the question was not asked. Lastly, in response to Mr. Mercier's question relative to what is preventing signals from Cellco's Bethel West, Danbury South and some other ones around from reaching the proposed service area, Mr. Gadasu stated that it was topography and vegetation (January 23, 2024 hearing testimony p. 8-9). But, this answer contradicts Mr. Gadasu's testimony that the area is currently being serviced by the neighboring sites which would later be pulled back. There is at least a substantial question as to the actual need for another cell tower and, even assuming arguendo, that Cellco does have a need to relieve the stress on other towers they utilize in the area, that need could be addressed using the existing towers at 4 Dittmar and 66 Sugar Hollow.

The proposed cell tower is being erected solely for Cellco's benefit as not one of the active wireless providers in the area, all of which have been contacted by Applicant, have expressed any interest in collocation on the Facility (Villamizar second set of interrogatories to Applicant Q10.). Thus, it is difficult to see how there is such a need for an additional tower in West Redding if there is no interest by anyone except Cellco. As it is the Siting Council's long time goal and it is in the public interest to avoid the unnecessary proliferation of additional towers, it is respectfully submitted that the Application should be denied as it is believed that a collocation on Sugar Hollow and Dittmar will address the alleged coverage gaps and Cellco has never stated that this would not be possible only stated that their alleged coverage gaps could be addressed with one tower on the scout camp.

Accordingly, for the foregoing reasons, it is respectfully submitted that the negative effects associated with the construction, operation and maintenance of the proposed telecommunications facility, including effects on the natural environment; ecological integrity and balance; public safety; scenic, aesthetic and recreational values far outweigh the need, or in this instance what appears to be a lack thereof, for cellular service. Thus, the Application should be denied.

Respectfully submitted,

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Exhibit IV-2

