



STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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Hearing Program  
Docket No. 495A  
Thursday, March 31, 2022  
2:00 p.m./6:30 p.m.  
Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. 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](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](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](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/cmas-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 August 2016, *available at* <https://www.fws.gov/migratorybirds/pdf/management/usfwscommtowerguidance.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](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](https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5345-43J.pdf)
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24. FEDERAL COMMUNICATIONS COMMISSION, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Second Report and Order*, FCC 18-30, March 30, 2018, available at <https://docs.fcc.gov/public/attachments/FCC-18-30A1.pdf>
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>
26. FEDERAL COMMUNICATIONS COMMISSION, *FCC Fact Sheet: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Third Report and Order*, FCC 18-133, September 27, 2018, available at <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
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>
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## **STATE**

### **Connecticut Siting Council**

30. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Plan for Wireless Telecommunications Coverage*, Revised October 2018, *available at* <https://portal.ct.gov/-/media/CSC/Publications/2018TELCOMPLANFINALpdf.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. **PETITION NO. 687** - Cellco Partnership d/b/a Verizon Wireless declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the establishment of a wireless telecommunications facility at the Harvest Baptist Church, 1440 Litchfield Turnpike (Route 202), New Hartford, Connecticut. Record
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](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-432)
35. **DOCKET NO. 495** - 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 5151 Park Avenue, Fairfield, Connecticut. Record and Final Decision, *available at* [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-495-Verizon-Fairfield](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-495-Verizon-Fairfield)
36. **PETITION NO. 1470** .– Cellco Partnership d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC and T-Mobile Northeast, LLC joint petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a temporary telecommunications facility and associated equipment located at Sacred Heart University, 5151 Park Avenue, Fairfield, Connecticut. Record and Final Decision, *available at* [https://portal.ct.gov/CSC/3\\_Petitions/Petition-Nos-1461-1470/PE1470\\_Ver\\_ATT\\_T-Mobile\\_Temp\\_Fairfield](https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1461-1470/PE1470_Ver_ATT_T-Mobile_Temp_Fairfield)

**Department of Energy and Environmental Protection**

37. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34*, last revised November 2007, available at <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control>
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41. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq.
42. 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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**Department of Transportation**

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**Other State Agencies**

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61. *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997).
62. *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007).
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#### **TECHNICAL**

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#### **ENVIRONMENTAL**

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### **MAPS**

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83. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>
84. Mail-A-Map Street Map, Fairfield, Trumbull, Easton and Bridgeport available at <http://mailamap.com/street-maps>
85. UNITED STATES GEOLOGICAL SURVEY, Interactive Topographical Map Viewer, available at <https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.06>
- C. State Agency comments
1. Connecticut Airport Authority Comments, dated March 3, 2022
- E. Municipal Comments
1. Town of Fairfield Planning Director Comments, dated March 24, 2022
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**JOINT APPEARANCE BY CERTIFICATE HOLDER AND INTERVENOR**

II. Certificate Holder: Cellco Partnership d/b/a Verizon Wireless (VER)  
Representative: Kenneth C. Baldwin, Esq.  
Robinson + Cole LLP

A. Administrative Notice.

1. **CONNECTICUT SITING COUNCIL DOCKET NO. 495** - 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 5151 Park Avenue, Fairfield, Connecticut. Record. [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-495-Verizon-Fairfield](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-495-Verizon-Fairfield)

B. Exhibits for Identification.

1. Motion to Reopen and Modify the Decision based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) 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 5151 Park Avenue, Fairfield, Connecticut, dated February 11, 2022.
2. Certificate Holder's Responses to Council Interrogatories, Set One, dated March 17, 2022
3. Certificate Holder's Sign Posting Affidavit, dated March 22, 2022
4. Certificate Holder's Supplemental Response to Pre-Hearing Interrogatory No. 13 dated March 24, 2022

C. Swear Witnesses

1. Anthony Befera, Principal Engineer – Real Estate/Regulatory, Verizon Wireless
2. Shiva Gadsu, Radio Frequency Design Engineer, Verizon Wireless
3. Sylvester Bhembe, Project Manager, Hudson Design Group, LLC
4. Brian Gaudet, Project Manager, All-Points Technology Corporation P.C.
5. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corporation P.C.
6. Dean Gustafson, Senior Wetland Scientist and Professional Soil Scientist, All-Points Technology Corporation, P.C.

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

E. Cross Examination.

1. Council

III. Intervenor New Cingular Wireless PCS, LLC (ATT)

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

A. Administrative Notice

B. Exhibits for Identification

1. AT&T Request for Intervenor Status, dated February 23, 2022
2. AT&T Responses to Council Interrogatories, Set One, dated March 22, 2022

C. Swear Witnesses

1. Martin Lavin, Senior Radio Frequency Engineer, C Squared Systems, LLC
2. Mark Roberts, Site Acquisition Consultant, QC Development

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

E. Cross Examination.

1. Council
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IV. Continuation or Closing by Connecticut Siting Council.