



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 456

Tuesday, April 21, 2015

3:00 p.m.

Plymouth Town Hall, Downstairs Community Room  
80 Main Street, Terryville, Connecticut

### I. Opening by Council

- A. Statement read by Chair.
- B. Comments by Public Official(s) (if any)
- C. Motions (if any)
- D. Administrative Notice taken by Council

### **FEDERAL**

1. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, QUESTIONS AND ANSWERS ABOUT BIOLOGICAL EFFECTS AND POTENTIAL HAZARDS OF RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 56 (August 1999), *available at* [http://www.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet56/oet56e4.pdf](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf)
2. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, EVALUATING COMPLIANCE WITH FCC-GUIDELINES FOR HUMAN EXPOSURE TO RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 65 (August 1997), *available at* [http://www.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet65/oet65.pdf](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf)
3. Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Federal Communications Commission's Report and Order, 62 Fed. Reg. 3232 (September 12, 1997), *available at* <http://www.epa.gov/fedrgstr/EPA-AIR/1997/January/Day-22/ga1350.htm>
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* [http://clerk.house.gov/library/reference-files/PPL\\_TelecommunicationsAct\\_%201996.pdf](http://clerk.house.gov/library/reference-files/PPL_TelecommunicationsAct_%201996.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* <http://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 (2010).
7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942 (2010).
8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment (2012), *available at* <http://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 (2010).
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310 (2010).
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. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Avian Collisions at Communication Towers* (June 2009), *available at* <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>
14. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Service Interim Guidelines, Communications Tower Siting, Construction, Operation and Decommissioning Recommendations* (last updated June 10, 2014), *available at* <http://www.fws.gov/midwest/endangered/section7/telecomguidance.html>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places* (September 2014), *available at* <http://www.nps.gov/history/nr/research/index.htm>
16. FEDERAL AVIATION ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, OBSTRUCTION MARKING AND LIGHTING, ADVISORY CIRCULAR AC70/7460-1K (February 2007), *available at* [https://oeaaa.faa.gov/oeaaa/external/content/AC70\\_7460\\_1K.pdf](https://oeaaa.faa.gov/oeaaa/external/content/AC70_7460_1K.pdf).
17. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January – June 2010*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, December 21, 2010, *available at* <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201012.pdf>
18. FEDERAL COMMUNICATIONS COMMISSION, Public Notice – Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, DA 12-2407, January 25, 2013, *available at* [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-12-2047A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-12-2047A1.pdf)
19. Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.

20. United States Department of the Interior, Order No. 3331, *Designation of the Connecticut River as a National Blueway* (January 3, 2014), available at [http://www.fws.gov/northeast/pdf/SO\\_3331\\_Watershed\\_Partnerships.pdf](http://www.fws.gov/northeast/pdf/SO_3331_Watershed_Partnerships.pdf)
21. FEDERAL COMMUNICATIONS COMMISSION, Text-to-911: Quick Facts & FAQs, June 2013, available at <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.
22. FEDERAL COMMUNICATIONS COMMISSION, Wireless Infrastructure Report and Order, FCC 14-153, October 21, 2014, available at <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>

## **STATE**

### **Connecticut Siting Council**

23. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE PLAN FOR WIRELESS TELECOMMUNICATIONS COVERAGE, Revised February 2014, available at <http://www.ct.gov/csc/lib/csc/pendingproceeds/2013telcomplan-pub.pdf>
24. STATE OF CONNECTICUT SITING COUNCIL, TELECOMMUNICATIONS FACILITIES: AN ILLUSTRATED PRIMER ON THE SITING OF FACILITIES WITHIN CONNECTICUT AND THROUGHOUT THE NATION, VERSION II, available at [http://www.ct.gov/csc/lib/csc/csc\\_tower\\_3\\_07.pdf](http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf)
25. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE TELECOMMUNICATIONS COVERAGE DATABASE, available at <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=|>
26. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, available at <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=511254&PM=1>
27. **DOCKET NO. 156** - Litchfield Acquisition Corporation Certificate of Environmental Compatibility and Public Need for a telecommunications facility in Plymouth, Connecticut. Record.
28. **DOCKET NO. 442** – Memorandum from Siting Council Acting Executive Director to Parties and Intervenors, Daniel Forest and Todd Levine of the State Historic Preservation Office, dated February 11, 2014.

### **Department of Energy and Environmental Protection**

29. CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, DEP BULLETIN 34 (May 2002, last revised September 2007), available at [http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav\\_GID=1654](http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654)
30. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE CONNECTICUT STORMWATER QUALITY MANUAL 2004 AND APPENDICES, available at [http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav\\_GID=1654#download](http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download)

31. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, AMPHIBIANS AND REPTILES IN CONNECTICUT, DEP BULLETIN 32, Michael W. Klemens (2000), *available at* <http://ctdepstore.com/Amphibians-and-Reptiles-in-Connecticut-101.htm>
32. PLANNING AND STANDARDS DIVISION, BUREAU OF WATER MANAGEMENT, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, WATER QUALITY STANDARDS, (Surface Water Quality Standards Effective December 17, 2002 and Ground Water Quality Standards Effective April 12, 1996), *available at* [http://www.ct.gov/dep/lib/dep/water/water\\_quality\\_standards/wqs.pdf](http://www.ct.gov/dep/lib/dep/water/water_quality_standards/wqs.pdf)
33. CONNECTICUT AIR QUALITY STANDARDS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§ 22a-174-24, et seq. (2006).
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35. 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.
36. Letter from Elizabeth Brothers, Assistant Director, State of Connecticut Department of Environmental Protection, to Christopher B. Fisher, Esq., Attorney, Cuddy & Feder, LLP (Aug. 10, 2009), *available at* [http://www.ct.gov/csc/lib/csc/pendingproceeds/docket\\_376/do376-20090817-depcommentadminnotice.pdf](http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_376/do376-20090817-depcommentadminnotice.pdf)

#### **Department of Transportation**

37. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, CONNDOT DRAINAGE MANUAL (2000, last revised December 2003), *available at* <http://www.ct.gov/dot/cwp/view.asp?a=3200&q=260116>
38. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, POLICY STATEMENT FOR TELECOMMUNICATIONS INSTALLATIONS WITHIN THE STATE HIGHWAY RIGHT OF WAY, POLICY NO. E&H.O. - 53 (Aug. 7, 2006), *available at* [http://www.ct.gov/csc/lib/csc/row\\_ps.pdf](http://www.ct.gov/csc/lib/csc/row_ps.pdf)

#### **Other State Agencies**

39. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, CONSERVATION AND DEVELOPMENT POLICIES PLAN FOR CONNECTICUT 2013-2018, June 5, 2013, *available at* [http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018\\_cd\\_plan.pdf](http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf)
40. State Plan of Conservation and Development, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2013).
41. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL AND OCCUPATIONAL HEALTH ASSESSMENT, RADIATION – CELL PHONE TOWERS AND CELL PHONES (January 2004), *available at* [http://www.ct.gov/dph/LIB/dph/environmental\\_health/EOHA/pdf/cell\\_phones.pdf](http://www.ct.gov/dph/LIB/dph/environmental_health/EOHA/pdf/cell_phones.pdf)
42. Final Report of the Two Storm Panel, January 9, 2012, *available at* [http://www.governor.ct.gov/malloy/lib/malloy/two\\_storm\\_panel\\_final\\_report.pdf](http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf).

43. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, VERSION 2.0, August 2011, *available at* [http://www.ct.gov/demhs/lib/demhs/ct\\_srf\\_aug\\_2011.pdf](http://www.ct.gov/demhs/lib/demhs/ct_srf_aug_2011.pdf)
44. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, Draft Connecticut Emergency Support Function 12, All Hazards Energy and Utilities Annex, July 2012, *available at* [http://www.ct.gov/demhs/lib/demhs/eppi/esf\\_12\\_all\\_hazards\\_energy\\_and\\_utilities\\_annex\\_final\\_draft\\_july\\_2012.pdf](http://www.ct.gov/demhs/lib/demhs/eppi/esf_12_all_hazards_energy_and_utilities_annex_final_draft_july_2012.pdf)
45. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT I-CALL/I-TAC INTEROPERABILITY TRAINING PROGRAM, November 2010, *available at* [http://www.ct.gov/demhs/lib/demhs/communications/projects/i-call\\_program\\_update\\_nov\\_2010.pdf](http://www.ct.gov/demhs/lib/demhs/communications/projects/i-call_program_update_nov_2010.pdf)
46. GOVERNOR'S STEERING COMMITTEE ON CLIMATE CHANGE, ADAPTATION SUBCOMMITTEE, Connecticut Climate Change Preparedness Plan, Adaptation Strategies for Agriculture, Infrastructure, Natural Resources and Public Health Climate Change Vulnerabilities, 2011, *available at* [http://www.ct.gov/deep/lib/deep/climatechange/connecticut\\_climate\\_preparedness\\_plan\\_2011.pdf](http://www.ct.gov/deep/lib/deep/climatechange/connecticut_climate_preparedness_plan_2011.pdf)

#### **TECHNICAL**

47. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, IEEE STANDARD FOR SAFETY LEVELS WITH RESPECT TO HUMAN EXPOSURE TO RADIO FREQUENCY ELECTROMAGNETIC FIELDS, 3 kHz to 300 GHz, IEEE Std. C95.1-2005 (November 1, 2009), *available at* [https://sbwsweb.ieee.org/ecustomercme\\_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+\(eSales\)\\_Standards\\_IEEE&mem\\_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657](https://sbwsweb.ieee.org/ecustomercme_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+(eSales)_Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657)
48. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-G (2006), *available at* <http://www.tiaonline.org/standards/catalog/index.cfm>
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50. Letter from John R. Morissette, Manager of Transmission Siting and Permitting, The Connecticut Light and Power Company, to Christopher B. Fisher, Esq., Attorney, Cuddy & Feder, LLP, (Feb. 19, 2010) regarding CL&P policy on the installation of cellular and PCS antennas on electric transmission structures, *available at* [http://www.ct.gov/csc/lib/csc/pendingproceeds/docket\\_388/do388-20100312\\_supplemental\\_submission.pdf](http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_388/do388-20100312_supplemental_submission.pdf)

51. HEALTH PROTECTION AGENCY, HEALTH EFFECTS FROM RADIOFREQUENCY MAGNETIC FIELDS, REPORT OF THE INDEPENDENT ADVISORY GROUP ON NON-IONISING RADIATION, April 2012, *available at* [http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb\\_C/1317133826368](http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1317133826368)
52. CISCO SYSTEMS, INC., *Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2013-2018 White Paper*, February 5, 2014, *available at*, [http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/white\\_paper\\_c11-520862.html](http://www.cisco.com/c/en/us/solutions/collateral/service-provider/visual-networking-index-vni/white_paper_c11-520862.html)

### **ENVIRONMENTAL**

53. RICHARD M. DEGRAAF & DEBORAH D. RUDIS, NEW ENGLAND WILDLIFE: HABITAT, NATURAL HISTORY, AND DISTRIBUTION (University of Massachusetts Press, 1983), *available at* <http://www.treesearch.fs.fed.us/pubs/4148>
54. ARAM J.K. CALHOUN & MICHAEL W. KLEMENS, BEST DEVELOPMENT PRACTICES: CONSERVING POOL-BREEDING AMPHIBIANS IN RESIDENTIAL AND COMMERCIAL DEVELOPMENTS IN THE NORTHEASTERN UNITED STATES, MCA TECHNICAL PAPER NO. 5 (Metropolitan Conservation Alliance 2002), *available at* <http://www.umaine.edu/vernalpools/PDFs/Best%20Development%20Practices%20%20-%20%20Conserving%20Pool-breeding%20Amph.pdf>
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### **MAPS**

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59. National Audubon Society, *Connecticut Important Bird Areas* (last updated June 25, 2010), *available at* <http://netapp.audubon.org/iba/state/US-CT>
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61. United States Geological Survey, Connecticut Topographic Map Collection (Thomaston), *available at* [http://magic.lib.uconn.edu/topographic\\_maps.html](http://magic.lib.uconn.edu/topographic_maps.html)

E. State Agency comments

1. Comments from the Department of Transportation, dated February 25, 2015

F. Municipal comments

G. Telecommunication Carrier Comments

1. T-Mobile Northeast LLC letter of March 6, 2015
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II. Appearance by Applicant

Applicant: Cellco Partnership d/b/a Verizon Wireless

Representative: Kenneth C. Baldwin, Esq.  
Robinson & Cole, LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Cellco Partnership d/b/a Verizon Wireless, received February 13, 2015, and attachments and bulk file attachments including:

Bulk file exhibits:

- a. Town of Plymouth Zoning Regulations, revised March 1, 2012
- b. Town of Plymouth Inland Wetlands and Watercourses Regulations
- c. Town of Plymouth Plan of Conservation and Development, 2005
- d. Technical Report to the Town of Plymouth, dated May 15, 2014

2. Affidavit of Publication, dated February 17, 2015
3. Applicant's Responses to Council Interrogatories, dated April 6, 2015
4. Sign Posting Affidavit, dated April 9, 2015
5. Eastern Box Turtle and Wood Turtle Protection Plan, dated April 20, 2015
6. DEEP NDDB Determination Letter, dated April 20, 2015

C. Swear Witnesses

1. Tony Befera, Manager-Real Estate & Project Implementation, Cellco Partnership
2. Mark Brauer, Radio Frequency Engineer, Cellco Partnership
3. Carlo F. Centore, P.E., Centek Engineering, Inc.
4. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corp. P.C.
5. Matt Gustafson, All-Points Technology Corp. P.C.
6. Alex Tyurin, Real Estate Consultant for Cellco Partnership

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

E. Cross Examination.

1. Council

III. Closing by Connecticut Siting Council.