



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 462

Tuesday, September 15, 2015

3:00 p.m.

Danbury City Hall, Council Chambers

155 Deer Hill Avenue, Danbury, Connecticut

I. Opening by Council

A. Statement read by Chair.

B. Comments by Public Official(s) (if any)

C. Motions

1. Applicant's Motion for Protective Order, dated August 12, 2015

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
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
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
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.
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
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
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>

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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
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=1>
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. 442** – New Cingular Wireless PCS, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 284 New Canaan Avenue, Norwalk, Connecticut. Memorandum from Siting Council Acting Executive Director to Parties and Intervenors, Daniel Forrest and Todd Levine of SHPO, dated February 11, 2014

Department of Energy and Environmental Protection

28. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, 2005 COMPREHENSIVE WILDLIFE CONSERVATION STRATEGY, 2015 REVISION, available at http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&depNav_GID=1719#Review
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

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
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>
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33. CONNECTICUT AIR QUALITY STANDARDS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§ 22a-174-24, et seq. (2006).
34. CONNECTICUT NOISE CONTROL REGULATIONS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§22a-69-1, et seq. (2006).
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

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>
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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
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 – QUESTIONS AND ANSWERS ABOUT HEALTH, (May 2015), *available at* http://www.ct.gov/dph/lib/dph/environmental_health/eoha/pdf/051115_cell_phone_tower_final.pdf
42. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, CELL PHONES – QUESTIONS AND ANSWERS ABOUT SAFETY (May 2015), *available at* http://www.ct.gov/dph/lib/dph/environmental_health/eoha/toxicology_risk_assessment/050815_cell_phones_final.pdf
43. 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.
44. 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
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ENVIRONMENTAL

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MAPS

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 59. CONNECTICUT FOREST & PARK ASSOCIATION, CONNECTICUT WALK BOOK WEST (Ann T. Colson, ed., 19th ed. 2006), *available at* <http://www.ctwoodlands.org/node/17>
 60. STATE OF CONNECTICUT, DEPT. OF TRANSPORTATION, CONNECTICUT OFFICIAL STATE TOURISM MAP
 61. National Audubon Society, *Connecticut Important Bird Areas* available at <http://netapp.audubon.org/iba/state/US-CT>
 62. Mail-A-Map Street Map, (Danbury, Bethel), *available at* <http://mailamap.com/street-maps>
 63. United States Geological Survey, Connecticut Topographic Map Collection (Danbury), *available at* http://magic.lib.uconn.edu/topographic_maps.html
- E. State Agency comments
1. Department of Transportation, dated August 12, 2015
 2. Department of Public Health, Drinking Water Section, dated August 17, 2015
- F. Municipal comments
1. Comments from City of Danbury's Planning and Zoning Department, dated April 7, 2015
- G. Telecommunications Carrier Comments
1. Comments from T-Mobile, dated August 27, 2015

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 July 7, 2015, and attachments and bulk file attachments including:

Bulk file exhibits:

- a. City of Danbury Zoning Regulations
 - b. City of Danbury Inland Wetlands and Watercourses Regulations
 - c. City of Danbury Plan of Conservation & Development
 - d. Technical Report to the City of Danbury, dated March 3, 2015
2. Applicant's Affidavit of Publication, dated July 15, 2015
 3. Applicant's Submittal of SHPO Determination Letter, dated August 10, 2015
 4. Applicant's Responses to Council Interrogatories, dated September 3, 2015
 5. Applicant's Affidavit of Sign Posting, received September 9, 2015

C. Swear Witnesses

1. Anthony Befera, Manager-Real Estate & Project Implementation, Cellco Partnership
2. Ryan Ulanday, 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. Dean Gustafson, Senior Wetland Scientist and Professional Soil Scientist, 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.