

**In The Matter Of:**  
*American Towers, LLC and New Cingular  
Wireless PCS, LLC amended application*

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*Evening Hearing  
November 1, 2016*

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*BCT Reporting LLC  
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## 1 STATE OF CONNECTICUT

## 2 CONNECTICUT SITING COUNCIL

3  
4 Docket No. 463A

5 American Towers, LLC and New Cingular  
6 Wireless PCS, LLC amended application for a  
7 Certificate of Environmental Compatibility and  
8 Public Need for the construction, maintenance, and  
9 operation of a telecommunications facility located  
10 at 351A Boston Post Road, East Lyme, Connecticut,  
11 or for the construction, maintenance, and  
12 operation of a telecommunications facility at an  
13 alternative site located at 2 Arbor Crossing, East  
14 Lyme, Connecticut, Pursuant to Connecticut General  
15 Statutes Section 4-181a(a).

16  
17 Public Comment Hearing held at the East  
18 Lyme Town Hall, Upper Meeting Room, 108  
19 Pennsylvania Avenue, Niantic, Connecticut on  
20 Tuesday, November 1, 2016, beginning at 7:02 p.m.

21  
22 H e l d B e f o r e :

23 SENATOR JAMES J. MURPHY, Vice Chairman  
24  
25

1    A p p e a r a n c e s :

2

3            Council Members:

4                    PHILIP T. ASHTON

5                    ROBERT HANNON

6                    LARRY P. LEVESQUE, ESQ.

7                    DANIEL P. LYNCH, JR.

8

9            Council Staff:

10                    MELANIE A. BACHMAN, ESQ.

11                    Executive Director and

12                    Staff Attorney

13

14                    ROBERT D. MERCIER

15                    Siting Analyst

16

17            For American Tower Corporation and New

18            Cingular Wireless PCS, LLC:

19                    CUDDY & FEDER LLP

20                    445 Hamilton Avenue

21                    White Plains, New York 10601

22                    BY: CHRISTOPHER B. FISHER, ESQ.

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25

1    A p p e a r a n c e s :    (Cont'd.)

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3            For BHSO Community Conservancy:

4                    CRAIG TOOKER

5                    342 Boston Post Road

6                    East Lyme, Connecticut    06333

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1           SENATOR MURPHY: Ladies and gentlemen,  
2 I'd like to call this meeting of the Siting  
3 Council to order at 7 p.m. on November the 1st,  
4 2016. My name is James Murphy. I'm the vice  
5 chairman of the Connecticut Siting Council, and  
6 I'm chairing the meeting this evening in the  
7 absence of our Chairman Robert Stein who cannot be  
8 with us.

9           Other members of the Council who are  
10 present this evening are Robert Hannon, the  
11 designee for Commissioner Robert Klee of the  
12 Department of Energy and Environmental Protection;  
13 and Larry Levesque, designee for the Acting  
14 Chairman John W. Betkoski, III., of the Public  
15 Utilities Regulatory Authority; and Daniel P.  
16 Lynch, Jr.

17           Members of the staff who are with us  
18 today are Melanie Bachman, our acting executive  
19 director as well as our staff attorney, and Robert  
20 Mercier, our siting analyst.

21           This is a continuation of a public  
22 hearing which began at 3 p.m. this afternoon.  
23 Copies of the hearing program and the Council's  
24 Citizens Guide to Siting Council Procedures are  
25 available to members of the public.

1           This hearing is held pursuant to Title  
2 16 of the Connecticut General Statutes and of the  
3 Uniform Administrative Procedures Act upon an  
4 amended application of American Towers, LLC and  
5 New Cingular Wireless PCS, LLC for a Certificate  
6 of Environmental Compatibility and Public Need for  
7 the construction, maintenance, and operation of a  
8 telecommunications facility located at 351A Boston  
9 Post Road, East Lyme, Connecticut, or for the  
10 construction, maintenance, and operation of a  
11 telecommunications facility at an alternative site  
12 located at 2 Arbor Crossing, East Lyme,  
13 Connecticut.

14           On September the 29th, 2016, this  
15 Council, pursuant to the provisions of Connecticut  
16 Statutes 4-181a(a), reopened the final decision  
17 which was to deny without prejudice the original  
18 application and to reopen this docket to consider  
19 a new alternative location for the proposed  
20 facility.

21           This application is also governed by  
22 the Telecommunication Act of 1996, which is  
23 administered by the Federal Communications  
24 Commission. This act prohibits the Council from  
25 considering the health effects of radio frequency

1 emissions on human health and wildlife to the  
2 extent the emissions from the tower are within the  
3 federal acceptable safe limits standard, which  
4 standard is also followed by the State Department  
5 of Public Health here in Connecticut. The federal  
6 act also prohibits the Council from discriminating  
7 between and amongst carriers for providing the  
8 same service. In essence, what it means is if one  
9 carrier is providing service to a given area,  
10 because there is service in the area, you cannot  
11 discriminate and prohibit some other carrier from  
12 attempting to provide that service in the same  
13 area.

14 On this revised application the  
15 applicant published notice of the filing of this  
16 amended application to the Council in The Day of  
17 New London on August 19th and August 22nd of 2016.  
18 The Council's legal notice of the date and time of  
19 this hearing was also published in The Day on  
20 October 4, 2016. Upon the Council's request, the  
21 applicant erected a sign at both proposed sites so  
22 as to inform the public of the name of the  
23 applicant, the type of facility, the hearing date,  
24 and location and contact information to the  
25 Council.

1           This afternoon members of the Council,  
2 staff, and the public personally conducted a field  
3 review of alternative site at 2 Arbor Crossing,  
4 East Lyme, in order to observe firsthand the  
5 potential effects of the proposal. The applicant  
6 also flew a balloon at the site at the height of  
7 the proposed facility, which is 105 feet.

8           This hearing session tonight has been  
9 reserved first for the public to make short  
10 statements into the record. These public  
11 statements are not subject to questions from the  
12 parties or the Council, and members of the public  
13 making these statements may not ask questions of  
14 the parties or the Council. These statements will  
15 become part of the record for Council  
16 consideration.

17           A sign-up sheet is available for those  
18 who would like to participate. Someone has signed  
19 up so far. And there's a sheet in the back for  
20 those who would also like to participate.

21           As a reminder to all, off-the-record  
22 communications with members of the Council or a  
23 member of the Council staff upon the merits of  
24 this application is prohibited by law.

25           I wish to note that the parties and



1 intervenors including the representatives and  
2 witnesses are not allowed to participate in this  
3 public comment session.

4 I also wish to note for those who are  
5 here and for the benefit of your friends and  
6 neighbors who are unable to join us for this  
7 public comment session this evening, that you or  
8 they may send written statements to the Council  
9 within 30 days of the date hereof, and such  
10 written statements will be given the same weight  
11 as if spoken here at the hearing this evening.

12 If necessary, party and intervenor  
13 cross-examination that began this afternoon at 3  
14 will be continued on. It won't be because we  
15 finished up this afternoon with cross-examination.

16 We ask that each person making a public  
17 statement in this proceeding to confine his or her  
18 statements to the subject matter before the  
19 Council and to avoid unreasonable repetition so  
20 that we may hear concerns of all your neighbors.  
21 We're not going to have that many speakers  
22 tonight. Please be advised that the Council  
23 cannot answer questions from the public about the  
24 proposal.

25 A verbatim transcript will be made of

1 this hearing and deposited at the East Lyme Town  
2 Clerk's office for the convenience of the public.

3 Before turning to the speakers for this  
4 public session, we had asked the applicant to make  
5 a brief presentation to explain to those that are  
6 present tonight what it is they are proposing in  
7 this second round for a proposed  
8 telecommunications facility in this general area  
9 of East Lyme. And Attorney Christopher Fisher  
10 will make a presentation on behalf of the  
11 applicant.

12 Chris.

13 MR. FISHER: Thank you, Senator Murphy.

14 My name is Chris Fisher. I'm from  
15 Cuddy & Feder. I represent AT&T in this  
16 particular matter. I see some familiar faces  
17 here. I'm just going to give a brief background  
18 to bring everyone up to speed, for those who  
19 haven't necessarily followed where we've been over  
20 the last two years.

21 There's an existing 150-foot tower at  
22 the top of the hill in The Orchards development.  
23 That tower has been there for about 30 years now,  
24 providing service to the surrounding community.  
25 AT&T, working with the property owner, understands

1 that that tower has to come down. And what we've  
2 been trying to work on with the Town, various  
3 stakeholders, and others is a replacement facility  
4 so that we minimize any disruption of service to  
5 our customers.

6           As you know, there are several thousand  
7 people who live in and around that area. Route 1  
8 is fairly well traveled. The site has been, for  
9 lack of a better word, kind of an anchor for AT&T  
10 on which service has been provided and their  
11 surrounding network built up over the years. So  
12 our goal has been over the last couple of years to  
13 try to find a replacement facility.

14           Without going into too much detail,  
15 some of you may remember we were here, probably in  
16 the summer of 2015, if I recall correctly, went  
17 through a couple of different alternatives. One  
18 alternative fell out because of various objections  
19 from the Mohegan Tribe. The one alternative that  
20 was presented to the Council in an application in  
21 the fall of 2015 is at 351A Boston Post Road,  
22 which is a residential parcel of property. For  
23 those who recall, it's a 194-foot tall monopole  
24 with AT&T and space for other carriers, a typical  
25 monopole-type configuration with space upgrade for

1 equipment shelters in a fenced-in area.

2 Part of the process, we solicited  
3 feedback from the Town, others, and I think it  
4 became clear through some opposition we received  
5 to that particular site location that there was a  
6 desire to come up with some other alternatives,  
7 notwithstanding the fact that AT&T, I think, had  
8 looked at over 30 in the community.

9 So prior to the close of the public  
10 hearing, we advised the Council that we'd like to  
11 work on that, and we were pleased to work with the  
12 actual owners, developers, and homeowners  
13 association in The Orchards to try to come up with  
14 an alternative to present to the Council. So with  
15 the better part of the spring of 2016 and this  
16 past summer, we worked in collaboration to come up  
17 with a design proposal that would meet their  
18 objectives and our needs and present that back to  
19 the Council.

20 That's really what's before the Council  
21 with this latest application amendment we  
22 submitted. And as the Chairman mentioned, it's a  
23 105-foot silo structure. I'll just walk through,  
24 really briefly, the plans that are on file and  
25 also on the Council's website.

1           For those of you who know the community  
2 well, I'm assuming you do, you kind of come up the  
3 hill, Plum Hill Road. And when you get to the end  
4 of the road now, you get to the entrance of an  
5 existing clubhouse, parking area on the left,  
6 tennis courts to the right, and a pool house to  
7 the rear of that. This area actually -- and these  
8 are lots that are all laid out and approved.  
9 They're not fully developed yet. This is where  
10 there is some additional and current development  
11 of housing now in the development. And part of  
12 the road is actually under construction.

13           AT&T would propose to build a gravel  
14 driveway that would extend along this lot, back to  
15 the rear of the pool area. This is where the  
16 existing tower is. I pointed up here to the top  
17 of the hill. This would be decommissioned and the  
18 site restored. And in this particular location,  
19 from what we would propose to build -- this is  
20 just a little bit more detail on the site plan on  
21 the grading details; this probably shows it  
22 best -- propose to build a 105-foot tall flow silo  
23 structure within which there would be space for  
24 AT&T and additional carriers. We show up to four  
25 here.

1           I will tell you that both T-Mobile and  
2 Verizon have expressed their interest to the  
3 Siting Council in locating at this particular  
4 site. So we would work with them, depending on  
5 the Council's direction and approvals, if granted,  
6 to accommodate their needs.

7           The silo, itself, would be -- if you've  
8 had a chance to look at some of the visuals --  
9 would be not quite a white but more of a muted  
10 finish. And then the barn structure, which is a  
11 special, custom-built barn structure -- this is  
12 not typical for our industry -- but in this  
13 particular location, working with The Orchards,  
14 we've come up with a design that we think  
15 certainly complements the silo and would  
16 accommodate the equipment areas for up to four  
17 carriers as well internal to this existing  
18 structure.

19           So the structure, itself, and the silo,  
20 really with feedback from The Orchards and our  
21 design team, we tried to come up with something  
22 that to a certain extent harkened back to the fact  
23 that this used to be an apple orchard, some type  
24 of an agrarian type of structure, meet our needs,  
25 and come up with something we could present to the

1 Siting Council. So our ultimate goal at AT&T is  
2 to try to work on a replacement structure, and  
3 this would be an alternative, and that's up to,  
4 ultimately, the Council to decide whether or not  
5 to approve this.

6 SENATOR MURPHY: Thank you, Attorney  
7 Fisher.

8 We'll now move to the public segment of  
9 this public hearing this evening. And our first  
10 speaker is the First Selectman of the Town of East  
11 Lyme, Mark Nickerson. I again apologize for not  
12 realizing you were in the back of the room this  
13 afternoon, and we got started without you.

14 MARK NICKERSON: Vice Chair Murphy, I  
15 owe you the apologies. I thought Ms. Bachman was  
16 chairing the meeting this afternoon. I must have  
17 been answering an e-mail when you introduced  
18 yourself earlier. So my apologies to you.

19 And to the Commission, welcome --

20 SENATOR MURPHY: I've been left out of  
21 worse things.

22 MARK NICKERSON: Indeed.

23 So Senator, thanks for holding your  
24 meeting here in our community. Multiple times  
25 you've done this. You are doing yeoman's work.

1 Mr. Fisher and his team certainly has as well. We  
2 welcome you to the community. I trust you found a  
3 good place to have dinner. And we thank you for  
4 that.

5 I need to go on record to tell you we  
6 have received zero opposition to this proposed  
7 plan. We feel that it meets everyone's needs,  
8 obviously AT&T's needs, and the Siting Council's  
9 need to further the cellular reaches in this area.  
10 But it does so with a nod toward not deteriorating  
11 the value of a neighborhood and becoming an  
12 unsightly thing. We think this is just a great  
13 thing that we were able to bring both parties  
14 together. I applaud the citizens of The Orchards  
15 realizing that this is an opportunity here. And  
16 it's a win-win-win, as I said this afternoon.

17 I don't want to take up a whole lot of  
18 time. I'm sure you want to go back and watch some  
19 World Series tonight, but thank you for coming.  
20 There's no opposition in this town. The Town does  
21 not oppose this plan, and we hope that you'll find  
22 it to be suitable as well

23 SENATOR MURPHY: Thank you very much.

24 On this sheet I have Ron J. Rando.

25 RONALD RANDO: Good evening, ladies and



1 gentlemen. I'm not against this project. I think  
2 it's pretty good looking, from what I looked at on  
3 the map there. But I've just got a few things to  
4 say about the site that we thought it should go on  
5 before.

6           You know, we have a problem in this  
7 town when we want to do something and we have one  
8 or two people that bitch about it, and then they  
9 move out of town. I think the site that was up  
10 there on Ancient Highway was a lot better than  
11 what you've got here, and I think it would have  
12 been out of the way and nobody would see it that  
13 much, but it didn't go there. But I think it's a  
14 good idea. We need it. And we have to get going  
15 with these new electronics systems we have coming  
16 into effect all over the country.

17           And I'm not here to complain about it.  
18 And I think everybody will laugh because they'll  
19 say, Every time you're there, Rando, you're  
20 complaining about something. But I'm not  
21 complaining. I just don't think this is the best  
22 site for it. Thank you.

23           SENATOR MURPHY: Thank you.

24           On the second list we have -- is it  
25 Joseph Drabik?

1           JOSEPH DRABIK: Drabik.

2           SENATOR MURPHY: I'm sorry about the  
3           pronunciation.

4           JOSEPH DRABIK: It's the handwriting.

5           I'm going to forfeit. I think it would  
6           be easier because I'd be slightly off topic.

7           SENATOR MURPHY: You want to pass.

8           Giancarlo D'Angelo.

9           GIANCARLO D'ANGELO: Sorry. I should  
10          have wrote that clearer.

11          I just want to thank the Siting Council  
12          for coming to our nice town here, like the  
13          selectman said. My name is Giancarlo D'Angelo.  
14          You probably saw my name on a lot of forms. I'm  
15          the president of The Orchards.

16          The neighborhood is completely for it.  
17          AT&T has been fantastic. They came down, they  
18          showed us a whole bunch of different renderings.  
19          We worked with them. The builder is on board;  
20          we're on board. Everybody in the neighborhood is  
21          totally for it. And we're very thankful that AT&T  
22          was willing to give us this beautiful barn as  
23          opposed to the tower.

24          So thanks, everybody. And I hope the  
25          Siting Council approves this. The neighborhood is

1 fully for it.

2 SENATOR MURPHY: Thank you very much.

3 And Len Schunemeyer.

4 LEONARD SCHUNEMEYER: Len Schunemeyer.

5 I'm a resident of The Orchards. I live at 23 Plum  
6 Hill.

7 And I want to thank you for coming back  
8 and hearing this again, and AT&T as well. It's  
9 been a great thing going forward. I just wanted  
10 to -- I had heard from the earlier meetings that  
11 there were concerns that residents were unaware.  
12 As far as I know, we were notified in March,  
13 during our annual meeting, that this was going to  
14 be a topic of discussion. The people who did  
15 bother to show up, we discussed it, and there was  
16 no negative comments there, so to back up what  
17 John said.

18 As far as I know, through either the  
19 personal contacts that I have or The Orchard's own  
20 Facebook page, there have been no negative  
21 comments on it at all. And from everybody that  
22 I've talked to, we all embrace the idea of  
23 replacing the existing structure, which is typical  
24 of a cell phone tower, with something that is not  
25 so obtrusive in the town. Thank you.

1           SENATOR MURPHY: Thank you.

2           That is the last name I have on either  
3 of the lists.

4           Is there anyone else here who desires  
5 to be heard this evening?

6           (No response.)

7           SENATOR MURPHY: Once more, is there  
8 anyone else?

9           (No response.)

10          SENATOR MURPHY: If not, I'm going to  
11 close the public hearing, and it will be closed  
12 until we do our findings of fact and decide which  
13 way to go in this matter.

14          Okay. That being the case, I will  
15 proceed to close this hearing. The Connecticut  
16 Siting Council announces that briefs and proposed  
17 findings of fact may be filed with the Council by  
18 any party or intervenor no later than December the  
19 1st, 2016. The submission of briefs or proposed  
20 findings of fact are not required by this Council,  
21 rather we leave it to the choice of the parties  
22 and intervenors.

23          Anyone who has not become a party or  
24 intervenor but who desires to make his or her  
25 views known to this Council may file written

1 statements with the Council within 30 days hereof,  
2 which is also December the 1st, 2016.

3 The Council will issue draft findings  
4 of fact, and thereafter parties and intervenors  
5 may identify errors or inconsistencies between the  
6 Council's draft findings of fact and the record.  
7 However, no new information, no new evidence, no  
8 arguments, no reply briefs without our permission  
9 will be considered by this Council.

10 Copies of this transcript of this  
11 hearing will be filed at the East Lyme Town  
12 Clerk's office.

13 I hereby declare this meeting  
14 adjourned. I thank you for your participation.

15 (Whereupon, the above proceedings  
16 adjourned at 7:24 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 20 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Siting Council Public Comment Session in Re: DOCKET NO. 463A, AMERICAN TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC AMENDED APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 351A BOSTON POST ROAD, EAST LYME, CONNECTICUT, OR FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT AN ALTERNATIVE SITE LOCATED AT 2 ARBOR CROSSING, EAST LYME, CONNECTICUT, PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 4-181a(a), which was held before SENATOR JAMES J. MURPHY, Vice Chairman, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut, on November 1, 2016.

  
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Lisa L. Warner, L.S.R., 061

Court Reporter