



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 485

Thursday, May 30, 2019

3:00 p.m. and 6:30 p.m.

Theresa Mulvey Municipal Center

Multi-purpose Room

866 Boston Post Road

Westbrook, CT 06498

- 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. 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
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
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
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/nr/research/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
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19. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July – December 2017*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, June 2018, *available at* <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201806.pdf>

20. 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
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25. FEDERAL COMMUNICATIONS COMMISSION, *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, *Third Report and Order*, FCC 18-133, September 27, 2018, *available at* <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>
27. UNITED STATES DEPARTMENT OF AGRICULTURE, *Soil Survey Manual, Handbook No. 18*, March 2017, *available at* https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2_054262

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28. STATE OF CONNECTICUT SITING COUNCIL, *Statewide Plan for Wireless Telecommunications Coverage*, Revised October 2018, *available at* https://www.ct.gov/csc/lib/csc/publications/2018telcomplan_final.pdf
29. 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
30. 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>
31. **DOCKET NO. 402** - Blue Sky Tower Partners LLC Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility located at 16 Bell Road Extension, Cornwall, Connecticut. Record. *available at* <https://www.ct.gov/csc/cwp/view.asp?a=962&q=458388>

32. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148. Record. *available at* <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=511254&PM=1>
33. **PETITION NO. 1330** - MCM Communications, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a temporary tower facility and associated equipment to be located on Connecticut Water Company property at 1542 Boston Post Road, Westbrook, Connecticut. Record. *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=596876&PM=1>

Department of Energy and Environmental Protection

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35. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *The Connecticut Stormwater Quality Manual*, 2004 and appendices, *available at* http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav_GID=1654
36. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER PROTECTION AND LAND REUSE, PLANNING AND STANDARDS DIVISION, *Water Quality Standards*, Effective October 10, 2013, *available at* <http://www.ct.gov/deep/lib/deep/regulations/22a/22a-426-1through9.pdf>
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38. 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.
39. 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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41. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, *Connecticut's Wildlife Action Plan*, 2015 Revision, *available at* http://www.ct.gov/deep/cwp/view.asp?a=2723&q=329520&deepNav_GID=1719#Review
42. PUBLIC UTILITIES REGULATORY AUTHORITY, *Connecticut Public Utilities Cybersecurity Action Plan*, April 6, 2016, *available at* http://www.ct.gov/pura/lib/pura/electric/cyber_report_April_6_2016.pdf

43. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, WETLANDS MANAGEMENT SECTION, *Guidelines: Upland Review Area Regulations, Connecticut's Inland Wetlands and Watercourses Act*, June 1997, available at http://www.ct.gov/deep/lib/deep/water_inland/wetlands/upland_review_document_june1997.pdf

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Other State Agencies

46. 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
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56. 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 regarding CL&P policy on the installation of cellular and PCS antennas on electric transmission structures, February 19, 2010, *available at*
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MAPS

64. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Westbrook* (last updated December 2018), *available at* <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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 70. Mail-A-Map Street Map, Westbrook, *available at* <http://mailamap.com/street-maps>
 71. UNITED STATES GEOLOGICAL SURVEY, Connecticut Topographic Map Collection Westbrook, *available at* http://magic.lib.uconn.edu/topographic_maps.html
- E. State Agency comments
1. Comments from the Connecticut Department of Transportation, dated May 16, 2019
- F. Municipal comments
1. Comments from First Selectman Noel Bishop, dated December 12, 2018
 2. Comments from the Westbrook Inland Wetlands & Watercourses Commission, dated May 30, 2019

G. Telecommunications Carrier Comments

1. AT&T Letter, dated May 22, 2019
2. T-Mobile Letter, dated May 20, 2019

II. Appearance by Applicants

Applicants: MCM Holdings, LLC and Celco Partnership d/b/a Verizon Wireless

Representative: Christopher B. Fisher, Esq.
Cuddy & Feder LLP

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by MCM Holdings, LLC and Celco Partnership d/b/a Verizon Wireless, received April 1, 2019, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Town of Westbrook Master Plan of Conservation and Development, effective July 15, 2011
 - b. Town of Westbrook Zoning Regulations, amended to December 20, 2016
 - c. Town of Westbrook Regulations Concerning Inland Wetlands & Watercourses, revised August 4, 2009
 - d. Town of Westbrook Zoning Map, revised November 1, 2014
 - e. Technical Report to the Town of Westbrook
 - f. Town of Westbrook Existing Land Use Map, October 2008
2. Applicants' Responses to Council Interrogatories, dated May 13, 2019
 3. Applicants' Sign Posting Affidavit, dated May 15, 2019
 4. Resumes/Professional Biographies, received May 22, 2019
 - a. Robert M. Stanford
 - b. Jaime Laredo, Jr.
 - c. Michael Libertine
 - d. Dean Gustafson
 - e. Robert Burns
 5. Applicants' Notification Pursuant to C.G.S. 16-50l(e), dated May 22, 2019
 6. Applicants' Supplemental Submission, Correspondence from T-Mobile and AT&T in support of the application and attachments, dated May 22, 2019

C. Swear Witnesses

1. Robert Stanford, MCM Representative
2. Jaime Laredo, Jr., Radio Frequency Engineer, Verizon
3. Michael Libertine, LEP, Vice President, All-Points Technology Corporation
4. Dean E. Gustafson, Professional Soil Scientist, All-Points Technology Corporation
5. Robert Burns, Design and Engineering, All-Points Technology Corporation

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

E. Cross Examination.

1. Council

III. Closing by Connecticut Siting Council.