



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 478

Thursday, January 11, 2018

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

Glastonbury Town Hall

Council Chambers

2155 Main Street

Glastonbury, CT 06033

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 January 8, 2018

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* <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* <http://transition.fcc.gov/pshs/docs/emergency-information/emas-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).



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Affirmative Action / Equal Opportunity Employer

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, *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/usfwscommtowerguidance2016update.pdf>
14. National Park Service, United States Department of the Interior, *National Register of Historic Places available at* <https://www.nps.gov/nr/research/index.htm>
15. FEDERAL AVIATION ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, 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
16. 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>
17. 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
18. Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>
19. 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
20. FEDERAL COMMUNICATIONS COMMISSION, Text-to-911: Quick Facts & FAQs, June 2013, *available at* <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.
21. 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

22. 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>
23. 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
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25. **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>
26. **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

27. 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* (May 2002, last revised September 2007), *available at* http://www.ct.gov/deep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
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29. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Amphibians and Reptiles in Connecticut, DEP Bulletin 32*, Michael W. Klemens (2000), *available at* <http://www.ctdeepstore.com>
30. 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>
31. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Air Quality Standards*, Effective April 15, 2014, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq.

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33. 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.
34. 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
35. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF NATURAL RESOURCES, Connecticut's Endangered, Threatened and Special Concern Species 2015, August 2015, available at http://www.ct.gov/deep/lib/deep/wildlife/pdf_files/nongame/ETS15.pdf
36. 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
37. 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

Department of Transportation

38. 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

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41. State Plan of Conservation and Development, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2013).
42. 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
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44. STATE OF CONNECTICUT, STATE VEGETATION MANAGEMENT TASK FORCE, *Final Report Issued to the Connecticut Department of Energy and Environmental Protection*, August 28, 2012, available at http://www.ct.gov/deep/lib/deep/forestry/vmtf/final_report/svmtf_final_report.pdf
45. 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
46. 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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TECHNICAL

50. 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://standards.ieee.org/findstds/standard/C95.1-2005.html>
51. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, TIA/EIA-222-G (2006), available at https://global.ihs.com/search_res.cfm?RID=TIA&INPUT_DOC_NUMBER=TIA-222
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55. 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>
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MAPS

59. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Town of Glastonbury*, (last updated June 2017), available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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63. CONNECTICUT FOREST & PARK ASSOCIATION, *CONNECTICUT WALK BOOK 20TH ED. 2017*, available at <https://www.ctwoodlands.org/blue-blazed-hiking-trails/connecticut-walk-book>
64. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
65. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <http://netapp.audubon.org/iba/state/US-CT>

66. Mail-A-Map Street Map, Glastonbury, *available at* <http://mailamap.com/street-maps>
 67. United States Geological Survey, Connecticut Topographic Map Collection (Glastonbury), *available at* http://magic.lib.uconn.edu/topographic_maps.html
- E. State Agency comments
1. Comments from the Connecticut Airport Authority, dated November 2, 2017
- F. Municipal comments
- G. Telecommunications Carrier Comments
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II. Appearance by Applicant

Applicant: Eco-Site, Inc. and T-Mobile Northeast, LLC

Representatives: Daniel M. Laub, Esq.
Cuddy and Feder LLP

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by Eco-Site, Inc. and T-Mobile Northeast, LLC, received September 18, 2017, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Town of Glastonbury Zoning Map
 - b. Town of Glastonbury Zoning Code
 - c. Town of Glastonbury Plan of Conservation and Development
 - d. Technical Report Submitted to the Town of Glastonbury
 - e. Power Point Presentation provided to the Town of Glastonbury
2. Eco-Site, Inc. and T-Mobile Northeast, LLC's Responses to Council Interrogatories, dated December 11, 2017
 3. Applicant's Sign Posting Affidavit, dated January 3, 2018
 4. Applicant's Witness Resumes received January 10, 2018
 - a. Matthew W. Allen
 - b. Adrian Berezowsky
 - c. Chuck Bruttomesso
 - d. Andrew J. Desantis
 - e. Scott Heffernan
 - f. Steve Ruzzo
 - g. James M. McManus

C. Swear Witnesses

1. Matthew W. Allen, RLA, Principal, Saratoga Associates, Landscape Architects, Engineers, and Planners, P.C.
2. Adrian Berezowsky, LEED AP, Assessment and Consulting Services, CBRE, Inc.
3. Chuck Bruttomesso, Site Acquisition, Airosmith Development
4. Andrew J. DeSantis, Regional Vice President-Northeast, Principal, Infinigy
5. Scott Heffernan, Director-RF Engineering, Centerline Communications
6. Steve Ruzzo, Northeast Project Manager, Eco-Site
7. James M. McManus, MS, CPSS, JMM Wetland Consulting Services, LLC

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

E. Cross Examination.

1. Town of Glastonbury
2. Council

III. Appearance by Party:

Town of Glastonbury

Representative:

Richard J. Johnson, Town Manager

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Town of Glastonbury's Request for Party Status, dated September 27, 2017

C. Swear Witnesses

- 1.

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

E. Cross Examination.

1. Council
2. Applicant

IV. Closing or Continuation by Connecticut Siting Council.