



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

Daniel F. Caruso
Chairman

January 26, 2011

TO: Council Members

FROM: Linda Roberts, Executive Director

RE: **PETITION NO. 973** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Enclosed please find a copy of the Council's notice of public hearing.

LR/laf

Enclosure (1)

c: Secretary of the State (via e-mail service)
Robert L. Marconi, Assistant Attorney General
Melanie A. Bachman, Staff Attorney
Parties and Intervenors
Application Service Recipients
Ginger Teubner, DPUC (via e-mail service)
Sandy Jenkins, Director, Governor's Southwestern Office

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	<input checked="" type="checkbox"/> U.S. Mail	North Atlantic Towers, LLC and New Cingular Wireless PCS LLC	Lucia Chioocchio, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 lchiocchio@cuddyfeder.com cfisher@cuddyfeder.com



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HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct a public hearing on Thursday, March 10, 2011, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Naugatuck Town Hall 4th Floor, Hall of Burgesses, 229 Church Street, Naugatuck, Connecticut, and thereafter as necessary. The hearing will be on a petition from North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

The purpose of the hearing is to hear evidence on the petitioner's contentions that no significant adverse environmental effect would result from the construction, operation, and maintenance of a replacement tower and associated expansion of the tower, ground equipment and access road. The 3:00 p.m. hearing session will provide the petitioner, parties, and intervenors an opportunity to cross-examine positions. The petitioner will be allowed a final rebuttal. Briefs will be entertained after the close of the last hearing session. The 7:00 p.m. hearing session will be reserved for the public to make brief statements into the record. Cross-examination of parties and intervenors will resume, if necessary, after all statements have been heard.

The Council will conduct a public field review of the proposed site on Thursday, March 10, 2011 beginning at 2:00 p.m. The petitioner will fly a balloon during the field review to simulate the height of the proposed replacement facility.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by March 3, 2011. In accordance with the State Solid Waste Management Plan, the Council requests that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.

Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before March 3, 2011.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council up to 30 days after the close of the hearing. Such statements will become part of the record. No written statement or any other material, evidence, or other information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the Town Clerk's Office of the Naugatuck Town Hall for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by March 3, 2011.

The petitioner of this facility is represented by the following:

Petitioner

North Atlantic Towers, LLC and
New Cingular Wireless PCS LLC

Its Representative

Lucia Chiocchio, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

A copy of the petition is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935 or on Council website at <http://www.ct.gov> under the link "Pending Proceedings." The Council has assigned this filing petition no. 973.

January 26, 2011

Connecticut Siting Council



Daniel F. Caruso
Chairman

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January 26, 2011

TO: Commissioner Amey Marrella
Department of Environmental Protection

Commissioner J. Robert Galvin
Department of Public Health

Commissioner Kevin M. DelGobbo, Chrmn.
Department of Public Utility Control

Commissioner Joan McDonald
Department of Economic and
Community Development

Commissioner Peter J. Boynton
Department of Emergency Management
and Homeland Security

Commissioner Steven Reviczky
Department of Agriculture

Karl Wagener, Executive Director
Council on Environmental Quality

Benjamin Barnes, Secretary
Office of Policy and Management

Thomas A. Harley, P.E., Chief Engineer
Bureau of Engineering and Construction
Department of Transportation

FROM: Linda Roberts, Executive Director *LR*

RE: **PETITION NO. 973** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Pursuant to General Statutes § 16-50j(h), the Connecticut Siting Council hereby solicits your written comments and consultation. Your response on or before March 3, 2011 will be appreciated.

A copy of the petition with location maps has previously been provided to you, pursuant to General Statutes § 16-50i.

If a copy of the petition with location maps had not been previously been provided to you, you may access the petition filing on our website at <http://www.ct.gov/csc/cwp/view.asp?a=2397&q=470380>

LR/CMW/laf

c: Parties & Intervenors
Council Members





Daniel F. Caruso
Chairman

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Screening Checklist

Connecticut Department of Transportation Potential Transportation Infrastructure Impacts Connecticut Siting Council Petition No. 973

Location:

880 Andrew Mountain Road, Naugatuck, Connecticut

1. Is the proposed facility abutting the right-of-way of a State maintained highway?

 No
 Yes – Specify the location and show location on a detail site plan.

2. Is access for construction or maintenance of the proposed facility needed directly from a State maintained highway

 No
 Yes – Identify specific needs and access location.

3. Does the proposed construction or maintenance of the proposed facility impact any licensed aviation facility (L.A.F.)? Definition: L.A.F. is a facility licensed to operate by DOT, airport, heliport or parachute coop area.

 No
 Yes – Please provide an area and site plan.

4. Is the proposed facility within or abutting a State owned Railroad Right-of-Way?

 No
 Yes – Please provide an area and site plan.

5. Is the proposed facility within a two mile radius of any lands classified as preserved scenic land in accordance with CGS Section 13a-85a, "Acquisition of land adjacent to state highways for preservation and enhancement of scenic beauty and development of rest and recreation areas", or any designated scenic road in accordance with CGS Section 13b-31c, "Designation of scenic roads"?
 - No
 - Yes - Specify the location of the preserved scenic land and/or road on a detailed site plan.



CONNECTICUT SITING COUNCIL

Affirmative Action / Equal Opportunity Employer



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Chairman

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January 26, 2011

The Honorable Robert A. Mezzo
Mayor
Naugatuck Town Hall
229 Church Street
Naugatuck, CT 06770

RE: **PETITION NO. 973** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Dear Mayor Mezzo:

The Connecticut Siting Council (Council) scheduled a public hearing in your town in connection with the above-referenced proceeding scheduled on March 10, 2011. Although not required by law in a petition for declaratory ruling, because of the nature of this filing the Council has concluded that a public hearing is appropriate. I am writing to invite you to participate in this hearing.

Please be advised that the Council's processes enable municipal governments to engage in meaningful discourse and, if they choose, to even assert a legal role in the proceedings of applications that come before the Council. Your participation at such hearing may take many forms; municipal officials may make opening statements to the Council, present written documents, or may seek Party or Intervenor Status and put on a case with witnesses.

Our staff is available to assist you in understanding our process and your options. In the event you have specific legal questions, please contact our Staff Attorney Melanie Bachman (860 827-2951). Otherwise, you may contact Executive Director Linda Roberts (860 827-2935).

Additionally, please remember that these proceedings are governed by Connecticut General Statutes § 16-50 and the Uniform Administrative Procedure Act (UAPA). These require us to proceed in ways often very different from your local planning and zoning agencies. Accordingly, you may wish to consult with your attorney so that you may more effectively assist your community.

The Council weighs many issues before rendering its decisions. It is important that we know the Town's views as part of that decision making process. We hope you will take part in our hearing process.

Sincerely,

Daniel F. Caruso
Chairman

DFC/LR/CMW/laf



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Daniel F. Caruso
Chairman

January 26, 2011

Ruth Girolomo
Post Reporting Service, Inc.
2015 Dixwell Avenue
Hamden, CT 06514

RE: **PETITION NO. 973** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Dear Ms. Girolomo:

Your attendance will be required at a hearing of the Connecticut Siting Council (Council) regarding the subject petition on:

Thursday, March 10, 2011
3-5:00 p.m./7:00 p.m. to conclusion
Naugatuck Town Hall
4th Floor, Hall of Burgesses
229 Church Street, Naugatuck, CT 06770

The Council will require delivery of the complete transcript, an original and one copy, within one week of the hearing. I am enclosing a copy of the petition filing and our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosure (2)



CONNECTICUT SITING COUNCIL

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Daniel F. Caruso
Chairman

January 26, 2011

Joseph Reese
Tech Theatrical Services, LLC
98 Knight Street
Watertown, CT 06795

RE: **PETITION NO. 973** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Dear Mr. Reese:

Your attendance will be required at a hearing of the Connecticut Siting Council regarding the subject petition on:

Thursday, March 10, 2011
3-5:00 p.m./7:00 p.m. to conclusion
Naugatuck Town Hall
4th Floor, Hall of Burgesses
229 Church Street, Naugatuck, CT 06770

I am enclosing a copy of our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosure





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Daniel F. Caruso
Chairman

January 26, 2011

Janice Dambowsky
Administrative Secretary
Office of the Mayor
Naugatuck Town Hall
229 Church Street
Naugatuck, CT 06770

RE: **PETITION NO. 973** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Dear Ms. Dambowsky:

Confirming our telephone conversation of December 20, 2011, I appreciate the reservation of the 4th Floor Hall of Burgesses at the Naugatuck Town Hall for a public hearing on March 10, 2011 from 1:00 p.m. to 9:00 p.m.

For your information, I have attached a general plan for seating arrangements.

If any other information is needed, please contact me at my office. Thank you for your assistance.

Very truly yours,

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosure (1)





Daniel F. Caruso
Chairman

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Seating Arrangements:

X X X X X X X X X X X X

Council Table
(seating for twelve)
(x = chairs)

X
Table
for
Court
Reporter
& Audio
Tech
(x =
chairs)
X

Party Table X
(seating for X
four) X
(x = chairs) X
X

Applicant Table
(x = chairs)

X X X X X

Podium for
public

SEATING FOR PUBLIC
(chairs facing Council table)



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Chairman

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January 26, 2011

TO: Classified/Legal Supervisor
973110310
Waterbury Republican-American
389 Meadow Street, P.O. Box 2090
Waterbury, CT 06722

Classified/Legal Supervisor
973110310
Citizen's News
71 Weid Drive
Naugatuck, CT 06770

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

RE: **PETITION NO. 973** - North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required to replace and expand an existing structure located at 880 Andrew Mountain Road, Naugatuck, Connecticut.

Please publish the attached legal notice for one day on the first day possible from receipt of this notice, except on Saturday, Sunday, or holiday.

Pursuant to General Statutes § 16-50m(c), the general notice to be public shall be published in its entirety in not less than **TEN POINT BOLDFACE TYPE**. If you have any questions concerning the ten point type, please contact me. If your newspaper does not have ten point type, please so state and also state the size type actually used in the legal notice in your affidavit.

Please send affidavit of publication and invoice to: Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

laf

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