



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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[www.ct.gov/csc](http://www.ct.gov/csc)

### VIA ELECTRONIC MAIL

January 4, 2019

Jayme J. Stevenson  
First Selectman  
Darien Town Hall  
2 Renshaw Road  
Darien, CT 06820-5397  
[jstevenson@darienct.gov](mailto:jstevenson@darienct.gov)

RE: **PETITION NO. 1358** - Cellco Partnership d/b/a Verizon Wireless petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed installation of a small cell wireless telecommunications facility on a new approximately 34-foot Eversource-owned utility pole that is not used principally for electric distribution service located in a public right-of-way adjacent to 53 Goodwives River Road, Darien, Connecticut.

Dear First Selectman Stevenson:

The Connecticut Siting Council (Council) is in receipt of the Town of Darien's correspondence dated January 5, 2019 concerning the above-referenced petition. Thank you for taking the time to provide the Council with your comments.

This petition will be placed on a future Council meeting agenda for discussion and decision. Please note that you can view all of the documents related to this petition on our website at [www.ct.gov/csc](http://www.ct.gov/csc) under the "Pending Matters" link. You may also keep apprised of Council events on the website calendar and agenda.

Before reaching a final decision on a petition, the Council carefully considers all of the facts contained in the record that is developed by the Council, the petitioner, parties and intervenors to the petition, and members of the public who attend the field review and submit written statements to the Council.

Your comments shall become part of the official record in this matter in the form of a limited appearance defined under subsection (f) of Connecticut General Statutes §16-50n. Copies of your correspondence will be distributed to the petitioner and parties and intervenors to the proceeding.

Thank you for your interest and concern in this matter.

Sincerely,

Melanie A. Bachman  
Executive Director

MAB/MP/laf

c: Parties and Intervenors  
Council Members



# TOWN OF DARIEN

## OFFICE OF THE SELECTMEN

JAYME J. STEVENSON  
FIRST SELECTMAN

CHARLES A. KOONS  
SUSAN J. MARKS  
PAMELA H. SPARKMAN  
MARC E. THORNE

KATHLEEN CLARKE BUCH, CPFO  
TOWN ADMINISTRATOR

January 5, 2019

Melanie A. Bachman  
Executive Director  
State of Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

**RE: *Town of Darien Objection to Petition No. 1358* – Celco Partnership d/b/a Verizon Wireless petition for declaratory ruling, pursuant to Connecticut General Statutes S4-176 and S16-50k, for the proposed installation of a small cell wireless telecommunications facility on a new approximately 34-foot Eversource-owned utility pole that is not used principally for electric distribution service located in a public right-of-way adjacent to 53 Goodwives River Road, Darien, Connecticut**

Dear Director Bachman,

In accordance with Connecticut Siting Council procedures, I am filing a formal objection, on behalf of the Town of Darien, to the above referenced Petition No.1358. My objections join and sustain objections (attached) you have received from abutting neighbors at 53 Goodwives River Road (Rachel and Bradley Gillin) and 48 Goodwives River Road (Andrea and James Bonfils). Specifically, I object due to public safety concerns posed by the installation of small cell technology in close proximity to homes and of new utility pole, only for small cell infrastructure, on an unusually narrow and winding roadway.

As Darien's First Selectman, I would like to ask for a meeting with representatives from Celco and the Siting Council, if appropriate, for me and my staff to be presented a detailed plan for addressing the alleged "capacity problems" of Celco's existing Ledge Road tower site. Working closely with the Town of Darien to collaborate on a more comprehensive solution will yield the best result for our community and help avoid future objections.

We understand the Connecticut Siting Council has exclusive jurisdiction over this proposal but we urge you to deny this petition in favor of finding a better long term solution to the Ledge Road Tower capacity problems.

Respectfully,

A handwritten signature in black ink that reads "Jayme J. Stevenson".

Jayne J. Stevenson  
First Selectman, Town of Darien

CC: Mr. and Mrs. Bradley Gillin, 53 Goodwives River Road  
Mr. and Mrs. James Bonfils, 48 Goodwives River Road  
Tracey V. Alston, Community Relations Specialist, Eversource  
Jeremy Ginsberg, Planning & Zoning Director, Town of Darien  
Edward L. Gentile, Jr., P.E., Director of Public Works, Town of Darien  
Kenneth C. Baldwin, Robinson & Cole LLP

January 2, 2019

Mrs. Jayme Stevenson  
First Selectman  
2 Renshaw Road, Room 202  
Darien, CT 06820

Dear Mrs. Stevenson,

Permit me to share my concerns regarding the proposal to install a small wireless telecommunications facility on Goodwives River Road (GRR), so that they may be taken into consideration prior to the expiration of your window to submit comment. As you are aware, Eversource is looking to install a new pole on a narrow strip of town-owned land in front of 49 and 53 GRR, opposite pre-existing utility poles on the north side of the roadway. This new pole would then be leased to Celco (Verizon) for installation and operation of the related small cell tower facility equipment. Verizon is petitioning the Connecticut Siting Council for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required. The Council provided materials to your office and to Planning and Zoning on 12/11/18 and is accepting comments until 1/5/19. A site inspection held in front of my property on 12/27/18 was attended by a representative from Verizon and their Counsel (Ken Baldwin) as well as an attorney and a representative from the Siting Council. While there was no representation from the town of Darien, I was able to attend and had an opportunity to ask questions, the responses to which give way to concerns I would like to address to you.

Upon request, Attorney Baldwin provided a listing of approved small cell sites throughout the town. There are a total of ten over the past 19 months, each currently awaiting installation; locations are marked on Exhibit A. Section II of Verizon's petition details a "significant capacity problem" at the existing Ledge Road cell site, noting installation of a small cell facility at GRR would provide capacity relief. This language is very vague and unspecific, yet was reiterated by Attorney Baldwin who stated the proposed location would provide needed relief to the area south of the Ledge Road location. If this is indeed accurate, why is it that petitions for other previously approved sites located south of Ledge road note this same problem and corresponding mitigation? As an example, the Darien SC17 site approved over a year ago on 10/11/17 (and still awaiting construction) is 0.86 miles south of the GRR location. Are we to believe an addition on GRR would fully mitigate this "capacity problem" or is it likely that many more petitions will follow? If history is any indication, I anticipate the latter as one Tokeneke neighborhood will soon be home to a cluster of five small cell facilities located within a third of a mile radius from one another (SC5, SC6, SC7, SC12, SC16)? With that in mind, to what extent is Verizon being held accountable for providing a detailed overview of the full scope of the mitigation plan needed to fully address their stated "capacity problem"? I question the authenticity of Verizon's assertion that these small cell facilities are being undertaken "to provide customers and emergency service providers with enhanced and more reliable wireless, voice and data services in the vicinity of the Facility" and fear this argument is an attempt to fear-monger municipalities and abutting property owners into acceptance of these installations. Responses provided to the Siting Council by Verizon on 12/20/18 note installation of the related equipment takes approximately 8 hours. If they are so critical to fixing Verizon's capacity problem and if we are truly less safe without this equipment, I would like to know why not a single one of the ten approved Darien sites have been implemented since initial approval 19 months ago (Darien SC19, 41 Wee Burn Road approved 5/24/2017).

As the meeting attendees discussed the target installation site of a new utility pole, I asked how common it was for new utility poles to be erected for the sole purpose of housing telecommunications equipment. Verizon's Counsel indicted it is highly usual as this proposed site would be the first small cell instance Darien, and the second instance in the entire state of CT he's aware of, requiring installation of a new utility pole. With that in mind, I ask that you consider the effect legislation has already had on the ability of local municipalities to maintain unencumbered jurisdiction over town-owned land. Enabling

extension beyond the pre-existing footprint of the public utility infrastructure to support this newer small cell technology sets a dangerous precedent in our municipality, paving the way for telecommunications companies to broaden their footprint as newer technology dependent on close range installations becomes available. If the expansion pace of small cell facilities continues, and should a new precedent be set in Darien to allow utility companies to expand the scope of their pre-existing footprint at will, please consider how ongoing insertion of brand new structures stands to change the face of our natural landscape. Section III-A1 of Verizon's petition states it "will not involve a significant alteration in the physical and environmental characteristics of Goodwives River road" and section III-A2 notes the visual impacts will be "minimal and limited". Having visited the Rowayton SC5 installation, I disagree with these assertions: Verizon is proposing installation of a utility pole, a canister antenna, radio equipment and electrical equipment (and presumably fiber optic connections, coaxial cables and a disconnect device). All are structures which currently do not exist directly along my property line, are not visually appealing, and are not naturally occurring in our surrounding environment.

Beyond this concern, and as an abutting property owner, I would also note the sections of roadway leading up to the hillcrest at 53/49 GRR have long been a safety concern as cars regularly drive well above the posted speed limit up and down this access way. The desire of local residents for installation of a speed bump isn't feasible given lack of the requisite yardage of clear sight. In the absence of a bump, there is no deterrent to slow cars down as they approach the summit of the hill, the grade of which is too steep to provide a view to the other side. To add a further obstruction just beyond the hillcrest on the southern side of this already narrow, winding roadway with many twists and turns seems to inject added risk to those frequenting, and living along, this roadway.

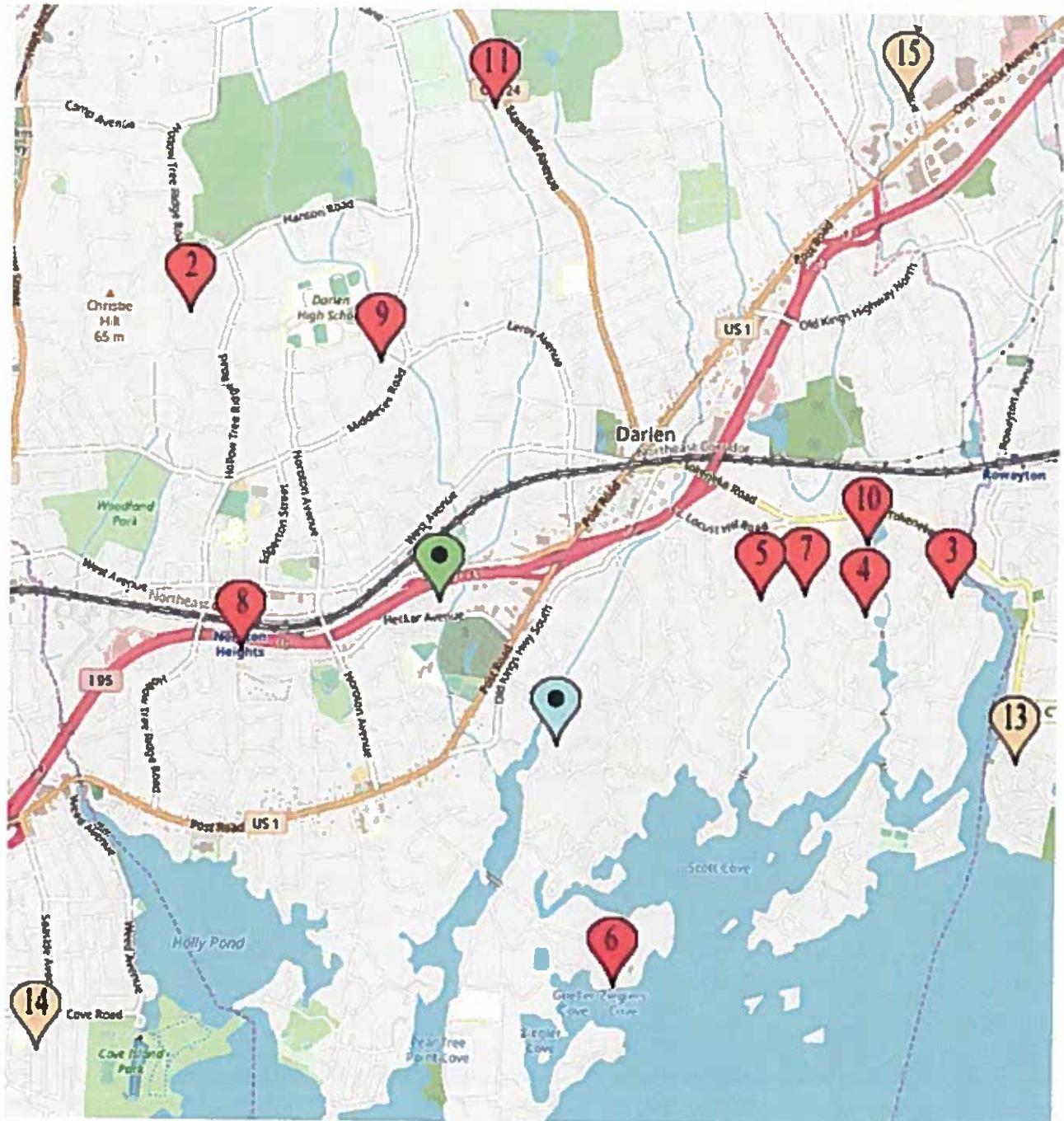
Lastly, when asked if there were any risks to abutting property owners Verizon was aware of (specific to this proposal), Liz Glidden of Verizon quickly responded there were no risks Verizon was aware of. Her response was astounding as risk-free transactions in this day and age are unheard of. In contrast, her Counsel Attorney Baldwin quickly stated there were no *significant* risks. When I then asked that Attorney Baldwin consider *any* risk, regardless of calibration, he would not commit to a specific answer and simply referenced the results of Verizon's internally prepared calculations which show adherence to FCC guidelines for maximum levels of radio frequency exposure. As our discussion continued, Attorney Baldwin also noted small cell facilities have only been in prevalent use by Verizon for the past 3.5 years. This limited period hardly seems sufficient to study the long-term health effects of small cell radio frequency exposure on those living in direct proximity, much less for those ring-fenced within a cluster of facilities as is intended in the aforementioned Tokeneke area. If there are longitudinal studies available for this specific technology and related equipment, I am interested in reviewing those materials.

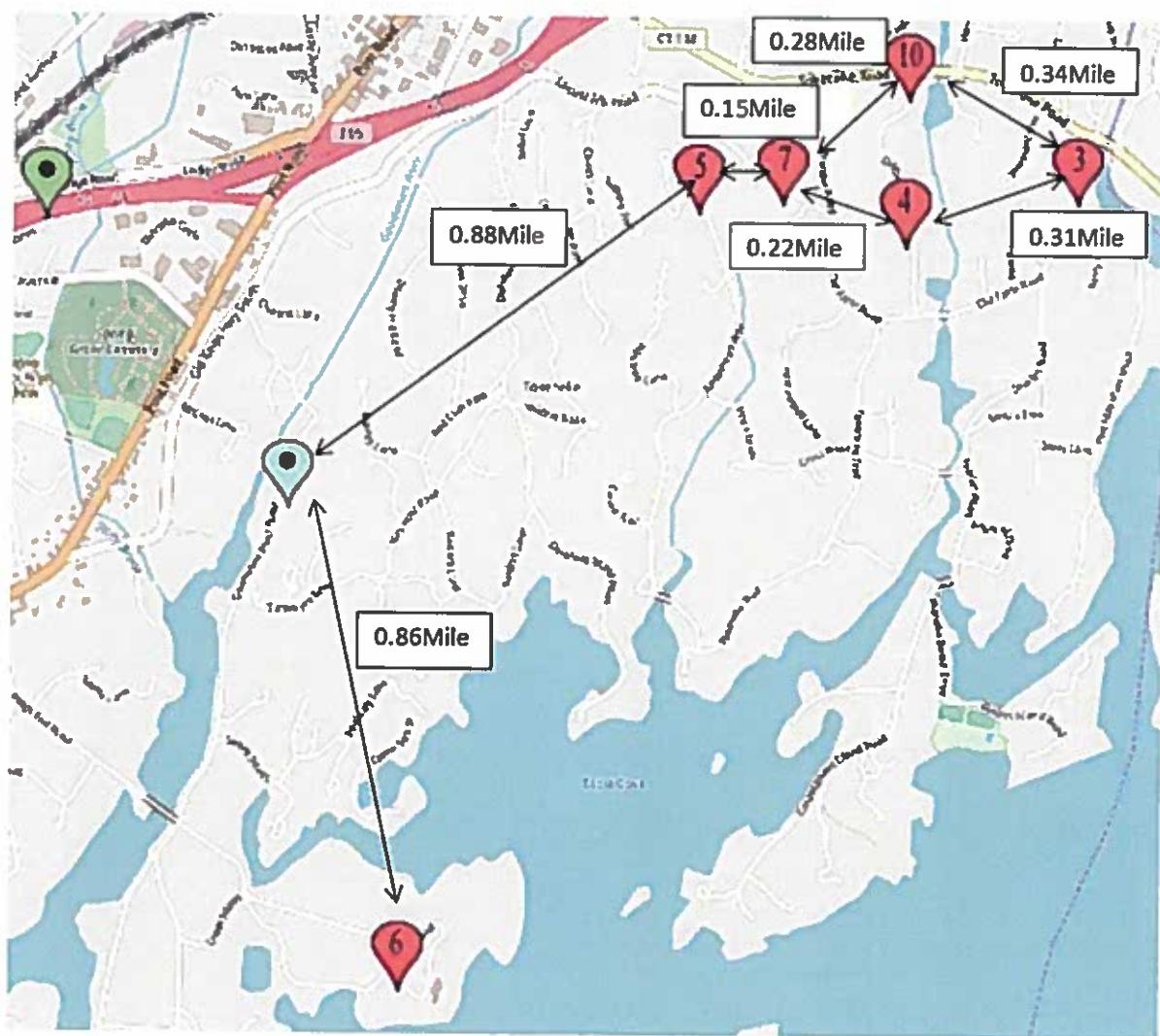
I understand you are returning from vacation today (January 2<sup>nd</sup>); in your absence I reached out to the other parties in receipt of the Siting Council Petition. During my 12/27/18 conversation with listed recipient Mr. Jeremy Ginsberg, he would not indicate whether comment from Planning and Zoning would be returned to the state council, simply deferring to you specifically as being the sole authority in making that determination. I was informed by your office that these materials are generally not returned with comment; in this instance I'd ask that there be some thoughtful discussion about the concerns noted above, prior to making that determination. Lastly, I've provided a list of questions I will be submitting to the Siting Council, for response by Verizon. I look forward to hearing from you.

Regards,  
Rachel Gillin

## EXHIBIT A

Approved  and Proposed  , Small Cell Locations in Darien. Three completed installations in Stamford and Norwalk 





	Darien Cell Site - Ledge Rd.	126, Ledge Road, Boston Post Road Historic District, Darien, Fairfield, Connecticut, 06820, USA
	SC-19, 5/24/17	41, Wee Burn Lane, Darien, Fairfield, Connecticut, 06820, USA
	Darien SC7, 9/20/17	Five Mile River Road, Boston Post Road Historic District, Darien, Fairfield, Connecticut, 06853, USA
	Darien SC16, 8/2/17	35, Driftway Lane, Boston Post Road Historic District, Darien, Fairfield, Connecticut, 06820, USA
	Darien SC12, 8/2/17	11, Arrowhead Way, Boston Post Road Historic District, Darien, Fairfield, Connecticut, 06820, USA
	Darien SC17, 10/11/17	Great Island, Darien, Fairfield, Connecticut, 06820, USA
	Darien SC5, 12/7/17	7, Old Farm Road, Boston Post Road Historic District, Darien, Fairfield, Connecticut, 06820, USA
	Darien SC2, 11/29/17	Heights Road, Darien, Fairfield, Connecticut, 06820, USA
	Darien SC4, 2/21/18	2, High School Lane, Darien, Fairfield, Connecticut, 06820, USA
	Darien SC8, 8/13/18	210, Tokenek Road, Boston Post Road Historic District, Darien, Fairfield, Connecticut, 06820, USA
	Darien SC3, 10/24/18	293, Mansfield Avenue, Boston Post Road Historic District, Darien, Fairfield, Connecticut, 06820, USA
	Proposed SC14	53, Goodwives River Road, Boston Post Road Historic District, Darien, Fairfield, Connecticut, 06820, USA
	Rowayton CT SC5	82, Rowayton Avenue, Norwalk, Fairfield, Connecticut, 06853, USA
	Stamford SC2 CT	831, Cove Road, Stamford, Fairfield, Connecticut, 06902, USA
		Richards Avenue, Norwalk. <input checked="" type="checkbox"/>

## **ABUTTER INTERROGATORIES TO PETITIONER**

1. Using the attached or similar zoning map for the town of Darien, what specific area is small cell facility SC14 site meant to cure “capacity problems” for?
  - a. Would installation of the SC14 facility fully mitigate those capacity problems referenced in Petition #1358 or is it likely that installation of additional small cell facilities would be required in the noted area?
  - b. If there is any likelihood that further small cell facilities would be required, how many such installations would be required?
2. Would new guy wires be needed for installation of the SC14 small cell facility?
3. When will installation of the 10 previously approved small cell facility sites in Darien be complete?
4. If approval is granted for installation of SC14, approximately how long post approval will it take until installation is complete and the facility is actively working as intended?
5. Have any longitudinal studies been conducted to observe the effects of exposure to the specific small cell equipment noted in Petition #1358? If so, please provide the associated reference information and corresponding study duration.
6. Have there been any proposed sites in Darien which were subsequently rejected by the Connecticut Siting Committee? If so, please provide those petition numbers.
7. In light of the proposed installation site’s proximity to the property line of 53 GRR, will Verizon (Cellco) and Eversource indemnify abutting property owners from any and all liability resulting from injury, death or property damage, associated with the proposed installation and any related equipment?

## TOWN OF DARIEN

