

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE: :  
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 :  
 APPLICATION OF NEW CINGULAR : DOCKET NO. 408  
 WIRELESS PCS, LLC FOR A :  
 CERTIFICATE OF ENVIRONMENTAL :  
 COMPATIBILITY AND PUBLIC NEED :  
 FOR THE CONSTRUCTION, :  
 MAINTENANCE AND OPERATION OF A :  
 TELECOMMUNICATIONS FACILITY AT :  
 95 BALANCE ROCK ROAD, HARTLAND, :  
 CONNECTICUT : JANUARY 11, 2011

PETITION TO INTERVENE AS PARTY UNDER  
GENERAL STATUTES § 22a-19 (a)

Thomas H. Sirman of 88 Balance Rock Road, Hartland, Connecticut hereby intervenes in the above-captioned matter pursuant to General Statutes §22a-19 and applicable law and states the following:

1. The Connecticut Siting Council is the agency with jurisdiction over applications for Certificates of Environmental Compatibility and Public Need for the construction, maintenance and operation of telecommunications facilities in the State of Connecticut pursuant to General Statutes §§ 16-50g, et seq.
2. By application dated October 13, 2010, New Cingular Wireless PCS, LLC made application to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of telecommunication facilities on property at 95 Balance Rock Road, Hartland,

Connecticut

3. The Connecticut Siting Council accepted the application, known as Docket No. 408, and has scheduled a public hearing on the application for January 13, 2011.
4. The undersigned states that the activities proposed by the applicant, New Cingular Wireless PCS, LLC, and which are the subject of its application are reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of this state in that:
  - a. The applicant, New Cingular Wireless PCS, LLC, has failed to provide the Connecticut Siting Council with sufficient information to allow it properly to evaluate the environmental impact of the proposed cellular communications tower on the on-site wetlands and watercourses, both with respect to the identification and delineation of the wetlands and their characteristics and functions.
  - b. The construction of the proposed cellular communications tower which is the subject of the New Cingular Wireless PCS, LLC application will likely result in a significant adverse impact on avian populations, particularly migrating songbirds and waterfowl.
  - c. The property at 95 Balance Rock Road is the site of an active shooting range, and has been used as a shooting range for at least fifty years. The shooting of shotguns on the property has resulted in the deposition of lead shot throughout the property, and specifically in the two locations on the property identified by the applicant as possible sites for the proposed cellular communications tower. Lead shot is a

hazardous solid waste under the Resources Conservation and Recovery Act. 42 U.S.C. §§ 6901-6991. The construction and clearing activity required in connection with the proposed cellular communications tower which is the subject of the New Cingular Wireless PCS, LLC application will likely result in the increased ingestion of lead shot by, and is likely to have a significant adverse effect on mortality rates of, wildlife in the vicinity of the property, unless the lead shot contamination is properly remediated prior to construction of the tower.

- d. The proposed cellular communications tower is located in close proximity to the Tunxis State Forest, and the property at 95 Balance Rock Road is bordered on three of its four sides by the Tunxis State Forest. The construction of the proposed cellular communications tower will adversely affect the view from the surrounding state forest areas and approaches to the state forest.
  - e. The applicant has failed to propose alternatives to the two currently proposed locations for the cellular communications tower which is the subject of its application that would have lesser adverse impact on the natural resources identified above.
5. General Statutes §22a-19 (a) authorizes any person who files a verified petition as described in the statute to intervene in any administrative, licensing or other proceeding and in any judicial review thereof made available by law. The words “in any administrative, licensing or other proceeding” in General Statutes § 22a-19 (a) have been construed to include intervention in pending Connecticut Siting Council

proceedings. See, e.g., Connecticut Coalition Against Millstone v. Connecticut Siting Council, 286 Conn. 57, 942 A.2d 345 (2008).

WHEREFORE, on this 13<sup>th</sup> day of January, 2011, the undersigned hereby intervenes pursuant to General Statutes § 22a-19 (a) for the purpose of protecting the public interest in the aforementioned natural resources.

INTERVENOR

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THOMAS H. SIRMAN

VERIFICATION

STATE OF CONNECTICUT)

COUNTY OF HARTFORD)

ss. HARTLAND

JANUARY 13, 2011

Before me, the undersigned, this 13<sup>TH</sup> day of January, 2011, personally appeared Thomas H. Sirman, intervenor in the above-captioned administrative proceeding, who, being duly sworn, made oath to the facts stated in the foregoing intervention petition, to the best of his knowledge, information and belief.

In Witness Whereof, I hereunto set my hand.

Notary Public DAVID F. STEWARD

My Commission Expires:

Commissioner of the Superior Court

CERTIFICATE OF SERVICE

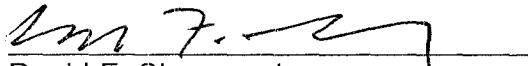
I hereby certify that on the 13<sup>th</sup> day of January, 2011, a copy of the foregoing document and attachments was sent, first class U.S. mail, postage prepaid, to:

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David F. Sherwood  
Commissioner of the Superior Court