

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
 :
 :
 APPLICATION OF NORTH ATLANTIC : DOCKET NO. 427
 TOWERS, LLC AND NEW CINGULAR :
 WIRELESS, PCS LLC FOR A CERTIFICATE OF :
 ENVIRONMENTAL COMPATIBILITY AND :
 PUBLIC NEED FOR THE CONSTRUCTION, :
 MAINTENANCE AND OPERATION OF A :
 WIRELESS TELECOMMUNICATIONS :
 FACILITY IN BRANFORD OR EAST HAVEN, :
 CONNECTICUT : AUGUST 8, 2012

RESPONSES OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
TO INTERVENOR RICHARD MORELAND PRE-HEARING QUESTIONS

On August 2, 2012, Cellco Partnership d/b/a Verizon Wireless (“Cellco”) received pre-hearing questions from Richard Moreland. Below are Cellco’s responses.

Question No. 1

Some insurance companies have my property at 8 Hilton Ave, East Haven, designed as a high wind zone and require storm shutters on my house in order for them to insure me. The cell tower in East Haven must also fall in that zone being a few hundred feet from my property. Are you aware that this area you’re proposing to build a cell tower is designated as a high wind zone by some?

Response

Construction of a new tower at either of the alternative site locations presented in the Docket No. 427 application would be the responsibility of North Atlantic Towers, LLC (“NAT”), as the applicant. This question is, therefore, more appropriately answered by NAT.

Question No. 2

What is the impact of building in a high wind zone? Please include impact to worker safety and impact to structural integrity, including the long term impact.

Response

See Cellco's response to Question No. 1.

Question No. 3

Based on EIA/TIA 222-G: the Telecommunications Industrial Association Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, please provide your classification of the proposed cell tower in East Haven for the following categories: Structure Classification, Exposure Categories, Topographic Category and Geological Classification. Please include your wind speed up calculations.

Response

See Cellco's response to Question No. 1.

Question No. 4

Please provide the noise impact estimates for when the generators are routine maintenance runs and assume the worst case when four generators are running at the same time.

a. For homes within 500 feet, please describe in addition to using scientific measurements, details such as, will we be able to hold a normal conversation, in our yards, in our homes with the windows open, or, will we need to yell to be heard, need to go inside and close all the windows in order to hold normal conversation.

b. Will we be able to talk on the phone, or will we need to hang up the phone and call back when the generators are turned off.

Response

Cellco intends to install a Generac 60 kW, diesel-fueled generator at the East Haven alternate cell site if approved by the Council. The generator will be located inside a 10' x 12' room in Cellco's 12' x 24' equipment shelter. Cellco's back-up generator will run only when commercial power to its facility is interrupted and once a week, for approximately 20 minutes, for testing purposes.

According to the manufacturer's specifications and based on Cellco's experience with the Generac 60 kW generator unit, noise levels from the operating generator unit will vary at different locations around and at different distances from the shelter. Included as Attachment 1 is an August 8, 2012 memorandum from Centek Engineers describing noise levels at various distances around Cellco's typical shelter, without any special acoustical treatment.

Please also note that the Code for the Town of East Haven exempts, from its noise standards, "noise created as a result of or relating to an emergency". (See East Haven Code Section 12-54(g) included as Attachment 2). Notwithstanding the exemption, Cellco has, when circumstances warrant, incorporated additional noise attenuation measures into the design of its shelter (air intake louvers and exhaust silencers and mufflers, etc.) to reduce the impact of generator noise on properties near a cell site. It is important to note that, the East Haven Code (Section 12-51 – Article IV. Noise) does not contain any specific noise standards or limits that are customary a part of similar local noise ordinances.

Question No. 5

For EIA/TIA 222-G, Geological Classifications Class E and Class F, please explain how a tower would fall based on the possible scenarios which could include an earth quake or even a simple issue with soil water saturation and water erosion that spawn mud slides.

Response

See Cellco's response to Question No. 1.

Question No. 6

For EIA/TIA 222-G, Geological Classifications Class E and Class F, please explain how a fuel supply could stay secure based on the possible scenarios which could include an earthquake or even a simple issue with soil water saturation and water erosion that spawn mud slides.

Response

See Cellco's response to Question No. 1.

Question No. 7

Please describe the impact to the Farm River state park and wet lands assuming the above worst case scenario and the fuel supplies rupture. What's the amount of fuel that would enter the stream that runs behind our properties, this stream starts near the edge of the proposed tower location.

Response

Cellco plans to install a diesel-fueled back-up generator at the proposed alternate site at the East Haven Fire Department. A 210 gallon fuel tank is included as a part of the generator unit. This tank is double-walled and maintains leak detection alarms. The floor of Cellco's generator room has also been designed to contain 120% of the volume of all generator fluids in case of a catastrophic failure of the unit.

Question No. 8

There have been wireless issues in Connecticut where even though there is a strong signal, there is no network available, for both ATT and Verizon, there seems to be a bigger underlying problem, how can residences be assured that adding more towers to a system that seems to have problems is going to help and not hurt the situation?

Response

The issue of Cellco's need for improved wireless service in southeast portions of East Haven and southwest portions of Branford are addressed in detail in its response to Siting Council Interrogatories, dated June 18, 2012. Cellco is not aware of any "underlying problems" in its network in this area.

CERTIFICATION OF SERVICE

I hereby certify that on this 8th day of August, 2012, a copy of the foregoing was first class mail, postage prepaid, to the following:

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

Randy Howse
North Atlantic Towers, LLC
1001 3rd Avenue West, Suite 420
Bradenton, FL 34250


Michele Briggs
AT&T
500 Enterprise Drive
Rocky Hill, CT 06067-3900

Sarah Pierson
63 Hilton Avenue
East Haven, CT 06512

Town of Branford
c/o Keith R. Ainsworth, Esq.
Evans, Feldman & Ainsworth, L.L.C.
261 Bradley Street
P.O. Box 1694
New Haven, CT 06507-1694

Niki Whitehead
9 Hilton Avenue
East Haven, CT 06512

Richard Moreland
8 Hilton Avenue
East Haven, CT 06512



Kenneth C. Baldwin, Esq.

Attachment 1

M E M O R A N D U M

DATE: August 7, 2012
TO: Ken Baldwin
PREPARED BY: Doug Drost
SUBMITTED BY: Carlo F. Centore, PE
CC: Sandy Carter (Verizon)
PROJECT: Verizon Wireless - Branford Short Beach
CEN TEK PROJ. NUMBER: 12013

We are submitting the following information describing noise levels at various distances around Cellco's typical shelter, without any special acoustical treatment:

Sound Levels and Human Response

Common Sounds	Noise Level (dB)
Medium Jet Engine	160
Large Propeller Aircraft / Air Raid Siren	140
Elevated Train	120
Textile Mill	115
Heavy City Traffic / Subway	100
Heavy Truck at 50 FT+/-	90
Busy Office / Concrete Mixer	80
Vacuum Cleaner at 27 FT+/-	70
Normal Conversation Speech	60
Private Office / Light Auto Traffic	50
Quiet Residential Neighborhood	40
Whisper	20
Threshold of Hearing	0

Data Source References:

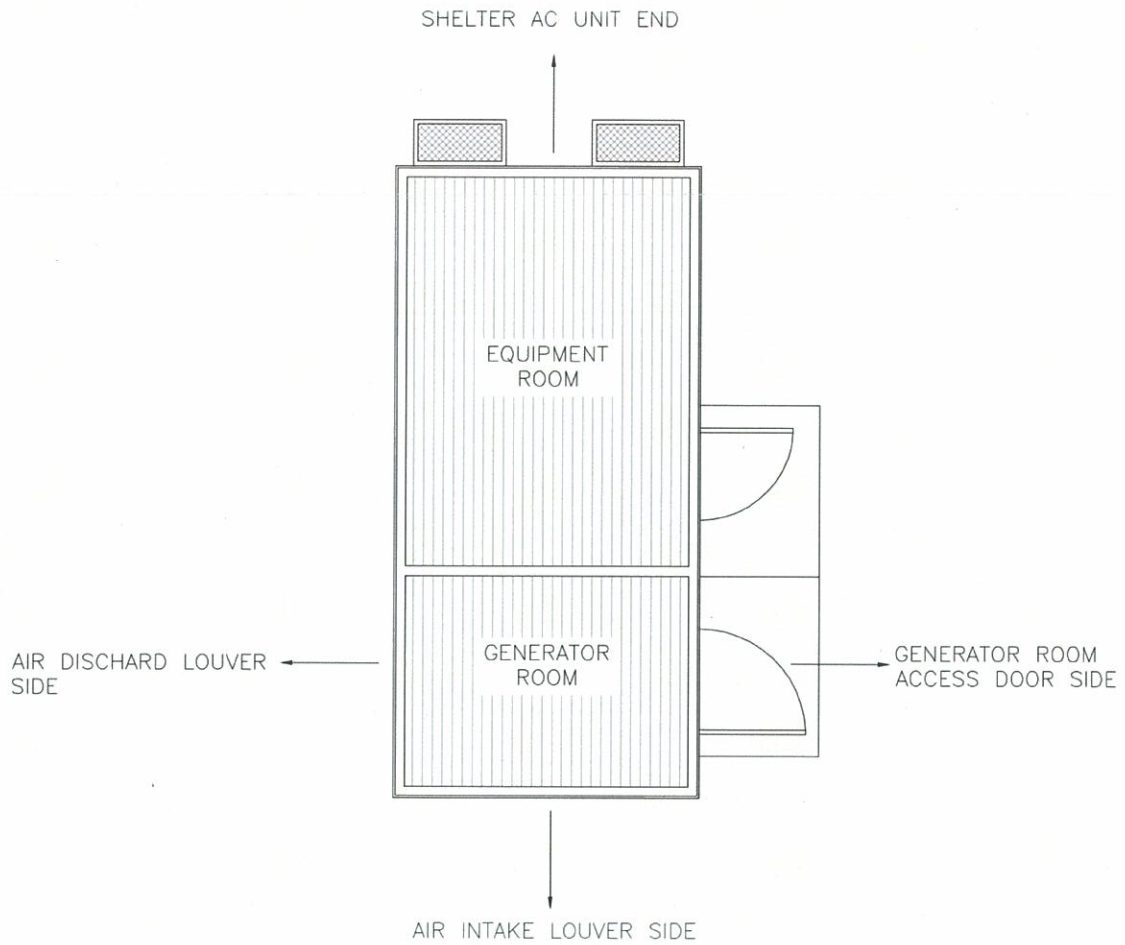
Handbook of Noise Control, Author: Harris, Published by McGraw - Hill Book Co., New York 1995

Industrial Noise Control, Author: Bell, Published by Marcel Dekker Inc, New York 2002

Sound, Noise and Vibration Control, Author: Yerges, Published by Van Nostrand Reinhold Co., New York 1992

Estimated dB levels for 60 kw shelter-housed generator at various distances:

Shelter Location: Air Discharge Louver	
Distance (Feet)	Noise Level (dB)
10	66
20	60
50	53
100	47
250	38
500	44
Shelter Location: Air Intake Louver	
Distance (Feet)	Noise Level (dB)
10	65
20	59
50	52
100	46
250	41
500	35
Shelter Location: Gen Room Access Door Side	
Distance (Feet)	Noise Level (dB)
10	50
20	44
50	37
100	31
250	25
500	19
Shelter Location: Shelter AC End (w/1 AC running)	
Distance (Feet)	Noise Level (dB)
10	50
20	46
50	37
100	31
250	25
500	19



Attachment 2

(c) Alarm users having existing automatic telephone dialing devices shall comply with G.S. § 7-282b.

(d) Automatic telephone dialing devices in existence as of, or prior to, the effective date of Ordinance No. 423, enacted September 6, 1988, shall be programmed to special telephone numbers, which are to be designated by the chief of police. An automatic telephone dialing device shall not be programmed to dial 911.

(e) No person, firm or corporation shall hereafter install an automatic telephone dialing device within the town of terminating at the police department.

(f) All alarm systems, as defined in this article, which sound an audible signal which may be heard outside of the protected premises, shall be equipped with a device which shall limit the duration of such audible signal to not more than thirty (30) minutes in accordance with section 22a-69-5.1 of the Administrative Regulations of the Department of Environmental Protection of the State of Connecticut.

(g) A maximum of five (5) false alarms per calendar year shall be allowed from any alarm system of any person, firm or corporation. Upon the occurrence of a sixth false alarm and for each false alarm thereafter during a calendar year, such person, firm or corporation shall pay to the town a user fee of twenty-five dollars (\$25.00). No user fee shall be payable with respect to any alarm originating from a building owned or occupied by the town or any of its agencies. (Ord. No. 423, § 3, 9-6-88; Ord. No. 558, §§ 3, 4, 10-5-93)

Sec. 12-44. Violations and penalties.

Any person, firm or corporation found to be in violation of subsection 12-43(e) of this article shall be fined twenty-five dollars (\$25.00).

Any person, firm or corporation who shall fail to pay a user fee, which has been assessed as provided in subsection 12-43(g) of this article, within thirty (30) days shall be fined fifty dollars (\$50.00). Each delinquent user fee shall be a separate offense.

Any person, firm or corporation found to be in violation of any other provision of this article shall be fined fifty dollars (\$50.00). (Ord. No. 423, § 4, 9-6-88; Ord. No. 558, § 5, 10-5-93)

Secs. 12-45–12-50. Reserved.

ARTICLE IV. NOISE*

Sec. 12-51. Statement of purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or safety or welfare or

*Editor's note—Ord. No. 551, adopted July 6, 1993, did not specifically amend this Code; hence, inclusion of §§ 1–6 as Ch. 12, Art. IV, §§ 12-51–12-56, was at the discretion of the editor.

degrade the quality of life. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the town through reduction, control and prevention of noise. (Ord. No. 551, § 1, 7-6-93)

Sec. 12-52. Definitions.

For the purpose of this article, the following words and phrases shall have meanings as follows:

(a) *Noise Disturbance*: Any sound which (i) endangers or injures the safety or health of humans or animals; (ii) annoys or disturbs a reasonable person of normal sensitivities; or (iii) endangers or injures personal or real property.

(b) *Prohibited Hours*: The hours before 7:00 a.m. on a Monday through Friday, before 8:30 a.m. on a Saturday or Sunday, or after 9:00 p.m. on any day.

(c) *Public Space*: An outdoor area which is owned by the town or other public authority or which the general public is permitted to enter.

(d) *Residential Real Property*: Any parcel of land which is located in a zone under the town's zoning regulations in which single- or multi-family residences are permitted as of right or upon approval of a site plan or special exception.

(e) *Residential Real Property Boundary*: A property ownership boundary line of a parcel of residential real property. In the case of a multifamily residence, the boundary shall be deemed to be the perimeter ownership boundary line of the parcel of land upon which the residence is located, regardless of whether there are legal divisions of ownership within the parcel of land (as in a condominium). (Ord. No. 551, § 2, 7-6-93)

Sec. 12-53. Specific prohibitions.

The following acts, and the causing or permitting thereof, are specifically prohibited by this article unless otherwise specified herein:

(a) *Air Conditioners*: It shall be unlawful for any person to maintain any refrigeration machinery or air conditioning, consisting of air compressors or rotating or reciprocating machinery, in such a manner as to create a noise disturbance across a residential real property boundary.

(b) *Construction*: It shall be unlawful to operate or permit the operation of any tools or equipment used in construction, drilling, or demolition work during prohibited hours such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variance. This subsection shall not apply to the use of domestic power tools subject to subsection (c) of this section.

(c) *Domestic Power Tools*: It shall be unlawful to operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawn mower, or other similar device used outdoors, other than powered snow removal equipment, during prohibited hours.

(d) *Emergency signaling devices:*

- (1) It shall be unlawful to intentionally sound or permit the sounding outdoors of any fire, burglar, or civil defense alarm siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in this article. Testing shall not occur during prohibited hours (except as necessary at the closing time of a commercial establishment even though during prohibited hours). In no case shall such test exceed five (5) minutes.
- (2) It shall be unlawful to sound or permit the sounding of any motor vehicle burglar alarm unless such alarm is automatically terminated within two (2) minutes of activation, or within a reasonable time after notification of activation.

(e) *Explosives, Firearms, and Similar Devices:* It shall be unlawful to use or fire any explosives, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way without first obtaining a special variance.

(f) *Loading and Unloading:* It shall be unlawful to load, unload, open, close, or to do other handling of boxes, crates, containers, building materials, garbage cans, or similar objects during prohibited hours, in such a manner as to cause a noise disturbance across a residential real property boundary.

(g) *Loudspeakers/Public Address Systems:* It shall be unlawful to use, operate, or permit the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public space for any commercial purpose. It shall be unlawful to use, operate, or permit for any noncommercial purposes any loudspeaker, public address system, mobile sound vehicle, or similar device during prohibited hours such that the sound therefrom creates a noise disturbance across a residential real property boundary.

(h) *Powered Model Vehicles:* It shall be unlawful to operate or permit the operation of a powered model vehicle or vehicles so as to create a noise disturbance across a residential real property boundary or in a public space during prohibited hours.

(i) *Radios, Television Sets, Musical Instruments, Similar Devices:* It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device:

- (1) During prohibited hours, in such a manner as to create a noise disturbance across a residential real property boundary; or
- (2) In such a manner as to create a continuing noise disturbance at fifty (50) feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space.

(j) *Vehicle or Motorboat Repairs and Testing:* It shall be unlawful to repair, rebuild, modify, or test any motor vehicle, motorcycle, motor bicycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.

(k) *Vehicles:*

- (1) *Horns, signaling devices:* It shall be unlawful to sound any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public space of the town, except as a danger warning; to create by means of any such signaling device any unreasonably loud or harsh sound; to sound any such device for an unnecessary and unreasonable period of time; to use any horn, whistle, or other device operated by engine exhaust; or to use any such signaling device when traffic is for any reason held up.
- (2) *Engine exhausts:* It shall be unlawful to discharge into the open air within the town the exhaust of any steam engine, gasoline engine, stationary internal-combustion engine, or other kind or type of engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (3) *Defect in vehicle or load:* It shall be unlawful to use within the town any wagon, cart, automobile, truck, motorcycle, or other vehicle, so out of repair or loaded in such a manner or with material of such nature as to create loud and unnecessary grating, grinding, rattling or other noises.
- (4) *Engine idling:* It shall be unlawful to idle an engine or any standing motor vehicle for a period in excess of ten (10) minutes when such vehicle is parked on residential real property or on a town road adjacent to residential real property.
- (l) *Pile Drivers, Hammers:* It shall be unlawful to operate within the town during prohibited hours any pile driver, power shovel, pneumatic hammer, derrick or hoist, or other appliance, the use of which is attended by loud or unusual noises.
- (m) *Radios, Phonographs:* It shall be unlawful to play, use, operate or permit to be played, used or operated, any radio, musical instrument, phonograph, tape player, compact disc player, television set or other machine or device for the producing or reproducing of sound loudly enough to be clearly heard fifty (50) feet from the boundary of the property on which the sound is produced or reproduced.
- (n) *Animals, Birds:* It shall be unlawful to keep any animal or bird shut up or tied up in any yard, enclosure, stable or other place within the town which, by frequently repeated barking, howling, crying, or singing, causes a noise disturbance across a residential property boundary line. (Ord. No. 551, § 3, 7-6-99)

Sec. 12-54. Exemptions.

The following shall be exempt from the prohibitions set forth in this article, subject to any special conditions which may be set forth herein:

- (a) Noise emitted by or related to natural phenomena.
- (b) Noise emitted by any bell or chime from any building clock, school or church.

- (c) Noise emitted by any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.
- (d) Noise emitted by warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
- (e) Noise emitted by or related to farming equipment or farming activity.
- (f) Noise generated by any construction equipment which is operated during hours other than prohibited hours.
- (g) Noise created as a result of or relating to an emergency.
- (h) Noise from domestic power equipment such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during hours other than prohibited hours.
- (i) Noise from snow removal equipment.
- (j) Noise from demolition work conducted during hours other than prohibited hours, or from demolition work conducted at any time during emergency circumstances.
- (k) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- (l) Noise created by any recreational activities which are permitted by law and for which a license, permit or other permission has been granted by the town, or which is conducted on a public right-of-way or on premises owned by the town, including but not limited to parades, fairs, festivals, sporting events, concerts, and firework displays.
- (m) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities.
- (n) Noise created by refuse and solid waste collection provided that the activity is conducted during hours other than prohibited hours.
- (o) Noise created by any activity conducted by or on behalf of the town.
- (p) Noncommercial public speaking, and public assembly activities conducted on any public space or public right-of-way for which a permit has been obtained. (Ord. No. 551, § 4, 7-6-93)

Sec. 12-55. Penalties.

Any person in violation of any of the provisions of this article shall be deemed guilty of an infraction and, upon conviction thereof, shall be fined in an amount not to exceed fifty dollars

(\$50.00). In the case of a continuing course of conduct which violates any provision of this article, each thirty-minute period during which such violation continues after the initial violation shall constitute a separate violation; in addition, any subsequent violation (regardless of length except as provided herein) shall constitute a new violation. Any person who shall violate the same provision of this article on more than one (1) date within any period of twelve (12) consecutive months shall be fined in an amount not to exceed seventy-five dollars (\$75.00) for the second and each subsequent violation during such period. (Ord. No. 551, § 5, 7-6-93)

Sec. 12-56. Variances.

(a) Any person living or doing business in the town may apply to the town engineer for a variance from one (1) or more of the provisions of this article, provided that the applicant supplies all of the following information to the town engineer at least ten (10) days prior to the start of said activity:

- (1) The location and nature of the activity.
 - (2) The time period and hours of operation of said activity.
 - (3) The nature and intensity of the noise that will be generated.
 - (4) Any other information required by the town engineer.
- (b) No variance from these regulations shall be used unless it has been demonstrated that:
- (1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations or other applicable law.
 - (2) The noise levels generated by the proposed activity will not constitute a danger to the public health.
 - (3) Compliance with the regulations would constitute an unreasonable hardship on the applicant.

(c) The application for variance shall be reviewed and either approved, rejected, or approved with conditions at least two (2) days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the conditions of approval, if any, or the reasons for rejection. (Ord. No. 551, § 6, 7-6-93)