



Transcript of the Hearing of

Date: October 9, 2014

Volume: II

Case: Docket No. 451 - Public Hearing

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 451

Homeland Towers, LLC and New Cingular
Wireless PCS, LLC, Application for a
Certificate of Environmental Compatibility
and Public Need for the Construction,
Maintenance, and Operation of a
Telecommunications Facility Located at
Cheshire Wastewater Treatment Plant, Cheshire
Tax Assessor Map 38, Lot 180, 1325 Cheshire
Street, Cheshire, Connecticut

Continued Public Hearing held at the
Cheshire Town Hall, Council Chambers, 84
South Main Street, Cheshire Connecticut,
Thursday, October 9, 2014, beginning at 7:00
p.m.

H e l d B e f o r e:

ROBERT STEIN, Chairperson

JAMES J. MURPHY, JR., Vice Chairperson

1 A p p e a r a n c e s:

2 Council Members:

3 PHILIP T. ASHTON

4 DR. MICHAEL W. KLEMENS

5 DANIEL P. LYNCH, JR.

6 DR. BARBARA BELL

7 ROBERT HANNON, DEEP Designee

8 COMMISSIONER MICHAEL A. CARON,

9 PURA Designee

10

11 Council Staff:

12 MELANIE BACHMAN, ESQ.,

13 Acting Executive Director and

14 Staff Attorney

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16 DAVID MARTIN,

17 Siting Analyst

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2 For Homeland Towers, LLC, and
3 New Cingular Wireless PCS, LLC:
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10 MURTHA CULLINA LLP
11 265 Church Street, 9th Floor
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13 By: BURTON B. COHEN, ESQ.
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1 THE CHAIRPERSON: Good
2 evening, ladies and gentlemen. I'd like to
3 call to order this public hearing of the
4 Connecticut Siting Council, today, Thursday,
5 October 9, 2014, at 7 p.m. My name is Robin
6 Stein. I'm chairman of the council.

7 Other members of the council
8 present are Senator Murphy, our vice
9 chairman; Mr. Hannon, who's our designee from
10 the Department of Energy and Environmental
11 Protection; Commissioner Caron, who's
12 designee from the Public Utilities Regulatory
13 Authority; Mr. Ashton; Dr. Klemens;
14 Mr. Lynch; and Dr. Bell.

15 Members of the staff present
16 are Attorney Bachman, who's our executive
17 director; and Mr. Martin, our siting analyst.

18 This is a continuation of a
19 public hearing that began at 3 p.m. this
20 afternoon. Copies of the hearing program and
21 the Council's Citizen Guide to Siting Council
22 Procedures are available for members of the
23 public.

24 This hearing is held pursuant
25 to the provisions of Title 16 of the

1 Connecticut General Statutes and of the
2 Uniform Administrative Procedure Act upon an
3 application of Homeland Towers, LLC, and New
4 Cingular Wireless, PCS, LLC, for a
5 certificate of environmental compatibility
6 and public need for the construction,
7 maintenance and operation of a
8 telecommunications facility located at
9 Cheshire wastewater treatment plant, 1325
10 Cheshire Street in Cheshire, Connecticut.
11 This application was received by the Council
12 on August 5, 2014.

13 This application is also
14 governed by the Telecommunication Act of
15 1996, which is administered by the Federal
16 Communications Commission. This act
17 prohibits this council from considering the
18 health effects of radiofrequency emissions on
19 human health and wildlife to the extent the
20 emissions from towers are within the federal
21 acceptable safe limit standards, which
22 standards are also followed by the State
23 Department of Public Health.

24 The federal act also prohibits
25 this council from discriminating between and

1 amongst providers of functionally equivalent
2 services. This means that if one carrier
3 already provides services for an area, other
4 carriers have the right to compete and
5 provide service in the same area.

6 The Applicant published notice
7 of the filing of the application to the
8 council in the Cheshire Herald on July 17,
9 2014, and July 24, 2014. The Council's legal
10 notice of the date and time of the hearing
11 was also published in the Cheshire Herald on
12 September 11, 2014.

13 Upon this Council's request,
14 the Applicant erected a sign at the proposed
15 site so as to inform the public of the name
16 of the applicant, type of facility, hearing
17 date, and location and contact information
18 for the Council.

19 This afternoon members of
20 Council, staff, and public, personally
21 conducted a field review of the proposed site
22 in order to observe firsthand the potential
23 effects of the proposal.

24 This hearing session tonight
25 has been reserved, first, for the public to

1 make short statements into the record. These
2 statements are not subject to questions from
3 the parties or the Council, and members of
4 the public making statements may not ask
5 questions of the parties or the Council.
6 These statements will become part of the
7 record of the Council's consideration. A
8 sign-up sheet is available for those who
9 would like to participate.

10 As a reminder to all,
11 off-the-record communication with any member
12 of the Council or a member of this Council
13 staff upon the merits of the application is
14 prohibited by law. I also wish to, again,
15 note that parties and intervenors, including
16 their representatives, are not allowed to
17 participate in this public comment session.

18 And I also wish to note for
19 those of you and for the benefit of your
20 neighbors and friends who are unable to join
21 us for the public comment session, that you
22 or they may send written statements to the
23 Council within 30 days of the date hereof,
24 and such written statements will be given the
25 same weight as if spoken at the hearing.

1 We will be continuing the
2 cross-examination that began earlier this
3 afternoon, and I'll let you know the date
4 when that will be continued.

5 We ask each person making a
6 public statement in this proceeding to
7 confine his or her statements to subject
8 matter before the Council and to avoid
9 unreasonable repetition so that we may hear
10 all of the concerns you and your neighbors
11 may have. Again, please be advised the
12 Council cannot answer questions from the
13 public about the proposal.

14 A verbatim transcript will be
15 made of the hearing and deposited at the
16 Cheshire Town Clerk's office for the
17 convenience of the public.

18 And before calling on members
19 of the public to make statements, a request
20 that the Applicant make a brief presentation.

21 MR. LAUB: Yes, thank you,
22 Mr. Chairman.

23 Good evening, ladies and
24 gentlemen. Thank you for coming out tonight.
25 My name is Daniel Laub. I'm with the firm of

1 Cuddy & Feder. We represent the Applicants
2 in this docket, Docket 451, which are
3 Homeland Towers and AT&T. Homeland Towers
4 being a developer of infrastructure to
5 support the wireless industry and AT&T being
6 a wireless carrier that provides service.

7 To provide the details and an
8 overview of the site, I'm going to hand it
9 off to our project engineer, Mr. Scott
10 Chasse, from All-Points Technology.

11 MR. CHASSE: Thank you. Good
12 evening and welcome to the public hearing for
13 Homeland Towers' proposed wireless
14 telecommunications facility located at 1325
15 Cheshire Street, here in Cheshire.

16 The host property is currently
17 occupied by a water pollution control center
18 plant and the Quinnipiac Recreational Park.
19 Homeland is proposing to install a wireless
20 telecommunications facility in the central
21 portion of the existing property which will
22 consist of a 62-by-75 fenced in 8-foot high
23 chain-link fence compound area that will be
24 situated within the limits of their 75-by-75
25 lease area.

1 Within the contents of the
2 compound area, there will be AT&T's proposed
3 11.5-by-16 equipment shelter, as well as a
4 backup generator, as well as provisions for a
5 10-by-10 space for the Town of Cheshire's
6 equipment.

7 Within the center of the
8 compound is the proposed 170-foot monopole.
9 It's a tubular structure. AT&T is proposing
10 to install 12 panel antennas along with a few
11 appurtenances on a platform, as well as the
12 Town is proposing to install two whip
13 antennas at the top of the tower such that
14 the overall height of the structure itself is
15 at 180 feet above grade.

16 Access to the existing --
17 excuse me -- to the proposed facility will be
18 along the existing access road off of
19 Cheshire Street serving the wastewater
20 treatment plant. We'll be coming up around
21 to the north and then extending that with a
22 gravel service. And utilities will originate
23 from an existing overhead run along Cheshire
24 Street with a new pole dropped on the north
25 side and then underground utilities running

1 to the proposed utility demark area for the
2 overall telecommunications facility.

3 That's all.

4 THE CHAIRPERSON: Thank you.

5 We'll now go to the
6 individuals who have signed up to speak.
7 I'll apologize in advance if I mispronounce
8 your names.

9 And the first speaker -- and
10 I'm not sure of the first name, but it's
11 Duane -- oh, so it's Andrea, because I wasn't
12 sure if it was Andrea or Andrew and I didn't
13 want to blunder that badly. Yes, please go,
14 and would you spell your last name, please.

15 ANDREA DOANE: First and last
16 name. My name is Andrea Doane. The last
17 name is D-o-a-n-e, and I live in Cheshire.

18 So, first, I wanted to thank
19 you for having a public hearing on this
20 topic. I would also want to say right away
21 that, unlike Mr. Xavier, I am an AT&T
22 customer, and I have been for many, many
23 years, and I'm still here to oppose the
24 tower.

25 I have a couple of points that

1 I wanted to make tonight, and I'll be brief.
2 First, I wanted to say that I don't think
3 anyone in this room or around town would
4 oppose the improved safety communications
5 equipment that the Town is proposing, and I
6 think every one of us understands how
7 critical it is to our community in general.
8 But I would say that I don't think the Town
9 of Cheshire needs a 180-foot cell phone tower
10 in a residential neighborhood to accomplish
11 this.

12 If I understand the
13 application properly, the Town's existing
14 equipment, which is stated on Section 2, page
15 1 of 1, would see a noticeable improvement at
16 just 105 feet, which is really almost about
17 half the height of this tower. I understand
18 from testimony earlier today that the Town is
19 seeking two to four years down the road to
20 improve this equipment, and I understand that
21 a lower height might not improve their needs.

22 But I can tell you that my
23 father is a volunteer firefighter in a very
24 rural town in Maine, and I do believe that
25 there other solutions that we can find to

1 meet the needs of the community without
2 essentially an 18-story building in a densely
3 populated residential neighborhood.

4 My second concern is really
5 the placement of the tower. Given the
6 testimony that we heard earlier today, it
7 really appears to me as though there wasn't
8 full consideration of industrial and
9 commercial sites, and that there really was
10 no consideration of the elevation, which at
11 this land, as we all know, is particularly
12 low, which is in part contributing to the
13 extreme height of the tower that we need.

14 One of the reasons given for
15 not exploring other sites was that these
16 sites wouldn't provide the type of coverage
17 that we're seeking in this area; however, if
18 I understand both the application and today's
19 testimony, it seems to me that there's going
20 to be a need for many, many towers to meet
21 the needs of this local community. And so
22 one single tower really isn't going to do the
23 job for us.

24 Finally, and I think this is
25 an important point, and it was Mr. Ashton who

1 said this earlier, that the State's
2 philosophy is to have as many carriers as
3 possible on each tower. The Town also has
4 collocations standards that specifically seek
5 to reduce the number of new stand-alone
6 towers and, in their words, to -- quote,
7 avoid the unnecessary proliferation of such
8 towers.

9 However, in their proposal --
10 again if I understand it properly -- AT&T is
11 only on 17 of the 45 cell towers in a 4-mile
12 radius of the proposed site. It seems
13 difficult to me to understand why we can't
14 first explore those other cell phone towers
15 for both needs before we think about building
16 a 180-foot cell tower in a residential
17 neighborhood.

18 So tonight I'm asking the
19 Council to deny this application since the
20 need for a cell tower both of this size and
21 scope in a densely populated residential area
22 doesn't appear to be established to me quite
23 yet.

24 Thank you.

25 THE CHAIRPERSON: Thank you.

1 John Bate, did you cross your
2 name off, or is that just --

3 (No response.)

4 THE CHAIRPERSON: No? Okay.

5 Bob Behrer.

6 BOB BEHRER: You did very well
7 with that. The name is Bob Behrer. I live
8 at 435 Squire Hill Road. And I've had AT&T
9 for quite a long time, and I use my cell
10 phone for work at different hours of the day,
11 and I can receive calls inbound. But if I
12 want to make a phone call outbound, I have to
13 go outside and go out in the driveway
14 somewhere where I can get one bar so I can
15 complete the call.

16 So, from a business
17 standpoint, I need better reception and
18 whether AT&T puts it on this tower or you
19 request that they put cell service on other
20 towers to improve that Riverside to Squier
21 Hill road area, that's up to you.

22 But I know that there's a lot
23 of concern on the health aspects, and I saw
24 from your agenda that you went through
25 minutia on the details on this. But I would

1 like to say that possibly the Town or your
2 committee request that the radiofrequency
3 field strength at the base of the cell tower
4 on Highland Boulevard behind the police
5 station and near Highland School be checked
6 at ground level because a lot of the
7 references I've read give details of one
8 one-hundredth the amount of radio frequency
9 at ground level of a tower.

10 But, as far as people are
11 concerned, we believe what we believe and so
12 until you were to ask that be tested at a
13 cell tower that's already established, people
14 wouldn't really believe one version or
15 another. So I'd like to have some concrete
16 results as far as that goes. But I'm very
17 much in favor of better cell service. I need
18 it badly.

19 Thank you very much.

20 THE CHAIRPERSON: Thank you.

21 Dave Raccio.

22 DAVE RACCIO: Good evening.

23 I'm Dave Raccio, 526 Oak Ridge Drive,
24 Cheshire, Connecticut. R-a-c-c-i-o.

25 I'm here tonight in staunch

1 opposition to the cell phone tower. I was
2 home today. I'd like to thank the Applicants
3 putting forth the balloon today. That was
4 clear -- and very difficult to see. It would
5 have been nice if it was an actual color, but
6 I guess you want to mask what's -- you're
7 trying to put forth.

8 I see this as a very
9 straightforward thing on the town side,
10 public safety and a revenue generator. The
11 revenue is not much. What is it? Three,
12 four houses at the most. I don't know what
13 everybody is paying on the panel. I pay over
14 \$7,000 a year in property taxes.

15 Public safety, how many years
16 has the town been around? The Town is
17 getting by without it? I have AT&T, I have
18 Sprint and I have T-Mobile. All the phones
19 work from my house, full service, and I am
20 about 500 yards away from where they want to
21 put this up.

22 I don't understand why we'd
23 want to do this on a park where there's
24 children playing. We still don't know all
25 the full health side effects of this.

1 Whether they're real, whether they're not, we
2 don't know, but there are children playing
3 there.

4 So I would say to you tonight,
5 please step back, think about what you're
6 doing. We don't need it. It's a residential
7 neighborhood, and it's going to hurt everyone
8 if you do it.

9 Thank you.

10 THE CHAIRPERSON: Drew Black.

11 DREW BLACK: Good evening. My
12 name is Drew Black, and I just moved here
13 recently, just the second year, just at the
14 end of September from Middletown,
15 Connecticut, not far away, teaching coach at
16 Wesleyan University.

17 And one of the big reasons I
18 moved to Cheshire recently was, you know, the
19 great reputation of the town, the education,
20 the residential area that I currently bought
21 my house at. We got 5 Marks Place, so my
22 backyard is the Quinnipiac Recreation Soccer
23 Park. So I moved my family here for the
24 education, for a great opportunity for my
25 family. And my daughter is a fifth grader.

1 I have a high school son that's a sophomore,
2 so my kids are using that field quite
3 extensively there.

4 Just echoing what a couple of
5 our speakers talked about already, the
6 unknown health consequences that could be a
7 part of this. I read a nice article, an
8 older lady talking about, you know, younger
9 kids and their cell development and their
10 bodies growing, et cetera. We don't know
11 what these things can do, and so that's a big
12 concern for me.

13 Also moving to Cheshire, big
14 financial kind of investment for me, and I'm
15 very concerned also about the value of my
16 home. This is the biggest investment I've
17 made in my life and, you know, love where I'm
18 living and I don't want to see an obstacle
19 like this, a structure that would kind of
20 take away from the value of my home, also the
21 health of my family.

22 So there seems to be many,
23 many other options out there in terms of cell
24 tower options that we can look at. It's been
25 better said by a few other people that spoke

1 earlier. I'm just asking you to really look
2 at this and say that, hey, there's a lot of
3 other options other than putting a 180-foot
4 cell phone tower right in our backyard around
5 a lot of the kids and in a residential area.

6 Thank you very much.

7 THE CHAIRPERSON: Thank you.

8 Martha Ryzak.

9 MARTH RYZAK: My name is
10 Martha Ryzak. I live at 2 Brookfield Court
11 in Cheshire. I've never had cell service
12 where I live, ever. I support improved cell
13 service.

14 I think the whole town is
15 residential, so if you're going to base where
16 you put cell towers on the fact that the
17 whole town is residential, does that mean you
18 don't want any cell phone towers anyplace?
19 Because, you know, I really would like cell
20 service.

21 When we have power failures
22 and we lose telephone service, land lines, I
23 have nothing. When we had all those
24 snowstorms last year, I had to traipse
25 30 feet from my house in 8 feet of snow to

1 turn on a phone and get one bar, or drive
2 someplace in my car and hope to get an
3 emergency call made.

4 I'm not saying I want to risk
5 anybody's health, including my own or anybody
6 else's, but I do think we need to do
7 something to have cell service. And I don't
8 have AT&T -- I have Verizon -- but anybody
9 that comes in my house with AT&T, Sprint,
10 T-Mobile doesn't have cell service.

11 When I had U-Verse installed
12 in my house in the spring, the AT&T fellow
13 had to go to the street to call AT&T to
14 confirm that we had anything installed.
15 That's all I have to say.

16 Thank you.

17 THE CHAIRPERSON: Thank you.
18 Ed Kanowitz.

19 EDWARD KANOWITZ: I'm not an
20 engineer, but I know how when you know the
21 final result that you want, how everything
22 can be manipulated to justify that result.
23 But it seems logical to me that if the
24 Council wants as many antennas on a tower as
25 possible to avoid no new towers and other

1 carriers have coverage, why can't AT&T use
2 their towers? Why do we need a new tower?

3 If, as proposed, other
4 carriers can be put down below the 165 feet,
5 why can't AT&T be lowered at 165 feet? You
6 know, if it's good for the other carriers, it
7 should be good for AT&T.

8 Now, I understand the Town
9 wants security, but they want to be going
10 from a 30-foot tower to a 180-foot tower. I
11 haven't seen any surveys or anything that
12 says what happens if they're at 150 feet or
13 if they're at 130 feet, or like Andrea said,
14 105 feet.

15 So, you know, the zoning calls
16 for 150 feet -- and I understand you guys are
17 the final say as to how high a tower can go.
18 But I took a ride around the whole
19 neighborhood and you can't see the balloon at
20 all today. All you can do is see it if you
21 stand right at the base of the field.

22 But when the leaves are
23 down -- now they say this is just a seasonal,
24 but seasonal is six months, which is half of
25 the year. So, once the leaves are down, this

1 tower is not as, the fellow from AT&T said,
2 going to be seen a little bit. It's going to
3 tower over everything.

4 They're at a hundred feet.
5 The hill, he said, is 90 feet. That's
6 190 feet. That's another 90 feet, or nine
7 stories that everybody is going to see and
8 all 12 antennas are going to be right up
9 there at 160 feet or seven stories above what
10 everybody can see. So it's going to be quite
11 an eyesore.

12 And also I'd just like to ask
13 the fellow from AT&T what portion of the
14 fields won't you see the 180-foot tower from?
15 He said, Well, you know, the tower can be
16 seen from a portion of the athletic field.
17 That tower towers over everything. It's
18 twice as high as the trees. So it's going to
19 be seen, not only from the field, but all the
20 surrounding neighborhoods.

21 Okay. I thank you.

22 THE CHAIRPERSON: Thank you
23 very much.

24 That's the last person who
25 signed up -- well, hold on. I would

1 appreciate if people signed up, but anyway
2 I'll take -- call on those who haven't spoken
3 who want to speak. Please, in this case,
4 make sure you state your name and spell your
5 last name.

6 Sir, in the back, did you --
7 TOM GRIMSHAW: My name is Tom
8 Grimshaw, G-r-i-m, as in Mary, s-h-a-w. I
9 live at 470 Riverside Drive in Cheshire.

10 I live on probably one of the
11 worst lots for reception of this type of
12 activity. To tell you how old I am, I'm
13 grandfathered into a Verizon plan at \$19 a
14 month, and the phone that I have I can use in
15 the basement and I get perfect reception. I
16 will say in fairness my wife who has one of
17 these brand new iPhones has to go outside, so
18 they're using the wrong phone.

19 I think in looking at the
20 application that this structure is just not
21 appropriate for this site. It's too large.
22 It's base is too large. We haven't talked
23 about the base, but it's a major structure.
24 The height is inappropriate for that site
25 where the children play. You've heard about

1 the health issues.

2 I believe that this should be
3 turned down. I appreciate the opportunity to
4 talk to you this evening and thank you for
5 your time.

6 THE CHAIRPERSON: Thank you.
7 Anybody else that wants to
8 speak?

9 Yes, ma'am?

10 KATIE ARCHER: Hello. My name
11 is Katie Archer. I live in Cheshire on
12 Sandstone Circle, and I've lived here just
13 under a year. I can see the tower from our
14 house, which certainly is concerning, not
15 only for the health of my family, but also
16 for the resale value.

17 And not to be repetitive, I
18 know another one of our townsfolks have
19 brought that up, but that's something that
20 really concerns me. When we moved in or when
21 we were looking to close, we had our lawyer
22 call the Town last October and November and
23 validate that there were no large structures
24 going up.

25 If there had been, if it had

1 been disclosed to us at that time, we would
2 not have moved to Cheshire or at least to
3 that part of Cheshire. And I think that it
4 is something that the Council should really
5 take into consideration as to what the
6 long-term effect is going to be to our town.

7 If you're no longer getting
8 the high demand for real estate, that's going
9 to hurt us much more than I feel, you know,
10 the value of this tower.

11 I'd also like to reiterate my
12 request that we research the other towers,
13 that we request if we do need another tower
14 for some reason, looking at one of our
15 professional or industrial sections of town
16 instead of residential as well.

17 Thank you.

18 THE CHAIRPERSON: Thank you.

19 Anyone else?

20 (No response.)

21 THE CHAIRPERSON: Okay. So
22 I'd like to announce that we're going to
23 continue the evidentiary portion of the
24 hearing -- that was the part of the hearing
25 that started at 3 p.m. -- in New Britain at

1 the Council offices on Tuesday, October 28,
2 at 1 p.m.

3 And please, again, note that
4 anyone who has not become a party or
5 intervenor but who wishes his or her views
6 known to the Council may again file written
7 statements with the Council until 30 days
8 after the evidentiary record closes.

9 Copies of the transcript of
10 the hearing will be filed at the Cheshire
11 Town Clerk's office. I hereby declare the
12 hearing adjourned, and thank you all for your
13 participation.

14 (Whereupon, the above
15 proceedings were adjourned at 7:29 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 27 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing in Re: Petition No. 451, HOMELAND TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC, APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT CHESHIRE WASTEWATER TREATMENT PLANT, CHESHIRE TAX ASSESSOR MAP 38, LOT 180, 1325 CHESHIRE STREET, CHESHIRE, CONNECTICUT, which was held before ROBERT STEIN, Chairperson, and JAMES J. MURPHY, JR., Vice Chairperson, at Cheshire Town Hall, Council Chambers, 84 South Main Street, Cheshire Connecticut, October 9, 2014.

Robert G. Dixon, CVR-M 857
Court Reporter
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