

COPY



Transcript of the Hearing of

Date: December 4, 2014

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Case: DOCKET NO. 452 - SITING COUNCIL

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 452

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
Salisbury Tax Assessor Map 16 Lot 5, 250
Canaan Road, Salisbury, Connecticut.

Public Hearing held at the Salisbury
Town Hall, Upstairs Meeting Room, 27 Main
Street, Salisbury, Connecticut, Thursday,
December 4, 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

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December 4, 2014

<p style="text-align: right;">Page 88</p> <p>1 A p p e a r a n c e s: 2 C o u n c i l M e m b e r s: 3 D R. B A R B A R A B E L L 4 C O M M I S S I O N E R M I C H A E L C A R O N, 5 P U R A D e s i g n e e 6 R O B E R T H A N N O N, D E E P D e s i g n e e 7 D A N I E L P. L Y N C H, J R. 8 9 C o u n c i l S t a f f: 10 M E L A N I E B A C H M A N, E S Q., 11 A c t i n g E x e c u t i v e D i r e c t o r a n d 12 S t a f f A t t o r n e y 13 14 M I C H A E L P E R R O N E 15 S i t i n g A n a l y s t 16 17 F o r N e w C i n g u l a r W i r e l e s s, P C S, L L C, 18 H o m e l a n d T o w e r s, I n c.: 19 C U D D Y & F E D E R, L L P 20 4 4 5 H a m i l t o n A v e n u e, 1 4 t h f l o o r 21 W h i t e P l a i n s, N e w Y o r k 1 0 6 0 1 22 B y: L U C I A C H I O C C H I O, E S Q. 23 24 25</p>	<p style="text-align: right;">Page 90</p> <p>1 A d m i n i s t r a t i v e P r o c e d u r e A c t u p o n a n 2 a p p l i c a t i o n f r o m H o m e l a n d T o w e r s, L L C, a n d 3 N e w C i n g u l a r W i r e l e s s P C S, L L C, f o r a -- f o r 4 a c e r t i f i c a t e o f e n v i r o n m e n t a l c o m p a t i b i l i t y 5 a n d p u b l i c n e e d f o r t h e c o n s t r u c t i o n, 6 m a i n t e n a n c e a n d o p e r a t i o n o f a 7 t e l e c o m m u n i c a t i o n f a c i l i t y l o c a t e d a t 2 5 0 8 C a n a a n R o a d, S a l i s b u r y, C o n n e c t i c u t. 9 T h e a p p l i c a t i o n w a s r e c e i v e d 10 b y t h e C o u n c i l o n O c t o b e r 7, 2 0 1 4. T h i s 11 a p p l i c a t i o n i s a l s o g o v e r n e d b y t h e 12 T e l e c o m m u n i c a t i o n s A c t o f 1 9 9 6, w h i c h i s 13 a d m i n i s t e r e d b y t h e F e d e r a l C o m m u n i c a t i o n s 14 C o m m i s s i o n. T h i s a c t p r o h i b i t s t h e C o u n c i l 15 f r o m c o n s i d e r i n g h e a l t h e f f e c t s o f 16 r a d i o - f r e q u e n c y e m i s s i o n s o n h u m a n h e a l t h a n d 17 w i l d l i f e, t o t h e e x t e n t t h e e m i s s i o n s f r o m 18 t o w e r s a r e w i t h i n t h e f e d e r a l a c c e p t a b l e s a f e 19 l i m i t s t a n d a r d s, w h i c h s t a n d a r d i s a l s o 20 f o l l o w e d b y t h e S t a t e D e p a r t m e n t o f P u b l i c 21 H e a l t h -- H e a l t h. E x c u s e m e. 22 T h e f e d e r a l a c t a l s o p r o h i b i t s 23 t h i s C o u n c i l f r o m d i s c r i m i n a t i n g b e t w e e n a n d 24 a m o n g s t p r o v i d e r s o f f u n c t i o n a l l y e q u i v a l e n t 25 s e r v i c e s. T h i s m e a n s t h a t i f o n e c a r r i e r</p>
<p style="text-align: right;">Page 89</p> <p>1 T H E C H A I R P E R S O N: G o o d 2 e v e n i n g, l a d i e s a n d g e n t l e m e n. I ' d l i k e t o 3 c a l l t h e h e a r i n g t o o r d e r t o d a y, T h u r s d a y, 4 D e c e m b e r 4, 2 0 1 4, a p p r o x i m a t e l y 7 p . m . 5 M y n a m e i s R o b i n S t e i n. I ' m 6 C h a i r m a n o f t h e C o n n e c t i c u t S i t i n g C o u n c i l. 7 O t h e r m e m b e r s o f t h e C o u n c i l p r e s e n t a r e 8 S e n a t o r M u r p h y, o u r V i c e C h a i r m a n; 9 M r. H a n n o n, d e s i g n e e f r o m t h e D e p a r t m e n t o f 10 E n e r g y a n d E n v i r o n m e n t a l P r o t e c t i o n; 11 C o m m i s s i o n e r C a r o n, d e s i g n e e f r o m t h e P u b l i c 12 U t i l i t i e s R e g u l a t o r y A u t h o r i t y; a n d D r. B e l l. 13 M e m b e r s o f t h e s t a f f p r e s e n t 14 a r e A t t o r n e y B a c h m a n, w h o ' s o u r E x e c u t i v e 15 D i r e c t o r; M r. P e r r o n e, o u r s i t i n g a n a l y s t. 16 T h i s i s a c o n t i n u a t i o n o f a 17 p u b l i c h e a r i n g t h a t b e g a n a t 3 p . m . t h i s 18 a f t e r n o o n. C o p i e s o f t h e h e a r i n g p r o g r a m a n d 19 t h e C o u n c i l ' s C i t i z e n G u i d e t o S i t i n g C o u n c i l 20 P r o c e d u r e s a r e a v a i l a b l e f o r m e m b e r s o f t h e 21 p u b l i c, a n d t h e y ' r e i n t h e b a c k, a s i s t h e 22 s i g n - u p s h e e t. 23 T h i s h e a r i n g i s h e l d p u r s u a n t 24 t o p r o v i s i o n s o f T i t l e 1 6 o f t h e C o n n e c t i c u t 25 G e n e r a l S t a t u t e s a n d o f t h e U n i f o r m</p>	<p style="text-align: right;">Page 91</p> <p>1 a l r e a d y p r o v i d e s s e r v i c e f o r a n a r e a, o t h e r 2 c a r r i e r s h a v e t h e r i g h t t o c o m p e t e a n d 3 p r o v i d e s e r v i c e i n t h e s a m e a r e a. 4 T h e a p p l i c a n t p u b l i s h e d n o t i c e 5 o f t h e f i l i n g o f t h i s a p p l i c a t i o n t o t h e 6 C o u n c i l i n t h e L a k e v i l l e J o u r n a l, o n 7 S e p t e m b e r 2 5 a n d O c t o b e r 2, 2 0 1 4. T h e 8 C o u n c i l ' s l e g a l n o t i c e o f t h e d a t e a n d t i m e 9 o f t h e h e a r i n g w a s p u b l i s h e d i n t h e L a k e v i l l e 10 J o u r n a l o n N o v e m b e r 6, 2 0 1 4. 11 U p o n t h i s C o u n c i l ' s r e q u e s t, 12 t h e a p p l i c a n t e r e c t e d a s i g n a t t h e p r o p o s e d 13 s i t e s o a s t o i n f o r m t h e p u b l i c o f t h e n a m e 14 o f t h e a p p l i c a n t, t y p e o f f a c i l i t y, h e a r i n g 15 d a t e a n d l o c a t i o n, a n d c o n t a c t i n f o r m a t i o n 16 f o r t h e C o u n c i l. 17 T h i s a f t e r n o o n m e m b e r s o f t h e 18 C o u n c i l, s t a f f a n d p u b l i c p e r s o n a l l y 19 c o n d u c t e d a f i e l d r e v i e w o f t h e p r o p o s e d s i t e 20 i n o r d e r t o o b s e r v e f i r s t h a n d t h e p o t e n t i a l 21 e f f e c t s o f t h e p r o p o s a l. 22 T h i s h e a r i n g s e s s i o n t o n i g h t 23 h a s b e e n r e s e r v e d f i r s t f o r t h e p u b l i c t o 24 m a k e s h o r t s t a t e m e n t s i n t o t h e r e c o r d. T h e s e 25 p u b l i c s t a t e m e n t s a r e n o t s u b j e c t t o</p>

2 (Pages 88 to 91)

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1 questions from parties or the Council, and
2 members of the public making statements may
3 not ask questions of the parties or Council.
4 These statements will become part of the
5 record for Council consideration. Again, a
6 sign-up sheet is available for those who wish
7 to participate.

8 As a reminder to all,
9 off-the-record communication with a member of
10 the Council or a member of the Council's
11 staff upon the merits of this application is
12 prohibited by law.

13 And I wish to note for the
14 party intervenor, and that's the Town, that
15 their representatives and witnesses are not
16 permitted to participate in the public
17 comment session.

18 I also wish to note for those
19 who are here and for the benefit of your
20 friends and neighbors 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.

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1 If necessary, party and
2 intervenor cross-examination that began at
3 the hearing session held at 3 p.m. this
4 afternoon may continue after the public
5 session, if time remains, and if there's a
6 need to do so.

7 Again, we ask each member
8 who -- who -- and each person making a public
9 statement in this proceeding to confine his
10 or her statements to the subject matter
11 before the Council and to avoid unnecessary
12 repetition so that we may hear all of your
13 concerns and those of your neighbors.

14 Please be advised that the
15 Council cannot answer questions from the
16 public about the proposal. A verbatim
17 transcript will be made of this hearing and
18 deposited at the Salisbury Town Clerk's
19 Office for the convenience of the public.

20 And before calling on members
21 of the public to make statements, I'd like to
22 ask the applicant to make a very brief
23 presentation describing the facility, where
24 it's proposed to be located, why it's
25 necessary, and what alternatives there are to

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1 that.

2 MS. CHIOCCHIO: Thank you,
3 Chairman. My name is Lucia Chiochio. I'm
4 with Cuddy & Feder, and we represent Homeland
5 Towers and AT&T.

6 I'd like to introduce Scott
7 Chasse, professional engineer with All Points
8 Technology. And Scott will walk you through
9 the proposal.

10 MR. CHASSE: Thank you and
11 good evening. Welcome to the public hearing
12 portion for Homeland Towers' proposed
13 wireless telecommunications facility at 250
14 Canaan Road here in Salisbury.

15 As you can tell from the board
16 that's here, the proposed facility is located
17 within the center of the existing parcel.
18 Access to the proposed facility will be --
19 will be through the existing infrastructure.
20 There's already a road in place that goes by
21 these, where the fields are.

22 This is where the maintenance
23 garage currently sits. We'll go through
24 basically leading on the road that leads you
25 down to the boathouse down at the -- at the

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1 lakes.

2 From that point -- actually,
3 while this is here, I'll point out the -- the
4 telephone service for the proposed facility
5 will originate from where the existing
6 services are at the maintenance garage.

7 Once we get down to where the
8 proposed facility will be -- this is the road
9 that I was just pointing out -- the telephone
10 service, again, will be coming through here
11 in a trench, and then, we're proposing --
12 there's an existing logging road that runs
13 along the perimeter here. We'll be improving
14 that and then putting in a radius curving up
15 into where the proposed facility will sit
16 approximately 510 feet off of the existing
17 road that's here.

18 Electrical services, there's
19 an existing main that runs down along the
20 eastern side of the existing service road to
21 the boat launch, and we'll be tapping into
22 that power source and running new services up
23 to a demarcation point where these existing
24 applicant and future carriers can tap onto
25 power and telco services to service their

3 (Pages 92 to 95)

1 equipment.
2 The proposed facility is a
3 70-by-60 -- excuse me -- rectangular
4 compound. It's situated within a 75-by-75,
5 5,625 square-foot lease area that Homeland
6 Tower has. Again, the access road will be
7 coming in from -- I've got to reorient
8 myself -- coming in from this side here, and
9 we've got the utility lay-down area.
10 And again, you're looking at a
11 70-by-60, 4200 square-foot compound area that
12 will have AT&T's base equipment on the
13 ground, which consists of a
14 11-and-a-half-by-24-foot slab with a
15 11-and-a-half-by-16 prefabricated equipment
16 shelter and a backup diesel generator --
17 that's what you see here and here.
18 Homeland has also provided
19 provision space for additional carriers to
20 collocate, and those are what you're seeing
21 the outlines of.
22 And within the center of the
23 proposed compound is the proposed 150-foot
24 monopine. A monopine is a monopole that is
25 embellished with branches to make it look

1 like a pine tree. It is a 150-foot structure
2 with the topper branches that actually extend
3 a little bit beyond the top. So the total
4 top of the structure is 157 feet above grade.
5 AT&T is proposing to install
6 their antennas and appurtenances at
7 approximately 146 feet above grade on the
8 tower. And those will be, again, within the
9 branches to minimize the visibility of those
10 antennas.
11 Thank you.
12 THE CHAIRPERSON: Thank you.
13 I'll now call on -- from the
14 list, we have the public. Please come up to
15 the podium and -- and use the mic. And
16 please spell out your name so we make sure we
17 have it.
18 The first individual on the
19 list is Geoffrey Brown.
20 GEOFFREY BROWN: My name is
21 Geoffrey Brown. I live at 372 Between The
22 Lakes Road in the Town of Salisbury and have
23 for a number of years now.
24 We have, in our area, I can
25 effectively say, no cell phone service

1 whatsoever. It poses a hazard to our health
2 because we are dependent on the one pipe that
3 runs into our house electronically, namely
4 Comcast. And while it's good, it's not
5 perfect. And that really is helpful only in
6 the immediate area of, you know, when you're
7 in the house.
8 About six months ago, my truck
9 died at the Taconic Post Office, and I was
10 unable to get a cell signal from the -- the
11 whole distance from, basically, downtown
12 Taconic walking back to my house, a distance
13 of probably about a half mile.
14 It occurs to me that I'm
15 fairly robust for somebody my age and that
16 somebody like my wife, who is partially
17 disabled, would not have been able to walk
18 half a mile to get cell service had her
19 vehicle died at the Taconic Post Office.
20 It also -- it -- it's
21 important, I think, to realize Twin Lakes is
22 a popular recreational facility. Much of
23 Twin Lakes, including the public marina on
24 the -- I guess that's the south side -- and
25 the Connecticut state boat launch, a few --

1 probably a quarter mile away from the marina
2 have no cell service. And I verified that
3 this weekend.
4 And both of these are places
5 where someone who had difficulty on the water
6 would probably try to get to in an effort to
7 summon aid. And to get to a site where there
8 is no cell service and no indication where it
9 can be obtained, or no public phone, many
10 seasonal residents, meaning that you couldn't
11 just knock on a door and have somebody let
12 you in and use their phone to call 911, these
13 are -- these are real potential risks.
14 The one -- the one final --
15 the one final point I'd make is that it seems
16 to me that the State of Connecticut has
17 already acknowledged, at their boat launch
18 facility, a duty to care for the environment
19 in the area in the form of a very visible
20 repository for used monofilament fishing
21 line, and this cares very nicely, I think,
22 for the fish.
23 But I would like to submit
24 that the people also ought to have some --
25 some attention in -- in the -- in the eyes of

1 the State here, and that the State really
2 ought to be promoting this -- this cell
3 service so that -- so that people can
4 basically be safer. And that's -- that's
5 about all I've got to say.
6 Thank you.
7 THE CHAIRPERSON: Thank you
8 very much.
9 The next person on the list is
10 Bonnie Donohue.
11 BONNIE DONOHUE: I'm Bonnie
12 Donohue and I used to be a resident, a
13 full-time resident over at Twin lakes. And I
14 live in Lakeville now, but keep my boat over
15 at Twin Lakes.
16 And several times out on the
17 water at dusk this summer, I was alone and
18 realized I had no cell phone service and was
19 worried that I might get stuck out on the
20 lake all night without any way of
21 communicating to anybody if anything happened
22 to me. And friends of mine have expressed
23 their concerns about the safety issues with
24 no cell phone service.
25 There was an accident on Route

1 44, over near Salisbury School, and no one
2 was able to call 911 from their cars. And,
3 for me, it's -- it's mainly a safety issue,
4 with the elderly residents in the area that
5 need to contact loved ones or health care
6 services, and that's the primary issue. I
7 believe that the cell tower is necessary.
8 Thank you.
9 THE CHAIRPERSON: Well, thank
10 you.
11 Nobody else has signed up. So
12 is there anybody else who would like to
13 speak?
14 Yes, sir. Please come, and
15 again, state your name.
16 LEN STEWART: My name is Len
17 Stewart. I live on Undermountain Road, close
18 to the state line with Massachusetts. I
19 attended this afternoon for as long as I
20 could. An interesting point came up.
21 Where I live, I would not be
22 within reach of this new cell -- cell phone
23 tower. To achieve any reception on my cell
24 phone, I have to leave the house, go out into
25 a field, and hopefully catch a signal from

1 Sheffield, Massachusetts. That's about it.
2 The question -- or the matter
3 which was brought up this afternoon which
4 interested me was the possible extension of
5 the tower in height to accommodate other
6 carriers, as well as expanding the area of
7 the cell phone reception. I would ask the
8 Council to please consider that.
9 Thank you.
10 THE CHAIRPERSON: Well, thank
11 you.
12 Anybody else?
13 Yes, ma'am.
14 JACQUELINE RICE: Hi. I'm
15 Jackie Rice. I'm the Town's Emergency
16 Management Director.
17 And as the previous woman was
18 saying, safety in our town is of utmost
19 importance. And one of the things is that
20 when there are car accidents in that area,
21 fires in that area, people have to drive a
22 distance to get cell phone service to be able
23 to contact 911. And it would be much better
24 if we could have cell service in that area,
25 all the way down through Taconic.

1 As people have said, on the
2 water, we have many rescues on the water. We
3 have many rescues up on the Appalachian
4 Trail, and this would only help improve our
5 response times and the safety of our
6 townspeople.
7 Thank you.
8 THE CHAIRPERSON: Again, is
9 there anybody else who would like to speak?
10 (No response.)
11 THE CHAIRPERSON: Okay.
12 Before closing this hearing,
13 the Siting Council announces that briefs and
14 proposed findings of fact may be filed with
15 the Council by any party intervenor no later
16 than January 5, 2015. Submission of briefs
17 or proposed findings of fact are not required
18 by the Council, rather we leave it to the
19 choice of the parties and intervenors.
20 Anyone who has not become a
21 party intervenor but who desires to make his
22 or her views known to the Council, may file
23 written statements with the Council within 30
24 days of the date hereof.
25 The Council will issue draft

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1 findings of fact, and thereafter, parties and
2 intervenors may identify errors or
3 inconsistencies between the Council's draft
4 findings of fact and the record; however, no
5 new information, no new evidence, no
6 argument, no reply briefs without our
7 permission will be considered by the Council.
8 Copies of the transcript of this hearing will
9 be filed at the Salisbury Town Clerk's
10 office.

11 And I do have to state that I
12 think this is the first time -- I'm not sure
13 if it's in the history of the Siting Council,
14 but certainly since I've been here that we've
15 had overwhelming support, at least in the
16 hearing, of an application. It's somewhat
17 unique, but we understand, and we thank you
18 all, one, for coming and your concise --
19 concise statements.

20 And I declare this hearing
21 adjourned. And also, based on what you said,
22 we should all drive home safely because...

23 (Whereupon, the above
24 proceedings were adjourned at 7:20 p.m.)
25

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1 CERTIFICATE
2 I hereby certify that the foregoing 18
3 pages are a complete and accurate
4 computer-aided transcription of my original
5 verbatim notes taken of the Public Hearing
6 in Re: DOCKET NO. 452, HOMELAND TOWERS, LLC
7 AND NEW CINGULAR WIRELESS PCS, LLC,
8 APPLICATION FOR A CERTIFICATE OF
9 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
10 FOR THE CONSTRUCTION, MAINTENANCE, AND
11 OPERATION OF A TELECOMMUNICATIONS FACILITY
12 LOCATED AT SALISBURY TAX ASSESSOR MAP 16,
13 LOT 15, 250 CANAAN ROAD, SALISBURY,
14 CONNECTICUT, which was held before ROBERT
15 STEIN, Chairperson, at the Salisbury Town
16 Hall, Upstairs Meeting Room, 27 Main Street,
17 Salisbury, Connecticut, Thursday,
18 December 4, 2014.
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23
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25

Robert G. Dixon, CVR-M 857
Court Reporter
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