



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 453
Tuesday, January 20, 2015
3:00 p.m./7:00 p.m.
Lincoln Center Hearing Room
494 Main Street
Manchester, Connecticut

I. Opening by Council

A. Statement read by Chair.

B. Comments by Public Official(s) (if any)

C. Motions (if any)

I. State Representative Kelly Luxenberg and State Senator Steve Cassano Request for Intervenor Status, dated January 16, 2015

D. Administrative Notice taken by Council

FEDERAL

1. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, QUESTIONS AND ANSWERS ABOUT BIOLOGICAL EFFECTS AND POTENTIAL HAZARDS OF RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 56 (August 1999), *available at* http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf
2. OFFICE OF ENGINEERING AND TECHNOLOGY, FEDERAL COMMUNICATIONS COMMISSION, EVALUATING COMPLIANCE WITH FCC-GUIDELINES FOR HUMAN EXPOSURE TO RADIOFREQUENCY ELECTROMAGNETIC FIELDS, OET BULLETIN NO. 65 (August 1997), *available at* http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf
3. Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Federal Communications Commission's Report and Order, 62 Fed. Reg. 3232 (September 12, 1997), *available at* <http://www.epa.gov/fedrgrstr/EPA-AIR/1997/January/Day-22/ga1350.htm>
4. Telecommunications Act of 1996, as amended, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C), *available at* http://clerk.house.gov/library/reference-files/PPL_TelecommunicationsAct_%201996.pdf
5. FEDERAL COMMUNICATIONS COMMISSION, WARNING, ALERT AND RESPONSE NETWORK ACT, Pub. L. No. 109-437, 120 Stat. 1936 (2006), (codified at 47 U.S.C. §332(d)(1)) (2006), *available at* <http://transition.fcc.gov/pshs/docs/emergency-information/emas-warn-act.pdf>

6. Wireless Communications and Public Safety Act of 1999, as amended, 47 U.S.C. §§ 615-615b (2010).
7. Enhance 911 Act of 2004, as amended, 47 U.S.C. § 942 (2010).
8. Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 Wireless Facilities Deployment (2012), *available at* <http://www.gpo.gov/fdsys/pkg/PLAW-112publ96/pdf/PLAW-112publ96.pdf>.
9. Actions That May Have a Significant Environmental Effect, for Which Environmental Assessments (EAs) Must be Prepared, 47 C.F.R. § 1.1307 (2010).
10. Radiofrequency Radiation Exposure Limits, 47 C.F.R. § 1.1310 (2010).
11. Presidential Proclamation No. 8460, 74 Fed. Reg. 234 (December 8, 2009), *available at* <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
12. Presidential Order No. 13616, Accelerating Broadband Infrastructure Development, 77 Fed. Reg. 119 (June 14, 2012), *available at* <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-15183.pdf>
13. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Avian Collisions at Communication Towers* (June 2009), *available at* <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>
14. Division of Migratory Bird Management, United States Fish & Wildlife Service, United States Department of the Interior, *Service Interim Guidelines, Communications Tower Siting, Construction, Operation and Decommissioning Recommendations* (last updated June 10, 2014), *available at* <http://www.fws.gov/midwest/endangered/section7/telecomguidance.html>
15. National Park Service, United States Department of the Interior, *National Register of Historic Places* (July 2010), *available at* <http://www.nps.gov/history/nr/research/index.htm>
16. FEDERAL AVIATION ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION, OBSTRUCTION MARKING AND LIGHTING, ADVISORY CIRCULAR AC70/7460-1K (February 2007), *available at* https://oeaaa.faa.gov/oeaaa/external/content/AC70_7460_1K.pdf.
17. Stephen J. Blumberg, et al, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January – June 2010*, Division of Health Interview Statistics, National Center for Health Statistics, U.S. Center of Disease Control, December 21, 2010, *available at* <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201012.pdf>
18. FEDERAL COMMUNICATIONS COMMISSION, Public Notice – Wireless Telecommunications Bureau Offers Guidance on Interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, DA 12-2407, January 25, 2013, *available at* https://apps.fcc.gov/edocs_public/attachmatch/DA-12-2047A1.pdf
19. Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.

20. United States Department of the Interior, Order No. 3331, *Designation of the Connecticut River as a National Blueway* (January 3, 2014), available at http://www.fws.gov/northeast/pdf/SO_3331_Watershed_Partnerships.pdf
21. FEDERAL COMMUNICATIONS COMMISSION, Text-to-911: Quick Facts & FAQs, June 2013, available at <http://www.fcc.gov/guides/text-911-quick-facts-faqs>.
22. FEDERAL COMMUNICATIONS COMMISSION, Wireless Infrastructure Report and Order, FCC 14-153, October 21, 2014, available at <http://www.fcc.gov/document/wireless-infrastructure-report-and-order>

STATE

Connecticut Siting Council

23. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE PLAN FOR WIRELESS TELECOMMUNICATIONS COVERAGE, Revised February 2014, available at <http://www.ct.gov/csc/lib/csc/pendingproceeds/2013telcomplan-pub.pdf>
24. STATE OF CONNECTICUT SITING COUNCIL, TELECOMMUNICATIONS FACILITIES: AN ILLUSTRATED PRIMER ON THE SITING OF FACILITIES WITHIN CONNECTICUT AND THROUGHOUT THE NATION, VERSION II, available at http://www.ct.gov/csc/lib/csc/csc_tower_3_07.pdf
25. STATE OF CONNECTICUT SITING COUNCIL, STATEWIDE TELECOMMUNICATIONS COVERAGE DATABASE, available at <http://www.ct.gov/csc/cwp/view.asp?a=895&Q=248312&cscNav=|>
26. **DOCKET NO. 432** – Feasibility study of back-up power requirements for telecommunications towers and antennas pursuant to Public Act 12-148, available at <http://www.ct.gov/csc/cwp/view.asp?a=962&Q=511254&PM=1>
27. **DOCKET NO. 351** - Optasite Towers LLC and Omnipoint Communications, Inc. Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 93 Lake Street, Manchester, Connecticut. Record.

Department of Energy and Environmental Protection

28. CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, DEP BULLETIN 34 (May 2002, last revised September 2007), available at http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
29. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, THE CONNECTICUT STORMWATER QUALITY MANUAL 2004 AND APPENDICES, available at http://www.ct.gov/DEP/cwp/view.asp?a=2721&q=325704&depNav_GID=1654#download

30. CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, AMPHIBIANS AND REPTILES IN CONNECTICUT, DEP BULLETIN 32, Michael W. Klemens (2000), *available at* <http://ctdepstore.com/Amphibians-and-Reptiles-in-Connecticut-101.htm>
31. PLANNING AND STANDARDS DIVISION, BUREAU OF WATER MANAGEMENT, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, WATER QUALITY STANDARDS, (Surface Water Quality Standards Effective December 17, 2002 and Ground Water Quality Standards Effective April 12, 1996), *available at* http://www.ct.gov/dep/lib/dep/water/water_quality_standards/wqs.pdf
32. CONNECTICUT AIR QUALITY STANDARDS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§ 22a-174-24, et seq. (2006).
33. CONNECTICUT NOISE CONTROL REGULATIONS, CONNECTICUT DEPT. OF ENERGY AND ENVIRONMENTAL PROTECTION, Regs. Conn. State Agencies §§22a-69-1, et seq. (2006).
34. STATE OF CONNECTICUT, DEPT. OF PUBLIC UTILITY CONTROL, Docket No. 08-06-19, DPUC Investigation into the Deployment of Distributed Antenna System (DAS) in the Public Rights of Way, September 29, 2010.
35. Letter from Elizabeth Brothers, Assistant Director, State of Connecticut Department of Environmental Protection, to Christopher B. Fisher, Esq., Attorney, Cuddy & Feder, LLP (Aug. 10, 2009), *available at* http://www.ct.gov/csc/lib/csc/pendingproceeds/docket_376/do376-20090817-depcommentadminnotice.pdf

Department of Transportation

36. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, CONNDOT DRAINAGE MANUAL (2000, last revised December 2003), *available at* <http://www.ct.gov/dot/cwp/view.asp?a=3200&q=260116>
37. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, POLICY STATEMENT FOR TELECOMMUNICATIONS INSTALLATIONS WITHIN THE STATE HIGHWAY RIGHT OF WAY, POLICY NO. E&H.O. - 53 (Aug. 7, 2006), *available at* http://www.ct.gov/csc/lib/csc/row_ps.pdf

Other State Agencies

38. STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT, CONSERVATION AND DEVELOPMENT POLICIES PLAN FOR CONNECTICUT 2013-2018, June 5, 2013, *available at* http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf
39. State Plan of Conservation and Development, as amended, Conn. Gen. Stat. §§ 16a-27 to 16a-32a (2013).
40. STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL AND OCCUPATIONAL HEALTH ASSESSMENT, RADIATION – CELL PHONE TOWERS AND CELL

PHONES (January 2004), *available at*
http://www.ct.gov/dph/LIB/dph/environmental_health/EOHA/pdf/cell_phones.pdf

41. Final Report of the Two Storm Panel, January 9, 2012, *available at*
http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf.
42. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, VERSION 2.0, August 2011, *available at*
http://www.ct.gov/demhs/lib/demhs/ct_srf_aug_2011.pdf
43. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT STATE RESPONSE FRAMEWORK, Draft Connecticut Emergency Support Function 12, All Hazards Energy and Utilities Annex, July 2012, *available at*
http://www.ct.gov/demhs/lib/demhs/eppi/esf_12_all-hazards_energy_and_utilities_annex_final_draft_july_2012.pdf
44. DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, STATE OF CONNECTICUT I-CALL/I-TAC INTEROPERABILITY TRAINING PROGRAM, November 2010, *available at*
http://www.ct.gov/demhs/lib/demhs/communications/projects/i-call_program_update_nov_2010.pdf
45. GOVERNOR'S STEERING COMMITTEE ON CLIMATE CHANGE, ADAPTATION SUBCOMMITTEE, Connecticut Climate Change Preparedness Plan, Adaptation Strategies for Agriculture, Infrastructure, Natural Resources and Public Health Climate Change Vulnerabilities, 2011, *available at*
http://www.ct.gov/deep/lib/deep/climatechange/connecticut_climate_preparedness_plan_2011.pdf

TECHNICAL

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[https://sbwsweb.ieee.org/ecustomercme_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+\(eSales\)_Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657](https://sbwsweb.ieee.org/ecustomercme_enu/start.swe?SWECmd=GotoView&SWEView=Catalog+View+(eSales)_Standards_IEEE&mem_type=Customer&SWEHo=sbwsweb.ieee.org&SWETS=1192713657)
47. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-G (2006), *available at*
<http://www.tiaonline.org/standards/catalog/index.cfm>
48. TELECOMMUNICATIONS INDUSTRY ASSOCIATION & ELECTRONICS INDUSTRIES ASSOCIATION, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES, TIA/EIA-222-F (1996), *available at*
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ENVIRONMENTAL

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53. ARAM J.K. CALHOUN & MICHAEL W. KLEMENS, BEST DEVELOPMENT PRACTICES: CONSERVING POOL-BREEDING AMPHIBIANS IN RESIDENTIAL AND COMMERCIAL DEVELOPMENTS IN THE NORTHEASTERN UNITED STATES, MCA TECHNICAL PAPER NO. 5 (Metropolitan Conservation Alliance 2002), *available at*
<http://www.umaine.edu/vernalpools/PDFs/Best%20Development%20Practices%20%20-%20%20Conserving%20Pool-breeding%20Amph.pdf>
54. Aram J.K. Calhoun, et. al., *Conserving pool-breeding amphibians in human-dominated landscapes through local implementation of Best Development Practices*, WETLANDS ECOLOGY AND MANAGEMENT, July 9, 2004 at 291, *available at*
<http://www.maineaudubon.org/resource/documents/CalhounWEMpaper.pdf>

MAPS

55. State of Connecticut Department of Energy and Environmental Protection, *Natural Diversity Database Map for the Town of Manchester*, (last updated December 2014), *available at*
<http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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<http://www.ct.gov/dot/cwp/view.asp?A=3517&Q=417996>

58. National Audubon Society, *Connecticut Important Bird Areas* (last updated June 25, 2010), available at <http://netapp.audubon.org/iba/state/US-CT>
59. Mail-A-Map Street Map, (Manchester, Coventry/Bolton/Andover, and Vernon), available at <http://mailamap.com/street-maps>
60. United States Geological Survey, Connecticut Topographic Map Collection (Manchester, Bolton, and Vernon), available at http://magic.lib.uconn.edu/topographic_maps.html

E. State Agency comments

1. State of Connecticut Department of Transportation (No comment), dated November 26, 2014
2. Drinking Water Section of the Department of Public Health, dated December 30, 2014

F. Municipal comments

II. Appearance by Applicant

Applicants: American Tower Corporation and
New Cingular Wireless PCS, LLC

Representative: Lucia Chiochio, Esq.
Cuddy & Feder LLP

A. Administrative Notice.

1. Connecticut Department of Energy & Environmental Protection Letter from Dawn M. McKay to David A. Jermakian, Dynamic Environmental Associates, Inc., dated November 12, 2014
2. State Historic Preservation Office, Project Review Cover Form, dated October 6, 2014

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by American Tower Corporation and New Cingular Wireless PCS, LLC received November 4, 2014, and attachments and bulk file attachments including:

Bulk file exhibits:

- a. Plan of Conservation and Development, Town of Manchester, Connecticut, Adopted December 17, 2012, Effective January 14, 2013.
 - b. Zoning Regulations, Town of Manchester, Adopted May 2, 1938, Amended August 19, 2014.
 - c. Zoning Map, Town of Manchester, Connecticut.
 - d. Inland Wetlands and Watercourses Regulations, Town of Manchester, Adopted November 14, 1975, Amended December 16, 2013, Effective January 3, 2014.
 - e. Technical Report
2. Publisher's Affidavits of Publication of the Legal Notice, dated November 10, 2014

3. Certification of Service on DEEP and State Representative Geoff Luxenberg dated November 6, 2014
4. Applicant's Responses to CSC Interrogatories, dated December 18, 2014
5. Applicant's Supplemental Submission, dated December 29, 2014
6. Resumes
 - a. Blake E. Paynter
 - b. Jennifer Young Gaudet
 - c. Scott M. Chasse, P.E.
 - d. Matthew Gustafson
 - e. Michael Libertine, LEP
 - f. David A. Jermakian, CHMM
 - g. Martin J. Lavin
7. Affidavit of Sign Posting, dated January 3, 2015

C. Swear Witnesses

1. Blake Paynter, New England Network Development Project Manager
2. Jennifer Young Gaudet, Development Manager, HPC Wireless Services, LLC
3. Scott Chasse, P.E., All Points Technology Corporation, P.C.
4. Matthew Gustafson, All-Points Technology Corporation, P.C.
5. Michael Libertine, LEP, Director of Siting and Permitting, All-Points Technology Corporation, P.C.
6. David A. Jermakian, President, Dynamic Environmental Associates, Inc.
7. Martin J. Lavin, Senior RF Engineer, C Squared Systems, LLC

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Intervenors: State Representative Kelly Luxenberg and State Senator Steve Cassano

III. Appearance by Intervenors: State Representative Kelly Luxenberg
State Senator Steve Cassano

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Application of State Representative Kelly Luxenberg and State Senator Steve Cassano to Intervene under C.G. S. §§ 4-177a(b), 16-50n, 16-50o and 22a-120 dated January 16, 2015

2. General Assembly Letter from State Senator Steve Cassano, State Representatives Kelly Luxenberg, Jason Rojas, and Jeff Currey, dated January 15, 2015

C. Swear Witnesses

- 1.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
 2. Applicant: American Tower Corporation and New Cingular Wireless
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IV. Continuation by Connecticut Siting Council.