

In The Matter Of:

*Cellco Partnership d/b/a Verizon Wireless Application
for a Certificate of Environmental Compatibility*

*Public Comment Session
December 12, 2017*

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1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

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4 Docket No. 477

5 Cellco Partnership d/b/a Verizon Wireless
6 Application for a Certificate of Environmental
7 Compatibility and Public Need for the
8 construction, maintenance, and operation of a
9 telecommunications facility located at 46 Cemetery
10 Road, Canterbury, Connecticut

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13 Public Comment Session held at the Canterbury
14 Community Center, Main Room, 1 Municipal Drive,
15 Canterbury, Connecticut, on Tuesday, December 12,
16 2017, beginning at 6:30 p.m.

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20 H e l d B e f o r e :

21 SENATOR JAMES J. MURPHY, JR.,

22 Vice Chairman
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1 A p p e a r a n c e s :

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3 Council Members:

4 ROBERT HANNON

5 Designee for Commissioner Robert Klee

6 Department of Energy and Environmental

7 Protection

8 LARRY P. LEVESQUE, ESQ.,

9 Designee for Chairwoman Katie Dykes

10 Public Utilities Regulatory Authority

11 EDWARD EDELSON

12 MICHAEL HARDER

13 DANIEL P. LYNCH, JR.

14 ROBERT SILVESTRI

15

16 Council Staff:

17 MELANIE BACHMAN, ESQ.

18 Executive Director and

19 Staff Attorney

20

21 ROBERT MERCIER

22 Siting Analyst

23

24

25

1 A p p e a r a n c e s : (Cont'd.)

2

3 For Cellco Partnership d/b/a Verizon

4 Wireless:

5 ROBINSON & COLE LLP

6 280 Trumbull Street

7 Hartford, Connecticut 06103-3597

8 BY: KENNETH C. BALDWIN, ESQ.

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1 SENATOR MURPHY: Ladies and gentlemen,
2 I'd like to call this meeting to order of the
3 Siting Council this Tuesday, December the 12th,
4 2017, at 6:30 p.m. My name is James J. Murphy,
5 Jr. I'm Vice Chairman of the Connecticut Siting
6 Council.

7 Other members of the Council here
8 tonight are Robert Hannon, designee for
9 Commissioner Robert Klee of the Department of
10 Energy and Environmental Protection; Larry
11 Levesque, designee for Chairman Katie Dykes of the
12 Public Utilities Regulatory Authority; Robert
13 Silvestri; Edward Edelson; Michael Harder; and
14 Daniel P. Lynch, Jr.

15 Members of the staff are Melanie
16 Bachman, our executive director and staff
17 attorney; and Robert Mercier, the siting analyst
18 on this particular docket.

19 This is a continuation of a public
20 hearing that began at 3 p.m. this afternoon.
21 Copies of the hearing program and the Council's
22 Citizens Guide to Siting Council Procedures are
23 available for members of the public. They're on
24 the table back by the podium.

25 This hearing is held pursuant to the

1 provisions of Title 16 of the Connecticut General
2 Statutes and of the Uniform Administrative
3 Procedure Act upon an application from Cellco
4 Partnership d/b/a Verizon Wireless for a
5 Certificate of Environmental Compatibility and
6 Public Need for the construction, maintenance, and
7 operation of a telecommunications facility located
8 at 46 Cemetery Road, Canterbury, Connecticut.

9 This application was received by the Council on
10 August the 23rd, 2017.

11 This application is also governed by
12 the Telecommunications Act of 1996, which is
13 administered by the Federal Communications
14 Commission. This act prohibits this Council from
15 considering the health effects of radio frequency
16 emissions on human health and wildlife to the
17 extent the emissions from towers are within the
18 federal acceptable safe limits standard, which
19 standard is also followed by the State of
20 Connecticut Department of Public Health. The
21 federal act also prohibits this Council from
22 discriminating between and amongst providers of
23 functionally equivalent services. This means, in
24 effect, that if one carrier already provides
25 service for an area, other carriers have a right

1 to compete and provide service in the same area.

2 The applicant published notice of the
3 filing of the application to this Council in The
4 Norwich Bulletin on August 17 and 18, 2017. The
5 Council's legal notice of the date and time of
6 this hearing was published in The Norwich Bulletin
7 on September 26, 2017.

8 Upon the request of the Council, the
9 applicant erected a sign at the proposed site so
10 as to inform the public of the name of the
11 applicant, the type of facility, the date, time
12 and location of this hearing, and contact
13 information for the Council. This afternoon
14 members of the Council, staff and public
15 personally conducted a field review of the
16 proposed site in order to observe firsthand the
17 potential effects of this proposal.

18 The hearing session tonight has been
19 reserved first for the public to make statements
20 into the record. These public statements are not
21 subject to questions from the parties or the
22 Council, and members of the public making
23 statements may not ask questions of the parties or
24 the Council. These statements will become part of
25 the record for Council consideration. A sign-up

1 sheet is available for those who would like to
2 participate.

3 A reminder to all, off-the-record
4 communications with members of the Council, or a
5 member of the Council staff, upon the merits of
6 this application is prohibited by law.

7 I wish to note for those who are here,
8 and for the benefit of your friends and neighbors
9 who are unable to join us for this public comment
10 session, that you or they may send written
11 statements to the Council within 30 days of the
12 date hereof; and such written statements will be
13 given the same weight as if spoken at the hearing
14 this evening.

15 We ask each person making a public
16 statement in this proceeding to confine his or her
17 statements to the subject matter before the
18 Council and to avoid unreasonable repetition so
19 that we may hear all of the concerns you and your
20 neighbors may have. Please be advised that the
21 Council cannot answer questions from the public
22 about the proposal.

23 A verbatim transcript will be made of
24 this hearing and deposited at the Canterbury Town
25 Clerk's Office for the convenience of the public.

1 Before I call on the public to testify,
2 I would ask the applicant to have someone make a
3 brief overview of the proposal.

4 Mr. Baldwin, is someone available?

5 MR. BALDWIN: We are. Dave Weinpahl,
6 our engineer.

7 SENATOR MURPHY: Thank you.

8 THE WITNESS (Weinpahl): Good evening.
9 My name is David Weinpahl. I'm project engineer
10 for Verizon Wireless.

11 This proposed application is situated
12 in the southwest corner of the underlying parcel.
13 It consists of a 50 foot square fenced compound
14 with a proposed monopole tower 160 feet in height
15 within the compound. There will be nine antennas
16 for Verizon Wireless at the top of the tower at
17 157 foot center line. There are also additional
18 radio heads on a platform at the top of the tower.

19 Ground equipment for Verizon consists
20 of a 16 by 9'4" equipment platform at the base
21 with radio cabinets and a generator.

22 The access to the facility is utilizing
23 the owner's existing paved access drive before
24 turning into a gravel access drive that will be
25 extended into the fenced compound.

1 All utilities to the facility will be
2 also routed underground through the owner's
3 property.

4 That simply is a quick summary of the
5 current layout.

6 I'll be able to answer any questions
7 the public may have.

8 SENATOR MURPHY: Thank you.

9 So far we have only one person who has
10 signed up. So if anyone else is interested in
11 speaking this evening, please sign up for us.

12 James J. Thoma.

13 JAMES THOMA: Yes.

14 SENATOR MURPHY: What's the J for?

15 JAMES THOMA: Joseph.

16 SENATOR MURPHY: Joseph. Okay. I'm a
17 James J, but Jerry.

18 JAMES THOMA: We are the adjacent
19 property owners of this proposed tower. Actually,
20 if you were at our farm -- obviously, I couldn't
21 make it. I was at work. I just got here from
22 work. I missed the 3 o'clock. I don't know what
23 I'm supposed to say right now. I have a lot to
24 say.

25 The Siting Council needs to understand

1 the 41.8 acres that is involved in this, that
2 already has an existing environmental issue. The
3 land is eroding into the lake. So to put another
4 structure on top of this hill, all the water runs
5 down. This actual structure, the property goes
6 behind, my property, that has the actual aquifer
7 that is on top of the land that holds all the
8 water for hundreds of acres. So to reward
9 somebody to build another structure on a piece of
10 land that already has an environmental issue --

11 I know that the Council went up and
12 looked at the site. But just because it's a
13 leased site, you can't ignore the environmental
14 issue on the 41 acres that this site would be on
15 because the environmental issue on this 41 acres
16 is, I believe, and the family believes, tied to
17 the leased land. So any structures that go on
18 this property are going to continue to erode and
19 do further damage to the existing lake.

20 It's a 20 acre man-made lake that is
21 stream fed. It's been in our family for 96 years.
22 My grandfather actually built it. So for a
23 billion dollar industry to ruin -- they're not
24 going to ruin it, but the environmental issue that
25 is on that land is only going to get disrupted

1 further. It's not going to go away until the
2 proper courses are taken for the environmental
3 issue that is in effect.

4 We also sent in pictures. I don't
5 know, I think the Council got it. That would be
6 my family. My mother got put in the hospital
7 today, so my family is there. I'm here. I
8 believe you guys did get that, so I'm assuming
9 you'll have that. But I speak for the whole
10 family at this particular point because there's 30
11 of us. To get everybody here tonight would be
12 probably a waste of time. I'd rather have
13 somebody tell me where I should go with this
14 conversation.

15 But the existing environmental issue is
16 more of the reason. You know, to get anybody
17 involved to come and see the issue on that land
18 has been like pulling teeth. The DEP, I think the
19 best way to say it is this friend of mine, I've
20 known him for years. That's how I know the
21 problem exists. You can kayak right by it and see
22 it. The Council wants facts. The fact is, when
23 we kayak in the water and you look underneath your
24 boat, the land has slid 6 feet to 10 feet into the
25 lake. The initial silt fence that was put on that

1 property 15 years ago got buried by the silt that
2 ran off that property. Then they put up another
3 silt fence that got buried. And now we put up a
4 third silt fence.

5 So any work that gets done on that land
6 erodes down into the lake. And that lake shore is
7 almost two acres of pure silt right now. It's
8 probably 2 to 3 feet deep. So to have another
9 structure put on this property at this point,
10 minuscule as they make it sound, for financial
11 gains, there's no purpose or a tax value. There's
12 not going to be (inaudible) off this cell tower.

13 And the pictures that I have, if you
14 look at them, we own literally a couple hundred
15 acres all around that land. So a detriment. The
16 pictures I have are from our kitchen windows from
17 three of our houses. We look at this cell tower.
18 There's a 4 foot balloon that you're seeing today.
19 But if you -- I have pictures here that I could
20 display that if you were in that balloon and you
21 look down over the 100 acres and the 20 acres
22 below you, they have the most multi-million dollar
23 view from the balloon onto our property. So if
24 the property values, just on our sake, if we
25 wanted to sell the land, we have to put in houses,

1 which would be multiple house lots. People want
2 to buy that million dollar view. Does anyone want
3 to buy a house for a million dollars to look at a
4 cell tower?

5 So it comes from the road. They say
6 it's back in the woods. It's right in our front
7 yard because we can see it out of all our windows,
8 all three of our houses. So it would be a
9 constant reminder. Once again, big business, you
10 know, that's what it's all about, I guess. It's
11 not really about the environment or the community
12 or the heritage for 96 years.

13 So I remember the last statement here.
14 Historical will be like 100 years. Well, this
15 year is our 96th year since my grandfather
16 purchased the property in 1921. So I guess we
17 fell four years short of fitting criterias.

18 So, I mean, I don't know what else I
19 have to say, but I have pictures. I wanted to be
20 here earlier, but I deliver oil. I was out on the
21 road. I just got here. I didn't shower or eat
22 yet. So I know you can't ask questions, but I can
23 lay out pictures. You wanted facts. These are
24 the facts I have. So thank you.

25 SENATOR MURPHY: Thank you, Mr. Thoma.

1 As I indicated, no one else has signed
2 up.

3 Is there anyone else here who wants to
4 be heard before the Siting Council this evening?

5 (No response.)

6 SENATOR MURPHY: If not, we're going to
7 close the public session here.

8 And before closing this hearing, the
9 Connecticut Siting Council announces that briefs
10 and proposed findings of fact may be filed with
11 the Council no later than January the 11th, 2018.

12 Anyone who desires to make his or her
13 views known to the Council may file written
14 statements with the Council within 30 days of the
15 date hereof.

16 The Council will issue draft findings
17 of fact, and thereafter the applicant may identify
18 errors or inconsistencies between the Council's
19 draft findings of fact and the record. However,
20 no new information, no new evidence, no arguments,
21 and no reply briefs, without our permission, will
22 be considered without the Council's approval.

23 Copies of the transcript of this
24 hearing will be filed with the Canterbury Town
25 Clerk.


1 I hereby declare this hearing
2 adjourned. Thank you for your participation. And
3 drive carefully this evening.

4 (Whereupon, the hearing adjourned at
5 6:46 p.m.)

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CERTIFICATE

1 I hereby certify that the foregoing 15 pages
2 are a complete and accurate computer-aided
3 transcription of my original stenotype notes taken
4 of the Council Public Comment Session in Re:
5 DOCKET NO. 477, CELLCO PARTNERSHIP D/B/A VERIZON
6 WIRELESS APPLICATION FOR A CERTIFICATE OF
7 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR
8 THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A
9 TELECOMMUNICATIONS FACILITY LOCATED AT 46 CEMETERY
10 ROAD, CANTERBURY, CONNECTICUT, which was held
11 before SENATOR JAMES J. MURPHY, JR., Vice
12 Chairman, at Canterbury Community Center, Main
13 Room, 1 Municipal Drive, Canterbury, Connecticut,
14 on December 12, 2017.

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19 Lisa L. Warner, L.S.R., 061
20 Court Reporter
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