

**Meeting Minutes**  
**Meeting of January 20, 2011**

A meeting of the Connecticut Siting Council (energy/telecommunications) was held on Thursday, January 20, 2011, in Hearing Room One, Ten Franklin Square, New Britain, Connecticut. The meeting was called to order with a quorum present by Daniel F. Caruso at 2:25 p.m.

**Council Members Present:**

Judge Daniel F. Caruso  
Chairman  
Larry Levesque  
(designee for Commissioner DelGobbo)  
Brian Golembiewski  
(designee for Commissioner Marrella)

Colin C. Tait  
Vice Chairman  
Daniel P. Lynch, Jr.  
Philip T. Ashton  
James J. Murphy, Jr.  
Edward S. Wilensky

**Council Members Absent:**

Barbara Currier Bell

**Staff Members Present:**

Melanie Bachman  
Staff Attorney  
Christina Walsh  
Siting Analyst Supervisor

Robert Mercier  
Siting Analyst  
David Martin  
Siting Analyst  
Michael Perrone  
Siting Analyst

**Staff Members Absent:**

Linda Roberts  
Executive Director

**Recording Secretary:**

Carriann Mulcahy

**Minutes of January 6, 2011.**

Mr. Murphy moved to approve the Minutes of January 6, 2011; seconded by Mr. Lynch. The motion passed unanimously.

**DOCKET NO. F-2010 - Connecticut Siting Council Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources. Draft Report.**

Mr. Wilensky moved to put this item on the agenda for the next meeting, seconded by Mr. Lynch. The motion passed unanimously.

**DOCKET NO. 225D - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations in the Executive Report issued by the Thomas Commission. Kleen Energy Systems, LLC Request to File Reply Brief. Draft Findings of Fact.**

Mr. Tait moved to approve Kleen Energy Systems, LLC's request to file a reply brief no later than February 3, 2011, seconded by Mr. Murphy. The motion passed unanimously.

After reviewing the draft Findings of Fact, Chairman Caruso conducted a non-binding poll of the Council members with Mr. Tait, Mr. Murphy, Mr. Golembiewski, Mr. Lynch, Mr. Wilensky, and Mr. Ashton in favor of the Thomas Commission Recommendations; and Mr. Levesque abstaining.

Chairman Caruso directed staff to draft a favorable Opinion and Decision and Order to be reviewed at the next regularly scheduled meeting.

**DOCKET 370 - The Connecticut Light & Power Company application for Certificate of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consist of the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut. Development and Management Plan.**

Mr. Ashton moved to approve the Development and Management Plan with the following conditions:

- a. CL&P immediately notify the Council in any case when an environmental permit is issued to CL&P by a federal and/or state regulatory agency that contains a provision inconsistent with the record in Docket No. 370 and Docket No. 370A\_MR.
- b. CL&P provide written notice to the Council and adjacent landowners a minimum of two weeks prior to the commencement of clearing or construction.
- c. CL&P provide written notification to the Chief Elected Official of Manchester a minimum of two weeks prior to the commencement of clearing or construction of the MMP, and again at such time when construction is complete.

- d. CL&P provide the Council with a final report containing all agreements with abutters or other property owners regarding special maintenance precautions; significant changes to the D&M Plan that have been approved by the Council; locations of special planting and seeding; and the actual construction cost of the project.
- e. CL&P provide the Council a post-construction magnetic field monitoring plan for approval prior to the commencement of operation.
- f. CL&P notify the Council upon receipt of Federal and Connecticut regulatory permits. Copies of such permits should be provided to the Council.
- g. CL&P establish a project hotline and dedicated email address for communications with residents during construction.
- h. CL&P brief landowners and other stakeholders to provide updates on construction progress.
- i. CL&P representatives contact adjacent landowners to discuss construction activities and any questions or concerns during construction.
- j. CL&P provide a revised Invasive Species Management Plan to the Council for approval.
- k. CL&P submit a plan for vegetative clearing to be approved by Council staff.

The motion was seconded by Mr. Tait. The motion passed with Mr. Lynch abstaining.

**DOCKET NO. 384 – Phoenix Partnership, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and management of a telecommunications facility located at 50 Devine Street, North Haven, Connecticut. Request for Transfer of Certificate. Request for Extension of Time.**

Mr. Murphy moved to approve the Transfer of the Certificate to Florida Tower Partners; subject to an inspection of the facility by staff, seconded by Mr. Lynch. The motion passed unanimously.

Mr. Murphy moved to grant an extension on condition #10 of the Decision and Order until June 1, 2011. The motion was seconded by Mr. Lynch. The motion passed unanimously.

**DOCKET NO. 401 - T-Mobile Northeast LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 208 Valley Road, New Canaan, Connecticut. Request to Postpone Public Hearing.**

Mr. Mr. Murphy moved to approve the postponement of the public hearing on the condition that the applicant provides written consent to waive all federal and state time limits and deadlines, seconded by Mr. Ashton. The motion passed unanimously.

**DOCKET NO. 404 - 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 28 Great Oak Lane, Redding, Connecticut. Draft Findings of Fact, Opinion and Decision and Order.**

Mr. Ashton moved to approve the draft Findings of Fact, Opinion, and Decision and Order for a 180-foot telecommunications facility located at 28 Great Oak Lane, Redding; seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Tait and Mr. Lynch stated for the record that while they did not attend the hearing, they read the transcript of the proceeding.

Chairman Caruso requested a written vote on the record with Chairman Caruso, Mr. Tait, Mr. Murphy, Mr. Lynch, Mr. Golembiewski, Mr. Wilensky, Mr. Levesque, and Mr. Ashton in favor of the proposed telecommunications facility.

**DOCKET NO. 405 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 422 Rockville Road or 81 James Road, Voluntown, Connecticut. Draft Findings of Fact, Opinion and Decision and Order.**

Mr. Ashton moved to approve the draft Findings of Fact, Opinion, and Decision and Order for a 160-foot telecommunications facility located at 422 Rockville Road, Voluntown; seconded by Mr. Lynch. The motion passed unanimously.

Chairman Caruso requested a written vote on the record with Chairman Caruso, Mr. Tait, Mr. Murphy, Mr. Lynch, Mr. Golembiewski, Mr. Wilensky, Mr. Levesque, and Mr. Ashton in favor of the proposed telecommunications facility.

**DOCKET NO. 406 - United Illuminating Company application for a Certificate of Environmental Compatibility and Public Need for the construction, operation and maintenance of a telecommunications facility located at 100 Marsh Hill Road, Orange, Connecticut. Draft Findings of Fact, Opinion and Decision and Order.**

Mr. Tait moved to approve the draft Findings of Fact, Opinion, and Decision and Order for a 100-foot telecommunications facility located at 100 Marsh Hill Road, Orange; seconded by Mr. Ashton. The motion passed unanimously.

Mr. Golembiewski stated for the record that while he did not attend the hearing, he read the transcript of the proceeding.

Chairman Caruso requested a written vote on the record with Chairman Caruso, Mr. Tait, Mr. Murphy, Mr. Lynch, Mr. Golembiewski, Mr. Wilensky, Mr. Levesque, and Mr. Ashton in favor of the proposed telecommunications facility.

**DOCKET NO. 407 - T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 77-145 Pleasant Point Road, Branford, Connecticut. Request to Postpone Public Hearing.**

Mr. Wilensky moved to approve the postponement of the public hearing on the condition that the applicant provides written consent to waive all federal and state time limits and deadlines, seconded by Mr. Ashton. The motion passed unanimously.

**DOCKET NO. 410 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 234 Melba Street, Milford, Connecticut. Motion for Protective Order.**

Mr. Murphy moved to approve Cellco Partnership d/b/a Verizon Wireless' motion for a Protective Order, seconded by Mr. Ashton. The motion passed unanimously.

**DOCKET NO. 413 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 723 Leetes Island Road, Branford, Connecticut. Motion for Protective Order.**

Mr. Ashton moved to approve Cellco Partnership d/b/a Verizon Wireless' motion for a Protective Order, seconded by Mr. Murphy. The motion passed unanimously.

**DOCKET NO. 414 - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 36 Ritch Avenue, Greenwich, Connecticut. Motion for Protective Order.**

Mr. Murphy moved to approve Cellco Partnership d/b/a Verizon Wireless' motion for a Protective Order, seconded by Mr. Wilensky. The motion passed unanimously.

**PETITION NO. 971 - T-Mobile USA, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the attachment of antennas to an existing CL&P transmission structure located at Oil Mill Road, Waterford, Connecticut. Extension of Date for Decision.**

Mr. Murphy moved that the Council reset the date for decision to March 9, 2011, seconded by Mr. Ashton. The motion passed unanimously.

**PETITION NO. 980 - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 3.2 MW Wind Renewable Generating facility located at 178 New Haven Road, Prospect, Connecticut. Request for Party/Intervenor Status.**

Mr. Wilensky moved to grant party status for John and Cheryl Lamontagne and Thomas and Eileen Satkunas and to deny BNE Energy's objection. The motion was seconded by Mr. Lynch. The motion passed unanimously.

Mr. Tait moved to grant intervenor status to the Connecticut Light and Power Company, seconded by Mr. Murphy. The motion passed unanimously.

**PETITION NO. 983 - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 4.8 MW Wind Renewable Generating facility located on Flagg Hill Road, Colebrook, Connecticut. Request for Party/Intervenor Status. Schedule.**

Mr. Ashton moved to grant party status to the Town of Colebrook, seconded by Mr. Lynch. The motion passed unanimously.

Mr. Tait moved to grant party status to FairwindCT, Inc., seconded by Mr. Murphy. The motion passed unanimously.

Mr. Ashton moved to grant intervenor status to The Connecticut Light and Power Company, seconded by Mr. Murphy. The motion passed unanimously.

Mr. Ashton moved to grant party status to Benjamin and Kristin Mow, seconded by Mr. Murphy. The motion passed unanimously.

Mr. Tait moved to grant party status to Stella and Michael Somers and to deny BNE Energy, Inc's objection. The motion was seconded by Mr. Ashton. The motion passed unanimously.

Mr. Murphy moved to hold a hearing on this petition, seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Ashton moved approve the schedule for a public field review and hearing to be held in a suitable location on March 22 and 23, 2011, and designating Jessica Brito Weston as custodian; seconded by Mr. Murphy. The motion passed unanimously.

**PETITION NO. 984 - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 4.8 MW Wind Renewable Generating facility located on Winsted-Norfolk Road (Route 44), Colebrook, Connecticut. Request for Party/Intervenor Status. Schedule.**

Mr. Wilensky moved to grant party status to the Town of Colebrook, seconded by Mr. Ashton. The motion passed unanimously.

Mr. Ashton moved to grant party status to FairwindCT, Inc., Benjamin and Kristin Mow, Jeffrey and Mary Stauffer, and Susan Wagner. The motion was seconded by Mr. Tait.

Mr. Murphy moved to grant intervenor status to The Connecticut Light and Power Company, seconded by Mr. Tait. The motion passed unanimously.

Mr. Ashton moved to grant party status to Stella and Michael Somers and to deny BNE Energy, Inc's objection. The motion was seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Murphy moved to hold a hearing on this petition, seconded by Mr. Golembiewski. The motion passed unanimously.

Mr. Murphy moved approve the schedule for a public field review and hearing to be held in a suitable location on March 22 and 23, 2011, and designating Jessica Brito Weston as custodian; seconded by Mr. Ashton. The motion passed unanimously.

**TS-CLEARWIRE-086-101203 - Clear Wireless LLC request for an order to approve tower sharing at an existing telecommunications facility located at 57 Cook Drive, Montville, Connecticut.**

Mr. Ashton moved to remove this item from the table, seconded by Mr. Wilensky. The motion passed unanimously.

Mr. Ashton moved to approve this tower share request with the following conditions:

- The tower be reinforced in accordance with recommendations made in the Structural Report prepared by Fullerton Engineering Consultants dated November 9, 2010 and stamped by Henry Bellagamba;
- A foundation analysis be performed prior to the installation of the proposed antennas; and
- Prior to antenna installation, a signed letter from a Professional Engineer duly licensed in the State of Connecticut shall be submitted to the Council to certify that the recommended reinforcements have been completed and the tower and foundation do not exceed 100 percent of the post-construction structural rating.

The motion was seconded by Mr. Golembiewski. The motion passed unanimously.

**TS-CLEARWIRE-093-110107 - Clearwire Corporation notice of intent to modify an existing telecommunications facility located at East Rock Park, New Haven, Connecticut.**

Mr. Ashton moved to approve this tower share request with the following conditions:

- The tower be reinforced in accordance with recommendations made in the Detailed Structural Analysis prepared by URS Corporation dated October 5, 2010 and stamped by James Day; and
- Prior to antenna installation, a signed letter from a Professional Engineer duly licensed in the State of Connecticut shall be submitted to the Council to certify that the recommended

reinforcements have been completed and the tower and foundation do not exceed 100 percent of the post-construction structural rating.

The motion was seconded by Mr. Lynch. The motion passed unanimously.

**Administrative Matters.**

Attorney Bachman announced that the next energy/telecommunications meeting is scheduled for Tuesday, February 8, 2011.

The following other tentative meeting dates were also announced:

1. Tuesday January 25, 2011, Templeton Wind Turbine tour 1. Leaving New Britain at 9:a.m.
2. Tuesday February 1, 2011, Templeton Wind Turbine tour 2. Leaving New Britain at 9:a.m
3. Thursday, February 3, 2011, Beginning at **2:00 p.m.- field review/3:00 p.m./and 7:00 p.m.** (DO 410 Milford) Field Review and Public Hearing in Milford at Milford City Hall Auditorium, 110 River Street, Milford, Connecticut

**Adjournment.**

Mr. Golembiewski moved to adjourn the meeting at 3:35 p.m.; seconded by Mr. Lynch. The motion passed unanimously.

**Respectfully submitted,**

**Daniel F. Caruso**  
**Chairman**

DFC/cm