

**COPY**



## **Transcript of the Hearing of**

Date: **April 1, 2014**

Volume: **2**

Case: **SITING COUNCIL - DOCKET NO. 444**

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STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Docket No. 444

Application From New Cingular Wireless PCS,  
LLC, for a Certificate of Environmental  
Compatibility and Public Need for the  
Construction, Maintenance, and Operation of a  
Telecommunications Facility Located at  
FirstLight Hydro Generating Company Property,  
New Milford Tax Assessor Map 83, Lot 4, Kent  
Road, New Milford, Connecticut.

Public Hearing held at the Roger  
Sherman Town Hall, E. Paul Martin Room, 10  
Main Street, New Milford, Connecticut,  
Tuesday, April 1, 2014, beginning at 7:00  
p.m.

H e l d   B e f o r e :

ROBERT STEIN, Chairperson

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1       A p p e a r a n c e s:  
2           Siting Council Members:  
3           JAMES J. MURPHY, JR.,  
4           Vice Chairperson  
5           PHILIP T. ASHTON  
6           DR. BARBARA C. BELL  
7           MICHAEL CARON, PURA Designee  
8           ROBERT HANNON, DEEP Designee  
9           DR. MICHAEL W. KLEMENS  
10          DANIEL P. LYNCH, JR.  
11  
12          Council Staff:  
13           MELANIE A. BACHMAN, ESQ.,  
14           Acting Executive Director, Staff  
15           Attorney  
16           MICHAEL PERRONE  
17           Siting Analyst  
18  
19          For New Cingular Wireless, PCS, LLC, and  
20          Message Center Management, Inc.:  
21           CUDDY & FEDER, LLP  
22           445 Hamilton Avenue, 14th floor  
23           White Plains, New York 10601  
24           By: LUCIA CHIOCCHIO, ESQ.  
25

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1           THE CHAIRPERSON: Good  
2           evening, ladies and gentlemen. I'd like to  
3           call to order this public hearing today,  
4           Tuesday April 1, 2014, approximately 7 p.m.  
5           My name is Robin Stein. I'm chairman of the  
6           Connecticut Siting Council. Other members of  
7           the Council here are Vice Chairman Senator  
8           Murphy; Mr. Hannon, the designee from the  
9           Department of Energy and Environmental  
10          Protection; Commissioner Caron, designee from  
11          the Public Utilities Regulatory Authority,  
12          Mr. Ashton, Dr. Klemens, Dr. Bell, and  
13          Mr. Lynch.  
14          Members of the staff, Melanie  
15          Bachman, who is our executive director, and  
16          Michael Perrone, our siting analyst.  
17          This is a continuation of a  
18          hearing that began at 3 p.m. this afternoon.  
19          Copies of the hearing program and the  
20          Council's Citizens Guide to Siting Council  
21          Procedures are available for the members of  
22          the public on the chair in the back.  
23          This hearing is held pursuant  
24          to Title 16 of the Connecticut General  
25          Statutes and of the Uniform Administrative

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1           Procedure Act upon an application from New  
2           Singular Wireless PCS, LLC, for a certificate  
3           of environmental compatibility and public  
4           need for the construction, maintenance and  
5           operation of a telecommunication facility  
6           located at FirstLight, Hydro Generating  
7           Company property in New Milford, Tax Assessor  
8           Map 83, Lot 4, Kent Road, New Milford,  
9           Connecticut. The application was deemed  
10          complete by the Council on February 11, 2014.  
11          The application is also  
12          governed by the Telecommunication Act of  
13          1996, which is administered by the Federal  
14          Communications Commission. This act  
15          prohibits this Council from considering the  
16          health effects of radio frequency emissions  
17          on human health and wildlife to the extent  
18          the emissions from the towers are within the  
19          federal acceptable safe limit standard, which  
20          standard is also followed by the State  
21          Department of Public Health.  
22          The federal act also prohibits  
23          this Council from discriminating between and  
24          amongst providers of functionally equivalent  
25          services. This means that, if one carrier

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1           already provides service for an area, other  
2           carriers have the right to compete and  
3           provide service in the same area.  
4           The applicant published  
5           notice, a filing of the application to the  
6           Council in the New Milford Spectrum on  
7           October 18, 2013, and October 25, 2013. The  
8           Council's legal notice of the date and time  
9           of the hearing was published in the New  
10          Milford Spectrum, on February 28, 2014.  
11          And upon the Council's  
12          request, the Applicant erected a sign at the  
13          proposed site so as to inform the public the  
14          name of the applicant, type of facility,  
15          hearing date and location and contact  
16          information for the Council.  
17          This afternoon members of the  
18          council staff and public personally conducted  
19          a field review of the proposed site in order  
20          to observe firsthand the potential effects of  
21          the proposal. This hearing session tonight  
22          has been reserved for the public to make  
23          short statements into the record. These  
24          public statements are not subject to  
25          questions from the parties or the Council.

1 And members of the public making statements  
2 may not ask questions of parties or Council.  
3 These statements will become part of the  
4 record for Council consideration. A sign-up  
5 sheet is available for those who wish to  
6 participate, also I believe on the chair for  
7 those who haven't signed up yet.  
8 As a reminder to all, any  
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 I wish to note for those who  
14 are here and for the benefit of your friends  
15 and neighbors who are unable to join us for  
16 the public comment session, that you or they  
17 may send written statements to the Council  
18 within 30 days of the date hereof, and such  
19 written statements will be given the same  
20 weight as if spoken at the hearing.  
21 We ask each person making a  
22 statement in this proceeding to confine his  
23 or her comments to the subject matter before  
24 the Council and to avoid unreasonable  
25 repetition so that we may hear all of the

1 concerns you and your neighbors have. Please  
2 be advised that the Council cannot answer  
3 questions from the public about the proposal.  
4 A verbatim transcript will be made of the  
5 hearing deposited at the New Milford and  
6 Sherman Town Clerk's office for the  
7 convenience of the public.  
8 Before calling on the public,  
9 I'd like to ask that the Applicant make a  
10 brief presentation, I believe using those  
11 boards, just to orient us as to this project.  
12 HARRY ROCHEVILLE: Thank you,  
13 Chairman.  
14 My name is Harry Rocheville.  
15 I'm with Centek Engineering. We're a  
16 consulting engineering firm. We're working  
17 with AT&T on this site. We are proposing to  
18 put a wireless telecommunications compound in  
19 the southern portion of this 116.5-acre  
20 parcel which is owned by FirstLight Hydro  
21 Generating Company.  
22 We have the nearest residence,  
23 off-site residence about 800 feet southeast  
24 and the nearest municipality, Sherman, is  
25 680 feet away.

1 Here you can see our compound  
2 and the access drive leading up to it off of  
3 Route 7, Kent Road. We're essentially taking  
4 this existing gravel paved access drive,  
5 improving it to make the grade a little  
6 easier heading up to the site and also for  
7 drainage considerations, for storm water  
8 runoff and such.  
9 And you also see these two  
10 level spreaders here, which divert storm  
11 water and turn concentrated flow into more of  
12 a sheet flow which is easier, less velocity,  
13 to reduce erosion, sedimentation.  
14 Here we have a 75-by-75-foot  
15 compound just beyond the tree line, you can  
16 see right here. And that is contained within  
17 100-foot-by-100-foot lease area.  
18 Around the compound you also  
19 see some drainage controls, and that's just  
20 for diverting water from running onto the  
21 compound and damaging equipment or anything  
22 like that. It's just basically to control  
23 excess storm water, and that's also diverted  
24 into two level spreaders, which again turn  
25 the highly -- high velocity flow into sheet

1 flow a lot easier.  
2 On this sheet you'll see the  
3 actual compound layout. It's set up to be a  
4 four-carrier site. And the monopole is  
5 centrally located. It's a 150-foot monopole.  
6 There will be backup energy supply to AT&T's  
7 equipment shelter, and that will also be with  
8 a propane tank to supply the fuel to the  
9 generator.  
10 The access drive leading up to  
11 the compound will be 12 feet with a 1-foot  
12 shoulder on each side, contained within the  
13 access and utility easement, 20-foot wide.  
14 And as I said, it's going to be a  
15 four-carrier site.  
16 So there's a 6-foot chain link  
17 fence surrounding the 75-by-70-foot compound  
18 with a 12-foot wide access gate to keep  
19 animals out, humans out, anything. That's  
20 about it. It's a pretty straightforward  
21 site. If you have any questions, I'd be more  
22 than happy to answer them.  
23 THE CHAIRPERSON: Okay. So  
24 thank you very much. We'll now go to the  
25 public. The first -- and will you please,

1 when we call your name, go up to the podium,  
2 spell your name so we make sure we have it  
3 properly in the transcript.  
4 And the first individual  
5 signed is Michael Cunningham.  
6 MICHAEL CUNNINGHAM: Thank  
7 you, Mr. Chairman.  
8 The Appalachian Trail is a  
9 federally designated national scenic trail.  
10 It is visited by 2 or 3 million people a  
11 year. Not all of them on the 50 miles or so  
12 in Connecticut.  
13 I am a hike leader for various  
14 mountain clubs in Connecticut. When I lead a  
15 hike on some trail that is not the  
16 Appalachian Trail, I get half a dozen people.  
17 When I lead a hike on the Appalachian Trail I  
18 get 12 or 20 people. It is considerably more  
19 popular than the other trails.  
20 The Appalachian Trail  
21 Conservancy publishes maps of the trails.  
22 There are 12 view points shown on the map  
23 from Route 55, where it enters Connecticut,  
24 up to St. John's Ledges, which is several  
25 miles up the river in Kent. From several of

1 these view points, the area where the  
2 proposed facility will be, are visible.  
3 I was up at a couple of them  
4 today, and I must say that trying to find a  
5 3-foot red balloon for somebody who is  
6 red-green colorblind doesn't work very well,  
7 especially when compared with this thing  
8 which is going to be -- have four 8-foot high  
9 antennas on it, 32 feet and 33 feet don't  
10 quite do it for me.  
11 I was at -- on the Herrick  
12 trail yesterday, and the Amy's Overlook very  
13 definitely overlooks the site. There's no  
14 question but that it will be visible from  
15 there. And I need to make the comment that,  
16 while driving today along Route 7 between  
17 Route 55 and Bulls Bridge Road, I had no  
18 problem with my cell coverage, but then I  
19 don't have this, this company as a carrier.  
20 Thank you for you time.  
21 THE CHAIRPERSON: What's your  
22 address?  
23 MICHAEL CUNNINGHAM: West  
24 Redding Road in Danbury.  
25 THE CHAIRPERSON: Thank you

1 very much.  
2 And the next on, and I  
3 apologize if I mispronounce your name, Tina  
4 Maripuu.  
5 TINA MARIPUU: First, I have  
6 two things I'd like to say. First, I would  
7 like to thank Carl Wagner, the executive  
8 director of the Council on Environmental  
9 Quality, for the very well-written letter  
10 that he wrote to Chairman Robin Stein.  
11 I wholeheartedly agree with  
12 what he's saying about the natural beauty of  
13 this area. Kent is absolutely gorgeous, you  
14 know, with the mountains and everything, the  
15 Appalachian Trail, the whole northwest  
16 corner. And this Gaylordsville is kind of  
17 the entry of this, this beautiful area of the  
18 state which is also known for tourism.  
19 And now I'm not going to read  
20 the letter again because I did read  
21 everything that was in the docket, but I  
22 agree with what he said, especially how the  
23 proposed tower would be located in an area of  
24 the state known regionally and nationally for  
25 its exceptional scenic attributes. And he

1 goes on. You know you've all read the  
2 letter, so I'm not going to repeat it.  
3 My second point is I went  
4 today on the Appalachian Trail that goes  
5 above Saugatuck Road. I wanted specifically  
6 wanted to look at the balloon. I also had  
7 difficulties. It's -- balloon is rather  
8 small. I mean, there's two vistas on the  
9 Appalachian Trail. There are sweeping  
10 vistas. They're not just a little look  
11 through the trees, where you're right looking  
12 at that little yellow house where the road  
13 is. Where the -- I could see the site. I've  
14 studied it. I know where the site -- I know  
15 where the tower will be.  
16 I'm fairly certain it will be  
17 visible, but the balloon was very hard to  
18 see. I think the balloon should have been  
19 much bigger. And I'm sure that, going north  
20 on the Appalachian Trail, you can probably --  
21 you will be able to see the tower because the  
22 way the tower is going to be built, it's not  
23 just a monopole. It has the platforms and  
24 the antennas.  
25 So I hope the Siting Council

1 keeps it in mind that, you know, once you  
2 lose something, you put something up, if it's  
3 going to mar the landscape, it's probably  
4 there forever. And to keep that in mind,  
5 whether it's, you know, there's something  
6 else that can be done. I understand after  
7 reading all the docket information that this  
8 is not going to give New Milford a hundred  
9 percent coverage. So is it really necessary?

10 You know, keep in mind the  
11 natural beauty of the area. And again, if  
12 they, you know, can maybe -- if they have to  
13 put it up, if they can paint it so it won't  
14 just stick out of a metal tower and do  
15 something, but just to keep in mind because I  
16 realize this is not the last tower that AT&T  
17 or any other company is going to put up. I  
18 mean, there's going to be more, and we want  
19 to keep -- at least I do, and I'm sure  
20 there's other people that want to keep  
21 Connecticut as naturally beautiful, you know,  
22 for future generations as we can.

23 So thank you very much.  
24 THE CHAIRPERSON: Thank you  
25 very much.

1 That's all we have on the  
2 sign-up list. Is there anybody else?  
3 Would you please come up and  
4 give us your name. Spell your name, please.

5 SUZANNE AVINGER: My name is  
6 Suzanne Avinger. And my address is of  
7 significance here, it's 17 Newton Road, which  
8 is in Gaylordsville. And I can see the  
9 balloons. I can see the tower site from my  
10 yard, so it is in my view shed.

11 I, also, like these folks,  
12 hike the Herrick Trail frequently and go to  
13 Amy's Lookout, which would be disturbed by --  
14 the view shed there would be disturbed by  
15 this site.

16 My concern other than that, my  
17 further concern is that I don't know what the  
18 expected service area would be for this  
19 tower. There's a mountain right behind it,  
20 so service in that direction may not be  
21 enhanced.

22 I get cell phone where I live.  
23 I'm thinking maybe this company should  
24 consider a lease with other towers around,  
25 such as the one on Spooner Hill and the one

1 that's in the church in Gaylordsville, in the  
2 Methodist church. There's also a tower  
3 that's shaped like a pine tree just north of  
4 town up on Long Mountain, the south end of  
5 Long Mountain. I think we should consider  
6 looking at using those towers instead of a  
7 new one that destroys the view shed in part  
8 of the AT, the nationally known AT that's in  
9 proximity, and whose view shed would  
10 be somewhat tarnished by a new tower.

11 If, in fact, we do -- that you  
12 all do actually go through with putting a  
13 cell tower in this location, let's make it  
14 look like the pine tree one that we already  
15 have north of town here on Long Mountain.

16 That is my comment. Thank you  
17 very much.

18 THE CHAIRPERSON: Thank you  
19 very much.

20 Is there any other speakers?  
21 Any other individual?

22 (No response.)

23 THE CHAIRPERSON: Okay. Well,  
24 before closing this hearing, the Siting  
25 Council announces that any briefs or proposed

1 findings of fact may be filed with the  
2 Council, I guess in this case, by the  
3 Applicant no later than May 1, 2014. The  
4 submission of brief or proposed findings of  
5 fact is not required by the Council.

6 Anyone who desires to make his  
7 or her views known to the Council, as I  
8 mentioned before, but either is unable to  
9 appear tonight or if any of you have  
10 additional comments, you may file written  
11 statements with the Council within 30 days of  
12 today. The Council will issue draft findings  
13 of fact and thereafter parties and  
14 intervenors may identify any errors or  
15 inconsistencies. Copies of the transcript of  
16 this hearing will be filed at the New Milford  
17 and Sherman Town Clerk's office.

18 And I hereby declare this  
19 hearing adjourned, and I thank you all for  
20 your participation. And drive home safely.  
21 Thank you.

22 (Whereupon, the above  
23 proceedings were adjourned at 7:21 p.m.)  
24  
25

1 CERTIFICATE  
2 I hereby certify that the foregoing 17  
3 pages are a complete and accurate  
4 computer-aided transcription of my original  
5 verbatim notes taken of the Public Hearing in  
6 Re: DOCKET NO. 444, APPLICATION FROM NEW  
7 CINGULAR WIRELESS PCS, LLC. FOR A CERTIFICATE  
8 OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC  
9 NEED FOR THE CONSTRUCTION, MAINTENANCE, AND  
10 OPERATION OF A TELECOMMUNICATIONS FACILITY  
11 LOCATED AT FIRSTLIGHT HYDRO GENERATING  
12 COMPANY PROPERTY, NEW MILFORD TAX ASSESSOR  
13 MAP 83, LOT 4, KENT ROAD, NEW MILFORD,  
14 CONNECTICUT, which was held before ROBERT  
15 STEIN, Chairperson, and JAMES J. MURPHY, JR.,  
16 Vice Chairperson, and MELANIE A. BACHMAN,  
17 ESQ., Acting Executive Director, Staff  
18 Attorney, at the Roger Sherman Town Hall,  
19 E. Paul Martin Room, 10 Main Street, New  
20 Milford, Connecticut, on April 1, 2014.  
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22  
23  
24  
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Robert G. Dixon, CVR-M 857  
Court Reporter  
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