

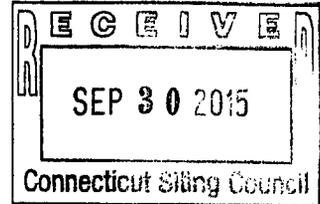


COPY

In The Matter Of:

Application from Cellco Partnership d/b/a v.

Verizon Wireless



Evening Hearing Docket No. 462

September 15, 2015

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 462

Application from Cellco Partnership d/b/a
Verizon Wireless for a Certificate of
Environmental Compatibility and Public Need
for the Construction, Maintenance, and
Operation of a Telecommunications Facility
Located at 15 Great Pasture Road, Danbury,
Connecticut.

Public Hearing and Council Meeting held
at the Danbury City Hall, Council Chambers,
155 Deer Hill Avenue, Danbury, Connecticut,
Tuesday, September 15, 2015, beginning at
7:00 p.m.

H e l d B e f o r e:
ROBIN STEIN, Chairperson

1 **A p p e a r a n c e s :**

2 **Council Members:**

3 **ROBERT HANNON, DEEP Designee**

4 **DR. MICHAEL W. KLEMENS**

5

6 **Council Staff:**

7 **MELANIE BACHMAN, ESQ.,**

8 **Executive Director and**

9 **Staff Attorney**

10 **MICHAEL PERRONE**

11 **Siting Analyst**

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1 **A p p e a r a n c e s: (cont'd)**

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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 THE CHAIRMAN: Good afternoon,
2 ladies and gentlemen. I'd like to call to
3 order this hearing of the Connecticut Siting
4 Council, today, Tuesday, September 15, 2015,
5 7 p.m. My name is Robin Stein. I'm Chairman
6 of the Siting Council.

7 Other members of the Council
8 present are Mr. Hannon, our designee from the
9 Department of Energy and Environmental
10 Protection; Dr. Klemens; and myself.

11 Members of the staff present
12 are Attorney Melanie Bachman, our Executive
13 Director, Staff Attorney; and Michael Perone
14 our siting analyst.

15 This is a continuation of a
16 public hearing that began at 3 p.m. this
17 afternoon. Copies of the hearing program and
18 Council's Citizen Guide to Siting Council
19 procedures are available in the back for --
20 it looks like for the member of the public.

21 This hearing is held pursuant
22 to the provisions of Title 16 of the
23 Connecticut General Statutes and of the
24 Uniform Administrative Procedure Act upon an
25 Application from Cellco Partnership d/b/a

1 Verizon Wireless for a Certificate of
2 Environmental Compatibility and Public Need
3 for the Construction, Maintenance and
4 Operation of a Telecommunication Facility
5 Located at 15 Great Pasture Road, Danbury,
6 Connecticut. This application was received
7 by the Council on July 7, 2015.

8 This application is governed
9 by the Telecommunication Act of 1996 which is
10 administered by the Federal Communication
11 Commission. This act prohibits the Council
12 from considering the health effects of radio
13 frequency emissions on human health and
14 wildlife to the extent the emissions from
15 towers are within the federal acceptable safe
16 limit standards, which standards are also
17 followed by the State Department of Public
18 Health.

19 The federal act also prohibits
20 the Council from discriminating between and
21 amongst providers of functionally equivalent
22 services. This means that if one carrier
23 already provides service for an area, other
24 carriers have the right to compete and
25 provide service in the same area.

1 The Applicant published notice
2 of the filing of the application to the
3 Council in the News Times on July 1 and July
4 2, 2015. The Council's legal notice of the
5 date and time of this hearing was published
6 in the News Times on August 12, 2015.

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

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

1 There's a sign-up sheet for
2 anyone who would like to participate. And as
3 a reminder to all, off the record
4 communication with a member of the Council or
5 a member of the Council staff upon the merits
6 of this application are prohibited by law.

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

15 A verbatim transcript will be
16 made of this hearing and deposited at the
17 Danbury City Clerk's office and the Bethel
18 Town Clerk's office for the convenience of
19 the public. And would now start this for
20 public statements.

21 Ma'am, do you have any --
22 you're just here to observe? Okay. Thank
23 you. Hearing and seeing no members, other
24 members of the public or anyone who wishes to
25 make a statement, the Council will now close

1 the public comment session of the hearing.

2 And then we're going to resume
3 the evidentiary session, because I guess
4 there are a couple of followup items from
5 this afternoon. So with that, Attorney
6 Baldwin?

7 MR. BALDWIN: Yes,
8 Mr. Chairman. There were two items that we
9 took as a homework assignments. The first
10 was the question regarding antenna heights of
11 Verizon's Danbury and Danbury 3 facilities.
12 Those are existing rooftop installations.

13 And I would ask Mr. Ulanday to
14 fill in the blanks with respect to his
15 antenna centerline heights at those
16 facilities.

17 A N T H O N Y B E F E R A,
18 M I C H A E L L I B E R T I N E,
19 D E A N G U S T A F S O N,
20 R Y A N U L A N D A Y,
21 A L E X T Y U R I N,
22 C A R L O F. C E N T O R E,

23 recalled as witnesses, having been
24 previously sworn by the Executive
25 Director, were examined and testified on

1 their oaths as follows:

2 THE WITNESS (Ulanday): Thank
3 you, Ken.

4 So for our Danbury site, which
5 is at the Danbury Hospital, we are at 156
6 antenna centerline, 156 feet, that is. And
7 for Danbury 3, which is at 30 Main Street,
8 we're at 63 feet at the antenna centerline.

9 MR. BALDWIN: Thank you. Also
10 there was a question during the afternoon
11 session regarding some open space to the
12 south of the subject site. And Mr. Libertine
13 has some additional information regarding
14 that issue.

15 THE WITNESS (Libertine):

16 Thank you.

17 The -- just as a means of
18 introduction, the digital information that's
19 presented here is publicly available, and in
20 some cases it gives you very good information
21 behind what's being displayed here.

22 Unfortunately that area that is shown as --
23 it is municipal open space, I can tell you
24 that -- is just south of the site and appears
25 to be associated with the -- the two brooks,

1 the Sympaug Brook and Chestnut Brook, and its
2 floodplain. Unfortunately it's just simply
3 identified as undefined, which we get a lot
4 of, so I can't tell you exactly other than
5 the fact that it is municipally owned.

6 And I do have information on
7 some of the others that are within the study
8 area. They're similarly -- I can say that
9 they are municipally owned and several are
10 associated. The ones to the west, southwest
11 that kind of dominate that southwest corner
12 actually go outside of the two-mile study
13 area. They're associated with Rogers Park
14 and what's known as Terryville Park, but
15 there's several parcels that are strung
16 together there.

17 And moving east, probably
18 about three quarters of a mile away from the
19 site there is an area that is known as the
20 East Swamp Brook Wildlife Area, and that
21 seems to be a multitude of parcels that have
22 also been strung together. But again, it's
23 municipal open space. Unfortunately I don't
24 have much more information that's provided in
25 the underlying GIS data.

1 THE CHAIRMAN: Mr. Perone.

2 MR. PERONE: I have a couple
3 of questions regarding the compound fence. I
4 understand that the inch-and-a-quarter mesh
5 size is proposed, but privacy slats are also
6 proposed. Are the privacy slats compatible
7 with the instrument quarter. In other words,
8 are they available for that size? And if no,
9 what other options exist?

10 THE WITNESS (Centore): The
11 privacy slats are not available for
12 inch-and-a-quarter fence chain-link fence
13 mesh. The minimum size is two inch on the
14 mesh in order to fit the inch-and-a-quarter
15 slats. They don't make smaller slats.

16 There's two options that could
17 be done here. The first option is to go with
18 the two-inch mesh and use the
19 inch-and-a-quarter slats which -- which we
20 believe will have the same effect of having
21 the smaller chain-link mesh, because you
22 won't be able to -- to climb through because
23 of the slats being present.

24 But as another alternative to
25 that, they make a mesh material that could be

1 fastened on the backside of the fence behind
2 the chain link. That's a screening of sorts
3 that gets fastened top and bottom rail, and
4 that can be used in the inch-and-a-quarter
5 mesh and also provide some -- some screening,
6 or shading of the -- of the back of the
7 fence.

8 MR. PERONE: Okay. So with
9 the two-inch chain-link size the privacy
10 slats are an inch and a quarter?

11 THE WITNESS (Centore):

12 Correct.

13 MR. PERONE: Okay. I have no
14 other questions. Thank you.

15 THE CHAIRMAN: Dr. Klemens.

16 DR. KLEMENS: So what's a
17 normal chain-link fence mesh?

18 THE WITNESS (Centore): A
19 normal chain-link mesh is -- it's two inch.

20 DR. KLEMENS: Two inch?

21 THE WITNESS (Centore):

22 Correct.

23 DR. KLEMENS: So basically
24 what you're saying is you're taking a two
25 inch, you're taking the standard mesh and

1 putting privacy slats in?

2 THE WITNESS (Centore):

3 Correct.

4 DR. KLEMENS: And the smaller
5 mesh is what?

6 THE WITNESS (Centore): Inch
7 and a quarter.

8 DR. KLEMENS: Which is the one
9 that I'd like to call the Ashton mesh?

10 THE WITNESS (Centore): Yes.

11 DR. KLEMENS: The one that
12 Phil promotes.

13 THE WITNESS (Centore): I wish
14 he was here to talk about it.

15 DR. KLEMENS: Right, and he's
16 not. And so you're saying we could have the
17 Ashton mesh. We could have the best of both
18 worlds. We could have Ashton anti-climb
19 fence and could put a privacy screen behind
20 it?

21 THE WITNESS (Centore):

22 Correct. It's also -- it's a
23 fabric mesh that's -- that is somewhat
24 translucent, but it does provide screening.
25 It's like 98 percent translucent.

1 DR. KLEMENS: Because those
2 slats, you know, being plastic, someone could
3 put their foot through it and be strong
4 enough and could end up with them climbing up
5 the two-inch mesh. So I don't know what the
6 rest of the Council thinks, but I think
7 you've given us a good solution of the Ashton
8 weave, or the Ashton mesh with the screening.

9 THE WITNESS (Centore): With
10 the screening.

11 THE CHAIRMAN: And my comment
12 would be perhaps at the D and M stage you
13 just maybe could illustrate both options and
14 we can finally decide, or you can give us if
15 you have a particular opinion about which one
16 you want to use?

17 THE WITNESS (Centore): We
18 could provide sheets for both materials if
19 you'd like.

20 THE CHAIRMAN: I would hate at
21 this point to make a predetermination without
22 having Mr. Ashton's input.

23 THE WITNESS (Centore): Right.
24 Okay.

25 THE CHAIRMAN: Attorney

1 Baldwin, anything else?

2 MR. BALDWIN: We have nothing
3 further. Thank you, Mr. Chairman.

4 THE CHAIRMAN: Okay. So
5 before closing this hearing the Siting
6 Council announces that briefs and proposed
7 findings of fact may be filed with the
8 Council no later than October 15, 2015. The
9 submission of briefs or proposed findings of
10 fact are not required by the Council. Rather
11 we leave it to the choice of the party.

12 And again to repeat, anyone
13 who has not become a party or intervener but
14 who desires to make his or her views known to
15 the Council may file written statements with
16 the Council within 30 days of the date
17 hereof. The Council will issue draft
18 findings of fact and thereafter the party may
19 identify errors or inconsistencies between
20 the Council's draft finding of fact and the
21 record, however no new information, no new
22 evidence or argument without our permission
23 will be considered by the Council.

24 Again, copies of the
25 transcript of this hearing, including the

1 hearing that was held on this afternoon will
2 be filed at the Danbury Town Clerk's office
3 and the Bethel Town Clerk's office.

4 And I would also like to
5 particularly thank -- I'm sorry I don't have
6 the gentleman's name, but the gentleman in
7 the back who has been so helpful in -- thank
8 you, sir -- in providing us with, and I guess
9 with the community through your website, a
10 video of these proceedings.

11 And I hereby declare this
12 hearing adjourned. And thank you all for
13 your participation and drive home safely.

14 (Whereupon, the witnesses were
15 excused, and the above proceedings were
16 adjourned at 7:14 p.m.)

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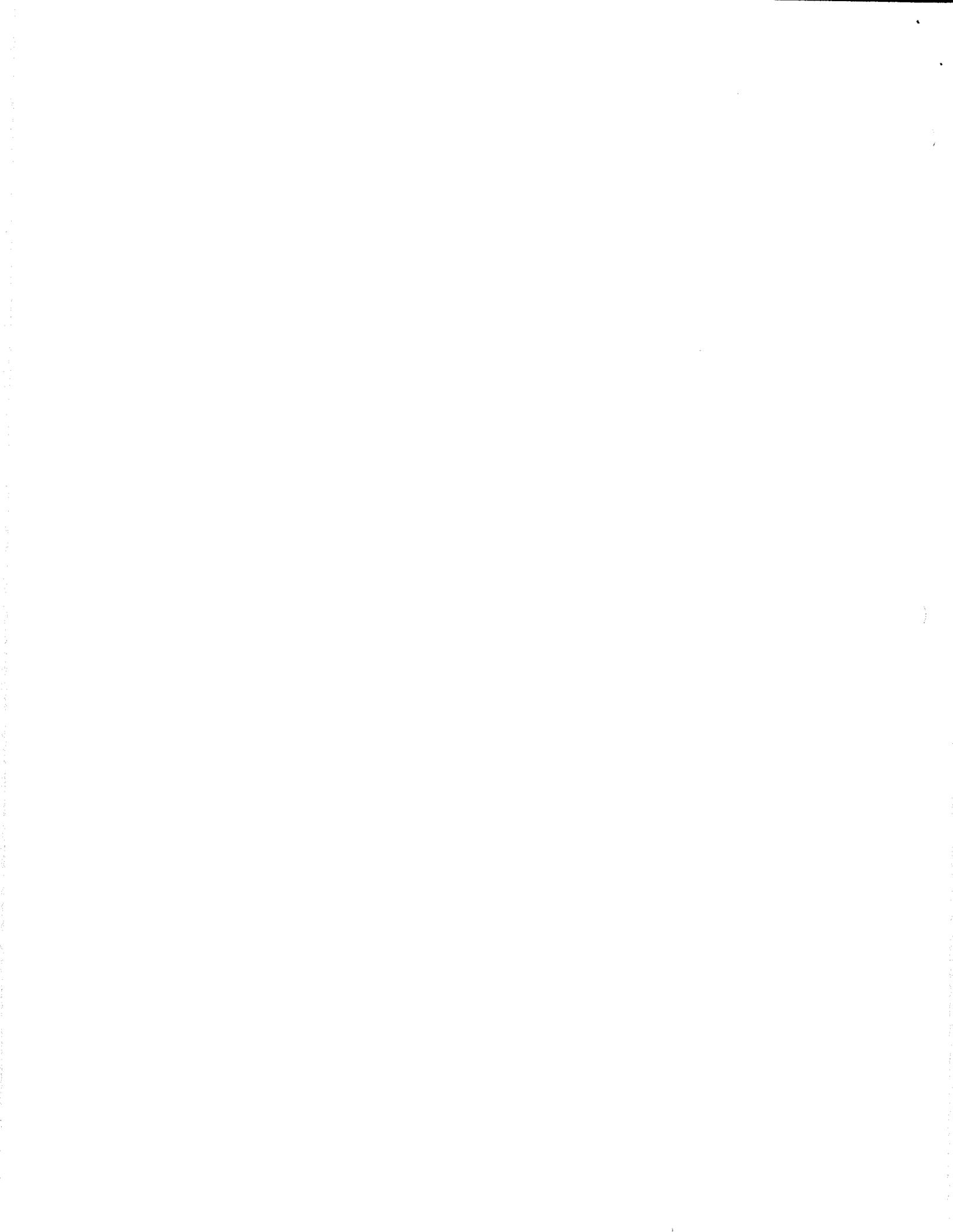
CERTIFICATE

I hereby certify that the foregoing 16 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing and Council Meeting in Re: DOCKET NO. 462, APPLICATION FROM CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 15 GREAT PASTURE ROAD, DANBURY, CONNECTICUT, which was held before ROBIN STEIN, Chairperson, at the Danbury City Hall, Council Chambers, 155 Deer Hill Avenue, Danbury, Connecticut, Tuesday, September 15, 2015.



Robert G. Dixon, CVR-M 857
Notary Public, Court Reporter
UNITED REPORTERS, INC.
90 Brainard Road, Suite 103
Hartford, Connecticut 06114

My Commission Expires: 6/30/2015





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I N D E X

WITNESSES ANTHONY BEFERA

MICHAEL LIBERTINE

DEAN GUSTAFSON

RYAN ULANDAY

ALEX TYURIN

CARLO F. CENTORE - Page 9

EXAMINATION

Mr. Perrone

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