

1                   STATE OF CONNECTICUT  
2                   CONNECTICUT SITING COUNCIL

3  
4                   Docket No. 501

5       New Cingular Wireless PCS, LLC application for a  
6       Certificate of Environmental Compatibility and  
7       Public Need for the construction, maintenance, and  
8       operation of a telecommunications facility located  
9       at 106 Sharon Road, Lakeville (Salisbury),  
10       Connecticut.

11  
12                   VIA ZOOM AND TELECONFERENCE

13  
14       Public Hearing held on Tuesday, June 29, 2021,  
15       beginning at 2 p.m. via remote access.

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18  
19       H e l d   B e f o r e :

20                   JOHN MORISSETTE, Presiding Officer

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25                   Reporter: Lisa L. Warner, CSR #061

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

2 **Council Members:**

3 **ROBERT HANNON**  
4 **Designee for Commissioner Katie Dykes**  
5 **Department of Energy and Environmental**  
6 **Protection**

7 **QUAT NGUYEN**  
8 **Designee for Chairman Marissa Paslick**  
9 **Gillett**  
10 **Public Utilities Regulatory Authority**

11 **ROBERT SILVESTRI**  
12 **EDWARD EDELSON**  
13 **LOUANNE COOLEY**

14 **Council Staff:**

15 **MELANIE BACHMAN, ESQ.**  
16 **Executive Director and**  
17 **Staff Attorney**

18 **MICHAEL PERRONE**  
19 **Siting Analyst**

20 **LISA FONTAINE**  
21 **Fiscal Administrative Officer**

22 **For New Cingular Wireless PCS, LLC (AT&T):**  
23 **CUDDY & FEDER, LLP**  
24 **445 Hamilton Avenue, 14th Floor**  
25 **White Plains, New York 10601**  
BY: **KRISTEN M. MOTEL, ESQ.**

**Also present: Aaron Demarest, Zoom co-host**

**\*\*All participants were present via remote access.**

1 MR. MORISSETTE: Good afternoon, ladies  
2 and gentlemen. This remote public hearing is  
3 called to order this Tuesday, June 29, 2021 at 2  
4 p.m. My name is John Morissette, member and  
5 presiding officer of the Connecticut Siting  
6 Council. Other members of the Council are Robert  
7 Hannon, designee of Commissioner Katie Dykes of  
8 the Department of Energy and Environmental  
9 Protection; Quat Nguyen, designee for Chairman  
10 Marissa Paslick Gillett of the Public Utilities  
11 Regulatory Authority; Robert Silvestri; Louanne  
12 Cooley and Edward Edelson.

13 Members of the staff are Melanie  
14 Bachman, executive director and staff attorney;  
15 Mike Perrone, siting analyst; and Lisa Fontaine,  
16 fiscal administrative officer.

17 As everyone is aware, there is  
18 currently a statewide effort to prevent the spread  
19 of the Coronavirus. This is why the Council is  
20 holding this remote public hearing, and we ask for  
21 your patience. If you haven't done so already, I  
22 ask that everyone please mute their computer audio  
23 and/or telephones now.

24 This hearing is held pursuant to the  
25 provisions of Title 16 of the Connecticut General

1 Statutes and of the Uniform Administrative  
2 Procedure Act upon an application from New  
3 Cingular Wireless PCS, LLC for a Certificate of  
4 Environmental Compatibility and Public Need for  
5 the construction, maintenance, and operation of a  
6 telecommunications facility located at 106 Sharon  
7 Road in Lakeville, Connecticut. This application  
8 was received by the Council on April 1, 2021.

9 The Council's legal notice of the date  
10 and time of this remote public hearing was  
11 published in The Republican American on April 28,  
12 2021. Upon this Council's request, the applicant  
13 erected a sign at the proposed site so as to  
14 inform the public of the name of the applicant,  
15 the type of the facility, the remote public  
16 hearing date, and contact information for the  
17 Council, including the website and phone number.

18 As a reminder to all, off-the-record  
19 communication with a member of the Council or a  
20 member of the Council staff upon the merits of  
21 this application is prohibited by law.

22 The parties and intervenors to the  
23 proceedings are as follows: New Cingular Wireless  
24 PCS, LLC d/b/a AT&T, its representatives Lucia  
25 Chiocchio, Esq. and Kristen Motel, Esq. of Cuddy &

1 Feder LLP.

2 We will proceed in accordance with the  
3 prepared agenda, a copy of which is available on  
4 the Council's Docket No. 501 webpage, along with  
5 the record of this matter, the public hearing  
6 notice, instructions for public access to this  
7 remote public hearing, and the Council's Citizens  
8 Guide to Siting Council Procedures. Interested  
9 persons may join any session of this public  
10 hearing to listen, but no public comments will be  
11 received during the 2 p.m. evidentiary session.

12 At the end of the evidentiary session  
13 we will recess until 6:30 for the public comment  
14 session. Please be advised that any person may be  
15 removed from the remote evidentiary session or the  
16 public comment session at the discretion of the  
17 Council. At 6:30 p.m. the public comment session  
18 is reserved for the public to make brief  
19 statements into the record.

20 I wish to note that the applicant,  
21 parties and intervenors, including their  
22 representatives, witnesses and members, are not  
23 allowed to participate in the public comment  
24 session. I also wish to note for those who are  
25 listening and for the benefit of your friends and

1 neighbors who are unable to join us for the remote  
2 public comment session that you or they may send  
3 written statements to the Council within 30 days  
4 of the date hereof either by mail or by email, and  
5 such written statements will be given the same  
6 weight as if spoken during the remote public  
7 comment session.

8           A verbatim transcript of this remote  
9 public hearing will be posted on the Council's  
10 Docket No. 501 webpage and deposited with the  
11 Salisbury Town Clerk's Office for the convenience  
12 of the public.

13           Please be advised that the Council's  
14 project evaluation criteria under the statute does  
15 not include consideration for property values.

16           The Council will take a 10 to 15 minute  
17 break at a convenient juncture at around 3:30 p.m.

18           We will now move to the agenda, Item B,  
19 administrative notice by the Council. I wish to  
20 call your attention to those items shown on the  
21 hearing program marked Roman Numeral I-B, Items 1  
22 through 80 that the Council has administratively  
23 noticed. Does the applicant have any objection to  
24 the items that the Council has administratively  
25 noticed?

1 Attorney Motel.

2 MS. MOTEL: Thank you, Presiding  
3 Officer Morissette. No, we do not.

4 MR. MORISSETTE: Thank you.

5 Accordingly, the Council hereby administratively  
6 notices these items.

7 (Council's Administrative Notice Items  
8 I-B-1 through I-B-80: Received in evidence.)

9 MR. MORISSETTE: I'll now move to the  
10 appearance by the applicant. Will the applicant  
11 present its witness panel for purposes of taking  
12 the oath, and Attorney Bachman will administer the  
13 oath.

14 Attorney Motel.

15 MS. MOTEL: Thank you. Good afternoon.  
16 For the record, Kristin Motel from Cuddy & Feder  
17 for the applicant, AT&T. Our witness panel  
18 includes Harry Carey, external affairs at AT&T;  
19 Mark Roberts, site acquisition consultant from QC  
20 Development; Thomas Johnson, Proterra Design  
21 Group; David Archambault, vice president of  
22 Virtual Site Simulations; Gio Del Rivero, Nova  
23 Group; Chris Lucas, environmental consultant and  
24 professional wetland and soil scientist with Lucas  
25 Environmental; Doug Sheadal, principal scientist

1 at Modeling Specialties; Martin Lavin, radio  
2 frequency engineer for C Squared Systems on behalf  
3 of AT&T; and Colonel Dan Stebbins from AT&T  
4 FirstNet. We offer the witnesses to be sworn in  
5 at this time.

6 MR. MORISSETTE: Thank you, Attorney  
7 Motel. Attorney Bachman.

8 MS. BACHMAN: Thank you, Mr.  
9 Morissette. Could the witnesses please raise  
10 their right hand.

11 H A R R Y C A R E Y,  
12 M A R K R O B E R T S,  
13 T H O M A S E. J O H N S O N,  
14 D A V I D A R C H A M B A U L T,  
15 G I O D E L R I V E R O,  
16 C H R I S L U C A S,  
17 D O U G L A S S H E A D A L,  
18 M A R T I N L A V I N,  
19 D A N S T E B B I N S,

20 called as witnesses, being first duly sworn  
21 (remotely) by Attorney Bachman, were examined  
22 and testified on their oath as follows:

23 MS. BACHMAN: Thank you.

24 MR. MORISSETTE: Thank you, Attorney  
25 Bachman. Please begin by verifying all the

1 exhibits by the appropriate sworn witnesses.

2 Attorney Motel.

3 DIRECT EXAMINATION

4 MS. MOTEL: Thank you. The applicant's  
5 exhibits are identified in Section II-B of the  
6 hearing program as Items 1 through 7. I'll walk  
7 our witnesses through a series of questions with  
8 respect to those exhibits and ask each witness to  
9 identify themselves when they answer.

10 Did you prepare or assist in the  
11 preparation of the exhibits identified?

12 THE WITNESS (Lavin): Martin Lavin.  
13 Yes.

14 THE WITNESS (Archambault): David  
15 Archambault. Yes.

16 THE WITNESS (Carey): Harry Carey.  
17 Yes.

18 THE WITNESS (Lucas): Chris Lucas.  
19 Yes.

20 THE WITNESS (Roberts): Mark Roberts.  
21 Yes.

22 THE WITNESS (Sheadal): Doug Sheadal.  
23 Yes.

24 THE WITNESS (Johnson): Tom Johnson.  
25 Yes.

1 MS. MOTEL: Gio Del Rivero?

2 THE WITNESS (Del Rivero): Yes.

3 MS. MOTEL: Colonel Dan Stebbins? I  
4 think he is on mute.

5 MR. MORISSETTE: He appears to be off  
6 mute now.

7 MS. MOTEL: Colonel Dan Stebbins?

8 THE WITNESS (Stebbins): (Nodding head  
9 in the affirmative.)

10 MS. MOTEL: He nodded his head. Do you  
11 have any updates or corrections to the identified  
12 exhibits?

13 THE WITNESS (Lavin): Martin Lavin.  
14 Yes. Question 17 from the interrogatories,  
15 referring to page 14 in the application. The  
16 statement actually does relate to the coverage  
17 needed, the statement about the impracticality of  
18 DAS. It isn't practical because we would need to  
19 recreate not several hundred feet of square feet  
20 of coverage but 60 million square feet, 2.4 square  
21 miles.

22 MS. MOTEL: Thank you, Martin.

23 THE WITNESS (Archambault): David  
24 Archambault. No.

25 THE WITNESS (Carey): Harry Carey. No.

1 THE WITNESS (Lucas): Chris Lucas. No.  
2 THE WITNESS (Roberts): Mark Roberts.  
3 No.  
4 THE WITNESS (Sheadal): Doug Sheadal.  
5 No.  
6 THE WITNESS (Johnson): Tom Johnson.  
7 No.  
8 MS. MOTEL: Gio Del Rivero?  
9 THE WITNESS (Del Rivero): No.  
10 MS. MOTEL: Colonel Dan Stebbins?  
11 THE WITNESS (Stebbins): No. And I did  
12 hear your acknowledge earlier. Thank you.  
13 MS. MOTEL: Thank you. Is the  
14 information contained in the identified exhibits  
15 true and accurate to the best of your belief?  
16 THE WITNESS (Lavin): Martin Lavin.  
17 Yes.  
18 THE WITNESS (Archambault): David  
19 Archambault. Yes.  
20 THE WITNESS (Carey): Harry Carey.  
21 Yes.  
22 THE WITNESS (Lucas): Chris Lucas.  
23 Yes.  
24 THE WITNESS (Roberts): Mark Roberts.  
25 Yes.

1 THE WITNESS (Sheadal): Doug Sheadal.

2 Yes.

3 THE WITNESS (Johnson): Tom Johnson.

4 Yes.

5 THE WITNESS (Stebbins): Dan Stebbins.

6 Yes.

7 THE WITNESS (Del Rivero): Gio Del

8 Rivero. Yes.

9 MS. MOTEL: Do you adopt these exhibits  
10 as your testimony?

11 THE WITNESS (Lavin): Martin Lavin.

12 Yes.

13 THE WITNESS (Archambault): David

14 Archambault. Yes.

15 THE WITNESS (Carey): Harry Carey.

16 Yes.

17 THE WITNESS (Lucas): Chris Lucas.

18 Yes.

19 THE WITNESS (Roberts): Mark Roberts.

20 Yes.

21 THE WITNESS (Sheadal): Doug Sheadal.

22 Yes.

23 THE WITNESS (Johnson): Tom Johnson.

24 Yes.

25 THE WITNESS (Stebbins): Dan Stebbins.

1 Yes.

2 THE WITNESS (Del Rivero): Gio Del  
3 Rivero. Yes.

4 MS. MOTEL: Thank you. We ask the  
5 Council to accept the applicant's exhibits.

6 MR. MORISSETTE: Thank you, Attorney  
7 Motel. The exhibits are hereby admitted.

8 (Applicant's Exhibits II-B-1 through  
9 II-B-7: Received in evidence - described in  
10 index.)

11 MR. MORISSETTE: We will now begin with  
12 cross-examination of the applicant by the Council,  
13 starting with Mr. Perrone followed by Mr. Nguyen.

14 Mr. Perrone.

15 CROSS-EXAMINATION

16 MR. PERRONE: Thank you, Mr.  
17 Morissette. I'd like to begin with the response  
18 to Council Interrogatory 4. This is regarding the  
19 search ring. I was looking at the drawing for the  
20 search ring, but I didn't see a scale. Do you  
21 have the search radius distance?

22 MS. MOTEL: Just one moment, Presiding  
23 Officer Morissette, we're just taking a look at  
24 that question.

25 MR. MORISSETTE: Thank you.

1 THE WITNESS (Lavin): Martin Lavin. My  
2 reference to other plots, it appears to be a  
3 quarter of a mile judging by the distances to the  
4 streets that the search area reaches.

5 MR. PERRONE: Okay. And how was a  
6 quarter mile determined?

7 THE WITNESS (Lavin): Martin Lavin, C  
8 Squared Systems again. It's the area of need.  
9 This is the center of the area of need, and the  
10 starting point is to work about a quarter mile out  
11 from there to look for candidates.

12 MR. PERRONE: Okay. Turning to page 14  
13 of the application, the applicant notes that at  
14 this time there are no known existing tower sites  
15 or structures in the Lakeville area that would  
16 meet the technical requirements or are available  
17 that could support a wireless facility. My  
18 question is, is that based on the 4 mile search  
19 radius, the 4 mile radius of existing sites?

20 THE WITNESS (Roberts): Mark Roberts.  
21 Yes, that's correct.

22 MR. PERRONE: With regard to the  
23 subject property, how is the specific tower  
24 location selected on that property?

25 THE WITNESS (Roberts): Mark Roberts

1 again. So the specific location, that was  
2 primarily the property owner's desire. It's a  
3 location that was far enough away from the primary  
4 building.

5 MR. PERRONE: Was it also chosen  
6 because of its elevation?

7 THE WITNESS (Roberts): Yes, the  
8 property does slope up towards that location, so  
9 it's in a slightly better spot, but I think that's  
10 a secondary consideration.

11 MR. PERRONE: Were any alternative  
12 sites west of the lake considered?

13 THE WITNESS (Roberts): Not to my  
14 knowledge.

15 MR. PERRONE: Since the filing of the  
16 application, has the applicant received any  
17 additional comments or feedback from the town?

18 THE WITNESS (Roberts): There were some  
19 comments from neighbors, residents of the lake  
20 association.

21 MR. PERRONE: Just as an update to what  
22 we have, have any other wireless carriers or the  
23 town expressed an interest in co-locating on the  
24 tower?

25 THE WITNESS (Roberts): Not at this

1 time.

2 MR. PERRONE: With regard to the  
3 response to Council Interrogatory 33, there's  
4 mention of the 700 megahertz band for FirstNet.  
5 Is that the only band you would use for FirstNet,  
6 or would you use other frequency bands?

7 THE WITNESS (Lavin): Martin Lavin, C  
8 Squared. Band 14 is dedicated to FirstNet. It is  
9 the band that can be exclusively turned over to  
10 public safety in times of emergency. There is one  
11 other 700 megahertz band available certainly for  
12 nonpriority use over and above band 14. I don't  
13 believe the units would have access to the other  
14 higher frequencies, but they wouldn't have as much  
15 coverage. So 700 determines the coverage area  
16 that FirstNet would be able to access.

17 MR. PERRONE: I just have a couple more  
18 questions on RF topic. The response to Council  
19 Interrogatory 20, "current coverage in the gap is  
20 below," is that intended to be neg 93 rather than  
21 approximately 93?

22 THE WITNESS (Lavin): It's below neg 93  
23 dBm, yes.

24 MR. PERRONE: Okay. And response to  
25 Council Interrogatory 24 where it gets into the

1 lowest height that the applicant would need for  
2 its objectives, my question is, what would be the  
3 consequences of having an antenna centerline  
4 height about 10 feet lower than proposed?

5 THE WITNESS (Lavin): I haven't  
6 quantified it, but we'd be getting very close to  
7 the trees, and probably the first co-locator we  
8 had would be at or below the tree level which  
9 would seriously impact the ability for us to get  
10 more antennas on this tower and meet the Siting  
11 Council's statutory obligation to minimize  
12 proliferation of towers. If our second slot isn't  
13 much use to anyone, then there might have to be  
14 another tower built.

15 MR. PERRONE: My next questions are  
16 more construction related. In response to Council  
17 Interrogatory Number 5 the applicant notes that  
18 ledge removal may require mechanical means or  
19 potentially blasting. My question is, what types  
20 of mechanical means would be used and would that  
21 be your first choice in lieu of blasting?

22 THE WITNESS (Johnson): Hello. Tom  
23 Johnson with Proterra Design. Yes, mechanical  
24 means would be the first choice generally. Some  
25 of it depends on the quality of the rock that they

1 encounter. Typically it's done with a hammer on  
2 the end of an excavator.

3 MR. PERRONE: Turning to, this is  
4 attachment 4 of the interrogatory response  
5 package, it is a letter from the Nova Group. And  
6 on the second paragraph there's mention of an  
7 antenna centerline height at 100 feet; is that  
8 correct?

9 THE WITNESS (Lavin): Martin Lavin, C  
10 Squared. It's a 94 foot monopole with a whip  
11 antenna on top for a total overall height of 100  
12 feet -- lightning rod, excuse me, not antenna.

13 MR. PERRONE: My next questions are  
14 related to visibility. Why was a one mile radius  
15 selected for your visual study area?

16 THE WITNESS (Archambault): This is  
17 David Archambault. That is the standard we were  
18 asked to do the study to.

19 MR. PERRONE: Does that basically  
20 contain all your seasonal visibility area or does  
21 some materially extend beyond that?

22 THE WITNESS (Archambault): It is  
23 possible that there is some visibility beyond  
24 that. Based on the visibility within a mile, it  
25 will likely be minimal. And as you get further

1 away than a mile, even where there is visibility,  
2 it's typically hard to tell what that visibility  
3 is unless it's on the top of a mountain where you  
4 can see it from miles and miles away.

5 MR. PERRONE: The response to Council  
6 Interrogatory 38 where the question gets into  
7 scenic roads, there's mention of Route 41 and  
8 Route 44. Are those state or locally designated  
9 scenic roads?

10 THE WITNESS (Archambault): This is  
11 David Archambault again. We were given a list of  
12 state designated highways, scenic highways, and  
13 those two roads or highways were on that list.

14 MR. PERRONE: Is there a breakdown  
15 about certain sections that are scenic or  
16 basically the whole road in that vicinity?

17 THE WITNESS (Archambault): In that  
18 vicinity the entire road is, correct, for both of  
19 them.

20 MR. PERRONE: Turning to the response  
21 to Council Interrogatory 39 where the question  
22 relates to stealth tower options, could you  
23 clarify the design and visibility differences  
24 between a unipole and a monopole?

25 THE WITNESS (Archambault): David

1 Archambault. On a standard, not related directly  
2 to this particular site, but a unipole has the  
3 antennas on the inside so it looks like a pole  
4 with no antennas on it, so it's still at the same  
5 height. And a regular monopole would have the  
6 antennas on the outside on arms or platforms.

7 MR. PERRONE: Could you characterize  
8 the visibility of the lightning rod on the top of  
9 the proposed tower?

10 THE WITNESS (Archambault): Typically  
11 the lightning rods -- this is David Archambault.  
12 Typically the lightning rods are very thin and  
13 hard to see from even a quarter mile away they get  
14 very hard to see.

15 MR. PERRONE: And lastly, I just have a  
16 few other environmental questions. With regard to  
17 the back-up generator, is it correct to say that  
18 an air permit would not be required?

19 THE WITNESS (Johnson): Tom Johnson  
20 again with Proterra Design. Yes, I believe that's  
21 correct.

22 MR. PERRONE: And referencing sheet  
23 A-1, my question is why was the staging area  
24 selected within the 100 foot wetland buffer area?

25 THE WITNESS (Johnson): So the proposed

1 staging area was selected. It's an existing  
2 gravel parking area for the inn, so it's an  
3 already disturbed open area. And the intent there  
4 was to surround it with erosion controls to make  
5 sure there was protective measures between the  
6 staging area and the wetlands but also to avoid  
7 clearing additional area.

8 MR. PERRONE: Thank you. That's all I  
9 have.

10 MR. MORISSETTE: Thank you, Mr.  
11 Perrone. We will now continue with  
12 cross-examination by Mr. Nguyen, and we will  
13 follow with Mr. Edelson.

14 Mr. Nguyen.

15 MR. NGUYEN: Thank you, Mr. Morissette.  
16 Good afternoon. Let me start with the response to  
17 Interrogatory Number 19. The response indicates  
18 that AT&T delivers two types of 5G, 5G plus and  
19 5G. If you could explain the difference between  
20 the two, 5G and 5G plus, in the application?

21 THE WITNESS (Lavin): Yes. Martin  
22 Lavin, C Squared Systems. The regular 5G is  
23 delivered in our normal spectrum between 700 and  
24 2,100 to 2,300 megahertz, roughly in that range.  
25 It could be characterized as narrow band. The 5G

1 plus is at millimeter wave. I believe it's 24 to,  
2 yes, 39 gigahertz. That is the Ultra Wideband,  
3 extremely high speed version of 5G that everyone  
4 is talking about these days as the next big thing.  
5 But that is not contemplated here. For the moment  
6 we are looking at our normal frequencies with much  
7 larger coverage. The 24 gigahertz to 39 gigahertz  
8 is very strictly line of sight, and given the  
9 terrain and foliage in this area, would be  
10 certainly for now impractical to implement.

11 MR. NGUYEN: In terms of respective  
12 applications between the two types of technologies  
13 there, what's the distinctive difference between  
14 the two?

15 THE WITNESS (Lavin): The distinctive  
16 difference from the customers' point of view is  
17 data speed. We're looking at 20 to 25 megabits  
18 per second at the very high end with the regular  
19 5G. For 5G plus we're looking at something that  
20 goes over your cable speed hundreds of megabits  
21 per second supporting much higher speed  
22 applications which is why it's currently deployed  
23 generally in dense urban areas where we have less  
24 foliage and more customers packed in that will  
25 have line of sight back to the 5G tower.

1 MR. NGUYEN: And the company is not  
2 proposing to deploy 5G plus for this facility at  
3 this time; is that correct?

4 THE WITNESS (Lavin): That's correct.  
5 That's correct, yes.

6 MR. NGUYEN: And again, what's the  
7 reason for that, because of the --

8 THE WITNESS (Lavin): The foliage, the  
9 customer density, the foliage, everything at 24 to  
10 39 gigahertz, which is over ten times the  
11 frequency, the foliage stops it, walls stop it.  
12 Whereas, our lower band frequencies will go  
13 through buildings, penetrate buildings, vehicles  
14 and things of that nature. The 24 to 39 gigahertz  
15 everything stops it. If anything gets in the way,  
16 it doesn't work at all.

17 MR. NGUYEN: Well, for the future, all  
18 things considered, would AT&T look into the 5G  
19 deployment?

20 THE WITNESS (Lavin): I'm certain  
21 they're looking into where they can deploy it,  
22 yeah, but right now it's dense urban areas with  
23 lots of users and extremely high demand to serve  
24 those people who have line of sight back to the  
25 antennas, perfectly open line of sight.

1 MR. NGUYEN: But the company can deploy  
2 5G plus should there be any changes down the road?

3 THE WITNESS (Lavin): Yes. We'd have  
4 to come back for -- we'd have to update all of our  
5 studies that go with this possibly, anything else  
6 that goes with the appearance of the site, and  
7 probably come back to the Council again before we  
8 use different antennas.

9 MR. NGUYEN: It's my understanding that  
10 the FCC has made some ruling regarding the  
11 millimeter wave. Is that applicable to AT&T down  
12 the road in terms of using power at that  
13 frequency?

14 THE WITNESS (Lavin): The whole, yeah,  
15 there's a huge 5G proceeding. That's outside my  
16 area of expertise to testify about. That's more  
17 into they're proposing new rules about siting and  
18 things like that and possibly a very uniform  
19 process for getting 5G, the plus type of 5G out  
20 there. I don't know exactly what impact that  
21 would have here.

22 MR. NGUYEN: Okay. Moving on to the  
23 application, if I could ask you to go to page 108.

24 THE WITNESS (Lavin): Which tab or  
25 section is that?

1 MR. NGUYEN: Yes, page 108.

2 MS. MOTEL: Do you know which  
3 attachment that is?

4 MR. NGUYEN: Yes. That would be sheet  
5 C-2, C, "cat," 2.

6 MR. MORISSETTE: It appears to be  
7 attachment 6.

8 MS. MOTEL: Thank you.

9 MR. NGUYEN: Are you there?

10 MS. MOTEL: Yes.

11 MR. NGUYEN: I'm looking at the  
12 drawing, and I see that there's a garage located  
13 to the west of the proposed tower. Do you see  
14 that?

15 THE WITNESS (Johnson): Hello. Tom  
16 Johnson again. Yes, I have sheet C-2, and I do  
17 see the garage to the west of the proposed tower  
18 site.

19 MR. NGUYEN: Yes. Thank you. What is  
20 the distance between the garage there and the  
21 tower?

22 THE WITNESS (Johnson): I'm just going  
23 to scale it quickly off the plans. I don't have  
24 an exact distance, but I can give you an  
25 approximate number.

1 MR. NGUYEN: Yes, approximate should be  
2 fine.

3 THE WITNESS (Johnson): I think it's  
4 approximately 100 feet.

5 MR. NGUYEN: 100 feet. So is the  
6 garage building outside of the tower setback  
7 radius?

8 THE WITNESS (Johnson): At 100 feet  
9 with a 94 foot tower it would be just outside of  
10 that. It's difficult for me to tell you that  
11 definitively though just scaling it here quickly.

12 MR. NGUYEN: Right. But do you know if  
13 the garage building is outside of the tower  
14 setback radius?

15 THE WITNESS (Johnson): I would say  
16 it's very close. It looks like it is. Just from  
17 a point of reference, the rectangular or the  
18 square lease area is 100 feet and just using that  
19 to scale.

20 MR. NGUYEN: Okay.

21 THE WITNESS (Johnson): Yes, using that  
22 as a reference scale, it is over 100 feet from the  
23 tower to the garage, so we would be outside of the  
24 tower setback.

25 MR. NGUYEN: Okay. The same

1 application, attachment number 10, page 196, and  
2 attachment 10, it's the last page of attachment  
3 10.

4 MS. MOTEL: Attachment 10 is the  
5 environmental sound assessment?

6 MR. NGUYEN: Yes.

7 MS. MOTEL: Okay.

8 MR. NGUYEN: The last page of that  
9 attachment 10 there's a drawing, Figure No. 5,  
10 graphical summary of the modeling results under  
11 the worst-case daytime.

12 MS. MOTEL: Yes.

13 MR. NGUYEN: Okay.

14 THE WITNESS (Sheadal): Doug Sheadal.

15 MR. NGUYEN: Yeah. Are you there?

16 THE WITNESS (Sheadal): I am.

17 MR. NGUYEN: Okay. Now, I see there's  
18 a Wake Robin Inn on the north, located at the  
19 north of the tower. Has the company performed a  
20 noise analysis of the projected worst-case noise  
21 level at the inn?

22 THE WITNESS (Sheadal): I missed the  
23 question. I might have -- it might be the audio,  
24 but I missed the question.

25 MR. NGUYEN: Sure, I'd be glad to

1 repeat it. I'm looking at the Wake Robin Inn.  
2 And I think it's not very clear, but on the north  
3 of the proposed tower, and I'm just wondering has  
4 the company performed the projected noise level at  
5 the inn?

6 THE WITNESS (Sheadal): I could easily  
7 provide that from my model, but no, we do not  
8 usually provide that for the host facility.  
9 That's an internal discussion.

10 MR. NGUYEN: Okay. But based on the  
11 figure from the drawing there, is there an  
12 approximate of the dBa level?

13 THE WITNESS (Sheadal): We could  
14 certainly approximate it to be approximately 49  
15 decibels.

16 MR. NGUYEN: Okay.

17 THE WITNESS (Sheadal): Actually, a  
18 little less than that, 45 decibels at the Wake  
19 Robin Inn.

20 MR. NGUYEN: And in terms of the  
21 construction hours, what are the construction  
22 hours and days of the week that the company is  
23 proposing to construct this facility?

24 THE WITNESS (Roberts): Good afternoon,  
25 Mark Roberts again. Is your question regarding

1 time of day and time of week or total duration of  
2 construction?

3 MR. NGUYEN: Both. If you could  
4 provide that information, that would be great.

5 THE WITNESS (Roberts): Sure. So first  
6 of all, the total duration is in the realm of  
7 about three months from start to finish typically.  
8 At this particular location, because it is an inn,  
9 we will be closely coordinating the construction  
10 schedule with the inn's operations, so it's likely  
11 that it will be primarily during weekdays. And  
12 we've also agreed to concentrate the construction  
13 in the off-season between October and April.

14 MR. NGUYEN: Okay. I believe those are  
15 all the questions I have. Thank you, Mr.  
16 Morissette, and thank you witnesses.

17 MR. MORISSETTE: Thank you, Mr. Nguyen.  
18 We'll now continue with cross-examination by Mr.  
19 Edelson followed by Mr. Silvestri.

20 Mr. Edelson.

21 MR. EDELSON: Thank you, Mr.  
22 Morissette. I think my first question is for  
23 Mr. Carey, although I'm not positive. And I  
24 wanted to kind of go to a larger lens and ask the  
25 applicant how many towers in total do you think

1 you will eventually need to meet the needs of the  
2 Town of Salisbury, how many future towers?

3 THE WITNESS (Carey): Harry Carey,  
4 AT&T. We hope to complete construction of this  
5 one, and in addition we are hanging equipment on  
6 an existing tower located at the Salisbury School  
7 located in the northern section of town. In  
8 addition, we have facilities at an existing tower  
9 in, if we call it, downtown Salisbury. And at  
10 this point, that's the scope of what we anticipate  
11 for coverage in town.

12 MR. EDELSON: Thank you. So if I  
13 understand correctly, in negotiations or  
14 discussions with SHPO there was a decision to  
15 lower the height of the tower from what was  
16 originally proposed; is that correct?

17 THE WITNESS (Del Rivero): This is Gio.  
18 That's correct.

19 MR. EDELSON: Now, in making that  
20 decision, which I assume was to mitigate some of  
21 the effects that it would have had on visibility  
22 and historical locations, was that instrumental in  
23 the reason that only two carriers can be placed on  
24 the proposed tower, in other words, if the  
25 original height had been maintained, could you

1 have enabled a third carrier to be on the tower?

2 THE WITNESS (Roberts): This is Mark  
3 Roberts. I mean, obviously I can't speculate as  
4 to the exact coverage or height requirements of  
5 another carrier, but certainly reducing the height  
6 by 10 feet does on paper appear to limit future  
7 co-location potential.

8 MR. EDELSON: So if a third carrier  
9 came about and said they wanted to serve this  
10 area, it sounds like they would need to build  
11 another tower somewhere in this area; would that  
12 be correct?

13 THE WITNESS (Roberts): Not  
14 necessarily. They could look to this facility and  
15 extending it. AT&T would typically build these  
16 sites to be extendable in height. So if they  
17 wanted to come back and make the case for  
18 extending the tower, that would be an option.

19 MR. EDELSON: But if that happens, then  
20 we run into pretty similar objections that the  
21 State Historic Preservation Office came up with?

22 THE WITNESS (Roberts): Correct.

23 MR. EDELSON: Okay. Because, as you  
24 know, we do have these objectives of wanting to  
25 keep the towers, or I think before Mr. Perrone

1 raised the question about proliferation, and it is  
2 a concern for us, and that's why I'm wondering if  
3 it would make sense from the get-go to consider  
4 going back to the original height. And, I mean,  
5 that's kind of the business we're in, as far as I  
6 see it, is trying to look at tradeoffs, and a  
7 tradeoff was already made with regard to the State  
8 Historic Preservation Office. And we're all sort  
9 of aware -- I guess this is what I'm struggling  
10 with -- we're all sort of aware at this point  
11 there are three carriers in the state after the  
12 merger of Sprint and T-Mobile. So I guess I'm  
13 having questions in my mind about if we have  
14 preemptively created a situation that is going to  
15 make it harder for whoever that third carrier  
16 might be and either put them at a, let's say, a  
17 difficult negotiating position. I'm just  
18 expressing my opinion here. I'm not really  
19 looking for you to comment on that at this point.

20 But I think with that, Mr. Morissette,  
21 all my others questions have already been  
22 addressed, so thank you very much.

23 MR. MORISSETTE: Thank you, Mr.  
24 Edelson. We'll now continue with Mr. Silvestri,  
25 followed by Mr. Hannon.

1                   Mr. Silvestri.

2                   MR. SILVESTRI: Thank you, Mr.  
3 Morissette. Good afternoon all. I want to start  
4 with a few follow-up questions, initially the ones  
5 that were posed by Mr. Nguyen. Going back to that  
6 distance between the garage and the base of the  
7 tower, you kind of came up with a quick  
8 calculation that you might not need a hinge point.  
9 But let me pose the question to you, if the actual  
10 calculation, the actual measurement shows that the  
11 distance is too short, would you actually add a  
12 hinge point to that tower or would you shift the  
13 location of the tower's base?

14                   THE WITNESS (Johnson): Tom Johnson  
15 again with Proterra Design. We've been able to  
16 scale that a little more accurately here just off  
17 camera and are confident that it is beyond the  
18 fall zone for the 94 foot tower.

19                   MR. SILVESTRI: Including your  
20 lightning rod, correct?

21                   THE WITNESS (Johnson): Yes.

22                   MR. SILVESTRI: Okay. Thank you. Then  
23 going back to the questions that Mr. Nguyen had  
24 posed on Figure No. 5, which is the graphical  
25 summary of the modeling results, it has under

1 worst-case daytime operating conditions. Could  
2 you explain what items are operational during that  
3 worst-case daytime operating condition?

4 THE WITNESS (Sheadal): Yes, there are  
5 only two sources that have the potential of making  
6 environmental sound at the facility. One is a  
7 walk-in cabinet. And during the warmest part of  
8 the summer there is a door-mounted cooler that can  
9 make sound that can be heard outside the fenced  
10 area. The other source is the generator which  
11 operates only a half hour every week or two and  
12 during emergencies which is exempted from the  
13 state criteria. So those are the two sources that  
14 represent the worst-case daytime scenario is the  
15 voluntary operation of the generator during one of  
16 those hot summertime periods.

17 MR. SILVESTRI: Okay. Let me pose the  
18 question to you. When you say "daytime," what are  
19 your daytime hours that you did this modeling  
20 under?

21 THE WITNESS (Sheadal): Well, I didn't  
22 actually lock in a daytime because daytime is  
23 usually about 10 a.m. But the DEEP actually  
24 defined daytime, I can't commit to the hours, but  
25 it is defined by regulation.

1 MR. SILVESTRI: Let me try to narrow  
2 down what I'm looking at. Last night I was  
3 outside approximately 9:30 in the evening. It was  
4 88 degrees. Would you have a similar situation  
5 here at, say, 9:30, 88 degrees, which I would  
6 consider nighttime, as worst-case nighttime  
7 operating conditions with the walk-in cabinet,  
8 whatever coolers that you have there on the  
9 generator, could that be a possible scenario?

10 THE WITNESS (Sheadal): It is possible  
11 that the cooler could operate at night, but it  
12 isn't likely. And in the scenario that you  
13 described, it would not be operating. When I read  
14 through the specifications, the fans can cool --  
15 there's various fans, and as more cooling is  
16 required, more fans come on. And those fans can  
17 cool it until about 90 degrees. After 90 degrees,  
18 which is usually ambient temperature of about 90  
19 degrees or your 88 degrees under the full direct  
20 sun, might cause the cooler to be required. So  
21 the cooler is largely a daytime activity. And the  
22 only scenario would be if you were in the 90s at  
23 night then the cooler could operate.

24 MR. SILVESTRI: So it's temperature  
25 triggered roughly around 90 degrees?

1 THE WITNESS (Sheadal): That is  
2 correct.

3 MR. SILVESTRI: Okay. Thank you. Let  
4 me go back to Mr. Lavin for a followup or two from  
5 Mr. Perrone. Good afternoon, Mr. Lavin.

6 THE WITNESS (Lavin): Good afternoon,  
7 Mr. Silvestri.

8 MR. SILVESTRI: Earlier you were  
9 talking with Mr. Perrone about having more clients  
10 on the tower, and I just want to confirm that  
11 right now we're only talking about two; is that  
12 correct?

13 THE WITNESS (Lavin): I believe so,  
14 yes.

15 MR. SILVESTRI: And then in further  
16 conversations it came up, I believe, with Mr.  
17 Edelson. I'll pose this question: Would the  
18 tower be constructed to accommodate a third  
19 carrier without necessarily taking into account  
20 extending the height but just the rest of the  
21 build of that tower?

22 THE WITNESS (Lavin): It's more of a  
23 construction question, but I believe it would be  
24 able to accommodate a third carrier because it  
25 would be lower down and present less, the lowest

1 stress of all three carriers to the tower.

2 MR. SILVESTRI: Okay. Thank you.  
3 Getting back to the SHPO conversations, and this  
4 goes back to our Interrogatory No. 39, did SHPO  
5 provide a reason why a monopine was not preferred  
6 over a monopole?

7 THE WITNESS (Del Rivero): This is Gio.  
8 They did not, but we know historically they do not  
9 prefer monopines.

10 MR. SILVESTRI: Okay. Thank you for  
11 that answer.

12 Mr. Lavin, I guess you left too early.  
13 There you go. Going back to the discussion with  
14 Mr. Nguyen on 5G and 5G plus, I believe I heard  
15 that line of sight has an effect on both the 5G  
16 and 5G plus with 5G plus taking more of a hit  
17 because of line of sight. Would that be a correct  
18 synopsis?

19 THE WITNESS (Lavin): I would say much  
20 more of a hit, yes.

21 MR. SILVESTRI: Okay. Question for  
22 you, how does 5G plus work in an urban setting  
23 where you have lots of buildings if the 24 to 39  
24 gigahertz gets blocked by, say, just about  
25 anything in its path?

1 THE WITNESS (Lavin): Basically there  
2 are users on the street getting it. It will go  
3 through -- well, depending on whether it's float  
4 glass with gold coatings on it and things like  
5 that, it can go through windows that are big  
6 enough. And there's a density of customers around  
7 there. If there's one on a street corner, every  
8 building around it has potential to be served by  
9 that if they can see right over to that pole.

10 MR. SILVESTRI: So in more of an urban  
11 setting, if you will, you're going to get more  
12 equipment set up that would act more like  
13 boosters, could I say that?

14 THE WITNESS (Lavin): Not repeating a  
15 signal, you don't gain any capacity that way, and  
16 capacity is what 5G plus is all about. To  
17 repeat the signal -- or actually to repeat inside  
18 a building, perhaps you can deliver, potentially  
19 deliver service that way if you've got an antenna  
20 on the outside, antenna on the inside in the short  
21 run it will be waveguide in this case between the  
22 two. That would probably be something they can  
23 implement, but it's more at the moment for someone  
24 with direct line of sight and without any  
25 assistance from an external booster.

1 MR. SILVESTRI: But 5G plus, if I heard  
2 correctly, would not work in this particular  
3 setting because of the foliage, did I hear that  
4 correctly?

5 THE WITNESS (Lavin): If it were  
6 installed here, it might serve the inn, it  
7 probably wouldn't, and it would have virtually no  
8 chance of reaching anywhere else.

9 MR. SILVESTRI: Okay. Thank you. The  
10 next set of questions I have or the next question  
11 I have I'm not sure if it's Mr. Del Rivero or you,  
12 Mr. Lavin, but if I refer back to figure A-2, the  
13 drawing that's in A-2. When I look at the  
14 proposed monopole, are those, shall we say, flush  
15 mount nonextending panel antennas?

16 THE WITNESS (Lavin): They're on  
17 T-Arms. They're shown a little close to the pole  
18 in the southeast elevation. The compound plan  
19 view shows more accurately their spacing. They  
20 are on T-Arms, two antennas per sector, spaced  
21 outward from the tower.

22 MR. SILVESTRI: So A-2 is not  
23 necessarily totally representative of what we  
24 might see should this be approved?

25 THE WITNESS (Lavin): I think those --

1 well, actually I guess it's speculative for the  
2 second carrier. Actually, I should say it is  
3 representative because that sector is facing  
4 directly toward you, so you don't see the  
5 projection of the -- if it's a head-on view, you  
6 don't see the projection of the antenna so well  
7 from the tower itself.

8 MR. SILVESTRI: So we wouldn't call  
9 them flush mount then, they'd be extending  
10 somewhere off the pole?

11 THE WITNESS (Lavin): No, if they were  
12 flush mount, unfortunately we'd have to take up  
13 two sections of the tower.

14 MR. SILVESTRI: Okay. Thank you.  
15 Thanks for the clarification. The next set of  
16 questions, I'm not sure who could answer these,  
17 but it's going to go back to the photo  
18 representations and also to drawing C-2. The  
19 first photo I wanted to start with was 6a, which  
20 is the access road and utility run from the  
21 parking area back to the corner. I'm not sure who  
22 the witness might be on this one.

23 THE WITNESS (Archambault): This is  
24 Dave Archambault with Virtual Site Simulations.

25 MR. SILVESTRI: Thank you, Mr.

1 Archambault. Let's start with Figure 6a. When I  
2 look at the access proposed and utility run that's  
3 proposed, 6a uses what I see as the existing  
4 driveway. But if I turn then to the next photo,  
5 which is 7, it seems we're going back into the  
6 woods. And then if I go to 7a, we're coming out  
7 of the woods and back to the driveway. So the  
8 first question I have for you is, why do we go  
9 into the woods and come out of the woods rather  
10 than just staying on the driveway?

11 THE WITNESS (Archambault): So the 6  
12 and 6a, 7 and 7a, as in I think we actually  
13 started with photo 3 and 3a, a number without the  
14 letter is facing towards the compound. The "A" is  
15 from the same location turned around looking back  
16 towards the entrance of the site from the main  
17 road. So 6 and 6a would be from, the photo would  
18 be taken from essentially the same location, 6  
19 facing towards the compound, 6a turned around  
20 looking backwards. So instead of comparing 6a and  
21 7, you should compare 6 and 6a.

22 MR. SILVESTRI: Would your comment also  
23 be the same for photos 7a, 8 and 8a?

24 THE WITNESS (Archambault): So photo 7  
25 is taken right at the edge of the grass looking at

1 the compound, and you can see the garage that was  
2 talked about earlier there on the right side, and  
3 then 7a is turned right around looking back  
4 towards the entrance. And if you look at the  
5 little map inset in the corner, there's an arrow  
6 on every picture where the picture is taken and  
7 the direction of the view. So 7, again, is at the  
8 edge of the road right on the edge of the grass  
9 looking towards the compound, and then 7a is the  
10 same location turned around looking away from the  
11 compound. So 8 would actually be in the woods  
12 looking towards the compound, and then 8a just  
13 inside the woods turned around looking away from  
14 the compound.

15 MR. SILVESTRI: Okay. I hear what  
16 you're saying. But if you reference drawing C-2,  
17 it almost seems that the driveway and existing  
18 gravel make it all the way to that garage that we  
19 were talking about, so I'm still trying to figure  
20 out why do we go in the woods and then out of the  
21 woods.

22 THE WITNESS (Archambault): The gravel  
23 does not make it to the garage at all. If you  
24 look at 8a, there is a stake right in the middle.  
25 That stake is really just into the grass, and just

1 past that outside the shadow is where the gravel  
2 starts. So if you look at photo 8 taken from the  
3 same location, you're standing with the garage  
4 just to your right, or you can see it off there,  
5 and the access road actually goes behind that  
6 tree, and then you're even with the garage. The  
7 gravel does not get anywhere near the garage.

8 MR. SILVESTRI: Okay. Let me try to  
9 pose it this way: Is there some type of access to  
10 get to that garage?

11 THE WITNESS (Archambault): If you look  
12 again at photo 8, on the left side of the arrow  
13 where I say "visible stakes mark center of  
14 access," right now right above where I've written  
15 that there is a grass road that looks like it's  
16 used very, very seldom to gain access to that  
17 garage. It's not -- the garage is not used very  
18 much or it doesn't appear to be used very much.

19 MR. SILVESTRI: Yeah, based on photo 9,  
20 I tend to agree with you on that comment.

21 THE WITNESS (Archambault): Yes. And  
22 again, photo 9 is further, it's closer to the  
23 compound, again, looking towards the compound, and  
24 you can see the grass growing right in front of  
25 the doors to the garage, and there is some extra

1 lumber stacked up just to the right of the photo  
2 as well.

3 MR. SILVESTRI: And then explain the  
4 perspective between photo 9 and 9a for me.

5 THE WITNESS (Archambault): Again, if  
6 you look at the inset in the bottom right corner,  
7 photo 9 with the green dot and the arrow is  
8 pointing towards the compound, and photo 9a is the  
9 same location just turned around looking away from  
10 the compound. And again, you can see all that  
11 grass between you and the gravel driveway.

12 MR. SILVESTRI: And again, when you say  
13 "turned around," you mean going 180 degrees?

14 THE WITNESS (Archambault): Correct.

15 MR. SILVESTRI: Got you. Very good.  
16 Thank you. Thank you for clarifications on that.

17 Mr. Morissette, I believe those are all  
18 the questions that I have. Thank you.

19 MR. MORISSETTE: Thank you, Mr.  
20 Silvestri. We'll now continue with  
21 cross-examination by Mr. Hannon, followed by  
22 Ms. Cooley.

23 Mr. Hannon.

24 MR. HANNON: Thank you. I'll apologize  
25 in advance because I'm getting into the weeds with

1 some of these questions. In the introduction on  
2 page 15 there's a comment, "AT&T currently does  
3 not provide reliable services in most areas of  
4 central and southern Lakeville." Fine. But on  
5 page 14 there's a statement like in the middle of  
6 the page, "Small cells and other types of  
7 transmitting technologies are not viable as an  
8 alternative to the need for a replacement macro  
9 tower..." What replacement macro tower? What are  
10 you talking about on that?

11 THE WITNESS (Lavin): Martin Lavin, C  
12 Squared Systems. I think it's sort of awkwardly  
13 phrased. This could not -- I think we left  
14 "alternative" and "replacement" in the same  
15 sentence, and one of them probably should have  
16 gone. It could not be a replacement to a macro  
17 tower. It could not replace the proposed tower.

18 MR. HANNON: Okay. I just wanted to  
19 make sure I didn't miss something somewhere on  
20 this. Just to get a verification on the record, I  
21 think on page 12 and 13 it talks about AT&T will  
22 provide FirstNet services and also enhanced 911  
23 with the facility. Is that correct?

24 THE WITNESS (Lavin): That is correct.

25 MR. HANNON: Okay. And going back to

1 page 14, it talks about repeaters, microcell  
2 transmitters, distributed antenna systems and  
3 other types of transmitting technologies are not  
4 practical or feasible means of addressing the  
5 existing coverage deficiency in Lakeville. It's a  
6 nice statement, but can you please explain why?

7 THE WITNESS (Lavin): The sheer number  
8 of facilities you would need. If we were to go  
9 with distributed antenna systems or microcells,  
10 presumably they would end up being on telephone  
11 poles 30 or 35 feet high. It would take a lot of  
12 them just to provide ribbons of coverage along the  
13 rows themselves, and there wouldn't be any way  
14 really to provide area coverage off the roads with  
15 those types of antennas because we would have to  
16 be putting poles on properties all over the place.

17 MR. HANNON: Thank you. I just wanted  
18 a little bit of background on the record as to how  
19 you verify that statement.

20 On page 16 there's the comment the site  
21 will have an emergency back-up diesel generator at  
22 grade on the concrete pad. Well, I had a hard  
23 time finding where you were proposing to locate  
24 it, but I finally found it on map D-3. But here's  
25 my question: According to map A-1, it indicates

1 that there's an aquifer protection zone very close  
2 to this site. And if you measure out from the  
3 eastern most corner of the lease area, you're  
4 talking about being 10 feet away from an aquifer  
5 protection zone. So why are you proposing to put  
6 in a diesel generator rather than something like  
7 propane where the risk of having adverse impacts  
8 on the aquifer is reduced so much? I just don't  
9 understand why you're going with a diesel proposal  
10 here.

11 THE WITNESS (Roberts): Good afternoon,  
12 Mr. Hannon. Mark Roberts again. So I think the  
13 choice of the diesel generator was, earlier in the  
14 project I think, given the vicinity of that  
15 aquifer protection zone, AT&T would be okay with  
16 switching to a propane generator in this  
17 situation.

18 MR. HANNON: Those are words I like to  
19 hear. Thank you. Okay. That's already been  
20 asked and answered about SHPO and what they were  
21 talking about.

22 I thought though that I read somewhere  
23 in the document that you guys had agreed to apply  
24 some coloring to the cell tower, the antenna,  
25 things of that nature, based upon SHPO's

1 requirements, is that correct; and if so, what  
2 color was being considered at this point in time?

3 THE WITNESS (Del Rivero): This is Gio.  
4 Yes, that is correct, and the color was brown.

5 MR. HANNON: Okay. Thank you. Also on  
6 page 16 it talks about site improvements entail a  
7 net excavation of approximately 269 cubic yards of  
8 material. Would you be doing any stone crushing  
9 on site, things of that nature, because it does  
10 talk about how you need to bring in some crushed  
11 stone for the driveway or the base area inside the  
12 lease area, the fenced area. So are you proposing  
13 anything like that, or is this material that's  
14 going to be excavated and hauled off site and then  
15 some of that replaced with crushed stone?

16 THE WITNESS (Johnson): Tom Johnson  
17 with Proterra Design. We do not propose to  
18 process any of the material on site, so the  
19 excavated material will be removed and new  
20 material will be brought in.

21 MR. HANNON: Okay. Thank you. A  
22 question about the NDDB letter, I believe. I  
23 thought that the review stated that, again, they  
24 didn't find anything, but it doesn't preclude the  
25 possibility that listed species may be encountered

1 on the site. Was any investigation done on site  
2 to determine if there were any threatened or  
3 endangered species?

4 THE WITNESS (Del Rivero): Yes, this is  
5 Gio. Yes, we had somebody visit the site to look  
6 for habitat requirements for threatened and  
7 endangered species, and we found none.

8 MR. HANNON: Thank you. Page 1, it  
9 looks like tab 1, page 1, there's a comment  
10 towards the bottom of the page, it's important to  
11 note that with AT&T's migration from 3G to 4G  
12 services come changes in the base station  
13 infrastructure and things of that nature. So if  
14 I'm not mistaken, I believe that AT&T is talking  
15 about phasing out the 3G service maybe early next  
16 year. So I'm just trying to verify, this tower,  
17 if it's approved, is this primarily or strictly  
18 for 4G or would it also include 5G?

19 THE WITNESS (Lavin): Strictly -- I  
20 should say 4G and the narrow band 5G in the same  
21 spectrum. There will be no 3G on this tower.

22 MR. HANNON: Thank you. So some of the  
23 next questions I have are related to materials  
24 that I've found behind tab 4. So, for example, on  
25 map C-2, in looking at the topography, it looks as

1    though to the west of where you're proposing to  
2    locate the tower there's another sort of small  
3    hill which is close in elevation to what you're  
4    looking at.  I think it's at 851 elevation.  And  
5    you've got three diameters anywhere from 9 to 30  
6    inches between where your tower is and that other  
7    hill.  Is that going to cause any problem?  You  
8    start getting into 30 inch diameter trees, you're  
9    probably talking about quite a bit of height.  So  
10   I'm just wondering if that's going to have any  
11   impact on the radio frequencies.

12                   THE WITNESS (Johnson):  Hello.  Tom  
13   Johnson again.  Just from a tower siting and  
14   height and clearance perspective, we don't feel  
15   that that adjacent knob is going to create issues  
16   for AT&T's antennas.

17                   MR. HANNON:  Okay.  Thank you.  On maps  
18   A-2 and A-3 in looking at I guess it's the  
19   southeastern corner of the site which is where --  
20   no, I take it back.  It's on the southwestern part  
21   of the site where you have the roadway sort of  
22   putting in that hammerhead turn.  It looks like in  
23   T-1, it looks like there's about a 40 percent drop  
24   there.  Has anybody considered maybe putting in a  
25   retaining wall so that you're not going to create

1 as dramatic a slope in that area? I'm just  
2 throwing that out as a possibility. So that way  
3 you may not have to do nearly as much grading in  
4 that spot. So looking at the plan profile, it's a  
5 40 degree slope at that back end right at the edge  
6 of the road.

7 THE WITNESS (Johnson): So there is a  
8 section of fill there. And the purpose for that,  
9 as you mentioned, is to create a level enough area  
10 to turn a vehicle around and head back out of the  
11 facility. It's 40 degrees. That's the end of the  
12 turnaround, and that's the slope on the fill  
13 material that's there. I believe that's a 2 or 2  
14 and a half to 1, which I think instead of a  
15 retaining wall it could be an armored slope where  
16 it has some stone on top of it, but generally when  
17 you fill out you're in the between 2 and 3 to 1  
18 slope is sufficient for a fill material.

19 MR. HANNON: Okay. Again, staying with  
20 map T-1, it shows the proposed pole culvert  
21 draining across the road. And I'm assuming that's  
22 to take, I may be wrong on this, but does that  
23 also take some of the water from the swale and  
24 move that over to the plunge pool, or are those  
25 two totally separate concepts?

1                   THE WITNESS (Johnson): That's correct.  
2 It's a way to transfer the water from the swale at  
3 grade across the driveway to the plunge pool on  
4 the opposite side.

5                   MR. HANNON: Okay. So here's part of  
6 my question as I now go to D-2 and start looking  
7 at the profile, and this is where I'm having a  
8 little bit of a problem. And I think what it was  
9 is that somebody probably just took generic  
10 details and put them into this plan. But, for  
11 example, if you look at the plunge pool in the  
12 middle of the page, on the elevation you see sort  
13 of one stone, but yet you look at the top diagram  
14 and you're talking about three large stones at  
15 least 250 pounds minimum. So I'm just not seeing  
16 consistency with what you've got in here in the  
17 details. And I tend to look at that stuff.  
18 Similar to the pole culvert diagram there, if you  
19 look at what is in the detail here, water is  
20 flowing in the exact opposite direction as to  
21 what's proposed in the plans. What you have here  
22 in the pole culvert is actually going from west to  
23 east, whereas in the plans you're showing the  
24 water going from east to west. So I'm a little  
25 confused about the details. And if somebody is

1 taking a look at this, I just don't want to see  
2 stuff put in backwards. So I think that's  
3 something that, if this goes forward and there's a  
4 D&M plan on it, that's something that more  
5 attention is going to have been to paid to just to  
6 make sure that the details that are being proposed  
7 are consistent with what's being proposed in the  
8 field.

9 THE WITNESS (Johnson): Sure, that's  
10 certainly something we can add additional detail  
11 and specificity to in the D&M plans. Just in  
12 general, when you're looking at the plunge pool  
13 detail, there's two large stones which are in the  
14 middle of that plunge pool, but in addition to  
15 that, there's a riprap stone which is sized based  
16 upon the plan view for the outlet and the  
17 dissipation, and that is consistent with how it's  
18 drawn on sheet P-1. So between the P-1 showing  
19 the overall dimensions and then the detail showing  
20 you what that rock, the two types of rock are, I  
21 think it gets the point across, but we can  
22 certainly add some additional detail there.

23 MR. HANNON: What it gets down to is,  
24 if somebody is taking a look at the plans and  
25 they're supposed to be putting something in

1 according to plans, I just want to make sure that  
2 the details match what's supposed to be going in  
3 on the site.

4 I think this has been discussed a  
5 little bit earlier in terms of whether or not  
6 blasting might be needed, and I think it was said  
7 that the preference would not be to blast but to  
8 use other type of equipment. The foundation for  
9 the tower, how far down does that go, 2 feet, 6  
10 feet?

11 THE WITNESS (Johnson): A specific  
12 foundation design will be completed at the D&M  
13 phase, but I can tell you in general what the size  
14 parameters are.

15 MR. HANNON: That would be fine.

16 THE WITNESS (Johnson): Okay. So  
17 generally 6 to 8 feet in depth is what we would  
18 see.

19 MR. HANNON: Okay. I'll go into the  
20 reason why I'm asking. Because I'm looking at the  
21 soils map, it talks about the area is 94C which  
22 the Farmington-Nellis complex, and a typical  
23 profile is 17 inches to 80 inches to bedrock.  
24 That's why I'm asking the question. So it may be  
25 very likely that there will be some type of

1 excavation required in that area. And as I  
2 believe you were saying earlier, depending upon  
3 the quality of the rock, that may end up  
4 triggering some blasting as a possibility.

5 THE WITNESS (Johnson): That's correct.

6 MR. HANNON: Is that a fair assessment?

7 THE WITNESS (Johnson): Yeah, that's a  
8 fair assessment.

9 MR. HANNON: Okay. And I think that  
10 does it for my questions. Thank you.

11 MR. MORISSETTE: Thank you, Mr. Hannon.  
12 We will now move on to cross-examination by  
13 Ms. Cooley, followed by myself.

14 Ms. Cooley.

15 MS. COOLEY: Thank you, Mr. Morissette.  
16 I have just a few questions. Starting with  
17 attachment 4 on the interrogatories, I just want  
18 to clarify a question that Mr. Nguyen asked  
19 earlier. This is the letter from Nova Group dated  
20 May 25, 2021. And if you look at the second  
21 paragraph, the fourth sentence, it says, "Antennas  
22 will be installed at a centerline height of 100  
23 feet above ground level." And that is incorrect,  
24 is that right, the center height is 90 feet?

25 THE WITNESS (Lavin): Martin Lavin, C

1 Squared Systems. Yes, the antennas are a  
2 centerline of 90 feet.

3 MS. COOLEY: Okay. So that's not  
4 correct on that, okay.

5 And then my next question is back to --  
6 well, we'll just follow up on Mr. Hannon's  
7 question first about the potential for blasting.  
8 If blasting or other excavation is necessary, will  
9 that increase the time of construction, will that  
10 increase the timeline, or has that been factored  
11 into the timeline?

12 THE WITNESS (Johnson): Hello. Tom  
13 Johnson again. I still think the three-month time  
14 frame is reasonable for an overall construction  
15 timeline.

16 MS. COOLEY: All right. And then I  
17 have one more question. Looking at Interrogatory  
18 Question 28 about the back-up generator  
19 containment measures, your answer says that this  
20 is a double-walled back-up generator including  
21 leak detection alarms, but the question was really  
22 about containment. Are there any other actual  
23 containment physical structures involved with this  
24 generator, any kind of a pad with a lip  
25 surrounding it, anything like that?

1 THE WITNESS (Johnson): I believe  
2 earlier the AT&T folks agreed to use a propane  
3 generator here so --

4 MS. COOLEY: Okay.

5 THE WITNESS (Johnson): -- containment  
6 wouldn't be an issue.

7 MS. COOLEY: Okay. All right. Thank  
8 you. And I think that covers the questions that I  
9 have today. Thank you.

10 MR. MORISSETTE: Thank you, Ms. Cooley.

11 I'd like to go to compiled plot plan  
12 A-1. The first question I have is, coming into  
13 the property there's a building on the left.  
14 Could you explain to me what that is, is that part  
15 of the inn?

16 THE WITNESS (Johnson): Hello. Tom  
17 Johnson. I'm back again. Yes, that's part of the  
18 inn. There's rooms there.

19 MR. MORISSETTE: So the inn actually  
20 has two buildings associated with it, plus a  
21 garage, correct?

22 THE WITNESS (Johnson): That's correct,  
23 yes.

24 MR. MORISSETTE: Okay. Thank you. To  
25 the south of the site itself, what is on the

1 property to the south, is there a residence on  
2 that property?

3 THE WITNESS (Johnson): No. To the  
4 south of the tower site on this locus property is  
5 wooded.

6 MR. MORISSETTE: Okay. So there's no  
7 residence on that property as far as you know?

8 THE WITNESS (Johnson): On our locus  
9 property, no.

10 MR. MORISSETTE: Great. Thank you.  
11 Now I'd like to go to attachment 2 which is the  
12 existing telecommunications site. It's the 4 mile  
13 radius, the search ring. We did receive public  
14 comments associated with the possibility of siting  
15 the project on the Salisbury School site. And is  
16 that school site the dot that is to the north  
17 outside of the search ring?

18 THE WITNESS (Lavin): I'm just trying  
19 to figure that out. It's up -- off the north, the  
20 Salisbury School would be north, northeast of the  
21 site. Given its proximity to the lake running  
22 down from Canaan Road, as I recall from our visit  
23 to the site before the hearing, I'm fairly  
24 confident that is the Salisbury School site.  
25 Yeah, it backs to the lake, which I know we had a

1 lot of positive comment from people around the  
2 lake with vacation homes for the Salisbury School  
3 site, so I'm fairly confident that's it.

4 MR. MORISSETTE: Okay. Thank you. Can  
5 you address why that site is not being utilized  
6 for the coverage that you're trying to take care  
7 of with this application?

8 THE WITNESS (Carey): Harry Carey,  
9 AT&T. It's actually part of a different search  
10 ring, it's northern Salisbury. But we are  
11 planning to hang equipment on that existing tower  
12 at the Salisbury School. So that would be the  
13 northern part of town, the existing tower at  
14 Library Street, at then this proposed tower in the  
15 Lakeville southern section of Salisbury. And the  
16 distance is 4 miles north from Wake Robin Inn to  
17 Salisbury School, just over 4 miles I've been  
18 told.

19 MR. MORISSETTE: Thank you. So just  
20 putting equipment on the Salisbury School site  
21 because of the distance away, it would not satisfy  
22 the need for coverage in the southern area of  
23 Salisbury?

24 THE WITNESS (Carey): Right.

25 MR. MORISSETTE: Very good. Thank you.

1 I would just like to go over some previous  
2 questions relating to the original height. I want  
3 to make sure I understand that the original  
4 height, was there three carriers contemplated at  
5 that original height?

6 THE WITNESS (Roberts): Hello,  
7 Mr. Morissette. Mark Roberts. Yes, our original  
8 plan at the original height we showed two  
9 additional carriers below AT&T in concept.

10 MR. MORISSETTE: Okay. So a total of  
11 three at the original height. And could you  
12 remind me what was the original height again?

13 THE WITNESS (Roberts): It was 104  
14 antenna centerline. No, I'm sorry, 100  
15 centerline, 104 tower.

16 MR. MORISSETTE: And then the lightning  
17 arrestor would be another 6 feet?

18 THE WITNESS (Roberts): That's correct.  
19 So the total height with appurtenances 110.

20 MR. MORISSETTE: Okay. So at 110 you  
21 would be able to install three carriers on the  
22 facility. Okay. Great. Thank you.

23 THE WITNESS (Roberts): Yes.

24 MR. MORISSETTE: Just give me a second  
25 here. This is a general question for Mr. Lavin

1 having to do with the analysis. I think it's  
2 attachment 1, the coverage, the existing coverage,  
3 so based on this existing coverage at 700  
4 megahertz LTE coverage.

5 THE WITNESS (Lavin): Yes.

6 MR. MORISSETTE: So if you were trying  
7 to use your cell phone in the area of where you're  
8 putting the cell site, you wouldn't get any  
9 service?

10 THE WITNESS (Lavin): In terms of data  
11 usage, you would get little or none. It's not  
12 quite like voice where you're on or you're off and  
13 there's nothing in between. Your service, as you  
14 exited, you went from green to orange, then out of  
15 the orange into the white, your service would  
16 degrade below what AT&T characterizes as minimum  
17 adequate. And even if you were outside all by  
18 yourself just trying to make a call, you would  
19 eventually reach plenty of areas where you  
20 couldn't even do that, and a call, because that's  
21 a much lower strain on the system than data.

22 MR. MORISSETTE: Okay. Thank you,  
23 Mr. Lavin. That concludes all of my questions.  
24 My additional topics have been asked and answered.  
25 Thank you very much. We will go back to Mr.

1 Perrone. I understand he does have a follow-up  
2 question. Thank you.

3 Mr. Perrone.

4 MR. PERRONE: Thank you, Mr.  
5 Morissette. To follow up on one of Mr. Hannon's  
6 questions, besides the propane generator, would  
7 you have any other protection measures for the  
8 aquifer protection area?

9 THE WITNESS (Lucas): Good afternoon.  
10 Chris Lucas, Lucas Environmental. We don't  
11 believe there are any additional measures needed  
12 for the aquifer protection zone.

13 MR. PERRONE: And why is that?

14 THE WITNESS (Lucas): We're not in it,  
15 and the design has diversion controls installed to  
16 protect during construction, and the site has been  
17 designed in a way so it's located outside the  
18 area. There no contamination.

19 MR. PERRONE: And one final question.  
20 This goes to the FirstNet topic. On the response  
21 to Council Interrogatory 34 the applicant notes  
22 that AT&T and the state to agree upon Salisbury  
23 for its FirstNet deployment, and the RF report  
24 notes that FirstNet is a federal agency. My  
25 question is, does FirstNet provide specific

1 feedback to AT&T on areas that would require  
2 public safety enhancement?

3 THE WITNESS (Lavin): Martin Lavin, C  
4 Squared Systems. It is a partnership, a contract  
5 between AT&T and the federal government. Any  
6 sites we build are agreed upon by the two. Any  
7 FirstNet sites we build are agreed upon by the two  
8 in consultation with the state local authorities.

9 MR. PERRONE: Did you get any specific  
10 feedback from FirstNet regarding deployment in the  
11 Salisbury area?

12 THE WITNESS (Lavin): I'll defer to  
13 Mr. Carey on this one.

14 THE WITNESS (Carey): Harry Carey,  
15 AT&T. We consulted with the state and presented  
16 areas of our coverage map where service was  
17 lacking, and the state was particularly pleased  
18 that we looked at western Connecticut,  
19 northwestern Connecticut, in particular. As just  
20 to further this, we have other existing FirstNet  
21 plans in Kent, Sherman, we added FirstNet  
22 equipment in Goshen, all of those within the  
23 relative northwest corner part of the state.

24 I'd defer to Colonel Stebbins if he  
25 wanted to add something as our FirstNet authority

1 guru.

2 THE WITNESS (Stebbins): Dan Stebbins.  
3 Yes, this is an important piece of the puzzle as  
4 far as coverage goes for the State of Connecticut  
5 for FirstNet. It's our hope and it's part of our  
6 contract to provide FirstNet connectivity to 99.99  
7 percent of the emergency responders and public in  
8 Connecticut. This is a piece of it, and it's  
9 actually very important to the first responders  
10 that serve your community.

11 MR. PERRONE: Thank you. That's all I  
12 have.

13 MR. MORISSETTE: Thank you, Mr.  
14 Perrone. I'll now ask the Council again to see if  
15 they have any follow-up questions.

16 Mr. Nguyen any follow-up questions?

17 MR. NGUYEN: No follow-up questions.  
18 Thank you.

19 MR. MORISSETTE: Thank you. Mr.  
20 Edelson.

21 MR. EDELSON: No, thank you.

22 MR. MORISSETTE: Thank you. Mr.  
23 Silvestri.

24 MR. SILVESTRI: Nothing. Thank you,  
25 Mr. Morissette.

1 MR. MORISSETTE: Thank you. Mr.  
2 Hannon.

3 MR. HANNON: Actually, I do have one  
4 that's a general engineering question. In looking  
5 at the swale that's proposed to run along the  
6 driveway, I'm just wondering, would it make more  
7 sense to move that lower riprap check dam to the  
8 point where it's at the edge, the downhill edge of  
9 the pole culvert? Because that way you get to  
10 slow the water down, you get to filter out some of  
11 the sediment, if there is any in there, but it's  
12 also right in front of the pole culvert, so it  
13 seems like that would be a good way of sort of  
14 slowing the water down, letting it back up a  
15 little bit, now it's got the route to go through  
16 that culvert and into the plunge pool, just sort  
17 of a general question.

18 THE WITNESS (Johnson): Hello. Tom  
19 Johnson. That's certainly something that we could  
20 incorporate in the D&M plans. The purpose of  
21 those riprap check dams, as you've indicated, is  
22 to slow the speed of the water coming down the  
23 ditch. So generally we try to space them to allow  
24 for that, but as you've kind of indicated, where  
25 it needs to make the turn for the pole culvert it

1 may -- it does make sense to slide it to the  
2 downward hillside of that.

3 MR. HANNON: Thank you. That's all I  
4 have.

5 MR. MORISSETTE: Thank you, Mr. Hannon.  
6 Ms. Cooley, do you have any follow-up questions?

7 MS. COOLEY: I do not. Thank you, Mr.  
8 Morissette.

9 MR. MORISSETTE: Thank you. And I do  
10 not have any follow-up questions either.

11 So that concludes the questioning by  
12 the Council. And the Council will recess until  
13 6:30 p.m. at which time we will commence the  
14 public comment session of this remote public  
15 hearing. Thank you, everyone. We'll see you at  
16 6:30, and stay cool.

17 (Whereupon, the hearing adjourned at  
18 3:34 p.m.)

19  
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23  
24  
25

1 CERTIFICATE FOR REMOTE HEARING

2  
3 I hereby certify that the foregoing 66 pages  
4 are a complete and accurate computer-aided  
5 transcription of my original stenotype notes taken  
6 of the REMOTE PUBLIC HEARING IN RE: DOCKET NO.  
7 501, NEW CINGULAR WIRELESS PCS, LLC APPLICATION  
8 FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
9 AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE,  
10 AND OPERATION OF A TELECOMMUNICATIONS FACILITY  
11 LOCATED AT 106 SHARON ROAD, LAKEVILLE (Salisbury),  
12 CONNECTICUT, which was held before JOHN  
13 MORISSETTE, PRESIDING OFFICER, on June 29, 2021.  
14  
15  
16  
17

18 ----- Lisa L. Warner -----  
19 Lisa L. Warner, CSR 061  
20 Court Reporter  
21  
22  
23  
24  
25

I N D E X

WITNESSES: (Sworn on page 8)

HARRY CAREY  
MARK ROBERTS  
THOMAS E. JOHNSON  
DAVID ARCHAMBAULT  
GIO DEL RIVERO  
CHRIS LUCAS  
DOUGLAS SHEADAL  
MARTIN LAVIN  
DAN STEBBINS

EXAMINERS:

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Mr. Morissette	57

APPLICANT'S EXHIBITS  
(Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
II-B-1	Application for a Certificate of Compatibility and Public Need filed by New Cingular Wireless PCS, LLC (AT&T) received April 1, 2021, and attachments and bulk file exhibits including: Bulk file exhibits: a. Salisbury, Connecticut 2012 Plan of Conservation and Development b. Zoning regulations, Town of Salisbury c. Lakeville Village zoning map, Town of Salisbury Zoning map, and Town of Salisbury zoning overlay districts map d. Inland Wetlands and Watercourses Regulations, Town of Salisbury, Connecticut e. Technical report f. Supplement to technical report	7

1 I n d e x: (Cont'd)

2	EXHIBIT	DESCRIPTION	PAGE
3			
4	II-B-2	Applicant's affidavit of publication, dated April 19, 2021	7
5	II-B-3	Signed protective order, dated May 20, 2021	7
6			
7	II-B-4	Applicant's responses to Council interrogatories, Set One, dated June 15, 2021	7
8			
9	II-B-5	Applicant's affidavit of sign posting, dated June 16, 2021	7
10	II-B-6	Applicant's witness resumes, dated June 21, 2021	7
11			
12	II-B-7	Applicant's supplemental submission, dated June 21, 2021.	7

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15 **\*\*All exhibits were retained by the Council.**

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