

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Docket No. 504

5 **Arx Wireless Infrastructure, LLC application for a**
6 **Certificate of Environmental Compatibility and**
7 **Public Need for the construction, maintenance,**
8 **and operation of a telecommunications facility**
9 **located at Lot N-4, Sequin Drive,**
10 **Glastonbury, Connecticut.**

11
12
13 **VIA ZOOM AND TELECONFERENCE**

14
15
16 **Public Hearing held on Thursday,**
17 **August 19, 2021, beginning at 2 p.m.**
18 **via remote access.**

19
20
21 **H e l d B e f o r e:**

22 **JOHN MORISSETTE, Presiding Officer**

23
24
25 **Reporter: Lisa L. Warner, CSR #061**

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

2
3 **Council Members:**

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

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

12 **ROBERT SILVESTRI**

13 **EDWARD EDELSON**

14 **LOUANNE COOLEY**

15 **Council Staff:**

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

19 **IFEANYI NWANKWO**
20 Siting Analyst

21 **LISA FONTAINE**
22 Fiscal Administrative Officer

23 **For Applicant Arx Wireless Infrastructure,**
24 **LLC:**

25 **COHEN & WOLF, P.C.**
 1115 Broad Street
 Bridgeport, Connecticut 06604
 BY: **PHILIP C. PIRES, ESQ.**
 DAVID A. BALL, ESQ.

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

2
3
4 **For Intervenor New Cingular Wireless PCS,
LLC (AT&T):**

5 **CUDDY & FEDER, LLP**
6 **445 Hamilton Avenue, 14th Floor**
7 **White Plains, New York 10601**
8 **BY: KRISTEN MOTEL, ESQ.**

9
10
11
12
13 **Also present: Aaron Demarest, Zoom co-host**

14
15
16 ****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 Thursday, August 19, 2021 at
4 2 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 for 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, Ed Edelson; and Daniel P. Lynch, Jr.

13 Members of the staff are Melanie
14 Bachman, executive director and staff attorney;
15 Ifeanyi Nwankwo, siting analyst; and Lisa
16 Fontaine, 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 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 Arx
3 Wireless Infrastructure, 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 Lot N-4,
7 Sequin Drive, Glastonbury, Connecticut. This
8 application was received by the Council on June 4,
9 2021.

10 The Council's legal notice of the date
11 and time of this remote public hearing was
12 published in The Glastonbury Citizen on July 22,
13 2021. Upon this Council's request, the applicant
14 erected a sign along Sequin Drive at the entrance
15 of the proposed site so as to inform the public of
16 the name of the applicant, the type of facility,
17 the remote public hearing date, and contact
18 information for the Council, which included the
19 website and phone number.

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

24 The parties and intervenors to the
25 proceeding are as follows: Arx Wireless

1 Infrastructure, LLC represented by Philip C.
2 Pires, Esq. and David A. Ball, Esq. of Cohen &
3 Wolf, P.C. Intervenors, New Cingular Wireless,
4 PCS, LLC, also known as AT&T, its representatives
5 Kristen Motel, Esq. and Lucia Chiocchio, Esq. of
6 Cuddy & Feder LLP.

7 We will proceed in accordance with the
8 prepared agenda, a copy of which is available on
9 the Council's Docket No. 504 webpage, along with
10 the record of this matter, the public hearing
11 notice, instructions for public access to this
12 remote public hearing, and the Council's Citizens
13 Guide to Siting Council Procedures. Interested
14 persons may join any session of this public
15 hearing to listen, but no public comments will be
16 received during the 2 p.m. evidentiary session.
17 At the end of the evidentiary session we will
18 recess until 6:30 p.m. for the public comment
19 session. Please be advised that any person may be
20 removed from the remote evidentiary session or the
21 public comment session at the discretion of the
22 Council.

23 The 6:30 p.m. public comment session is
24 reserved for the public to make brief statements
25 into the record. I wish to note that the

1 applicant, parties and intervenors, including
2 their representatives, witnesses and members, are
3 not allowed to participate in the public comment
4 session. I also wish to note for those who are
5 listening and for the benefit of your friends and
6 neighbors who are unable to join us for the remote
7 public comment session, that you or they may send
8 written comments to the Council within 30 days of
9 the date hereof either by email or mail, and such
10 written statements will be given the same weight
11 as if spoken during the remote public comment
12 session.

13 A verbatim transcript of this remote
14 public hearing will be posted on the Council's
15 Docket No. 504 webpage and deposited with the Town
16 Clerk's Office in Glastonbury for the convenience
17 of the public.

18 Please be advised that the Council's
19 project evaluation criteria under the statute does
20 not include the consideration of property value.

21 The Council will take a 10 to 15 minute
22 break at a convenient juncture around 3:30.

23 We'll now move to Item B on the agenda.
24 We have a motion. On August 11, 2021, the
25 applicant submitted a motion for protective order.

1 Attorney Bachman, may wish to comment.

2 Attorney Bachman.

3 MS. BACHMAN: Thank you, Mr.
4 Morissette. The applicant, in response to one of
5 the Council's interrogatories, submitted an
6 unredacted lease and a redacted version of the
7 lease, and the unredacted version is asked to be
8 subject to a protective order for the monthly rent
9 amounts consistent with the conclusions of law in
10 Docket No. 366, Danbury, therefore, staff
11 recommends that the motion be granted. Thank you.

12 MR. MORISSETTE: Thank you, Attorney
13 Bachman. Is there a motion?

14 MR. SILVESTRI: Silvestri, Mr.
15 Morissette, I'll move to approve the motion for a
16 protective order.

17 MR. MORISSETTE: Thank you, Mr.
18 Silvestri. Is there a second?

19 MR. HANNON: Hannon, second.

20 MR. MORISSETTE: Thank you, Mr. Hannon.
21 We have a motion by Mr. Silvestri to approve the
22 protective order, and we have a second by Mr.
23 Hannon. Is there any discussion?

24 Mr. Edelson.

25 MR. EDELSON: No discussion. Thank

1 you.

2 MR. MORISSETTE: Thank you. Mr.
3 Silvestri.

4 MR. SILVESTRI: No discussion. Thank
5 you.

6 MR. MORISSETTE: Thank you. Mr.
7 Nguyen.

8 MR. NGUYEN: No discussion. Thank you.

9 MR. MORISSETTE: Thank you, Mr. Nguyen.
10 Mr. Lynch. Mr. Lynch isn't with us
11 yet.

12 Mr. Hannon.

13 MR. HANNON: No discussion. Thank you.

14 MR. MORISSETTE: Thank you. Ms.
15 Cooley.

16 MS. COOLEY: I have no discussion.
17 Thank you.

18 MR. MORISSETTE: Thank you. And I have
19 no discussion as well.

20 We'll now move to the vote. Mr.
21 Edelson, how do you vote?

22 MR. EDELSON: Vote to approve. Thank
23 you.

24 MR. MORISSETTE: Thank you. Mr.
25 Silvestri?

1 MR. SILVESTRI: Vote to approve. Thank
2 you.

3 MR. MORISSETTE: Thank you. Mr.
4 Nguyen?

5 MR. NGUYEN: Vote to approve. Thank
6 you.

7 MR. MORISSETTE: Thank you. Mr.
8 Hannon?

9 MR. HANNON: Vote to approve. Thank
10 you.

11 MR. MORISSETTE: Thank you. Ms.
12 Cooley?

13 MS. COOLEY: Vote to approve. Thank
14 you.

15 MR. MORISSETTE: Thank you. And I also
16 vote to approve. So we have six approvals and one
17 absentee. Thank you. The motion is approved.

18 Now for administrative notice taken by
19 the Council, I wish to call your attention to
20 those items shown on the hearing program marked as
21 Roman Numeral I-C, Items 1 through 81 that the
22 Council has administratively noticed. Does any
23 party or intervenor have any objection to the
24 items that the Council has administratively
25 ordered?

1 Attorney Pires.

2 MR. PIRES: Good afternoon, Mr.
3 Morissette. Philip Pires on behalf of Arx
4 Wireless Infrastructure, LLC. We have no
5 objection.

6 MR. MORISSETTE: Thank you, Attorney
7 Pires.

8 Attorney Motel?

9 MS. MOTEL: Thank you, Mr. Morissette.
10 On behalf of AT&T we have no objection.

11 MR. MORISSETTE: Thank you, Attorney
12 Motel. Accordingly, the Council hereby
13 administratively notices these items.

14 (Council's Administrative Notice Items
15 I-C-1 through I-C-81: Received in evidence.)

16 MR. MORISSETTE: We'll now turn to the
17 appearance of the applicant, Arx Wireless
18 Infrastructure. Will the applicant present its
19 witness panel for the purpose of taking the oath,
20 and Attorney Bachman will administer the oath.

21 MR. PIRES: Thank you, Mr. Morissette.
22 As indicated in our prefile testimony, we have
23 four witnesses to present in this proceeding,
24 Keith Coppins, Doug Roberts, Matt Davison and
25 David Archambault.

1 MR. MORISSETTE: Thank you, Attorney
2 Pires.

3 Attorney Bachman, would you please
4 administer the oath.

5 MS. BACHMAN: Thank you, Mr.
6 Morissette.

7 K E I T H C O P P I N S,
8 D O U G L A S R O B E R T S,
9 D A V I D A R C H A M B A U L T,
10 M A T T D A V I S O N,

11 called as witnesses, being first duly sworn
12 (remotely) by Attorney Bachman, were examined
13 and testified on their oath as follows:

14 MS. BACHMAN: Thank you.

15 MR. MORISSETTE: Thank you, Attorney
16 Bachman.

17 Attorney Pires, please begin by
18 verifying all the exhibits by the appropriate
19 sworn witnesses.

20 MR. PIRES: Thank you, Mr. Morissette.

21 DIRECT EXAMINATION

22 MR. PIRES: I'll start with Mr.
23 Coppins. Mr. Coppins, did you prepare, assist or
24 supervise in the preparation of Exhibits 1, 2, 3,
25 4, 5, 6 and 10?

1 THE WITNESS (Coppins): Yes, I did.

2 MR. PIRES: Do you have any revisions
3 or corrections to those exhibits?

4 THE WITNESS (Coppins): No, I do not.

5 MR. PIRES: With respect to your
6 prefile testimony, Exhibit 6, is it true and
7 accurate to the best of your knowledge?

8 THE WITNESS (Coppins): Yes, it is.

9 MR. PIRES: Do you have any corrections
10 or revisions to it?

11 THE WITNESS (Coppins): No, I do not.

12 MR. PIRES: Do you adopt that testimony
13 as your testimony here today?

14 THE WITNESS (Coppins): Yes, I do.

15 MR. PIRES: Thank you. I'll next move
16 to Mr. Doug Roberts. Mr. Roberts, did you
17 prepare, assist or supervise the preparation of
18 Exhibits 1, 3, 4, 5, 7 and 10? Mr. Roberts, I
19 believe you're muted still.

20 THE WITNESS (Roberts): Thank you.

21 Yes, I did.

22 MR. PIRES: Do you have any revisions
23 or corrections to those exhibits?

24 THE WITNESS (Roberts): I do have one
25 correction, and that would be Exhibit 4, Question

1 No. 11, which is the cut and fill quantities. I
2 would like to change my quantity to 40 cubic
3 yards, from 12 to 16 for borrowed material. And
4 on the alternate site that we prepared, I want to
5 change my 200 cubic yards to 280 cubic yards, and
6 also note that there's an on site spoils pile that
7 we would either probably relocate, if that was the
8 chosen site, to another location on site. We
9 wouldn't go up and over a pile of dirt. So that's
10 my only corrections.

11 MR. PIRES: Thank you, Mr. Roberts.
12 With respect to your prefile testimony, Exhibit 7,
13 is it true and accurate to the best of your
14 knowledge?

15 THE WITNESS (Roberts): Yes, it is.

16 MR. PIRES: Do you have any corrections
17 or revisions to it?

18 THE WITNESS (Roberts): No, I don't.

19 MR. PIRES: Do you adopt that testimony
20 as your testimony here today?

21 THE WITNESS (Roberts): Yes, I do.

22 MR. PIRES: Okay. I'll move to Mr.
23 Matt Davison. Mr. Davison, did you prepare,
24 assist or supervise the preparation of Exhibits 1,
25 4, 5, 8 and 10?

1 THE WITNESS (Davison): Yes, I did.

2 MR. PIRES: Do you have any revisions
3 or corrections to any of those exhibits?

4 THE WITNESS (Davison): I do not.

5 MR. PIRES: With respect to your
6 prefile testimony, Exhibit 8, is it true and
7 accurate to the best of your knowledge?

8 THE WITNESS (Davison): Yes, it is.

9 MR. PIRES: Do you have any corrections
10 or revisions to it?

11 THE WITNESS (Davison): I do not.

12 MR. PIRES: Do you adopt that testimony
13 as your testimony here today?

14 THE WITNESS (Davison): Yes, I do.

15 MR. PIRES: Thank you. I'll next move
16 to David Archambault. Mr. Archambault, did you
17 prepare, assist or supervise in the preparation of
18 Exhibits 1, 4, 9 and 10?

19 THE WITNESS (Archambault): I did.

20 MR. PIRES: Do you have any revisions
21 or corrections to those exhibits?

22 THE WITNESS (Archambault): I do not.

23 MR. PIRES: With respect to your
24 prefile testimony, Exhibit 9, is it true and
25 accurate to the best of your knowledge?

1 THE WITNESS (Archambault): It is.

2 MR. PIRES: Do you have any corrections
3 or revisions to it?

4 THE WITNESS (Archambault): I also do
5 not.

6 MR. PIRES: Do you adopt that testimony
7 as your testimony here today?

8 THE WITNESS (Archambault): Yes, I do.

9 MR. PIRES: Thank you. Mr. Morissette,
10 I would ask that Applicant's Exhibits 1 through 10
11 be made full exhibits.

12 MR. MORISSETTE: Thank you, Attorney
13 Pires.

14 Does AT&T object to the admission of
15 the Applicant's exhibits? Attorney Motel.

16 MS. MOTEL: No objection. Thank you,
17 Mr. Morissette.

18 MR. MORISSETTE: Thank you, Attorney
19 Motel. The exhibits are hereby admitted.

20 (Applicant Arx Wireless Infrastructure,
21 LLC Exhibits II-B-1 through II-B-10: Received in
22 evidence - described in index.)

23 MR. MORISSETTE: We'll now begin with
24 cross-examination of the applicant by the Council
25 starting with Mr. Nwankwo followed by Mr. Edelson.

1 Mr. Nwankwo.

2 CROSS-EXAMINATION

3 MR. NWANKWO: Thank you, Mr.
4 Morissette. I'll begin. Could the applicant
5 please briefly summarize the revisions to the
6 original Exhibit G, as shown in the revised
7 version, dated August 5, 2021?

8 THE WITNESS (Roberts): In the plans?

9 MR. NWANKWO: Yes, the revised site
10 plans.

11 THE WITNESS (Roberts): Yes. The
12 changes that were made, we added an additional
13 sheet showing the details of sedimentation and
14 erosion control as well as details of the fence
15 and some compound details and access road details.

16 MR. NWANKWO: Could the applicant
17 please confirm that there are changes to the
18 position of the generator and the walk-in cabinet
19 from the original site drawings?

20 THE WITNESS (Roberts): We'll need to
21 look into that and get right back to you.

22 MR. NWANKWO: Also with reference to
23 the sedimentation controls earlier mentioned,
24 could you please describe these additional
25 details?

1 MR. PIRES: Mr. Roberts, I believe
2 you're muted.

3 THE WITNESS (Roberts): For the
4 sedimentation and erosion control we would be
5 placing fabric on the wetlands as well as along
6 the limit of construction. That will be tucked
7 into the ground at a minimum of 6 inches, and will
8 be maintained throughout the process of
9 construction.

10 MR. NWANKWO: Is that reflected in the
11 revised Exhibit G as referenced in the applicant's
12 response to Interrogatory 24?

13 THE WITNESS (Roberts): Yes, it is.
14 Thank you.

15 MR. NWANKWO: Could the applicant
16 please summarize the revisions to Exhibit H?

17 MR. PIRES: Mr. Archambault, that's
18 your exhibit. That's the revised viewshed
19 analysis.

20 THE WITNESS (Archambault): What would
21 you like stated?

22 MR. NWANKWO: It states it was revised.
23 So if you could summarize what the revisions were
24 from the original submission.

25 THE WITNESS (Archambault): The

1 revisions are simply that we did confirmation, on
2 site confirmation when we did the balloon test of
3 the viewshed, and there were a few trees that were
4 not there that was in our data. We cleaned it up.
5 And there is nothing significant anywhere that
6 made any overall changes other than there might be
7 a few feet of less visibility or more visibility
8 depending on the growth of trees since the data
9 was collected.

10 MR. NWANKWO: Thank you. Could you
11 please characterize the visibility of the tower at
12 the alternate site, if any.

13 THE WITNESS (Archambault): There would
14 be no significant change to visibility. We're
15 talking about a 30 foot difference. The ground
16 level of both sites are near invisible from
17 anywhere off the immediate property. There's
18 significant existing foliage in all directions
19 that would prevent any visibility from the ground.
20 And what is visible in the current site and the
21 new site would be very hard to tell any difference
22 from any general direction.

23 MR. NWANKWO: Thank you. Pages 1 and 6
24 of the application states that no trees will be
25 removed to construct the facility; however, the

1 project plans referenced tree clearing limits, a
2 proposed treeline and a modified treeline. Could
3 the applicant please clarify.

4 MR. PIRES: Mr. Roberts, you're muted.

5 THE WITNESS (Roberts): The trees that
6 would be removed in that treeline are really a
7 scrub brush, you know, overgrowth that's occurred
8 over the years since that site was probably
9 created. There's no significant trees. The only
10 significant trees are really along the property
11 line. And the limit of tree is really, you know,
12 I don't know if anyone had a chance to walk in
13 there, but it's 10 to 12 foot scrub that has
14 overwhelmed the site and makes it almost
15 impossible to walk into. So it's not a treeline,
16 per se, like you would consider mature trees to be
17 removed. It's scrub.

18 MR. NWANKWO: Will there be any
19 trimming of tree branches during and after
20 construction?

21 THE WITNESS (Roberts): Yes, there
22 would depending on which site is chosen.

23 MR. NWANKWO: With reference to revised
24 Exhibit H of the application and the balloon test
25 done on February 11, 2021, for how long was the

1 balloon flown at the proposed site?

2 THE WITNESS (Coppins): Mr.
3 Archambault, that's your -- and you're muted.

4 THE WITNESS (Archambault): Sorry about
5 that. I said a little over four hours.

6 MR. NWANKWO: Four hours, okay. Thank
7 you. Could the applicant please elaborate on the
8 50 foot wetland offset as shown on sheet C-2 of
9 Exhibit 9 provided in response to Council
10 interrogatories.

11 THE WITNESS (Roberts): We set up an
12 arbitrary distance to the existing wetlands of 50
13 feet, and we developed our alternate site to be
14 clear of that wetlands by that 50 foot distance.
15 That would be all construction activities.

16 MR. NWANKWO: Okay. Thank you. What
17 will be the distance between the nearest point of
18 the alternate compound to the wetland?

19 THE WITNESS (Roberts): A little over
20 50 feet.

21 MR. NWANKWO: What will be the distance
22 from the nearest point of the wetland area to the
23 access road for the proposed alternate location?

24 THE WITNESS (Roberts): I'm sorry, may
25 I ask you to repeat that?

1 MR. NWANKWO: Okay. What will be the
2 distance from the nearest point of the wetland
3 area to the access road for the proposed alternate
4 location?

5 THE WITNESS (Roberts): A little over
6 50 feet again. Thank you.

7 MR. NWANKWO: You're welcome. The
8 applicant's response to -- sorry, I apologize for
9 that. Referencing the comments from the Council
10 on Environmental Quality, could the access road be
11 relocated to originate from Hebron Avenue?

12 THE WITNESS (Coppins): I think that's
13 my question. Keith Coppins for Arx Wireless. We
14 would not be able to access it from Hebron Avenue
15 as that would require us to work with another
16 landlord, and we don't have permission to do that,
17 so we would want to keep the access road from
18 Sequin Drive.

19 MR. NWANKWO: Thank you, Mr. Coppins.
20 With reference to the response to Council
21 Interrogatory 15, how does the accommodation for a
22 30 foot increase in height impact the yield point
23 for the proposed tower?

24 MR. PIRES: Mr. Roberts, you're muted
25 again.

1 MR. NWANKWO: Would you like me to
2 repeat?

3 THE WITNESS (Roberts): Please.

4 MR. NWANKWO: With reference to the
5 response to Council Interrogatory 15, how does the
6 accommodation for a 30 foot increase in height
7 impact the yield point of the proposed tower?

8 THE WITNESS (Roberts): It would have a
9 second yield point at that higher level.

10 MR. NWANKWO: Okay. With reference to
11 Sheet C-2 of the site plans for the alternate
12 location, what is the gradient of slope of the
13 area of the access road just before the entrance
14 to the compound?

15 THE WITNESS (Roberts): Our gradient at
16 that point would be roughly 10 percent. Again,
17 we're catching some of that toe of the spoils pile
18 on that site, so it's slightly deceiving.

19 MR. NWANKWO: Just a side question on
20 that. When you say the "spoils pile," are you
21 referring to the little knoll that's represented
22 with 100 foot AMSL?

23 THE WITNESS (Roberts): Yes, actually
24 113 is I think the highest.

25 MR. NWANKWO: I think the site plans

1 say 100 foot.

2 THE WITNESS (Roberts): I was looking
3 at the survey, and it's a little to the east of
4 our access road, so that would be the top of the
5 pile.

6 MR. NWANKWO: Okay.

7 THE WITNESS (Roberts): Thank you.

8 MR. NWANKWO: Because my next question
9 would have been, considering that elevation, could
10 the compound or pile be moved to a higher
11 elevation, but since you're clearing that pile,
12 does it mean that that entire area will become
13 level?

14 THE WITNESS (Roberts): That is
15 correct.

16 MR. NWANKWO: Okay. That will be the
17 94 foot above mean sea level as shown in the
18 drawings?

19 THE WITNESS (Roberts): Yes, that's our
20 base elevation.

21 MR. NWANKWO: Thank you. I have no
22 more questions, Mr. Morissette.

23 MR. MORISSETTE: Thank you, Mr.
24 Nwankwo. We'll now move on to Mr. Edelson
25 followed by Mr. Silvestri.

1 Mr. Edelson.

2 MR. EDELSON: Thank you, Mr.
3 Morissette. I would be interested in knowing a
4 little bit more about the alternative location.
5 What was the impetus for looking into or just
6 providing us with information about an
7 alternative, was it only the letter from the
8 Council on Environmental Quality, or was there
9 another reason why you started to consider an
10 alternative?

11 THE WITNESS (Coppins): I think I can
12 answer that. It did -- it was from the letter
13 that we received, and we started looking into
14 moving it away from that wetland to accommodate
15 their letter.

16 MR. EDELSON: So I have some questions
17 about the wetlands. But if I understood the
18 correction and some of the information on the
19 alternative, it requires more site work, more
20 moving of material. Is that the basic trade-off
21 from an environmental point of view outside of the
22 wetlands issue, or are there other differences
23 between the original site and the alternative site
24 that are worth weighing when we consider the two
25 sites?

1 THE WITNESS (Roberts): I'll address
2 the construction aspect. Yeah, I mean, we have a
3 spoils pile that would be in the way of the access
4 road to maintain that 50 foot clear from the
5 wetlands, so we have to relocate that. It's
6 probably just material that was scraped up when
7 they were developing this site, you know, 10, 15
8 years ago, and it's just now overgrown with little
9 brush and scrub. So it will be just the
10 relocating of that material to a different portion
11 of the site.

12 MR. EDELSON: Do we know anything about
13 -- I mean, the word "spoils" I realize can have
14 sort of a layman's interpretation as well as a
15 technical interpretation, but is there any reason
16 to be considered about moving these spoils?

17 THE WITNESS (Roberts): No, I believe
18 it's just really the debris that was just scraped
19 up, maybe some organic material that was removed
20 from the site and put into a pile so that maybe
21 they could level it off with the subbase.

22 MR. EDELSON: But no sense of any kind
23 of contaminants in there that you would be
24 concerned about moving?

25 THE WITNESS (Roberts): No, I don't

1 believe there's anything there at all.

2 MR. EDELSON: Good. And I'll come back
3 to the wetlands in a second, but I just want to
4 get this one out of the way. I might have missed
5 it, but I believe you are in the proposal talking
6 about a diesel generator. Did you look and see if
7 there was natural gas available within this
8 commercial zone? I guess that would be for Mr.
9 Coppins.

10 THE WITNESS (Coppins): I'll need to
11 get back with you on that to see if there is
12 natural gas.

13 THE WITNESS (Roberts): I did look into
14 it, Keith, and there is natural gas there. I
15 think that was our original proposal was a diesel,
16 or AT&T's proposal was for diesel. And having
17 experienced some comment we had on the Milford
18 docket, we are looking at natural gas to that
19 site. So it would be a natural gas generator.

20 MR. EDELSON: So maybe I missed that.
21 Is that the current proposal is it would be a
22 natural gas generator?

23 THE WITNESS (Roberts): It would be,
24 yes.

25 MR. EDELSON: Excellent. And as a

1 result, the good news is we don't have to ask how
2 many hours of backup with natural gas flows you
3 can generate.

4 THE WITNESS (Roberts): Correct.

5 MR. EDELSON: So originally, if I
6 understood correctly, the wetlands was as close as
7 10 feet to the access road. And in looking at the
8 site plan, if I understand it correctly, it's
9 pretty reasonable to assume that the building
10 that's let's say to the left of the access road is
11 a similar distance from the same wetlands. Are
12 you aware of the town being concerned about the
13 proximity of that building to the wetlands when
14 the building was constructed, did anyone look into
15 the approval there and what was said about
16 wetlands being that close? I think this might be
17 for Mr. Davison.

18 THE WITNESS (Davison): I'm not aware
19 of any permitting that was done for the adjacent
20 facility with the Town of Glastonbury.

21 MR. EDELSON: Am I right in my
22 assessment that the building is about as close to
23 that wetlands as the access road is to it?

24 THE WITNESS (Davison): It's probably
25 not too -- possibly a little farther. I'm sort of

1 basing it on my recommendation here. It's close
2 for sure. It's similar. It sort of straddles
3 that property boundary between the two sites. So
4 yes, it's close to the building. I don't know if
5 it's 10 feet. I'd probably say within 20
6 reasonably.

7 MR. EDELSON: In the report I believe
8 in the narrative it basically concludes that there
9 would be no impact to the wetlands. And obviously
10 one of the problems with remote hearings are we
11 don't get to see with our own eyes. But can you
12 describe what you as a wetland scientist observed
13 about that wetlands and what's been the impact
14 from, let's say, other operations in that area and
15 how functional the wetlands is in the, let's say
16 in the base case where we are today?

17 THE WITNESS (Davison): Sure. So the
18 wetland is, and obviously there's disturbance all
19 around there so there's disturbance on our site
20 relative to past grading work that's been done on
21 the site and, you know, changes to the contours
22 and drainage patterns, and then there's obviously
23 also been development on the adjacent site. So
24 this feature is, I don't know if it's a remnant
25 feature from what was a larger wetland at one

1 point, or if it's just by virtue of the fact that
2 it's in a low spot between two properties, but
3 it's essentially a linear feature now that conveys
4 water to the north. It then turns along the back
5 side of that building and heads in a westerly
6 direction.

7 It's certainly a historically disturbed
8 wetland. There's, you know, phragmites and an
9 abundance of invasive species. So it's not
10 pristine in terms of wetland functions, very
11 limited I would say. The wetland functions are
12 probably higher as it turns to the rear of the
13 adjacent building where you have the water slows
14 and you might have more, for example, flood flow
15 attenuation and pollutant attenuation functions
16 because the water is not moving. But adjacent to
17 the compound itself the water has ascended. The
18 drainage pattern to the north there's a low
19 gradient so it's consistently draining to the
20 north. It's not a high functioning system by any
21 means, and it's been subject to historic
22 disturbance by virtue of the fact it being
23 sandwiched between two developments.

24 MR. EDELSON: Based on your experience,
25 do you think there would be much difference if we

1 came back ten years from now whether -- and if we
2 go forward with this project, between the original
3 and the revised would there be much difference on
4 the impact on the wetlands that you or some other
5 person, an expert in this area, could determine,
6 or do you think on the other side that's not going
7 to make much difference at all on the wetlands?

8 THE WITNESS (Davison): I don't think
9 it makes much difference. If this was a heavily
10 forested site and there was a tree removal and a
11 substantial amount of conversion and the site had
12 never been disturbed, certainly you could make the
13 argument that there might be some impact to
14 wildlife or wildlife related functions, but given
15 the fact that the canopy is already opened and
16 that both sites have been disturbed, I don't think
17 you would see a change between the conditions now
18 and if you came back at a later date after
19 development what it would look like.

20 MR. EDELSON: Thank you very much. So
21 I guess my next question is about the site search,
22 and one of the sites that you looked at was, if I
23 get the number right, 311 Oakwood. And in the
24 appendix on the site search ARX makes some
25 statements regarding the fact that that address,

1 311 Oakwood, did not meet AT&T's requirements from
2 an RF point of view, and I believe, I don't have
3 it in front of me right now, that the landlord was
4 not interested in working with you.

5 Can you confirm if that was, do I have
6 it right, if you will, about why you eliminated
7 311 Oakwood?

8 THE WITNESS (Coppins): Yes, I did
9 that. So when we went to -- when I started my
10 original site search, I do the same thing I
11 normally do, and that is, you know, I have an area
12 that I think is going to work, working with AT&T
13 on it. And one of the sites was 311. It's a bus
14 garage sort of depot for the Town of Glastonbury.
15 I reached out to the first selectman, sent him a
16 letter. He came back to me and said we would
17 be -- we may be interested, however, we would
18 probably go out for an RFP on that site.

19 The time went by and we continued to --
20 we were in the middle of a tech report, I think,
21 at that point in time, and having the municipal
22 consultation on April 27th was the final date that
23 we had our municipal consultation. I just want to
24 make it clear that the town was willing to work
25 with us. We actually responded to the RFP. I

1 didn't run it by AT&T until after April 27th
2 because there was -- we didn't even know if there
3 was going to be an RFP at that point in time.
4 There was talk of it, but nothing came of it. And
5 we were getting ready to file our application
6 right after the April 27th hearing.

7 And the town, and this was open to the
8 town, to townspeople, three different people spoke
9 at the town. And the town at that point didn't
10 say they didn't like our existing site, didn't
11 mention anything about the RFP coming out. The
12 RFP finally came out. We responded to the RFP and
13 to its deadline. After we responded to the RFP, I
14 had email conversation, a email correspondence and
15 conversations with AT&T. AT&T came back and said
16 that site doesn't work for us as it gives us
17 redundant coverage.

18 So instead of continuing on with the
19 RFP -- and we actually had an interview with the
20 town as a possible candidate. I think there were
21 three candidates that they were looking at -- and
22 instead of continuing on since it didn't work, we
23 withdrew our response to the RFP and that, you
24 know, that kind of gives it a wrap of what
25 transpired with the town bus garage.

1 MR. EDELSON: Okay. Thank you very
2 much. Just give me one second, Mr. Morissette. I
3 think that's all my questions for ARX, so at this
4 point I'll turn it back. Thank you very much.

5 MR. MORISSETTE: Thank you, Mr.
6 Edelson. We'll now continue with
7 cross-examination by Mr. Silvestri followed by Mr.
8 Hannon.

9 Mr. Silvestri.

10 MR. SILVESTRI: Thank you, Mr.
11 Morissette. A couple of my questions have been
12 already answered. Mr. Nwankwo posed the question
13 about the tree removal. Mr. Edelson talked about
14 the generator as well as the wetlands. So I have
15 a few questions that are left.

16 First of all, is any screening proposed
17 for the compound itself?

18 THE WITNESS (Roberts): No, we're not
19 proposing any screening at this time except for
20 the chain link fence.

21 MR. SILVESTRI: Thank you. And then
22 when you had the public meeting, did any comments
23 come in that had you make any changes to what's
24 proposed?

25 THE WITNESS (Coppins): After the

1 meeting and before -- well, after we filed our
2 application, we did get a letter from -- or Mr.
3 Ball got a letter from someone in the Inland
4 Wetlands group at the town saying that we would
5 need to come before them for Inland Wetlands.
6 Mr. Ball responded to them that the Siting Council
7 has exclusive jurisdiction over the site and over
8 the siting of the tower, and it was left at that.
9 That was the only other correspondence other than
10 the three people that spoke at the town meeting,
11 and those were residents who spoke at the town
12 meeting. No other correspondence came in, to my
13 knowledge.

14 MR. SILVESTRI: Very good. Thank you
15 for the response. If you were to look at the Town
16 of Glastonbury GIS map or your Exhibit P, which is
17 the aerial photo, it looks like there is a number
18 of vehicles or possibly materials that are in
19 storage on the northwest corner of Lot N-4. Am I
20 correct in my assumption that there is vehicles or
21 some materials in storage there?

22 THE WITNESS (Coppins): It does look to
23 be that way, yes.

24 MR. SILVESTRI: Do you know how that
25 area is accessed?

1 THE WITNESS (Roberts): I can address
2 that. That's accessed off of Hebron Drive. And
3 there's a fence at the property line, and that
4 landlord utilizes that for storage of materials.
5 I think, from my recollection, there's sort of a
6 quonset hut that he keeps material inside,
7 equipment I'll say.

8 MR. SILVESTRI: The landlord for Lot
9 N-4?

10 THE WITNESS (Roberts): No, it's
11 actually the one that's on Hebron Drive.

12 MR. SILVESTRI: The one further north?

13 THE WITNESS (Roberts): Correct.

14 MR. SILVESTRI: Okay. So if I
15 understand that, the person that owns that lot
16 close to the Hebron Avenue is also using Lot N-4;
17 am I correct?

18 THE WITNESS (Roberts): That is
19 correct.

20 MR. SILVESTRI: And the fence that you
21 mentioned separates Lot N-4 from that other
22 property?

23 THE WITNESS (Roberts): That is
24 correct.

25 MR. SILVESTRI: Okay. I think I got

1 that so far.

2 So Mr. Coppins, I want to go back to
3 Mr. Nwankwo's question about potential access from
4 Hebron Avenue. So I was looking at it from a
5 standpoint that if you could do construction work
6 and future access coming in from Hebron Avenue,
7 you could possibly have a smaller utility corridor
8 coming from Sequin Drive. But I guess you
9 mentioned you don't have permission, or the
10 question I have for you, or did you seek
11 permission to come in from Hebron Avenue?

12 THE WITNESS (Coppins): I did not seek
13 permission to come in from Hebron Avenue. After
14 looking at it since it was -- Mr. Roberts can
15 verify -- it was, I think it's already asphalt.
16 We'd have to dig the asphalt up, if we were able
17 to do it, and it is a longer access road. So I
18 think we looked at it from environmentally and
19 construction, more disturbance would come from
20 that side, and we'd need an easement from that
21 owner to do that.

22 MR. SILVESTRI: Again, with the
23 question I'm posing, it's not to put the utility
24 corridor out to Hebron Avenue, keep that still
25 going to the Sequin Drive, but just access your

1 construction materials going in from Hebron
2 Avenue.

3 THE WITNESS (Coppins): I did not look
4 at that, no.

5 MR. SILVESTRI: Is it possible?

6 THE WITNESS (Coppins): From a
7 construction point of view, I think it is
8 possible. From a legal access point of view, I
9 can't answer that because I haven't gone down that
10 road.

11 MR. SILVESTRI: Okay.

12 THE WITNESS (Coppins): We could
13 certainly do that. I could certainly do that.

14 MR. SILVESTRI: Let me leave it again
15 from my standpoint that looking at construction
16 access coming from Hebron, in my opinion, you
17 don't have to do anything except get permission to
18 get to the site where you want to actually put the
19 compound, and then where you're looking at a 25
20 foot wide corridor coming in from Sequin Drive for
21 your utility access, my opinion is that that could
22 be much smaller so you'd have less land
23 disturbance coming in from Sequin Drive to put in
24 whatever utilities that you need. So I'm going to
25 let it go with my comments there, and you can

1 think about it as we go forward, fair enough?

2 THE WITNESS (Coppins): I'll see if I
3 can get back with you before our session ends
4 today.

5 MR. SILVESTRI: Okay. Thank you.
6 Then, Mr. Archambault, are you the one for the
7 visual photos?

8 THE WITNESS (Archambault): Yes, I am.

9 MR. SILVESTRI: Okay. If I can have
10 you turn to photo number 7 and photo number 9 that
11 was submitted with a representation of the tower
12 in place. Let me know when you have those in
13 front of you.

14 THE WITNESS (Archambault): Yes.

15 MR. SILVESTRI: Question for you, would
16 painting the tower and its appurtenances a brown
17 color help it blend in with the background?

18 THE WITNESS (Archambault): That's kind
19 of a question that is -- comes up quite a bit, and
20 the reality is painting towers brown typically
21 helps in one location at one view but may make it
22 worse from a different location looking at the
23 same thing from a different location and its view.
24 Trying to match a tower to a background in a
25 picture might help with that exact view, but from

1 other places it could very well make it worse. So
2 it's really an opinion of better or worse.

3 MR. SILVESTRI: Thank you for your
4 response. I'm looking at 7 and 9, in particular,
5 and if that was brown I think it would blend in
6 with the background that's there. But the
7 follow-up question, and you kind of headed in the
8 direction that I'm going, is there an area or
9 viewpoint in your opinion where painting that
10 brown would indeed make it more visible in your
11 viewpoint search?

12 THE WITNESS (Archambault): Hang on one
13 second there. I clicked the wrong button and shut
14 it down. I have to open it again. And photos
15 what again?

16 MR. SILVESTRI: Well, the two I
17 mentioned were 7 and 9 that I think personally
18 that it would blend in if it were brown. But the
19 question I have for you, are there areas or
20 viewpoints in your opinion where painting it brown
21 would indeed make it more visible out of all the
22 photos and simulations that you submitted to us?

23 THE WITNESS (Archambault): Photo 7
24 clearly during the winter painting it brown here
25 would probably make it blend in quite well.

1 During the winter when that is green, it might
2 make it stick out more. And if looking at this
3 from an aerial perspective, there's a very good
4 chance that looking at 7 from the northwest where
5 there is some openings and parking areas from that
6 direction where you might have a building behind
7 it or some more parking area like as you're coming
8 up and down the highway, you might not have those
9 trees behind it looking at that, looking at it
10 from that direction. Photo 7 you're looking at
11 the tower. And if you're looking at the tower
12 from photo 4, like from the northeast where it's
13 above the treeline, painting it brown is likely to
14 be more visible. Where the gray would blend in
15 with the blue sky, the brown would not.

16 MR. SILVESTRI: I appreciate your
17 comments. So, in your opinion, keeping it a gray,
18 bluish gray would be the most appropriate color?

19 THE WITNESS (Archambault): In my
20 opinion, the gray, especially after a year, blends
21 in with the normal background of sky and in most
22 cases background of the no leaves and that kind of
23 thing, so in general it fits better more often.

24 MR. SILVESTRI: Just one follow-up on
25 what you mentioned. You said especially after one

1 year. What happens after one year?

2 THE WITNESS (Archambault): It gets a
3 more dull, less sharp visibility. It weathers
4 nicely and becomes less shiny, less noticeable.

5 MR. SILVESTRI: Thank you for your
6 response on that one. And the last topic I have
7 is on the avian resource slash migratory bird
8 impact analysis by EBI Consulting. I don't know
9 if there's anyone on the panel that could answer a
10 question related to that.

11 THE WITNESS (Coppins): Possibly Mr.
12 Roberts could answer that question, but we don't
13 have anybody from EBI. They only were responsible
14 just for the NEPA portion of it, so we didn't
15 bring them in. But if we need to get an answer,
16 we can certainly try.

17 MR. SILVESTRI: Well, rather than pose
18 a question then let me state a comment and you
19 could bring this back to EBI. In Section 6 it's
20 the conclusions of that analysis by EBI. The
21 pages are not labeled in the beginning, but if you
22 thumb through it it's page 10, and it has in the
23 second line it has the proposed monopole in
24 Fairfield County. It should be Hartford County,
25 if you want to bring that back to them.

1 THE WITNESS (Coppins): I will bring
2 that back to them. Thank you.

3 MR. SILVESTRI: Very good. Mr.
4 Morissette, that's all I have at this time. Thank
5 you.

6 MR. MORISSETTE: Thank you, Mr.
7 Silvestri. We'll now continue with
8 cross-examination by Mr. Hannon followed by Mr.
9 Nguyen.

10 Mr. Hannon.

11 MR. HANNON: Thank you. I'm not sure
12 if I've been hanging around with Mr. Edelson too
13 long or if he's been hanging around with me, but
14 he hit some of my initial questions. So thank
15 you.

16 My first comment is really just to get
17 it on the record. I know it's in the document,
18 but I just want it in the public record. So AT&T
19 is planning to deploy FirstNet services on this
20 facility should it go forward, correct?

21 THE WITNESS (Coppins): I think that
22 may be a question that AT&T will answer when you
23 cross them.

24 MR. HANNON: Okay. I'm just going by
25 the application, but I can ask them at the time.

1 Okay.

2 This is just sort of a general question
3 I have, and this is in Exhibit E where you have
4 the maps, I think it's page 8 and page 9, on the
5 700 megahertz. We've been hearing a lot of talk
6 recently about small cells, things of that nature.
7 And in looking at the difference in coverage
8 should this facility go in, it looks as though to
9 the east of the facility there are two areas, one
10 looks like it's around Warner Court and then
11 another one is over by Cavan Lane, Hebron Avenue
12 where there doesn't seem to be a whole lot of
13 coverage. Is that something where a small cell
14 might be applicable if this tower were approved
15 and go forward to cover the gaps in those
16 particular areas, I mean, is that something that
17 the small cells would be utilized for or could be
18 utilized for?

19 THE WITNESS (Coppins): Again, Mr.
20 Hannon, I think that those questions are going to
21 be more for AT&T.

22 MR. HANNON: Okay. Because I'm just
23 asking because they're in the ARX application, so
24 okay.

25 Well, this one I think Mr. Davison can

1 help on. I know we talk about the roughly 10 feet
2 from the wetlands. That was surveyed on the site,
3 so those are actually soil tested?

4 THE WITNESS (Davison): The wetlands
5 were field delineated and surveyed, yes.

6 MR. HANNON: Okay. Well, I mean the
7 reason that I'm asking is because in looking at
8 the report with the soils delineated on the entire
9 area I was surprised to see the Raypol soils
10 located to the west of the building where the
11 tower is going. So I'm just kind of curious as to
12 whether or not this area may have been a wetland
13 area prior to some construction and soils brought
14 in and filled and things of that nature. I mean,
15 would you have any opinion on that?

16 THE WITNESS (Davison): I think -- so
17 the soil survey actually doesn't show wetland
18 soils there, so that's the situation where we take
19 the soil catena, which is the soil associations
20 that are known, and extrapolate out what the
21 wetland soil would be there, and then also confirm
22 based on field ID, but the soil survey doesn't
23 show those. There's a substantial grade change
24 from the wetland up into the site. So there may
25 not have been -- it's probably more likely that

1 wetlands were filled on the building site as
2 opposed to our site just because of the grade
3 changes, if that did happen in the past.

4 MR. HANNON: That's kind of what I was
5 thinking to see that sort of isolated wetland area
6 because I would not have expected to see it there
7 based on the soil conditions. So thank you for
8 that.

9 I know another question that I had I
10 believe that Mr. Roberts addressed it, because I
11 went back and I was looking at the topo maps and I
12 was kind of taken aback by the spoils pile, at
13 least as I think he referred to it as, and how the
14 height was 113 feet, but yet the overall area
15 seems to be an elevation of 95 feet. So the
16 numbers that were submitted as part of the
17 applicant's responses to the Council
18 interrogatories that kind of surprised me, but I
19 think with what was stated earlier that kind of
20 satisfied where my curiosity was on that.

21 In terms of if, for example, if that
22 were to go forward, it's my understanding that you
23 would then remove that entire spoils pile, that's
24 the intent?

25 THE WITNESS (Roberts): The intent

1 would be to remove whatever is interfering with us
2 putting in our access road. It might be a matter
3 of just moving the eastern portion -- or western
4 side of that spoil pile to the east.

5 MR. HANNON: Yeah, because the reason
6 that I was questioning some of that is because the
7 way the road was initially delineated, and I
8 didn't see any reference to moving that entire
9 pile, I was curious as to how you'd stabilize any
10 remaining piles out there because you're talking
11 roughly 18, 19 feet difference in elevation. So I
12 was curious what you'd be doing with erosion
13 sedimentation control measures, site
14 stabilization, things of that nature. But if the
15 intent would be to pretty much grade down to the
16 94, 95 foot elevation, I'm not nearly as concerned
17 as I was the way it was originally laid out.

18 Then I guess just sort of a general
19 question is, are there any financial advantages or
20 disadvantages between the original location and
21 the alternate location?

22 THE WITNESS (Roberts): The only thing
23 I can offer is a slightly longer access road, and
24 might, you refer to, we'd have to relocate a
25 portion of that pile, but other than that, I don't

1 believe there's anything significant.

2 MR. HANNON: Okay. Thank you. So I
3 guess that's all I have because I have a couple of
4 questions for AT&T then. Thank you.

5 MR. MORISSETTE: Thank you, Mr. Hannon.
6 We'll now move on to cross-examination by Mr.
7 Nguyen followed by Ms. Cooley. Mr. Nguyen.

8 A VOICE: He's on mute.

9 MR. NGUYEN: I apologize.

10 MR. MORISSETTE: Thank you, Mr. Nguyen.

11 MR. NGUYEN: Good afternoon, everyone.
12 Let me start my question to Mr. Coppins. Mr.
13 Coppins, the proposed antenna can accommodate up
14 to four carriers; is that correct?

15 THE WITNESS (Coppins): The proposed
16 tower can have up to four carriers, and we're also
17 allowing and we'll keep, save room as far as
18 structurability for the town as well.

19 MR. NGUYEN: Excellent. And other than
20 AT&T, has any other carrier expressed their
21 interest in joining the proposed site?

22 THE WITNESS (Coppins): No other
23 carrier has expressed interest. I have spoken
24 with each one of them and each one has said,
25 except for DISH, I haven't communicated anything

1 with DISH as of yet, but each one said they don't
2 have interest at this time.

3 MR. NGUYEN: Okay. Thank you. And I'm
4 looking at your prefile testimony, Question No. 5,
5 and if you look at the answer to Question No. 5
6 right in the middle on page 3. Let me know when
7 you are there.

8 THE WITNESS (Coppins): Okay.

9 MR. NGUYEN: Okay. And right in the
10 middle of that answer to Question No. 5 you
11 mention Verizon in there.

12 THE WITNESS (Coppins): Correct.

13 MR. NGUYEN: And I'm just trying to
14 understand, you know, is Verizon in the picture
15 here so --

16 THE WITNESS (Coppins): Probably during
17 this time I was reaching out to all the carriers,
18 and Verizon was probably the only one that
19 responded to me at that point in time.

20 MR. NGUYEN: Okay. So they have,
21 Verizon has no interest in locating at the
22 potential site at 311 Oakwood Drive, but then they
23 are not interested in this proposed site as well?

24 THE WITNESS (Coppins): I asked them
25 about the different sites in the area, and I asked

1 them specifically about 311 Oakwood Drive as well
2 as part of our responses to the RFP response.

3 MR. NGUYEN: Okay.

4 THE WITNESS (Coppins): But again, they
5 came back and said they didn't have any interest
6 at this time.

7 MR. NGUYEN: And thank you for the
8 clarification. I was just confused as to why
9 Verizon is in the picture. Okay. Thank you for
10 that.

11 Now, Mr. Roberts, you mentioned earlier
12 that what's before the Council right now is a
13 natural gas generator, is that correct, for the
14 back-up generator?

15 THE WITNESS (Roberts): Yes, that is
16 correct.

17 MR. NGUYEN: And who would maintain or
18 install that back-up generator?

19 THE WITNESS (Roberts): That generator
20 would be installed and maintained by AT&T.

21 MR. NGUYEN: I see.

22 THE WITNESS (Roberts): Part of our
23 project we would install the infrastructure for
24 the gas lines.

25 MR. NGUYEN: I see. And to the extent

1 that should there be potential carriers joining
2 this proposed site, then they would have to
3 install their own back-up generators?

4 THE WITNESS (Roberts): That would be
5 correct.

6 MR. NGUYEN: Okay. If I could ask, I
7 don't know, either Mr. Roberts or Mr. Coppins to
8 respond to Interrogatory No. 10. Actually, it
9 should be you, Mr. Roberts. You talked about a
10 yield point before.

11 THE WITNESS (Roberts): Correct.

12 MR. NGUYEN: Okay. And the question in
13 this interrogatory asked what would be the cost of
14 installing the yield point, and I don't see an
15 answer here, if you could explain what that is.

16 THE WITNESS (Roberts): I mean, I'll
17 defer to Keith on that, but it's not an add to the
18 tower. The tower is sort of designed that way so
19 it's stronger below and above, and that point
20 would be the weak link in the chain, if you will.

21 Keith, maybe you can elaborate.

22 THE WITNESS (Coppins): Sure. We don't
23 order a tower until we have an approval obviously.
24 It's not like we have something stockpiled and we
25 have to design some yield point. So when we

1 design a yield point, we start from the very
2 beginning. And if the tower was \$60,000 and we
3 add a yield point in it, I don't think that it
4 would be more than, you know, another \$1,000 worth
5 of engineering work to design the yield point. So
6 it's negligible when you look at the whole tower
7 itself.

8 MR. NGUYEN: Then perhaps you should
9 answer the question, you know, when you answered
10 the interrogatories rather than just -- just
11 there's no answer to it, okay?

12 THE WITNESS (Coppins): Understood.
13 We'll do that in the future. Thank you.

14 MR. NGUYEN: With respect to the
15 scheduling, and I see that in your application you
16 indicated that the overall scheduling would take
17 approximately 15 weeks once this proposed site is
18 approved; is that right?

19 THE WITNESS (Coppins): It typically
20 takes about 90 days to build a site. Sometimes it
21 gets a little bit longer when we're dealing with
22 the different utility companies. It depends on
23 how busy they are to get our power. Power is the
24 hardest part of the construction process, so we
25 average it out to that time frame, yes.

1 MR. NGUYEN: And do you have the
2 proposed daily construction, you know, times and
3 days?

4 THE WITNESS (Coppins): We don't. We
5 typically would answer something like that in the
6 D&M plan, but typically our hours are anywhere
7 from 7:30 to 5:30 Monday through Friday for
8 construction.

9 MR. NGUYEN: Okay. I don't have any
10 further questions. Thank you, gentlemen.

11 Thank you, Mr. Morissette. That's all
12 I have at this point. Thank you.

13 MR. MORISSETTE: Thank you, Mr. Nguyen.
14 We'll now continue with cross-examination by Ms.
15 Cooley.

16 Ms. Cooley.

17 MS. COOLEY: Thank you, Mr. Morissette.
18 Once again, at the end of the questioning here I
19 find that many of my questions have been asked by
20 my fellow Siting Council members, but I do have a
21 few questions.

22 I am not that familiar with how the
23 yield point engineering works, and I just had a
24 question about risk of failure of the tower. Does
25 that change depending on where the yield point is,

1 because I notice with the alternate site moved the
2 yield point is much lower on the tower. I think
3 you're muted.

4 THE WITNESS (Roberts): Sorry about
5 that. Thank you. Yes, based on the property
6 line, basically power is designed to be over
7 strength above and below that point, so a
8 theoretical break would occur at that point. As
9 far as failures of monopoles like we're proposing,
10 they are extraordinarily rare. You know, it's
11 usually the ones that I've followed in the history
12 have been based on defective installation, or
13 defective fabrication is probably the better word,
14 very rare though.

15 MS. COOLEY: Okay. Right. So placing
16 the yield point at a lower point doesn't really
17 change that risk from any --

18 THE WITNESS (Roberts): No, it doesn't.

19 MS. COOLEY: Okay. The other question
20 I had was back to the spoil pile. Most of the
21 comments about that have talked about moving it or
22 removing it around the site. But is that spoil,
23 would that be used, or could that be used within
24 the grading process for the site, is it something
25 that you could incorporate into the access road as

1 you're building that?

2 THE WITNESS (Roberts): That's a very
3 good question. We could possibly use it. What we
4 would have to do is a Proctor analysis and civ
5 analysis to see. Again, it's kind of a, when
6 you're on site it's scrub all over the top of it,
7 so I don't know if it's organics or if it's
8 actually a gravel pile. It's something we can
9 certainly look at though.

10 MS. COOLEY: Okay. And then my other
11 question has to do with the potential for access
12 from Hebron Road as Mr. Silvestri had talked
13 about. If you could or would seek an easement for
14 the building process, just that time period, would
15 that add to the cost of the project, would the
16 other landowner need to be compensated for that?

17 THE WITNESS (Coppins): I have been
18 texting back and forth with the owner of that
19 property, and they are not willing to give us an
20 easement from Hebron Avenue.

21 MS. COOLEY: Okay. Then that solves
22 that question. Okay. I think those are all of
23 the questions that I have left. Thank you.

24 THE WITNESS (Roberts): Thank you very
25 much.

1 MR. MORISSETTE: Thank you, Ms. Cooley.
2 I have a couple of follow-up questions, I believe
3 it's for Mr. Roberts, and it has to do with the
4 corrections that were made at the beginning of the
5 hearing having to do with the cut and fill
6 numbers. I just want to make sure I understand
7 what each of the sites have in terms of cut and
8 fill, if you could go over that one more time,
9 please.

10 THE WITNESS (Roberts): Certainly.
11 That was in response to our interrogatory,
12 Question No. 11. I had 40 cubic yards of
13 material. In that usually when we look at a site
14 we count on roughly a foot or so of material
15 that's organic needing to be removed from the
16 site, but in this case the site has a lot of
17 organic material, piles of logs and things like
18 that, that would have to be removed for to us
19 install that road. So that was where I came up
20 with a higher number of 40 cubic yards.

21 And again, some grading, I changed the
22 200 cubic yards to 280 cubic yards. And that
23 would be not including the relocation of the
24 stockpile of material that kind of would be in our
25 access roadway for our alternate site.

1 MR. MORISSETTE: So those numbers that
2 you just gave me were for the alternate site?

3 THE WITNESS (Roberts): They were for
4 the prime site and alternate -- excuse me -- yes,
5 they're for the prime and alternate sites. The
6 stockpile of materials, approximately 160 cubic
7 yards, that I think will have to be relocated for
8 that portion.

9 MR. MORISSETTE: Okay. So the 40
10 yards, cubic yards to be removed, how is that
11 going to be disposed?

12 THE WITNESS (Roberts): That will be
13 hauled off site to a proper disposal facility.

14 MR. MORISSETTE: Okay. It will be
15 tested and hauled off site?

16 THE WITNESS (Roberts): Correct.

17 MR. MORISSETTE: So the 50 cubic yards
18 is the same for the alternative site?

19 THE WITNESS (Roberts): It's
20 approximately the same. We talked about
21 installation of 40. It's about the same. Again,
22 we're dealing with the same kind of terrain and
23 sort of organic materials that were stockpiled.
24 Again, I don't know if anyone had a chance to walk
25 out there, but it is pretty inaccessible. It

1 doesn't have a high tree canopy so everything is,
2 you know, 20 feet and lower. So it's pretty hard
3 to really get your eyes around everything.

4 MR. MORISSETTE: Okay. So in terms of
5 grading it's approximately equal as well?

6 THE WITNESS (Roberts): Correct.

7 MR. MORISSETTE: Okay. For some reason
8 I was under the impression that the alternate site
9 would require more removal because I was under the
10 impression that by shifting it over by 32 feet
11 that it would cause you to go into a higher
12 elevation and therefore require more removal, but
13 that's not the case?

14 THE WITNESS (Roberts): No, the grade
15 elevation is that 94 elevation, and it does
16 require that, again, pile of dirt to be relocated.

17 MR. MORISSETTE: Okay.

18 THE WITNESS (Roberts): Proper access.

19 MR. MORISSETTE: Great. Thank you for
20 that clarification. And just one last question
21 back to the spoils. Now, you're planning on not
22 removing any of the spoils at this point, just
23 relocating them?

24 THE WITNESS (Roberts): We would have
25 to consult with the landlord to see what he wants

1 to do with them. I'm guessing that when they
2 developed the site in that subdivision that, you
3 know, they removed all the organic material,
4 possibly, you know, sold off some of the loom that
5 might have been on there, but this is just some
6 material that was piled there because they made
7 kind of a level site for development purposes.

8 MR. MORISSETTE: Okay. So again, if
9 you did remove it, you would have to test it
10 and --

11 THE WITNESS (Roberts): If it was
12 removed from the site, correct.

13 MR. MORISSETTE: Okay. Very good.

14 THE WITNESS (Roberts): Thank you.

15 MR. MORISSETTE: Thank you. We'll now
16 continue with cross-examination of the applicant
17 by AT&T, Attorney Motel.

18 MS. MOTEL: Thank you, Mr. Morissette.
19 We don't have any cross-examination at this time,
20 no questions.

21 MR. MORISSETTE: Thank you. Before we
22 move on to the appearance of the intervenor, Mr.
23 Nwankwo, did you have any open questions? I
24 believe you had one open response. Are you
25 satisfied with what you received?

1 MR. NWANKWO: Just a second. Yes.
2 That was the question on the -- oh, yes, the
3 question has been answered, sir. Thank you.

4 MR. MORISSETTE: Very good. Thank you,
5 Mr. Nwankwo.

6 We'll now continue with the appearance
7 by the intervenor, New Cingular Wireless PCS, LLC,
8 also known as AT&T. Will the party present its
9 witness panel for the purpose of taking the oath,
10 and Attorney Bachman will administer the oath.

11 Attorney Motel.

12 MS. MOTEL: Thank you, Mr. Morissette.
13 For the record, Kristen Motel on behalf of the
14 intervenor AT&T. AT&T offers the following
15 witnesses this afternoon: Martin Lavin, senior RF
16 engineer from C Squared Systems; Simon Brighenti,
17 senior site acquisition consultant from Centerline
18 Communications, we offer these witnesses to be
19 sworn. And they are remote so --

20 MR. MORISSETTE: Thank you, Attorney
21 Motel.

22 Attorney Bachman, will you administer
23 the oath.

24 MS. BACHMAN: Thank you, Mr.
25 Morissette.

1 M A R T I N L A V I N ,

2 S I M O N J . B R I G H E N T I , J R . ,

3 called as witnesses, having been first duly
4 sworn (remotely) by Attorney Bachman, were
5 examined and testified on their oath as
6 follows:

7 MS. BACHMAN: Thank you.

8 MR. MORISSETTE: Thank you, Attorney
9 Bachman.

10 Attorney Motel, please begin by
11 verifying all the exhibits by the appropriate
12 sworn witnesses.

13 DIRECT EXAMINATION

14 MS. MOTEL: Thank you. AT&T's exhibits
15 include those identified in the hearing program
16 under Roman Numeral III-B, Items 1 through 3.
17 I'll ask my witnesses a series of questions and
18 request that they answer each question and
19 identify themselves for the record before they
20 respond. Did you prepare or assist in the
21 preparation of the exhibits identified?

22 THE WITNESS (Lavin): Martin Lavin.
23 Yes.

24 THE WITNESS (Brighenti): Simon
25 Brighenti. Yes.

1 MS. MOTEL: Do you have any updates or
2 corrections to the identified exhibits?

3 THE WITNESS (Lavin): Martin Lavin.
4 No.

5 THE WITNESS (Brighenti): Simon
6 Brighenti. No, I do not.

7 MS. MOTEL: Is the information
8 contained in the identified exhibits true and
9 accurate to the best of your belief?

10 THE WITNESS (Lavin): Martin Lavin.
11 Yes.

12 THE WITNESS (Brighenti): Simon
13 Brighenti. Yes.

14 MS. MOTEL: And do you adopt these
15 exhibits as your testimony?

16 THE WITNESS (Lavin): Martin Lavin.
17 Yes.

18 THE WITNESS (Brighenti): Simon
19 Brighenti. Yes, I do.

20 MS. MOTEL: Thank you. We ask that the
21 Council accept AT&T's exhibits.

22 MR. MORISSETTE: Thank you, Attorney
23 Motel.

24 Does the applicant object to the
25 admission of AT&T's exhibits? Attorney Pires?

1 MR. PIRES: No objection, Mr.
2 Morissette. Thank you.

3 MR. MORISSETTE: Thank you. The
4 exhibits are hereby admitted.

5 (New Cingular Wireless PCS, LLC (AT&T)
6 Exhibits III-B-1 through III-B-3: Received in
7 evidence - described in index.)

8 MR. MORISSETTE: We'll now begin with
9 cross-examination of AT&T by the Council starting
10 off with Mr. Nwankwo followed by Mr. Edelson.

11 Mr. Nwankwo.

12 MR. NWANKWO: Thank you, Mr.
13 Morissette.

14 CROSS-EXAMINATION

15 MR. NWANKWO: Will AT&T's antenna
16 height remain the same at the alternate location?

17 THE WITNESS (Lavin): This is Martin
18 Lavin. I think the alternate location is just for
19 the compound. In that case the antenna, our
20 antenna height would remain the same.

21 MR. NWANKWO: Would the alternate
22 location impact AT&T's proposed coverage?

23 THE WITNESS (Lavin): There should be
24 no impact, no.

25 MR. NWANKWO: With reference to AT&T's

1 response to Interrogatory No. 15, which is, to be
2 specific, the spoil pile, does this have any
3 impact on AT&T's coverage from Sequin Drive?

4 THE WITNESS (Lavin): This is Martin
5 Lavin. There should be no impact.

6 MR. NWANKWO: Could AT&T please confirm
7 the fuel type of the generator to be installed?

8 THE WITNESS (Brighenti): Simon
9 Brighenti. It's a Polar generator with taking
10 advantage of the natural gas that's at the site.
11 I believe it is a 15 kilowatt.

12 MR. NWANKWO: 15 kilowatt. Thank you.
13 Will that generator have a base tank or will it
14 have a separate tank for the fuel?

15 THE WITNESS (Brighenti): Simon
16 Brighenti. I believe it has a base tank, but I am
17 looking. We do have the specs that were provided
18 to us by the manufacturer so we can supplement
19 that answer, if necessary.

20 MR. NWANKWO: Okay. Any idea on the
21 capacity of the base tank?

22 THE WITNESS (Brighenti): Again, I'm
23 reviewing that right now. I will be able to get
24 that to you shortly.

25 MR. NWANKWO: Thank you. Will the

1 proposed facility and equipment to be installed
2 comply with the DEEP noise control standards at
3 the property boundaries?

4 THE WITNESS (Brighenti): Again, Simon
5 Brighenti. Yes, we do have the decibel levels
6 provided by the manufacturer, and we understand
7 that that is a requirement and measurements can be
8 done post-installation to ensure that they match
9 to the provided specifications.

10 MR. NWANKWO: Thank you. Will the
11 generator be monitored remotely?

12 THE WITNESS (Brighenti): Simon
13 Brighenti. I'm sorry, could you repeat that
14 question?

15 MR. NWANKWO: Will the generator be
16 monitored remotely?

17 THE WITNESS (Brighenti): Yes. It's a
18 generator that's got an advanced monitoring
19 system, and it allows AT&T to remotely diagnose,
20 control and monitor all generator operations for
21 their network, for their NOC, it's called network
22 operations center, 24/7. And I could supplement
23 my earlier question. I do believe that there is
24 not a tank on this generator because of the
25 natural gas that feeds right into it.

1 MR. NWANKWO: Sorry, I didn't get that
2 last part. Could you come again?

3 THE WITNESS (Brighenti): Sorry about
4 that. I tend to speak a little quickly maybe. I
5 did verify here that it does look like this
6 generator would not have a tank because of the
7 feed for the natural gas that would be going right
8 into the generator.

9 MR. NWANKWO: Okay. So to be clear,
10 it's going to have a direct feed from the supply
11 to the generator without any storage?

12 THE WITNESS (Brighenti): Yes, that is
13 my understanding, yes.

14 MR. NWANKWO: Thank you. How often
15 would this generator be exercised?

16 THE WITNESS (Brighenti): I believe it
17 is once a week. I'm sorry. To clarify, you mean
18 exercise in a nonemergency situation, correct, for
19 testing you're saying?

20 MR. NWANKWO: Yes.

21 THE WITNESS (Brighenti): Yes, that is
22 my understanding. It's once a week, and that time
23 can be designated or agreed to depending on the
24 pleasure of the Council or the abutters or the
25 landowner.

1 MR. NWANKWO: Thank you. How many
2 antennas would AT&T install on this tower?

3 THE WITNESS (Lavin): This is Martin
4 Lavin. There will be six, two per sector, per the
5 plans.

6 MR. NWANKWO: Thank you. Will the
7 antennas be able to provide 5G services?

8 THE WITNESS (Lavin): The 5G service,
9 there's 5G and 5G Plus. They would provide 5G
10 services in our current spectrum, the 700, 850
11 PCS, AWS and WCS. 5G Plus, which is 24 to 39
12 gigahertz, the ultrabroadband, these antennas
13 would not be able to provide that service.

14 MR. NWANKWO: Thank you. So to be
15 clear on what you said, the frequencies that we
16 use for 5G will be the 700 and 850?

17 THE WITNESS (Lavin): 700, 850, also
18 PCS, AWS and WCS, which goes up to 2300 megahertz.

19 MR. NWANKWO: Thank you. Would AT&T's
20 ground equipment be alarmed?

21 THE WITNESS (Brighenti): Yes, there
22 would be an alarm, and again, it's all monitored
23 off site. Simon Brighenti, sorry.

24 MR. NWANKWO: Thank you. Thank you,
25 Mr. Brighenti.

1 Thank you, Mr. Morissette. That will
2 be all my questions.

3 MR. MORISSETTE: Thank you, Mr.
4 Nwankwo.

5 We will now take a break. I propose
6 that we come back at 3:35. That will be 3:35 we
7 will resume with cross-examination by Mr. Edelson.
8 Thank you.

9 (Whereupon, a recess was taken from
10 3:24 p.m. until 3:35 p.m.)

11 MR. MORISSETTE: We'll now continue
12 with cross-examination by Mr. Edelson followed by
13 Mr. Silvestri.

14 Mr. Edelson.

15 MR. EDELSON: Mr. Morissette, were you
16 calling on me? I apologize.

17 MR. MORISSETTE: That's quite all
18 right. You're up next. Thank you.

19 MR. EDELSON: Mother Nature took
20 control. Anyway, my first question for AT&T is
21 regarding the conclusion, and this is again for
22 Mr. Lavin, the conclusion they reached about 311
23 Oakwood Drive. Could you describe what you did
24 with regard to evaluating the propagation map from
25 that location?

1 THE WITNESS (Lavin): Yes. This is
2 Martin Lavin. We basically laid out new, existing
3 and new coverage from our proposed site and
4 overlaid coverage that would be achieved by the
5 site at 311 Oakwood. From that we were able to
6 tell that the coverage of 311 Oakwood was mainly
7 redundant of coverage we already have and did not
8 provide coverage to the area northwest of
9 our proposed -- northeast, excuse me, of our
10 proposed site on Hebron Avenue. About a quarter
11 of a square mile of coverage there was not
12 duplicated, and that was due to the hill that's
13 sitting behind the 311 Oakwood site, just to its
14 north, it's much too tall for any practical tower
15 to see over.

16 MR. EDELSON: Just to be clear, because
17 I know in many of these hearings we say it's not
18 economically feasible to do a propagation modeling
19 for every possible site, but it sounds to me, and
20 please correct me if I'm wrong, you did as
21 complete a propagation modeling from the 311
22 Oakwood as the proposed site that we're looking at
23 today?

24 THE WITNESS (Lavin): That is correct.

25 MR. EDELSON: Okay. My other question,

1 and maybe I'm -- just it popped out at me. The
2 site search identified by AT&T, I believe this was
3 in an interrogatory, was a quarter of a mile.
4 This was in AT&T's response to Question No. 4.
5 And for some reason a quarter mile sounded very,
6 very small to me, a small radius for a search.

7 THE WITNESS (Lavin): Yes.

8 MR. EDELSON: Is that correct that that
9 is smaller than we've seen before; and if so, why?

10 THE WITNESS (Lavin): In some cases it
11 may be. Really a site search ring is a starting
12 point. In this case the ring that was made was
13 round, but it also took in a large portion of that
14 hill behind it. It's really meant as initial
15 guidance for real estate where a central point and
16 how far out to start looking. It's not a limit on
17 them. Certainly if they don't find anything
18 feasible within that radius, they'll immediately
19 start looking further out. So it's not something
20 a great deal of analysis is put into. I'd say we
21 try to, the quarter mile keeps real estate close
22 to the target site to begin with, and then they
23 certainly will move outward from there.

24 MR. EDELSON: Okay. I appreciate that.
25 And my final question is in the -- if I get the

1 right appendix -- it's the appendix with the AT&T
2 report, Exhibit E, under "Technology Advances &
3 Design Evolution." There's no mention there about
4 5G. And obviously that's something that's been on
5 many of our minds. Is there any reason that 5G is
6 not described in there or any reference to that in
7 that section?

8 THE WITNESS (Lavin): The 5G deployment
9 on a large scale has been mostly since this report
10 was prepared. In the case of the regular 5G, not
11 the 5G Plus, it's really running in the same
12 spectrum. It's not a huge shift from 4G to 5G in
13 the 700, 850, et cetera, frequencies. It's fairly
14 narrowband. It's not going to be a huge leap.
15 The 5G that is making all the headlines is the 24
16 to 39 gigahertz ultrabroadband which will not be
17 at this site, and that's still in testing and
18 small scale deployments in very dense urban areas.

19 MR. EDELSON: So if you were to do this
20 report today, there might be included in that
21 write-up with regard to 5G also?

22 THE WITNESS (Lavin): Yes, although the
23 coverage of 5G at the current frequencies would be
24 very, very similar to what the 4G covers.

25 MR. EDELSON: I understand. Mr.

1 Morissette, that's all the questions I have at
2 this time. Thank you.

3 MR. MORISSETTE: Thank you, Mr.
4 Edelson. We'll now continue with
5 cross-examination with Mr. Silvestri followed by
6 Mr. Hannon.

7 Mr. Silvestri.

8 MR. SILVESTRI: Thank you, Mr.
9 Morissette. In referencing Set One of the
10 interrogatories to AT&T, there's comments and
11 discussion, if you will, on flush mounted
12 antennas, small cells, antenna mounts and
13 frequencies. Question for you, is anything being
14 done in research and development, laboratory work,
15 if you will, that would be the -- and I'll say
16 quote, unquote next generation of cellular service
17 without necessarily needing towers?

18 THE WITNESS (Lavin): To speculate, I
19 wouldn't be surprised if someone is looking at
20 that. I don't -- radios are still radios, and
21 there's no real substitute for height and for
22 output power. It's been around for a hundred
23 years and coverage wise there's really -- still,
24 we still have areas that need coverage, and
25 there's really no substitute for a tower or a tall

1 building to get the antenna up high enough to
2 provide service.

3 MR. SILVESTRI: So Mr. Lavin, nothing
4 on the order of, I think it's "Starnet," Mr. Musk?

5 THE WITNESS (Lavin): I don't think
6 anything that anyone at AT&T or the other large
7 carriers are probably banking on at the moment.

8 MR. SILVESTRI: Okay. Thank you. And
9 just a clarification. When you were speaking with
10 Mr. Edelson, you mentioned ultrabroadband, could
11 you just explain what that means?

12 THE WITNESS (Lavin): Right now our
13 widest carriers are 10 or 20 megahertz wide for
14 single downstream from the site to the user.
15 These licenses at 24 to 39 gigahertz can be 100
16 megahertz wide or more. If we have consecutive
17 ones, it could be 200 megahertz. So you're
18 talking about potentially ten times the throughput
19 that we're getting from the current 4G carriers.

20 MR. SILVESTRI: Does it have anything
21 to do with range?

22 THE WITNESS (Lavin): It has to do with
23 throughput. It's not ultra range; it's ultra
24 throughput. When you have, if you get 5G Plus
25 coverage, you're potentially getting at least ten

1 times the throughput from the site.

2 MR. SILVESTRI: Okay. So it's a
3 throughput as opposed to a distance issue,
4 correct?

5 THE WITNESS (Lavin): Yes. Those
6 frequencies we're using largely because that's
7 where the ultrabroad-bandwidth is available, and
8 those frequencies that no one really used very
9 much before. Ultra range would require lower
10 frequencies. And there have been systems like
11 that before, not in the U.S., Nordic Mobile
12 Telephone 450, but they ran into a lot of problems
13 with the sites covering too far.

14 MR. SILVESTRI: Understood. Thank you.
15 One follow-up. I'm kind of under the impression
16 that 5G is not the cure-all, that 5G is limited,
17 it can't go through buildings, it can't go around
18 corners, that type of thing. Am I correct in that
19 5G does have its limitations as far as reach to
20 the consumer?

21 THE WITNESS (Lavin): Yes, it does. I
22 mean, via the sheer extremely high frequencies
23 it's using, that limits where it can go. It's the
24 classic trade-off of we'd love to have that much
25 bandwidth at 800, 900 megahertz, but those

1 frequencies are just too popular. There just
2 isn't enough available spectrum there for us to do
3 that kind of broadband extremely high throughput
4 service. The bandwidths that we would need to do
5 that are only available up at the very high
6 frequencies which limits our ability to bring
7 coverage everywhere we'd like to.

8 MR. SILVESTRI: Very good. Thank you.
9 Thank you for your response.

10 And Mr. Morissette, that's all the
11 questions I have. Thank you.

12 MR. MORISSETTE: Thank you, Mr.
13 Silvestri. We'll now continue with
14 cross-examination by Mr. Hannon followed by Mr.
15 Nguyen.

16 Mr. Hannon.

17 MR. HANNON: Thank you. So the couple
18 of questions that I was asked to direct to AT&T I
19 will. So the first thing is I just want to get it
20 on the record that AT&T, if this project goes
21 forward, will be deploying FirstNet services.

22 THE WITNESS (Lavin): Yes, they will,
23 and specifically in band 14. FirstNet would be
24 accessible through any AT&T site. This will have
25 band 14 on it which will provide the priority

1 exclusive service, when needed, to public
2 service -- public safety, excuse me.

3 MR. HANNON: Okay. Thank you. Then
4 the second question that I had, and actually
5 looking at the maps that came in as part of the
6 response to the interrogatories, it's actually
7 better because the letters are a little clearer,
8 so I misspoke before when I talked about one of
9 the roads. But I'm looking at like the 850
10 megahertz coverage, the existing and proposed.
11 And what I'm curious about is to the east of where
12 the proposed site is you've got an area in white
13 around Hebron Avenue, Cavan Lane, and then a
14 little bit to the southeast around Warner Court.

15 I'm just wondering, is that where small
16 cells might be applicable where you have some of
17 these isolated areas where the coverage is sort of
18 out of range and small cells could be utilized to
19 provide service in that area?

20 THE WITNESS (Lavin): I'd say
21 potentially for high priority areas. As you can
22 see from the scale here, the nearest sites are at
23 least a mile away. And those really white areas,
24 the first approach would be a macrocell to try to
25 clear that, fill in that next gap to the east or

1 to the south. The applicability of a small cell
2 to fill in a high priority area would be, specific
3 to this, to be very specific to this, would depend
4 on where that next macro site would be. If it
5 left some small high priority areas, then there's
6 certainly the potential to have a small cell fill
7 in an area with high priority for us and a small
8 area needing to be covered.

9 MR. HANNON: Okay. Thank you. And
10 then the last question I have, I think Mr.
11 Silvestri started talking about it, but it's on
12 the answers to the interrogatories, Question 10.
13 And there's an (e). It says, "Would the small
14 cell radio frequency emissions be greater due to
15 the lower height of the installations?" We've had
16 a lot of people talking about going in with small
17 cells in lieu of the 100 foot tower, but one of
18 the things that has not been discussed is the
19 possibility of added exposure. So can you please
20 elaborate a little bit on the response on answer
21 (e)? I'm kind of curious where it says on a
22 case-by-case situation but the lower the height of
23 the antenna can increase the percentage of the
24 maximum permissible exposure. So can you please
25 elaborate on that a little bit?

1 THE WITNESS (Lavin): Yes, it's a
2 matter of small cells sometimes have less power
3 output depending on exactly which ones are being
4 deployed by the carriers. You're trading off
5 lower height and lower power against the taller
6 tower with more power. The net effect is kind of
7 case by case. Just because it's lower power if
8 it's on a -- some of our strand height stuff could
9 end up 15 or 20 feet above the ground, and then
10 even a small cell with reduced power could end up
11 creating greater emissions than the macro site
12 full height at full power, sort of like the
13 bandwidth then a throughput. And the frequencies
14 we'd rather use for 5G, we're running into the
15 same kind of trade-offs here, smaller equipment,
16 lower power, but it's got to be lower down. So
17 what you're gaining by in lowering MPE, you may be
18 giving back by lowering the antennas from what you
19 gained from using lower power. So it's a matter
20 of just exactly which equipment you're using and
21 at what height, but the lower you go, the more
22 potential there is for ending up losing the
23 improvements you got by using less power.

24 MR. HANNON: Okay. That helps, at
25 least what I was thinking of, because this looks

1 like it's another one of those aspects of small
2 cell technology that we should be looking at. So,
3 somebody may come in and say okay you can put
4 small cells in, and maybe it's 25 or 30 small
5 cells, but depending upon the elevation and the
6 power levels, things of that nature, you could
7 actually increase exposure. Okay. But thank you
8 for that. I appreciate the answer.

9 THE WITNESS (Lavin): Thank you.

10 MR. HANNON: That's all I have. Thank
11 you.

12 MR. MORISSETTE: Thank you, Mr. Hannon.
13 We'll now continue with cross-examination by Mr.
14 Nguyen followed by Ms. Cooley.

15 Mr. Nguyen.

16 MR. NGUYEN: Thank you, Mr. Morissette.
17 If I could ask AT&T, ask for your attention to
18 answers to Question No. 1. Let me know when you
19 are there.

20 THE WITNESS (Lavin): I think this is
21 for Simon.

22 THE WITNESS (Brighenti): Is this
23 Question No. 1, what is the estimated cost of
24 AT&T equipment?

25 MR. NGUYEN: Yes.

1 THE WITNESS (Brighenti): Okay.

2 MR. NGUYEN: In this question it asked
3 what's the estimated cost of AT&T's equipment, and
4 the company provided a breakdown. They provided a
5 total and the components of the cost. And I'm
6 looking at the components and I see there's a line
7 called "Construction" of \$111,000. Do you see
8 that?

9 THE WITNESS (Brighenti): Yes, sir.

10 MR. NGUYEN: Yes. And I'm curious as
11 to what type of construction would be involved for
12 this particular site that AT&T would do.

13 THE WITNESS (Brighenti): Well, I'll
14 have to admit at this point I became a lawyer
15 because I didn't really know how to do anything
16 else, so my knowledge of the ability on this
17 construction would probably be better answered by
18 another party. But I'll tell you that
19 construction, you know, at least from my
20 perspective on this construction, that cost would
21 consist of essentially all the personnel that
22 would come on there, the cost of permitting, the
23 cost of oversight, and the cost of working with
24 the various agencies involved to, you know, get to
25 the point where we would get the product built to

1 spec, working with the local and state authority,
2 with all the engineers and oversight that's
3 involved. There may be, again, other individuals
4 here that could give a little more in-depth answer
5 to that if we want to go through protocol to allow
6 that.

7 MR. NGUYEN: Yes. Anyone else can
8 provide insight on this.

9 THE WITNESS (Roberts): I perhaps can.
10 Doug Roberts. Usually the construction costs were
11 related to the installation of the antenna and
12 equipment. In this case AT&T is placing a
13 generator. They have a small shed structure as
14 well as RF cables and a splice bridge, mounting
15 antennas, testing of all that equipment as well.
16 So that's what probably that cost is associated
17 with.

18 MR. NGUYEN: Okay. So to the extent
19 that we're talking about construction, we're not
20 talking about that AT&T would construct other than
21 what ARX is doing, you know, excavation or
22 installing -- is that right?

23 THE WITNESS (Roberts): Yes. Again, we
24 would be building a tower with electric, natural
25 gas and fiber, telephone to the site, and AT&T

1 would then be handling all their construction
2 activities from that point on, whether it's the
3 slab for the generator, again, the slab for the
4 equipment shelter, ice bridge, antenna
5 installation, testing, RF testing.

6 THE WITNESS (Brighenti): And all
7 construction would be as shown on the plans that
8 have been reviewed and submitted and will be
9 amended, as necessary, but that's everything that
10 would be shown on there.

11 MR. NGUYEN: Okay. The other question
12 about the 5G, and I know there was some discussion
13 regarding 5G, but let's focus on 5G Plus. Now,
14 and I understand that the antenna currently does
15 not accommodate 5G Plus. So should there be a 5G
16 Plus in the future, what would AT&T do, simply
17 changing the antenna equipment?

18 THE WITNESS (Lavin): Either change --
19 this is Martin Lavin -- either changing out
20 antennas to ones that cover all the frequencies or
21 adding an antenna solely for the high band 5G
22 Plus.

23 MR. NGUYEN: Okay. And that's all I
24 have. Thank you, Mr. Morissette. Thank you,
25 gentlemen.

1 MR. MORISSETTE: Thank you, Mr. Nguyen.
2 We'll now move on to cross-examination by
3 Ms. Cooley.

4 Ms. Cooley.

5 MS. COOLEY: Thank you, Mr. Morissette.
6 I have one question and it's about the security of
7 the site. Other than the chain link fence, will
8 there be any other security provisions to keep out
9 trespassers or other people who may wish to try to
10 enter the site?

11 THE WITNESS (Brighenti): Well, if I
12 could, again, Simon Brighenti with AT&T and
13 Centerline. So the site is secured as is shown by
14 a fence that is locked. There is also off site
15 monitoring of the site that would come into play
16 there if there were trespass. The tower itself
17 cannot be scaled. I'd have to look at the
18 specifics on this, but I don't believe the tower
19 itself could be scaled without specific equipment.
20 And once someone were to get inside of the
21 compound, if that were to happen, that would be
22 detected relatively quickly. And I don't believe
23 there could be a climbing done of the tower. So I
24 think that's basically what the security features
25 would be.

1 MS. COOLEY: Is there any kind of gate
2 that will be on the entrance from Sequin Drive?

3 THE WITNESS (Brighenti): Simon
4 Brighenti again. That may be a question again for
5 ARX, and I don't know if Doug or if Mr. Coppins
6 wanted to -- Mr. Roberts or Mr. Coppins could
7 supply that information.

8 THE WITNESS (Coppins): We don't have a
9 gate proposed at the beginning of Sequin Drive.
10 If it was -- if it's a request of the Council, we
11 would be happy to place one there.

12 MS. COOLEY: Okay. I'm just curious
13 because looking at that satellite picture, it does
14 look like there's some continuity with that
15 property that's off of Hebron Avenue that's
16 storing, seems to be storing materials at the back
17 of the site there. There is a fence there I think
18 somebody said. Is there any possibility someone
19 could drive all the way through the site, for
20 example?

21 THE WITNESS (Coppins): Mr. Roberts has
22 more detail about the fencing and whatnot on the
23 adjoining property, so I'll let him answer that.

24 THE WITNESS (Roberts): Thank you.
25 Yes, the fence is just north of the property line.

1 In site visits with the landlord we did come in
2 that way to visit the site, but our intent has
3 always been to come off Sequin Drive with our
4 access road and utilities. That fence, from what
5 I can see, gets locked each evening. He does have
6 equipment. It looks like a little, you know, yard
7 where he stores boats and equipment and maybe some
8 material for his work.

9 MS. COOLEY: Okay. Thank you. That's
10 all the questions that I have. I'm sorry they
11 really weren't directed towards AT&T this time. I
12 apologize.

13 MR. MORISSETTE: Thank you, Ms. Cooley.
14 I have a question on the response to
15 the interrogatories, No. 15, and Mr. Lavin, I
16 believe this is you. The response below the table
17 indicates that "Compared to the proposed facility,
18 a similar tower at 311 Oakwood would provide
19 approximately a half mile less coverage to Hebron
20 Avenue and .25 square miles less coverage in the
21 vicinity of Hebron Avenue."

22 Now, I'm trying to put that into
23 perspective as to whether -- a half mile doesn't
24 seem too bad to me, but could you put some context
25 into that for me, if you would?

1 THE WITNESS (Lavin): It's about half a
2 mile of coverage in that area and the area around
3 it to the northeast of the site. I don't have the
4 demographics involved there, but that was just our
5 measurement of that area. Basically if you go
6 from 311 Oakwood over the top of the hill and out
7 to Hebron Avenue, that space that we cover there
8 around the label for Route 94, I believe it is,
9 which I guess is the official designation of
10 Hebron Avenue, that's the location of the coverage
11 that we lose if we deployed on the Oakwood site
12 instead of on our proposed site.

13 MR. MORISSETTE: Yes. Well, Hebron
14 Avenue is a very busy road that it leads to Hebron
15 and Andover. And it goes over a mountain in that
16 area, so the altitude gets quite high. So I
17 wouldn't think that either site would be good to
18 get over to the other side of Hebron, which it's
19 not. So primarily there's, is it for in-car
20 service or businesses as well?

21 THE WITNESS (Lavin): I don't have a
22 count on businesses in that area, but it's a loss
23 of in-vehicle service as well.

24 MR. MORISSETTE: That is a very busy
25 retail area as well, but again, as it goes east

1 the population in that area goes down, I would
2 think.

3 THE WITNESS (Lavin): If you're looking
4 at the -- I think it's actually in the label and
5 the exhibits that were given, it's in the -- I may
6 have misspoken here. It's in the area of the
7 label for Hebron Avenue. As Cavan Lane curves
8 around, that's on the back side of the hill that
9 blocks the signal from Oakwood Drive.

10 MR. MORISSETTE: Are you looking at the
11 plot for the 850 existing coverage?

12 THE WITNESS (Lavin): Yes, attachment 2
13 I should say.

14 MR. MORISSETTE: Thank you. So Cavan
15 Drive is the opposite side of the hill?

16 THE WITNESS (Lavin): Yes.

17 MR. MORISSETTE: And the hill altitude
18 is, what, like 272, something to that effect?

19 THE WITNESS (Lavin): Getting up there.
20 There are a lot of, as seen in that topo that's
21 included in the interrogatory response, there are
22 a lot of terrain contours going up that hill, so
23 it's pretty big.

24 MR. MORISSETTE: Thank you. So just
25 trying to complete the questioning, the Oakwood

1 Drive facility is, if I'm looking at the 850
2 coverage map, if I go south of the label Cavan
3 Lane --

4 THE WITNESS (Lavin): Yes.

5 MR. MORISSETTE: -- on Oakwood Drive,
6 is that the approximate location of the 311
7 Oakwood Drive?

8 THE WITNESS (Lavin): The hill is
9 between Cavan Lane and Oakwood Drive. 311 Oakwood
10 is down at the end, and the bus lot is on the
11 south side of Oakwood Drive going toward Route 2
12 and loses even more elevation than Oakwood Drive
13 itself.

14 MR. MORISSETTE: Okay. Got you. All
15 right. Thank you very much.

16 I would like to go back to Mr. Nwankwo.
17 I understand that he does have a follow-up
18 question. Mr. Nwankwo.

19 MR. NWANKWO: Thank you, Mr.
20 Morissette. First, I'd like to apologize for an
21 error in my earlier question which referenced a
22 hill mentioned in AT&T's response to Interrogatory
23 15. I think I mistakenly referred to it as a
24 spoil pile. I would like to rephrase that
25 question to specify that I was referring to the

1 hill referenced as being 170 foot above Oakwood
2 Drive in interrogatories. And also looking at the
3 topo map, this hill is referenced as being at 277
4 feet above mean sea level. The question again is,
5 will this have any impact on AT&T's coverage from
6 Sequin Drive? Thank you.

7 THE WITNESS (Lavin): This is Martin
8 Lavin. It does have an effect. It blocks that
9 site from covering to the east, but the placement
10 of the site allows us to see around it and get
11 more, about that extra half mile of Hebron Avenue.

12 MR. NWANKWO: Thank you.

13 MR. MORISSETTE: Thank you, Mr.
14 Nwankwo.

15 MR. NWANKWO: Thank you.

16 MR. MORISSETTE: We will continue with
17 cross-examination of AT&T by the Applicant,
18 Attorney Pires.

19 MR. PIRES: Thank you, Mr. Morissette.
20 We have no questions.

21 MR. MORISSETTE: Thank you. That
22 concludes our hearing for today. The Council will
23 recess until 6:30 p.m. tonight, at which time we
24 will commence with the public comment session of
25 this remote public hearing. Thank you, everyone.

1 Have a good evening.

2 (Whereupon, the hearing adjourned at
3 4:06 p.m.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE FOR REMOTE HEARING

2
3 I hereby certify that the foregoing 90 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.
7 504, ARX WIRELESS INFRASTRUCTURE, 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 LOT N-4, SEQUIN DRIVE, GLASTONBURY,
12 CONNECTICUT, which was held before JOHN
13 MORISSETTE, PRESIDING OFFICER, on August 19, 2021.
14
15
16

17 

18 -----
19 Lisa L. Warner, CSR 061
20 Court Reporter
21 A PLUS REPORTING SERVICE
22 55 WHITING STREET, SUITE 1A
23 PLAINVILLE, CONNECTICUT 06062
24
25

I N D E X

WITNESSES: (Sworn on page 12)
KEITH COPPINS
DOUGLAS ROBERTS
DAVID ARCHAMBAULT
MATT DAVISON

EXAMINERS:	PAGE
Mr. Pires (Direct)	12
Mr. Nwankwo (Start of cross)	17
Mr. Edelson	25
Mr. Silvestri	34
Mr. Hannon	43
Mr. Nguyen	48
Ms. Cooley	53
Mr. Morissette	56

WITNESSES: (Sworn on page 61)
MARTIN LAVIN
SIMON J. BRIGHENTI, JR.

EXAMINERS:	PAGE
Ms. Motel (Direct)	61
Mr. Nwankwo (Start of cross)	63, 88
Mr. Edelson	68
Mr. Silvestri	72
Mr. Hannon	75
Mr. Nguyen	79
Ms. Cooley	83
Mr. Morissette	85

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

2 ARX WIRELESS INFRASTRUCTURE, LLC EXHIBITS
3 (Received in evidence)

4 EXHIBIT	DESCRIPTION	PAGE
5 II-B-1	Application for a Certificate of 6 Environmental Compatibility and Public 7 Need filed by Arx Wireless 8 Infrastructure, LLC, received 9 June 4, 2021, and attachments and bulk 10 file exhibits including: 11 Bulk file exhibits: 12 a. Town of Glastonbury zoning 13 regulations 14 b. Town of Glastonbury zoning map 15 c. Town of Glastonbury GIS map of 16 site with zoning overlay 17 d. Town of Glastonbury Plan of 18 Conservation and Development 19 e. Town of Glastonbury Inland Wetlands 20 and Watercourses Regulations 21 f. Technical report	16
22 II-B-2	Applicant's affidavit of 23 publication, dated June 24, 2021	16
24 II-B-3	Applicant's sign posting affidavit, 25 dated August 10, 2021	16
II-B-4	Applicant's responses to Council interrogatories, Set One and Set Two, dated August 12, 2021	16
II-B-5	Applicant's revised Exhibit G and H to the application, dated August 12, 2021	16
II-B-6	Applicant's prefiled testimony of Keith Coppins, dated August 12, 2021	16
II-B-7	Applicant's prefiled testimony of Douglas Roberts, dated August 12, 2021	16
II-B-8	Applicant's prefiled testimony of Matthew Davison, dated August 12, 2021	16
II-B-9	Applicant's prefiled testimony of David Archambault, dated August 12, 2021	16
II-B-10	Applicant's response to Council interrogatory No. 27, dated August 13, 2021	16

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

2
3 NEW CINGULAR WIRELESS PCS, LLC (AT&T) EXHIBITS
4 (Received in evidence)

5 EXHIBIT	DESCRIPTION	PAGE
6 III-B-1	AT&T's request to intervene, dated July 18, 2021	63
7 III-B-2	AT&T responses to Council interrogatories, dated August 11, 2021	63
8 III-B-3	Resume of Simon J. Brighenti, Jr., dated August 11, 2021	63

9
10
11
12
13
14 *All exhibits were retained by the Council.
15
16
17
18
19
20
21
22
23
24
25