

1                                   STATE OF CONNECTICUT  
2                                   CONNECTICUT SITING COUNCIL

3  
4                                   Docket No. 507

5   Homeland Towers, LLC and Cellco Partnership d/b/a  
6   Verizon Wireless application for a Certificate of  
7   Environmental Compatibility and Public Need for  
8   the construction, maintenance, and operation of a  
9   wireless telecommunications facility located at  
10  222 Clintonville Road, North Branford, Connecticut

11  
12                               VIA ZOOM AND TELECONFERENCE

13  
14   Public Hearing held on Tuesday, March 15, 2022,  
15   beginning at 2 p.m., via remote access.

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18   H e l d   B e f o r e:

19                               JOHN MORISSETTE, Presiding Officer

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25                               Reporter:   Lisa L. Warner, CSR #061

1     **A p p e a r a n c e s:**

2         **Council Members:**

3             **KENNETH COLLETTE, Designee for Commissioner**  
4             **Katie Dykes, Department of Energy and**  
              **Environmental Protection**

5             **QUAT NGUYEN, Designee for Chairman Marissa**  
6             **Paslick Gillett, Public Utilities Regulatory**  
              **Authority**

7             **ROBERT SILVESTRI**  
8             **DANIEL P. LYNCH, JR.**  
9             **LOUANNE COOLEY**  
              **MARK QUINLAN**

10         **Council Staff:**

11             **MELANIE BACHMAN, ESQ.**  
12             **Executive Director and Staff Attorney**

13             **ROBERT MERCIER**  
              **Siting Analyst**

14             **LISA FONTAINE**  
15             **Fiscal Administrative Officer**

16             **For Applicants, Homeland Towers, LLC and**  
17             **Cellco Partnership d/b/a Verizon Wireless:**

18                     **ROBINSON & COLE LLP**  
19                     **280 Trumbull Street**  
                      **Hartford, Connecticut 06103-3597**  
                      **BY: KENNETH C. BALDWIN, ESQ.**

20  
21             **Zoom co-host: Aaron Demarest**

22  
23         **\*\*All participants were present via remote access.**

24         **\*\*\* (Inaudible) - denotes breaks in speech due to**  
25         **interruptions in audio or echo.**

1                   MR. MORISSETTE: This remote public  
2 hearing is called to order this Tuesday, March 15,  
3 2022, at 2 p.m. My name is John Morissette,  
4 member and presiding officer of the Connecticut  
5 Siting Council. Other members of the Council are  
6 Kenneth Collette, designee for Commissioner Katie  
7 Dykes of the Department of Energy and  
8 Environmental Protection; Quat Nguyen, designee  
9 for Chairman Marissa Paslick Gillett of the Public  
10 Utilities Regulatory Authority; Robert Silvestri;  
11 Louanne Cooley, Mark Quinlan; and Daniel P. Lynch,  
12 Jr.

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

17                   If you haven't done so already, I ask  
18 that everyone please mute their computer audio and  
19 telephones now.

20                   This hearing is held pursuant to the  
21 provisions of Title 16 of the Connecticut General  
22 Statutes and of the Uniform Administrative  
23 Procedure Act upon an application from Homeland  
24 Towers, LLC and Cellco Partnership d/b/a Verizon  
25 Wireless for a Certificate of Environmental

1 Compatibility and Public Need for the  
2 construction, maintenance, and operation of a  
3 wireless telecommunications facility located at  
4 222 Clintonville Road in North Branford,  
5 Connecticut. This application was received by the  
6 Council on January 27, 2022.

7 The Council's legal notice of the date  
8 and time of this remote public hearing was  
9 published in The New Haven Register on February  
10 16, 2022. Upon this Council's request, the  
11 applicants erected a sign along Clintonville Road,  
12 which is Route 22, at the entrance of the proposed  
13 site so as to inform the public of the name of the  
14 applicants, the type of facility, the remote  
15 public hearing date, and contact information for  
16 the Council, including website and phone number.

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

21 The parties and intervenors to this  
22 proceeding are as follows: The Applicants,  
23 Homeland Towers, LLC and Cellco Partnership d/b/a  
24 Verizon Wireless, their representative Kenneth C.  
25 Baldwin, Esq. of Robinson & Cole LLP.

1           We will proceed in accordance with the  
2 prepared agenda, a copy of which is available on  
3 the Council's Docket No. 507 webpage, along with  
4 the record of this matter, the public hearing  
5 notice, instructions for public access to this  
6 remote public hearing, and the Council's Citizens  
7 Guide to Siting Council Procedures. Interested  
8 persons may join any session of this public  
9 hearing to listen, but no public comments will be  
10 received during the 2 p.m. evidentiary session.  
11 At the end of the evidentiary session we will  
12 recess until 6:30 p.m. for the public comment  
13 session. Please be advised that any person may be  
14 removed from the remote evidentiary session or the  
15 public comment session at the discretion of the  
16 Council.

17           The 6:30 p.m. public comment session is  
18 reserved for the public to make brief statements  
19 into the record. I wish to note that the  
20 applicant, parties and intervenors, including  
21 their representatives, witnesses and members, are  
22 not allowed to participate in the public comment  
23 session. I also wish to note for those who are  
24 listening and for the benefit of your friends and  
25 neighbors who are unable to join us for the remote

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

7 A verbatim transcript of this remote  
8 public hearing will be posted on the Council's  
9 Docket No. 507 webpage and deposited with the Town  
10 Clerk's Office in North Branford for the  
11 convenience of the public.

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

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

17 We'll move on to Roman Numeral I-B,  
18 administrative notice taken by the Council. I  
19 wish to call your attention to those items on the  
20 hearing program marked as Roman Numeral I-B, Items  
21 1 through 81, that the Council has  
22 administratively noticed. Do the applicants have  
23 any objection to the items that the Council has  
24 administratively noticed?

25 Attorney Baldwin.

1 MR. BALDWIN: No objection, Mr.  
2 Morissette.

3 MR. MORISSETTE: Thank you, Attorney  
4 Baldwin. Accordingly, the Council hereby  
5 administratively notices these items.

6 (Council Administrative Notice Items  
7 I-B-1 through I-B-81: Received in evidence.)

8 MR. MORISSETTE: We'll now move on to  
9 Roman Numeral II on the agenda, appearance of the  
10 applicants. Will the applicants present their  
11 witness panel for the purposes of taking the oath,  
12 and Attorney Bachman will administer the oath.

13 Attorney Baldwin.

14 MR. BALDWIN: Thank you, Mr.  
15 Morissette. Again, Kenneth Baldwin with Robinson  
16 & Cole on behalf of the applicant, Homeland Towers  
17 and Verizon Wireless. Our witnesses today, seven  
18 of whom are located here in my office in Hartford,  
19 three are on the Zoom. They include Ray Vergati.  
20 Mr Vergati you know well as a regional manager  
21 with Homeland Towers. To my immediate right is  
22 Ziad Cheiban, a radio frequency design engineer  
23 with Verizon Wireless. To Mr. Cheiban's right is  
24 Robert Burns, professional engineer with  
25 All-Points Technologies. Next is Matthew Allen

1 with Saratoga Associates responsible for the  
2 visual assessment for the proposed tower site.  
3 Next to Matt is Martin Brogie, a principal  
4 environmental scientist with Martin Brogie  
5 Incorporated. Next to Martin is Robert Russo, a  
6 soil scientist and environmental scientist with  
7 CLA.

8           Then on the Zoom we have Maureen  
9 Bowman, a senior architectural historian with EBI  
10 Consultants; and Elaine Langer, the program  
11 manager also with EBI. And then last but  
12 certainly not least Paul Zito. Mr. Zito is an  
13 emergency service radio communications consultant  
14 working on behalf of the Town of North Branford.  
15 And as the Council knows, the Town of North  
16 Branford is a collocater on the proposed tower --  
17 or would be a collocater on the proposed tower  
18 site. It's a long list, but they're all eager to  
19 perform today, so we'd offer them to be sworn.

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

22           Attorney Bachman, could you please  
23 administer the oath.  
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1 R A Y M O N D V E R G A T I,  
2 Z I A D C H E I B A N,  
3 R O B E R T B U R N S,  
4 M A T T H E W W. A L L E N,  
5 M A R T I N B R O G I E,  
6 M A U R E E N A. B O W M A N,  
7 E L A I N E L A N G E R,  
8 R O B E R T C. R U S S O,  
9 P A U L H. Z I T O,

10 called as witnesses, being first duly sworn  
11 (remotely) by Attorney Bachman, testified on  
12 their oaths as follows:

13 MS. BACHMAN: Thank you.

14 MR. BALDWIN: Mr. Morissette, for the  
15 verification of the exhibits, I won't need all of  
16 our witnesses, but I will be asking questions of  
17 Ms. Langer, Ms. Bowman, Mr. Brogie, Mr. Allen, Mr.  
18 Burns and Mr. Cheiban as well as Mr. Vergati, so  
19 just in case you think I leave somebody out.

20 That's not the case.

21 MR. MORISSETTE: Thank you, Attorney  
22 Baldwin. Please continue.

23 DIRECT EXAMINATION

24 MR. BALDWIN: So we have eight exhibits  
25 listed in the hearing program under Roman II,

1 subsection B, Items 1 through 8. They include the  
2 application, our affidavit of publication, our  
3 protective order documentation, our sign posting  
4 affidavit, our first set of responses to the  
5 Council's interrogatories, our supplemental set of  
6 interrogatory responses, an updated State Historic  
7 Preservation Office determination letter, and then  
8 last but not least, for those witnesses who have  
9 not appeared before the Council before or if it's  
10 been a while since they appeared before the  
11 Council, we've included their resumes in Exhibit  
12 8.

13           So therefore, I would ask our witnesses  
14 if you could respond to the following questions:  
15 Did you prepare or assist in the preparation or  
16 supervise others in the preparation of the  
17 exhibits listed in the hearing program under Roman  
18 II, subsection B, Items 1 through 8?

19           Mr. Cheiban.

20           THE WITNESS (Cheiban): I did.

21           MR. BALDWIN: Mr. Burns.

22           THE WITNESS (Burns): I did.

23           MR. BALDWIN: Mr. Vergati.

24           THE WITNESS (Vergati): I did.

25           MR. BALDWIN: Mr. Allen.

1 THE WITNESS (Allen): I did.

2 MR. BALDWIN: Mr. Brogie.

3 THE WITNESS (Brogie): I did.

4 MR. BALDWIN: Ms. Bowman.

5 THE WITNESS (Bowman): I did.

6 MR. BALDWIN: And Ms. Langer.

7 THE WITNESS (Langer): I did.

8 MR. BALDWIN: And do you have any  
9 corrections, modifications or clarifications that  
10 you would like to make at this time regarding any  
11 of those exhibits?

12 Mr. Cheiban.

13 THE WITNESS (Cheiban): No corrections.

14 MR. BALDWIN: Mr. Burns.

15 THE WITNESS (Burns): Yes, I have one  
16 clarification. On drawing SP-2 of the plan set we  
17 have shown the number of trees to be removed.  
18 Well, since we've put these plans in, I've walked  
19 the site again, and what we found is there's  
20 approximately seven trees that were flagged by the  
21 surveyor that are actually below the 6-inch  
22 diameter that is required by the Council. There's  
23 three trees out there that are actually dead. And  
24 there's two trees that I think we can save that  
25 we're previously showing being removed. So

1 instead of 105 trees total, it's 93 trees total.  
2 Other than that, everything is fine.

3 MR. BALDWIN: Thank you. Mr. Vergati,  
4 any modifications or amendments?

5 THE WITNESS (Vergati): No changes.

6 MR. BALDWIN: Mr. Allen?

7 THE WITNESS (Allen): No changes.

8 MR. BALDWIN: Mr. Brogie?

9 THE WITNESS (Brogie): No changes.

10 MR. BALDWIN: Ms. Bowman?

11 THE WITNESS (Bowman): No changes.

12 MR. BALDWIN: Ms. Langer?

13 THE WITNESS (Langer): No changes.

14 MR. BALDWIN: And with those  
15 modifications, is the information contained in  
16 those exhibits true and accurate to the best of  
17 your knowledge?

18 Mr. Cheiban.

19 THE WITNESS (Cheiban): Yes.

20 MR. BALDWIN: Mr. Burns.

21 THE WITNESS (Burns): Yes.

22 MR. BALDWIN: Mr. Vergati.

23 THE WITNESS (Vergati): Yes.

24 MR. BALDWIN: Mr. Allen.

25 THE WITNESS (Allen): Yes.

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MR. BALDWIN: Mr. Brogie.

THE WITNESS (Brogie): Yes.

MR. BALDWIN: Ms. Bowman.

THE WITNESS (Bowman): Yes.

MR. BALDWIN: Ms. Langer.

THE WITNESS (Langer): Yes.

MR. BALDWIN: And do you adopt the information contained in those exhibits as your testimony in this proceeding? Let's work backwards.

Ms. Langer.

THE WITNESS (Langer): Yes.

MR. BALDWIN: Ms. Bowman.

THE WITNESS (Bowman): Yes.

MR. BALDWIN: Mr. Brogie.

THE WITNESS (Brogie): Yes.

MR. BALDWIN: Mr. Allen.

THE WITNESS (Allen): Yes.

MR. BALDWIN: Mr. Vergati.

THE WITNESS (Vergati): Yes.

MR. BALDWIN: Mr. Burns.

THE WITNESS (Burns): Yes.

MR. BALDWIN: Mr. Cheiban.

THE WITNESS (Cheiban): Yes.

MR. BALDWIN: Mr. Morissette, I offer

1 them as full exhibits.

2 MR. MORISSETTE: Thank you, Attorney  
3 Baldwin. All the exhibits are therefore admitted.

4 (Applicants' Exhibits II-B-1 through  
5 II-B-8: Received in evidence - described in  
6 index.)

7 MR. MORISSETTE: Thank you. We will  
8 now begin with cross-examination of the applicant  
9 by the Council starting with Mr. Mercier and  
10 followed by Mr. Silvestri.

11 Mr. Mercier.

12 CROSS-EXAMINATION

13 MR. MERCIER: Yes. Thank you. I'm  
14 going to begin looking at the remote field review  
15 that was provided in Interrogatory Response 30.  
16 It's the document that's in the back of the March  
17 4th interrogatory responses marked as Exhibit 5 on  
18 the hearing program. If you're using the website  
19 under the Council's link that would be PDF page 33  
20 is where the remote field review starts. I'm just  
21 going to scroll through some of these photos and  
22 ask some questions as we go along.

23 So beginning with Photo 4, there's some  
24 cones and a stake there. So if someone can just  
25 explain what we're actually looking at. Do the

1 cones represent one of the edges of the access  
2 road or is that the centerline of the access road?

3 THE WITNESS (Vergati): This is Ray  
4 Vergati. I can speak to that. The cones  
5 represent the centerline of the proposed access  
6 drive.

7 MR. MERCIER: What does the yellow  
8 stake represent?

9 THE WITNESS (Vergati): I'm not a  
10 hundred percent sure. It could be a stake for the  
11 landlord plowing on the driveway and might just be  
12 a designation stake.

13 MR. MERCIER: Okay. So looking at this  
14 photo, if the cones are the centerline, I see, you  
15 know, one tree near the second cone going up  
16 that's probably coming down. How about the two  
17 trees over to the left where it says "proposed  
18 access drive" there's a large, it looks like an  
19 oak and maybe a maple in front of it.

20 THE WITNESS (Vergati): Those trees are  
21 proposed to remain safe, they're not being  
22 removed, just the tree to the right.

23 MR. MERCIER: Thank you. And I guess  
24 Photo 5, I guess would the cones also be the  
25 center of the access drive?

1           THE WITNESS (Vergati): Yes, that is  
2 correct.

3           MR. MERCIER: Looking at the inset map  
4 for 4 and 5, there's really a sharp angle coming  
5 off of the existing driveway immediately when you  
6 enter from the main route there, I think that's  
7 Route 22, is it possible to begin the access drive  
8 further up the landlord's driveway to eliminate  
9 that sharp curve there?

10          THE WITNESS (Vergati): This is Ray  
11 Vergati. In working with the landlord on the  
12 design, we wanted to keep the access route to the  
13 facility as far off the landlord's driveway as  
14 possible. If the question of, you know, turning  
15 radiuses or making that turn off of vehicles  
16 traveling west on Route 22, we can certainly have  
17 our, Mr. Burns, look at trying to align that  
18 little curve or bend so it's more of a straighter  
19 shot to gain access to the access drive.

20          MR. MERCIER: Okay. And now we're  
21 talking about that access off Route 22, you know.  
22 Is there any type of coordination with DOT for any  
23 type of construction vehicles to, you know, enter  
24 onto Route 22 from the construction zone? Do you  
25 need a traffic flagger or a police escort or



1 anything of that nature for any of your equipment?

2 THE WITNESS (Burns): There's been no  
3 formal contact with DOT at this point. I'm sorry,  
4 Robert Burns, APT. There's been no formal contact  
5 with DOT, but the thought is when construction  
6 starts the contractor will probably more than  
7 likely either have to have a police officer or a  
8 flagman, if that's allowed, out on the street just  
9 as trucks are coming in and out.

10 MR. MERCIER: Okay. So it's usually  
11 standard operating procedure for sites such as  
12 this that enter on a major route; is that correct?

13 THE WITNESS (Burns): I would say for  
14 this particular one it's probably going to be a  
15 necessity. I don't know about standard operating  
16 procedure, but just because of where we are I  
17 think that they'll need some kind of traffic  
18 control out there just during construction.

19 MR. MERCIER: Okay. Thank you.  
20 Proceeding to Photo 9A, again, there's a stake, a  
21 yellow stake and a wood stake. I'm just trying to  
22 determine again is that the centerline or is that  
23 one of the edges of the access road?

24 THE WITNESS (Vergati): Ray Vergati,  
25 Homeland Towers. I think that yellow stake is a

1 centerline, and that makes me think back to your  
2 first question about the yellow stake next to the  
3 driveway. I think that was the centerline back  
4 there as well where it would come off, not a plow  
5 stake. So that particular, in Photo 9A, the  
6 yellow stake would be the centerline of the access  
7 drive, as well as that wood stake with the orange  
8 ribbon on top, again, centerline of the access  
9 drive.

10 MR. MERCIER: Okay. If we just go back  
11 to Photo 4 again and look at that stake and the  
12 cone, so would that mean maybe the cones are the  
13 edge in this particular picture?

14 THE WITNESS (Vergati): Ray Vergati  
15 Homeland. I think basically they used the amount  
16 of cones they had for the photos and didn't have  
17 an extra cone so they used that yellow stick as  
18 well.

19 MR. MERCIER: Got you. Thank you.  
20 Let's see, scrolling down to Photo 11, we have two  
21 stakes on either side of the photo. I'm assuming  
22 that's the width of the access drive. Would that  
23 be correct?

24 THE WITNESS (Vergati): Yes. I believe  
25 if you look at those two -- Ray Vergati, sorry,

1 Homeland Towers -- that would be the width, the  
2 opening. You'll see an orange spray paint dash  
3 mark on the grass which would represent the  
4 centerline of the access drive.

5 MR. MERCIER: Thank you. And going to  
6 Photo 15, you know, I see in the bottom inset  
7 there the culvert outfall. Would that be on the  
8 left side of this photo, you know, draining into  
9 the top end of that pond that's closest to us?

10 THE WITNESS (Burns): Bob Burns, Robert  
11 Burns, All-Points. Yes, I believe that's correct.

12 MR. MERCIER: Okay. Let's see, Photo  
13 16, again, we have a proposed access drive stake  
14 and then there's some red flagging in the back.  
15 So that would be the centerline and maybe that  
16 would be the edge where the red flag is as you go  
17 up this hill?

18 THE WITNESS (Vergati): Yeah. This is  
19 Ray Vergati, Homeland Towers. Photo 16, the  
20 yellow stick and the wooden stake in the  
21 foreground is the centerline of the road.

22 MR. MERCIER: Okay. I got you. For  
23 16A I'm looking at this one and, you know, I'm  
24 comparing the proposed access drive, probably the  
25 centerline, but then I'm looking at the clearing

1 in the inset that kind of goes up to the property  
2 line. Is that where the lawn is? Is the property  
3 line for the adjacent resident is that the edge of  
4 the lawn that you can see?

5 THE WITNESS (Vergati): Ray Vergati.  
6 On Photo 16A, just for bearings sake, that photo  
7 was taken looking north. That particular white  
8 house you see in the foreground, yes, that is an  
9 abutting property on Pistapaug Road, and that is  
10 the abutting property's grass or lawn area.

11 MR. MERCIER: I'm just trying to  
12 determine how much clearing are you doing in this  
13 picture compared to the inset. Are you going  
14 right up to where the leaf litter ends and then  
15 there's a lawn? I'm just trying to figure out how  
16 close of clearing are you doing to the lawn. Is  
17 there any kind of a wooded buffer left or is it  
18 pretty much cleared up to the lawn?

19 THE WITNESS (Burns): So in looking at  
20 the survey -- I'm sorry, Robert Burns,  
21 All-Points -- we are clearing right to the  
22 property line there, but there appears to be  
23 about, I would say, 10 feet of what the surveyors  
24 consider woodlands into that property before it  
25 becomes lawn.

1 MR. MERCIER: Okay. Photo 17 I'm  
2 looking at, I see some, you know, the centerline  
3 of the access road most likely and the stake, but  
4 then there's the red marking. I'm assuming that's  
5 the clearing for the embankment on the red  
6 markings on the trees.

7 THE WITNESS (Vergati): This is Ray  
8 Vergati, Homeland Towers. The red spray paint you  
9 see on the trees represents trees that were picked  
10 up during the tree survey by the survey on record.

11 MR. MERCIER: Okay. So those would be  
12 cleared out obviously, right?

13 THE WITNESS (Vergati): Not  
14 necessarily. Just because the tree has red spray  
15 paint, it's a tree that they picked up on the  
16 survey itself. It doesn't necessarily mean it's  
17 part of the 93 trees that are being removed.  
18 There's a detail on Sheet SP-2 of the plans that  
19 All-Points put together that shows which trees are  
20 being removed, which ones are staying. It's kind  
21 of hard to look at the picture and figure out  
22 what's staying and what's being removed. However,  
23 if you look at this particular photo on 17,  
24 understand that those wood stakes are the  
25 centerline of the road, it's a relatively flat

1 area, and that road is 12 feet wide, meaning 6  
2 feet to the left of the stake and 6 feet to the  
3 right and then a few feet on either side of that  
4 for limits of disturbance, you can kind of make  
5 the assumption that some of the trees in the  
6 distance with red paint would remain.

7 MR. MERCIER: Okay. Thank you. And I  
8 was going to proceed to Photo 21. I just have a  
9 question on that one. It's shown as the southeast  
10 corner facing an abutting property. Again, for  
11 this particular picture, do you know if the lawn  
12 areas, the edge of the lawn area is actually an  
13 abutting property line or is there like a wooded  
14 buffer on this abutting property?

15 THE WITNESS (Vergati): Sure. Ray  
16 Vergati, Homeland Towers. Regarding Photo 21,  
17 there is a wood buffer, and this photo you don't  
18 quite pick it up, but there's actually a ledge  
19 drop-off between the wooded portion that's going  
20 to remain for screening as well as where the  
21 abutting property at 246 -- I'm sorry, 250  
22 Clintonville Road where that property owner's lawn  
23 starts. And again, Sheet SP-2 shows the trees to  
24 remain intact, a good amount on that side on the  
25 southern view.

1 MR. MERCIER: Right, I understand that.  
2 I couldn't tell if the woods ended at the property  
3 line. That's all.

4 THE WITNESS (Vergati): It appears.  
5 There's no -- I don't recall, there might be an  
6 old barbed wire fence there, but basically the  
7 lawn ends, I think, right where the property line  
8 starts, and that's indicative of the drawing as  
9 well on SP-2, it shows those trees going right up  
10 to the property line.

11 MR. MERCIER: Now that we're talking  
12 about SP-2, I have a couple questions on that.  
13 And that's application attachment 1. It's site  
14 plan SP-2. That's on the website link, PDF number  
15 9, if people don't have that up yet. Okay.  
16 Looking at SP-2, now you come in off Clintonville  
17 Road, you've got your tracking pad, you've got  
18 some landscaping there, you're going up the hill a  
19 little bit and then you have the culvert. Then  
20 you're going from the culvert all the way up to  
21 the compound. Now, is that road kind of dug into  
22 the hill there from the culvert up to the  
23 compound?

24 THE WITNESS (Burns): Yes, there will  
25 be some excavation there. We took the road as

1 steep as we thought we could. We're just under 10  
2 percent there. And yes, that is more or less dug  
3 into the hillside.

4 MR. MERCIER: So when you say 10  
5 percent, that's the finish grade you're trying to  
6 achieve?

7 THE WITNESS (Burns): Yes, sir.

8 MR. MERCIER: Okay. So what's the  
9 grade there now?

10 THE WITNESS (Burns): Oh, boy, I'm  
11 going to -- this is a total guess, but I'm going  
12 to say 25 percent maybe.

13 MR. MERCIER: Okay. So is 10 percent  
14 like a standard for industry or can you get away  
15 with a little bit less grading, about 15 percent  
16 or something of that nature? Why did you choose  
17 10 percent grade?

18 THE WITNESS (Burns): Well, we try to  
19 keep any type of gravel access road between no  
20 more than 10 to 12 percent. I try and shoot for  
21 10 percent, but we can go as high as 12. And on  
22 this particular one it worked the best for us  
23 grade wise to go to -- it's actually just under 10  
24 percent, it's like 9.9 something. And in order to  
25 get up and come around that corner, we felt 10



1 percent with the ditch on the side was the best  
2 way to design that.

3 MR. MERCIER: Okay. So when you're  
4 grading this during construction, you know, the  
5 access road and the side embankments, you're doing  
6 grubbing and soil disturbance and you're starting  
7 to grade the area, what specific erosion control  
8 measures are going to be used to try to prevent  
9 any kind of sediment flowing down that  
10 construction area into that wetland? Are you just  
11 going to use -- how are you going to prevent any  
12 type of sediment going into that wetland area  
13 during construction?

14 THE WITNESS (Burns): So two things,  
15 more than two things. Again, it's Bob Burns with  
16 All-Points. Any slopes that you see there that  
17 are above 3 to 1, which these are 2 to 1, will  
18 have an erosion control blanket on it and will be  
19 seeded. The ditch will be put in very early on  
20 with check dams to slow down the flow. And in  
21 addition, we're showing silt fence at the toe of  
22 slope in the area of the wetlands and anywhere  
23 else where we're grading. Actually, we're  
24 showing -- I'm sorry, Mr. Mercier, we're showing  
25 filter socks, not silt fence.

1           MR. MERCIER: Right. I mean, would it  
2 be beneficial to even just do like two rows of  
3 silt barriers there?

4           THE WITNESS (Burns): I think yes once  
5 we get into the construction, either two rows of  
6 silt fence or even the silt fence with a straw  
7 bale backing to it. We're finding that has a lot  
8 of pluses as well.

9           MR. MERCIER: Okay. Now looking at the  
10 northern embankment, I don't really see any type  
11 of swale there. So if runoff is coming down those  
12 little steep embankments and they hit the road,  
13 where is the water going?

14          THE WITNESS (Burns): The road is not  
15 crowned. The road is pitched to one side. The  
16 road is pitched to the south. So the water will  
17 flow across the road, down into the swale, follow  
18 the swale along down to the riprap apron that is  
19 adjacent to the wetlands.

20          MR. MERCIER: Now, given this site you  
21 have four check dams shown, I mean, is that  
22 sufficient or is that an overbuild or is that just  
23 the minimum, how did you determine four was  
24 sufficient to control, you know, any type of  
25 sediment before it gets down to the wetland area?

1           THE WITNESS (Burns): Areas as steep as  
2 this we usually like to put check dams every 100  
3 feet, and I believe that's what we're showing  
4 here.

5           MR. MERCIER: Now, at the bottom of the  
6 hill there's that culvert. I'm not really  
7 understanding why that is necessary. I don't see  
8 any type of stream or anything over there.

9           THE WITNESS (Burns): So that's a very  
10 good question. I've been out there three times  
11 and it's been dry. The existing ground does slope  
12 to the wetlands. So what we didn't want to have  
13 happen was the road become an impediment or  
14 blocking for any kind of seasonal water that would  
15 run there. So we're putting in a culvert. We're  
16 embedding it in the ground. I believe it's 6  
17 inches of impediment. And the idea being that any  
18 kind of water there is not -- the road itself will  
19 not be an impediment. It will come through the  
20 culvert and then eventually make its way to the  
21 wetlands itself. But you're absolutely right,  
22 there is no flowing stream out there.

23           MR. MERCIER: I just have a general  
24 question on the limit of disturbance here at the  
25 site. Does the limit of disturbance equal the

1 lease area, you know, or is this more like a  
2 temporary type of situation and you have your  
3 lease area for the road and compound separate?

4 THE WITNESS (Burns): I'm not sure I  
5 understand the question.

6 MR. MERCIER: Usually in a lease  
7 agreement they'll show, you know, a compound area  
8 with, we'll say 100 by 100 foot lease area, then  
9 they'll show the access road maybe 20 feet wide.  
10 In this case it's much wider because you're doing  
11 all this embankment work. So I'm just asking if  
12 the lease area encompassed the limit of  
13 disturbance.

14 THE WITNESS (Burns): No, the lease  
15 area itself is only in and around the compound.  
16 So if you look at drawing CT-1, what you're going  
17 to see is a fenced in area and then a slightly  
18 larger lease area. And the reality for that, that  
19 larger lease area, is to include the utility  
20 laydown area which is, by utility company  
21 standards, is not allowed within the compound. So  
22 we usually bump out the lease area an additional  
23 10 to 12 feet to include the backboard, the  
24 step-down transformer and the telephone cabinet.

25 MR. MERCIER: I got you. So to

1 construct the site you just go out beyond that and  
2 then the lease area would be, you know --

3 THE WITNESS (Burns): That's correct.

4 MR. MERCIER: Okay. Let's see what  
5 other questions I have here on this map. Okay.  
6 So, at the culvert location and a little bit up  
7 hill it looks like the limit of disturbance is  
8 right on the property line, so essentially you're  
9 clearing up to the property line in two locations.  
10 Is there any way possible once you cross that  
11 culvert to start turning this road inward to avoid  
12 clearing on the property line?

13 THE WITNESS (Burns): So it's certainly  
14 something we can look at, but one of the reasons  
15 we had to come out of that curve parallel to the  
16 property line is, if we start that road turning  
17 too far to the south, the grades on that road will  
18 end up down into the wetlands and the grades on  
19 the southern side. So we tried to keep it flat up  
20 there, flat being not a grade term, but a flag  
21 parallel to the property line and then coming in  
22 around to the compound. In addition, I know we're  
23 taking down 93 trees, but there's substantial tree  
24 locations in that area as well, and we were trying  
25 to minimize the amount of tree clearing.

1 MR. MERCIER: Got you. Okay. So I  
2 guess for the first area of clearing by the  
3 culvert why do you have to clear beyond that area?  
4 I see like two trees almost at the property line  
5 that you're taking down, but I see the culvert,  
6 kind of a minimal area, like a little basin or  
7 something to collect water and discharge --

8 THE WITNESS (Burns): The northern side  
9 of the driveway?

10 MR. MERCIER: Yeah. There's 300, I  
11 can't read the interval elevation --

12 THE WITNESS (Burns): That could be  
13 tightened up a little bit in that area, you're  
14 absolutely right. The other area where we're  
15 right up against the property line, that's pretty  
16 much in order for us to meet the grade, but the  
17 area near the culvert, you're right, that could be  
18 tightened up a little bit.

19 MR. MERCIER: Give me a second, please.  
20 Okay. I was looking through the documents and I  
21 saw a figure of, I think it was 1,800 cubic yards  
22 of cut. Will all that be removed from the site,  
23 any excess material?

24 THE WITNESS (Burns): Yes.

25 MR. MERCIER: And I assume the stumps

1 will be removed. Are you chipping the trees, you  
2 know, the logs and branches and things for site  
3 use, or are you shipping all the wood waste off  
4 site?

5 THE WITNESS (Burns): I believe that  
6 the wood waste is all being shipped off. The wood  
7 itself will be, but I imagine they're going to do  
8 the same with the stumps. Not I imagine, they  
9 will do the same with the stumps.

10 MR. MERCIER: I'm sorry, did you say  
11 they would remove that wood waste? I didn't hear  
12 that.

13 THE WITNESS (Burns): Yes. Yes, sir.

14 MR. MERCIER: Thank you.

15 THE WITNESS (Burns): You're welcome.

16 MR. MERCIER: Now looking at this tower  
17 location on SP-2, I understand during the  
18 municipal consultation process the compound and  
19 tower was kind of moved to the south a little bit,  
20 about 45 feet or so. I'm just trying to figure  
21 out why -- I didn't see any documentation as to  
22 why the tower is relocated a little bit further  
23 south. Does anybody have any insight as to that  
24 relocation?

25 THE WITNESS (Vergati): Ray Vergati,

1 Homeland Towers. We shifted the tower south by  
2 approximately 45, 48 feet. We were just being  
3 sensitive to some of the abutters. In this  
4 particular case our landlord has a sister and  
5 brother-in-law that live as an abutter, and we  
6 officially wanted to shift the tower a little  
7 further south away from Pistapaug Road. So we  
8 were able to shift it, not a major change. We  
9 still obtained the SHPO no adverse effect with the  
10 relocation.

11 And that was -- again, Ray with  
12 Homeland Towers -- that was more of a, you know,  
13 working with the landlord and her family there  
14 that lives next door, more of an accommodating  
15 request, obviously, to see about shifting it. And  
16 the particular property owner that's the sister  
17 and brother-in-law of our landlord is Robert and  
18 Bonnie Mathews. I believe they're on Pistapaug,  
19 61 Pistapaug Road.

20 MR. MERCIER: Thank you. I had my mute  
21 button on by accident. By moving the tower to the  
22 south a little bit, now it looks like some of the  
23 slopes are going to drain towards the property to  
24 the south. So, I mean, is there any type of  
25 concern of any erosion or anything of that nature



1 as a result of the shift to the property to the  
2 south?

3 THE WITNESS (Burns): Robert Burns from  
4 All-Points. No, I have no concerns with  
5 additional erosion control shifting to the south,  
6 no.

7 MR. MERCIER: Even like  
8 post-construction, I mean, we're just talking  
9 gravel surfaces, there's no -- any kind of surface  
10 to cause a runoff problem I guess is what I'm  
11 asking to the south.

12 THE WITNESS (Burns): No, because  
13 predominantly the water is draining to the west  
14 towards the wetlands so there's really not that  
15 much water there. And I feel that once the small  
16 embankment on the south side of the compound has  
17 been established with turf, we should be fine.  
18 And again, it's two to one, so there will be an  
19 erosion control blanket placed on it.

20 MR. MERCIER: I just had another  
21 question in the compound equipment. I saw in the  
22 application there would be, the drawings, a  
23 propane generator, but I also saw mention of a  
24 diesel generator. So I just want to confirm what  
25 generator Cellco will be installing at the site.

1 THE WITNESS (Burns): The generator on  
2 site will be a 50 kW propane fuel generator. If  
3 it does say diesel somewhere, that's a mistake.

4 MR. MERCIER: Okay. Are there  
5 floodlights in the compound?

6 THE WITNESS (Burns): There are lights  
7 in the compound at Verizon's equipment area.  
8 They're on a manual timer, and they are under the  
9 canopy, under the steel canopy. So if an ops guy  
10 comes to work on it at night, turns the dial, they  
11 light, and then after a certain period of time  
12 they go off, but they are under the canopy.

13 MR. MERCIER: Thank you.

14 THE WITNESS (Burns): You're welcome.

15 MR. MERCIER: I believe I have a few  
16 questions for Mr. Allen regarding the visibility  
17 analysis. Let's see, the response to question  
18 Interrogatory 29A included a revised visibility  
19 map. These are in the March 4th partial  
20 interrogatory responses that's Exhibit 5 in the  
21 hearing program. On the website if you're using  
22 that link, that's PDF page number 32. There's an  
23 aerial map.

24 THE WITNESS (Allen): Yes, I have it.

25 MR. MERCIER: Thank you. Just looking

1 at the hatching there, there's purple. Does that  
2 represent year-round visibility?

3 THE WITNESS (Allen): That's a question  
4 that can't be directly answered. It is -- well,  
5 yes, it would be interpreted as year-round  
6 visibility. The purple area that you are  
7 describing is the area of visibility as generated  
8 by viewshed analysis, and this viewshed analysis  
9 is generated using LiDAR data constructing from  
10 the LiDAR both a digital terrain model and a  
11 digital surface model. A digital surface model  
12 simply is a three-dimensional representation of  
13 vegetation and building masses as reported by the  
14 source LiDAR data. So the purple areas are areas  
15 where line of sight from the top of the tower  
16 would be over the top of any of the digital  
17 surface model entities. So yes, those would  
18 likely be areas that would be visible year-round.  
19 What the LiDAR data can't tell you is areas where  
20 visibility would occur seasonally through trees.  
21 So I think the answer to your question is yes that  
22 is year-round visibility.

23 MR. MERCIER: Okay. Thank you. I  
24 didn't really understand why there was, you know,  
25 I was looking at the map, especially to the north

1 and maybe a little bit to the northwest, kind of  
2 like a streak of purple, you know, because there's  
3 open areas adjacent to these areas where the  
4 visibility is shown. So that basically is a  
5 function of LiDAR, is that what you're saying?

6 THE WITNESS (Allen): If there were a  
7 representation of a tree as reported by LiDAR,  
8 that would cause screening. So the streakiness  
9 likely would be the interference of a single tree  
10 or an irregular treeline or tree heights.

11 MR. MERCIER: Okay. So it would be  
12 even a single tree, I got you.

13 THE WITNESS (Allen): Yes, that's  
14 correct.

15 MR. MERCIER: Okay. In your initial  
16 visibility assessment, I think that was  
17 application attachment 9, there was a photo  
18 simulation from Clintonville Road near number 250.  
19 I think that was photo, of course I can't read it  
20 now, marked as Figure B14. I think that's, using  
21 PDF on the website, PDF number 73. And that  
22 picture shows a photo simulation of the tower from  
23 50 Clintonville Road, the white kind of building  
24 with the tower in the background. Do you have  
25 that picture?

1           THE WITNESS (Allen): I was on mute  
2 that time. I apologize. Yes, to answer your  
3 question, yes, I have that simulation in front of  
4 me.

5           MR. MERCIER: Okay. This photo  
6 simulation is of the monopole design as you see  
7 there. You know, it's marked as a seasonal  
8 visibility on the photograph in the print there;  
9 however, I'm looking at your visibility map that  
10 we just talked about, it shows kind of like  
11 year-round visibility. So I'm not sure what --  
12 are you considering this photo year-round  
13 visibility or seasonal because the hatching kind  
14 of shows year-round?

15           THE WITNESS (Allen): That's a  
16 borderline case. If you look at the simulation  
17 and the deciduous trees that fall in front of it,  
18 the antennas would largely be fully screened by  
19 foreground vegetation when the leaves are on the  
20 trees. On the viewshed map itself, the purple  
21 area is not quite on the location where the tower  
22 is. That's a borderline case. It really can be  
23 interpreted either way. It's very close to the  
24 very top part of the antenna being visible above  
25 the trees, so you could interpret that as being

1 year-round visibility, but that would be  
2 year-round visibility at the very top of the  
3 tower. The bulk of the antennas themselves would  
4 fall behind the treeline.

5 MR. MERCIER: Okay.

6 THE WITNESS (Allen): There's room for  
7 discussion as to whether that would be classified  
8 as year-round or seasonal.

9 MR. MERCIER: Okay. Given that, you  
10 know, most of it appears seasonal, as we just  
11 discussed, looking at your visibility map we just  
12 talked about, there's a house, I think it's 41  
13 Pistapaug, which I'll explain to you in a second  
14 where it is if you don't have the addresses, it's  
15 basically on your map between Photo 71 and 72 and  
16 like a smaller lot within, you know, surrounded by  
17 a larger one, the host parcel. Do you see what  
18 I'm talking about between 71 and 72?

19 THE WITNESS (Allen): Yes, I do.

20 MR. MERCIER: And it's on the south  
21 side of Pistapaug Road. Would that residence have  
22 a similar view as this, you know, maybe not  
23 sticking above the treeline with the top antenna  
24 but maybe, you know, through the trees it might  
25 have this similar type of view, you know, like the

1 tower is pretty evident?

2 THE WITNESS (Allen): Not necessarily.  
3 The types and density trees that fall along that  
4 line of sight as well as the topography are likely  
5 different in that location. Viewpoint 71 and 72  
6 do have photographs in the photo log which is --

7 MR. MERCIER: Yes, I understand that  
8 part. I'm just wondering about the open areas,  
9 you know, behind the house where you couldn't take  
10 a photo in I'll say the backyard.

11 THE WITNESS (Allen): It's possible.  
12 Without having access to the property to look at  
13 that very specific line of sight, I couldn't give  
14 you the answer.

15 MR. MERCIER: Okay. I guess the other  
16 point is, you know, some of the photos you took  
17 are of existing treelines, but there will be trees  
18 removed on the north side of that access road. I  
19 mean, that could affect some of the photos you've  
20 taken, correct, there will be less trees in the  
21 way?

22 THE WITNESS (Allen): That is correct.

23 MR. MERCIER: Just going back to that  
24 embankment area we talked about earlier, is it  
25 possible to plant any vegetation of any sort on

1 the embankment or that's probably not a good idea  
2 if a tree fell down and caused damage to the  
3 embankment? I understand you have some bushes --  
4 excuse me, some evergreens here and there around  
5 the compound and the access road, but I don't  
6 really see anything in the embankment area.

7 THE WITNESS (Burns): Certainly, we can  
8 look into landscaping on that. Part of that is  
9 steep but part isn't. So it kind of depends on  
10 where we would put the trees, but it certainly can  
11 be looked at. I'm sorry, Bob Burns, All-Points.

12 MR. MERCIER: Now, going back to the  
13 application itself, what is really proposed here,  
14 is it a monopine or are you doing a brown  
15 monopole? It was described as a monopine, but a  
16 cost in the application was given as a monopole.  
17 I'm just trying to determine what really is  
18 proposed here.

19 THE WITNESS (Vergati): This is Ray  
20 Vergati, Homeland Towers. We originally entered  
21 into this application with two designs, 110 foot  
22 brown monopole structure as well as a 110 foot  
23 monopine structure. Everybody has an opinion,  
24 obviously, on designs. We did receive SHPO  
25 correspondence with a no adverse effect, and in



1 that correspondence letter SHPO made a  
2 recommendation of a monopole. So that's what  
3 we're more or less leading with right now.

4 Obviously, designs tend to flush out  
5 during the zoning process. If there's a  
6 preference from the town for a monopole, monopine  
7 design, we'll certainly listen to that, as well as  
8 Council members, but I think right now where the  
9 application, I won't say has changed, but where  
10 we're leaning toward more is a monopole design.

11 MR. MERCIER: Okay. Having said that,  
12 I just have a few questions on a potential  
13 monopine. Now, has Homeland constructed a  
14 monopine elsewhere in the state?

15 THE WITNESS (Vergati): We did. Our  
16 most recent site we constructed was down in New  
17 Canaan at 183 Soundview Lane. That particular  
18 site consisted of an 85 foot tall monopine  
19 structure with a 5-foot faux top for a 90-foot  
20 overall monopine tree.

21 MR. MERCIER: Now, when you go to a  
22 monopine design, do you have a particular vendor  
23 in mind or do you just kind of, you know, try to  
24 solicit bids from a couple or use a particular  
25 vendor you like?

1                   THE WITNESS (Vergati): So we pride  
2 ourselves on our sites, and I build sites as if I  
3 live there. And this particular case in New  
4 Canaan we used Valmont structures. It was the  
5 cadillac of monopine trees. That particular tree  
6 was conical shaped, tapered. It had a three  
7 branch per vertical foot, so it was very dense  
8 branching. SHPO, that same scenario in New Canaan  
9 had recommended a monopole. We had our vendor  
10 since then when the tree was installed send a  
11 photo to SHPO, and they actually came back and  
12 said it looks great.

13                   So everybody has an opinion. But to  
14 answer your question, we pride ourselves on  
15 building trees, when it's appropriate, that are  
16 first class with dense branches and bringing them  
17 down, not just starting them at a very high spot  
18 on the tower, particularly bringing them down to  
19 25, 30 feet if there's views of the bottom portion  
20 of the tower.

21                   MR. MERCIER: Okay. For that  
22 particular type of design do the branches extend  
23 out beyond the antennas so they're concealed or  
24 using antenna socks in there?

25                   THE WITNESS (Vergati): For New Canaan,

1 yes, we have the carriers, we're very strict on  
2 what they install for mounts. This is Ray  
3 Vergati, Homeland Towers. We keep the antennas  
4 concealed within the extension of the branches.  
5 The equipment is also painted either brown or  
6 green, and in addition, there's camouflage socks  
7 that are put onto the panel antennas. It's my  
8 understanding that the radioheads, which are more  
9 of the brown or square boxes, cannot take sleeves  
10 but they're painted to match to be concealed  
11 within the branches.

12 MR. MERCIER: Thank you. Let's see, is  
13 this tower proposed here, is it designed for a  
14 tower extension, you know, the foundation and the  
15 body of the monopole going to be designed for any  
16 type of extension or not?

17 THE WITNESS (Vergati): As a matter of  
18 practice -- Ray Vergati, Homeland Towers -- we  
19 typically as a developer we don't know where the  
20 future is going and the future needs for the  
21 public safety and/or carriers. We found it's a  
22 good business and common sense practice to  
23 overdesign the foundation as well as placing a  
24 flange on top of the tower which will accept an  
25 extension based on 6409, either the 10 percent or

1 20 foot, greater or. We haven't gotten that far  
2 right now on this particular tower design, but it  
3 would be our intentions to design it to accept an  
4 extension.

5 MR. MERCIER: Given that the town  
6 intends to locate at I think the 110 foot level,  
7 which is the top of the proposed tower, if an  
8 extension was put on, would they have to remain at  
9 that 110 level on side arms or they move up top?  
10 I'm just trying to figure out what the clearance  
11 requirements would be for a whip antenna if it was  
12 a side arm mount at 110. I'm not sure if you can  
13 answer that or not.

14 THE WITNESS (Vergati): This is Ray  
15 Vergati, Homeland Towers. Every public safety is  
16 slightly different from a separation standpoint.  
17 And maybe this is a question for Ziad, the RF  
18 engineer, but typically what I have found from  
19 experience is that we like, or the carriers like  
20 to have a 3-foot vertical separation between the  
21 top tip of their antenna and the bottom tip or  
22 mount of an omni antenna, town public safety.  
23 That's something that we would look into a little  
24 further in coordination with the town's public  
25 safety consultant, Mr. Paul Zito, as well as the

1 carrier RF engineer to ensure there's no  
2 interference issues.

3 MR. MERCIER: Staying with the  
4 extension, if it was extended, are you required to  
5 go back to the State Historic Preservation Office?

6 THE WITNESS (Vergati): That's a good  
7 question. Ray Vergati, Homeland Towers. I think  
8 we would certainly consult with them just due to  
9 the fact that, you know, we have SHPO concurrence  
10 at 110 feet. We would consult with our attorney  
11 and the carrier or the public safety entity making  
12 that request for an extension to see if it is  
13 permissible under SHPO's guidelines.

14 MR. MERCIER: Let's see, I think I have  
15 a question for Mr. Russo on the Natural Resources  
16 Review, the materials behind application  
17 attachment 10. Essentially, it's a question  
18 regarding the Indiana bat. So I just want to make  
19 sure that what I'm reading correctly is, you know,  
20 to protect this bat, if it occurred at the site,  
21 if clearing would have to occur between October 1  
22 to March 31st. Is that what the recommendation  
23 is?

24 THE WITNESS (Russo): This is Bob  
25 Russo. I'm going to defer. I did not actually

1 prepare that part of the document, and I'm going  
2 to defer to the team members that did.

3 THE WITNESS (Langer): Hi, this is  
4 Elaine Langer with EBI. That is correct.

5 MR. MERCIER: Was there any outreach to  
6 the DEEP bat program?

7 THE WITNESS (Langer): That was from  
8 the U.S. Fish and Wildlife Service.

9 MR. MERCIER: I wasn't sure if also you  
10 contacted the Department of Energy and  
11 Environmental Protection. They have a bat  
12 program. I wasn't sure if you contacted them at  
13 all about this particular issue.

14 THE WITNESS (Langer): For this one,  
15 for Indiana bat, no.

16 MR. MERCIER: Okay. Thank you. I also  
17 had a question about the farm pond at the site  
18 whether, you know, it had the potential to  
19 function as a vernal pool. I don't know if  
20 anybody looked at it or determined, you know,  
21 there's fish in the pond or not, or anything of  
22 that nature. Is there any status update on that?

23 THE WITNESS (Russo): Bob Russo. I,  
24 along with Martin Brogie, have done two sets of  
25 investigations out there during this early

1 springtime to determine if it could serve that  
2 function. Just to briefly review, I know the  
3 commission has experience with vernal pools and I  
4 think phrased this question well in terms of its  
5 ability to function as a vernal pool because in  
6 the State of Connecticut we don't have a  
7 regulatory definition of vernal pool on the books.

8 In short, we've looked at available map  
9 data to see what's going on, aerial photography,  
10 land cover around it. You always need to consider  
11 the surrounding land cover to see if there's  
12 upland habitat for vernal pool species. And we've  
13 been out. We have done dip-netting, seine  
14 netting, we placed traps in the pond and looked  
15 for egg masses as well.

16 To give you an update as to where we  
17 are, we have found that the pond is a year-round  
18 body of water. We have not yet trapped any fish.  
19 That does not rule out their presence. We have  
20 not yet trapped any salamanders or found any egg  
21 masses. It's early in the season, and again, that  
22 doesn't rule out their presence there.

23 We have found only one of the vernal  
24 pool obligate species present in or around the  
25 pond, that's wood frog. We netted one, we heard

1 one calling when we were out there investigating.  
2 We found a number of other species present in the  
3 pond, including bull frog, predaceous diving  
4 beetle, fingernail clams, a couple of other  
5 species out there, leeches.

6           And what we've been able to determine  
7 to date is that this is a year-round pond, that it  
8 contains species that would prey upon obligate  
9 vernal pool species. That if it does in fact  
10 provide breeding habitat for a species such as  
11 wood frog, it's likely that that is really limited  
12 by the presence of species that prey readily on  
13 the wood frogs. At this point we do expect that  
14 we would find over the next couple weeks some wood  
15 frog egg masses out there, but in doing the  
16 background work, the research, we know that the  
17 area surrounding the pond is predominantly  
18 developed for residences, has lawn mixed in with  
19 woods, and that the piece of property itself is  
20 surrounded on three sides by busy streets. And  
21 that, as I'm sure the commission is aware, streets  
22 nearby to vernal pool type habitats can cause high  
23 mortality rates during the springtime, this time  
24 of year when we have a wet night and there's a  
25 migration that happens on those wet nights.



1           So to summarize, the hydrology of this  
2 pond would prevent it from being defined as a true  
3 vernal pool by some of the definitions which say  
4 that vernal pools need to dry out periodically to  
5 prevent there from being a fish population, and  
6 the surrounding habitat for this pond also  
7 indicate that function for vernal pool species  
8 breeding would be limited. I think that's a fair  
9 summary of what we found to date. So I don't  
10 expect that the installation of the access or the  
11 tower nearby would really impinge on vernal pool  
12 function of this pond as that function is fairly  
13 limited and as the species that are using it are  
14 already gaining access over some pretty  
15 significant obstacles and breaks in the habitat  
16 that they would want to have. I'd be happy to  
17 answer any further questions.

18           MR. MERCIER: Thank you. I have no  
19 other questions. That was a very good summary.  
20 Thank you very much.

21           I think I have a question for Mr.  
22 Cheiban. This has to do with the church  
23 acquisition request form that was provided in the  
24 supplementary interrogatory responses dated March  
25 8th that was number 6 on the hearing program.

1 Essentially, as you know, the form stated that the  
2 search ring was issued in 2014 with the desired in  
3 service date of 2015, so it's been a while.

4 I guess the question is why has it  
5 taken so long to actually get a concrete proposal  
6 for a facility in this particular area given, you  
7 know, it's been five, six years or so?

8 THE WITNESS (Cheiban): Ziad Cheiban  
9 with Verizon. So I wasn't the original RF  
10 engineer that issued the search ring. I don't  
11 have the full history. But what I can tell you is  
12 that that search ring was put on hold for a couple  
13 of years, and when I took over the area I  
14 reevaluated the situation. The network, the needs  
15 of the network have evolved significantly since  
16 2014, and I thought that church was not going to  
17 provide the coverage that we needed at this point  
18 and we started searching for other alternatives at  
19 the time.

20 MR. MERCIER: Okay. That was my second  
21 question. It looks like the coordinates were kind  
22 of almost focused on the Saint Andrews Church at  
23 the corner of 17 and 22. So that's correct,  
24 initially it was potentially going to locate at  
25 that church?

1 THE WITNESS (Cheiban): That is  
2 correct, but in hindsight, that would not have  
3 served our network needs for the long term. It  
4 was kind of a short-term solution.

5 MR. MERCIER: Okay. And so, you know,  
6 here we are five years later, six years later, so  
7 what's changed, the data usage, is that what's  
8 driving your height need now?

9 THE WITNESS (Cheiban): Usage has gone  
10 up and does keep going up. The number or the  
11 spectrum that we have keeps increasing. We now  
12 have more frequently blocks than we used to. And  
13 some of these are at the higher end of the  
14 frequency spectrum and don't propagate as far,  
15 especially with a low centerline.

16 MR. MERCIER: Thank you. Also, just  
17 looking at one of the interrogatory responses, it  
18 said that the town needed a height of 110 feet for  
19 their network. So I understand Verizon is going  
20 to locate at 96. Now, is that your minimum for  
21 this particular site, or could you go lower?  
22 Curiosity, I guess.

23 THE WITNESS (Cheiban): This is Ziad  
24 Cheiban again. Yes, we could potentially go a few  
25 feet lower, maybe up to -- down to 85 feet. And I

1 did provide that answer in that same supplemental  
2 that you just referred to.

3 MR. MERCIER: Thank you. And I guess  
4 finally I have a question for Mr. Zito regarding  
5 the Town of North Branford's communications  
6 system.

7 THE WITNESS (Zito): Yes, sir.

8 MR. MERCIER: Mr. Zito, can you just  
9 provide like an overview of what the town is  
10 trying to accomplish with this particular site?

11 THE WITNESS (Zito): Sure. So up in  
12 the north end of town, the Northford area of town  
13 has always been a poor coverage area for public  
14 safety communications. So by putting an antenna  
15 in that location they will fill in the dead spots,  
16 especially within buildings up there. There's a  
17 couple of schools up there, some industrial  
18 buildings, as well as some low density residential  
19 buildings. So this would augment and provide much  
20 better coverage than what they have now. This is  
21 a new system that they're putting in. They're  
22 going on an 800 trunk system, sharing resources  
23 with the State of Connecticut, and abandoning the  
24 four other locations that they use now in town.

25 MR. MERCIER: I'm sorry, I didn't hear

1 the last part of that. They had four other  
2 locations in town they're going to abandon, is  
3 that what you stated?

4 THE WITNESS (Zito): That's correct.  
5 Right now they have other locations, their system  
6 is somewhat spread out. So they will actually be  
7 consolidating the amount of sites that they use  
8 and increasing their coverage remarkably.

9 MR. MERCIER: Is there a second or a  
10 third site proposed besides this particular one?

11 THE WITNESS (Zito): There's a second  
12 site that we're looking at that's down south on  
13 the Tilcon property at their sand pit or aggregate  
14 operation.

15 MR. MERCIER: Okay. Thank you. Is it  
16 just emergency communications or is there public  
17 works or any other type of municipal  
18 communication?

19 THE WITNESS (Zito): It will be all  
20 emergency services, including ambulance and also  
21 public works.

22 MR. MERCIER: Thank you.

23 THE WITNESS (Zito): Thank you.

24 MR. MERCIER: I have no other  
25 questions. Thank you very much.

1 MR. MORISSETTE: Thank you, Mr.  
2 Mercier. We'll now continue with  
3 cross-examination of the applicant by Mr.  
4 Silvestri followed by Mr. Nguyen.

5 Mr. Silvestri.

6 MR. SILVESTRI: Thank you, Mr.  
7 Morissette and good afternoon.

8 MR. MORISSETTE: Good afternoon.

9 MR. SILVESTRI: Mr. Russo and/or Mr.  
10 Brogie, I'd like to start with you first. For my  
11 clarification or edification is there one wetland  
12 or two on the site?

13 THE WITNESS (Brogie): This is Martin  
14 Brogie. I did the wetland delineation out there  
15 on the site. Hi, Bob. There's really one wetland  
16 system on the site. It's connected only through  
17 an overflow pipe that's been installed in the dam  
18 and drains down to the lower portion of the dam,  
19 and there's a bit of a weeping at the base of the  
20 dam as well. It's all technically hydrologically  
21 connected. And as the wetland line, you know,  
22 jogs around the dam structure itself, that's why  
23 it looks like there are two, but they're actually  
24 connected.

25 MR. SILVESTRI: And the connection is

1 through that 12-inch cast iron pipe; is that  
2 correct?

3 THE WITNESS (Brogie): Yeah, that's the  
4 hydrologic connection there, yes.

5 MR. SILVESTRI: Great. Thank you. And  
6 water flow, if I understand correctly, is somewhat  
7 north to south or perhaps northeast to southeast;  
8 would that be correct?

9 THE WITNESS (Brogie): Yes. It starts  
10 at the very top northern end of the wetland at a  
11 seep, which is an old dug well, actually, and it  
12 overtops the old dug well and drains down across  
13 about 60 feet of wetland soils into the pond and  
14 then from the pond it overflows down into the  
15 lower reaches of the wetland.

16 MR. SILVESTRI: Thank you. And for  
17 clarification, when Mr. Mercier was asking  
18 questions before and the response came up about a  
19 pond, where is that pond?

20 THE WITNESS (Brogie): It's basically  
21 the north central part of the delineated wetland.  
22 You should be able to see it on the aerial  
23 photograph. It's a perennial pond, and in just  
24 about every Google view and the aerial photograph  
25 that's included in my report you can see the pond.

1 MR. SILVESTRI: No, that's fine. I  
2 just wanted to make sure.

3 THE WITNESS (Brogie): In terms of like  
4 the plan view, plan view SP-2, it will be, you can  
5 see where the cast iron pipe is, it's just north  
6 of the cast iron pipe. And from wetland flags  
7 1-1, it circles around the southern end and then  
8 the western side of the pond up till about wetland  
9 flag 1-9 where the pond ends on that side, and the  
10 northern edge of the pond goes eastward from 1-9.  
11 We didn't capture the east side of the pond or the  
12 east side of the wetland. We were just working in  
13 the areas that were proximal to the proposed  
14 project.

15 MR. SILVESTRI: Towards the west?

16 THE WITNESS (Brogie): Yes.

17 MR. SILVESTRI: Out of curiosity, what  
18 feeds the pond?

19 THE WITNESS (Brogie): The seep that's  
20 above the pond to the north which would be south  
21 of the roadway right near the very top of the  
22 delineated wetland up at, it looks like probably  
23 wetland flag 13. There is a stone shallow well  
24 structure that picks up the seep coming off that  
25 hillside and it flows out of that shallow well



1 down the slope into the pond. So it's a spring  
2 fed pond that's been dammed up.

3 MR. SILVESTRI: Very good. I believe I  
4 got that. Thank you, Mr. Brogie.

5 THE WITNESS (Brogie): You're welcome.

6 MR. SILVESTRI: Then a follow-up to Mr.  
7 Russo. In your discussion with Mr. Mercier about  
8 the potential for a vernal pool, you mentioned you  
9 had on-site evaluation. When was on-site  
10 evaluations performed?

11 THE WITNESS (Russo): We were out twice  
12 and we were out this past Sunday and then Tuesday  
13 of the week before.

14 MR. SILVESTRI: Okay. Thank you for  
15 that response as well. Okay. Now I'd like to  
16 talk about the site in general. And again, we  
17 talked about the proposed access would utilize a  
18 portion of the existing driveway at 222  
19 Clintonville Road and then continue onto a new  
20 gravel driveway for about 795 feet to the tower  
21 site. If you look at Tab 17 on the submittal that  
22 we have, All-Points has a drawing labeled Site  
23 Plan Option A, and in that site plan it depicts  
24 the access from Pistapaug Road. Is that a viable  
25 option?

1                   THE WITNESS (Vergati): This is Ray  
2 Vergati with Homeland Towers. In our initial work  
3 with the landlord, they obviously have that 25  
4 foot wide swath that comes in off of Pistapaug.  
5 Straddling that swath is two other family members,  
6 a brother-in-law and sister-in-law. In addition,  
7 that swath or roughly 280 feet has trees in it.  
8 And it was the landlord's preference to not go  
9 between those two homes, the access road would be  
10 relatively close to both those houses, in addition  
11 to have those trees removed. So the landlord  
12 asked, and it wasn't their complete preference but  
13 they preferred to have it come across the way we  
14 show it now coming across their existing lawn as  
15 opposed to coming out Pistapaug Road.

16                   MR. SILVESTRI: Thank you, Mr. Vergati.  
17 Because I was looking at that, and it's  
18 approximately 650 feet going in shorter than the  
19 proposed access from 222 Clintonville Road. And I  
20 didn't know if there were topographic, wetland,  
21 tree removal or other impediments, but from what I  
22 heard, it seems more of a landlord preference.  
23 Would that be correct?

24                   THE WITNESS (Vergati): I would say --  
25 Ray with Homeland Towers. I would say it would be

1 a preference. If you look at a GIS aerial map,  
2 you'll see that 25 foot wide, call it  
3 right-of-way, per se, but it is property owned by  
4 the landlord. It is completely full of trees. So  
5 there would be much more tree removal, obviously,  
6 coming from that direction. So I think it's fair  
7 to say it was a preference of the landlord to come  
8 across their lawn which more or less was an  
9 inconvenience for them as opposed to coming in and  
10 disturbing that particular new pathway coming in  
11 and removing more trees and being close to those  
12 two homes on Pistapaug, 41 and 61.

13 MR. SILVESTRI: Okay. Thank you for  
14 your response, Mr. Vergati. Has there been any  
15 consideration, if you will, and/or discussions  
16 with the property owner at what I see as Petry  
17 Commons at 246 Clintonville Road to use a portion  
18 of that driveway for a shorter overall access to  
19 the tower site?

20 THE WITNESS (Vergati): This is Ray  
21 Vergati, Homeland Towers. During my site search  
22 process I did meet personally with the owners of  
23 246 Clintonville Road. We did a design visit out  
24 there. We produced exhibits. We gave them a  
25 lease. Their attorney was reviewing the lease.

1 During the course of the lease negotiations, the  
2 owners of that property, Janet Petry and Paul  
3 Bellacicco, declined to enter into any type of  
4 lease agreement with Homeland Towers. I don't  
5 think the question was posed to them regarding if  
6 the tower were to remain on 222 Clintonville Road  
7 where it is right now to see if they would be  
8 amenable to allowing access through their  
9 property. I will tell you that in my discussions  
10 with them they made it well known to me they did  
11 not want to encumber the property whatsoever, be  
12 it a lease, an easement, and so forth. So they  
13 were not interested in tying up the property, per  
14 se.

15 MR. SILVESTRI: Thank you again,  
16 Mr. Vergati. Now I need some clarification. If  
17 you look at drawing CP-1, it has a 110 foot  
18 monopole and then if I look at drawing A-1 it has  
19 a -- I'm sorry, that was a monopine, monopine  
20 under CP-1. Drawing A-1 has a 110 foot monopole.  
21 But going back under Tab 17, All-Points lists 120  
22 feet on a number of drawings. So the question and  
23 clarification I'm looking for, is the proposed  
24 pole or pine height actually 110 feet or 120 feet?

25 THE WITNESS (Vergati): Ray Vergati,

1 Homeland Towers. The exhibit that All-Points  
2 prepared is simply that, a lease exhibit, that was  
3 prior to either the town and/or Verizon locking  
4 down on a justified height. So we led with on our  
5 lease exhibit is purely just 120-foot structure.

6 MR. SILVESTRI: So actual proposed is  
7 110, correct?

8 THE WITNESS (Vergati): Yes, to answer  
9 your question, top of the tower is 110.

10 MR. SILVESTRI: All right. Thank you.  
11 Now I'd like to look at Photo 65 as an example.  
12 Photo 65, I guess it's the third one in, shows a  
13 proposed monopine. And I'm curious about the,  
14 shall we say, the structure of the monopine. It  
15 kind of looks like a bottle brush, if you will,  
16 with a flat top. And I'm just curious if that  
17 would be what's proposed for a monopine or would  
18 actually see some taper involved.

19 THE WITNESS (Vergati): This is Ray  
20 Vergati with Homeland Towers. We consider various  
21 designs at times for monopine trees. Some  
22 preference of landlords and towns and others is to  
23 have a conical shape, more or less like a  
24 Christmas tree design, typically 6, 7 foot  
25 branches tapering down to a wider branch at the

1 bottom typically 12 to 14 feet in length. This  
2 particular tree initially from a photo sim  
3 perspective, I believe, and just from a drawing  
4 perspective we were looking at it from a  
5 non-conical, non-uniform tree. Many times in  
6 nature these trees lose their tops to wind storms.  
7 If you look at a pine tree, they may have a  
8 12-inch branch then a 6-inch branch. So we've  
9 done trees in both designs. This particular one,  
10 I believe, and Matt could speak to that, I believe  
11 it was photo simmed as a non-uniform, non-conical  
12 shaped tree, not a Christmas tree.

13 MR. SILVESTRI: And with what is  
14 represented in that Photo 65, going back to what  
15 Mr. Mercier had posed, you'd still have socks to  
16 cover up antennae and other appurtenances,  
17 correct?

18 THE WITNESS (Allen): This is Matt  
19 Allen. Yes, the representation of the monopine is  
20 a 3D model using branches that are 6 to 7 feet  
21 long off the pole itself at the top of the tower,  
22 and they range down to probably about 11, 12, 13  
23 feet at the lower end of the tower. So it is  
24 moderately conical, but they're irregular, the  
25 branches do not go, you know, 7, 8, 9 feet

1 sequentially, they're mixed to have more of a  
2 naturalistic look. And I believe the antennas  
3 that are modeled have a sock-like texture to them.

4 MR. SILVESTRI: Got you. Thank you for  
5 your response. We talked earlier, or you talked  
6 earlier with Mr. Mercier about the shift or  
7 potential shift 45 feet to the south. Would a  
8 hinge point be required for the tower on that  
9 proposed scenario?

10 THE WITNESS (Burns): Bob Burns with  
11 All-Points. Yes, a hinge point at 80 feet is  
12 being proposed on this tower. I believe it's  
13 labeled on the drawings.

14 MR. SILVESTRI: And the 80 feet would  
15 apply also for that 45 foot shift to the south?

16 THE WITNESS (Burns): Yes, sir.

17 MR. SILVESTRI: Thank you.

18 THE WITNESS (Burns): I'm sorry,  
19 originally there wasn't a hinge point, and with  
20 the shift we had to put one in.

21 MR. SILVESTRI: Very good. Thank you.  
22 Let's see, the next set of questions I have  
23 pertain to various photographs and visibility,  
24 although Mr. Mercier had asked about photo number  
25 4 about the trees, so I appreciate the response on

1 that. But if you could turn to Tab 9, appendix C  
2 on the application, there's numerous photo  
3 simulations that I'd like to discuss. The first  
4 one I have goes back to that Photo 65. And if you  
5 look at the first Photo 65 in that series, you'll  
6 see that there's a red dot on the first one, and  
7 then you have what the proposed monopole would  
8 look like, and then the third one is what the  
9 proposed monopine would look like. But when I  
10 look at the red dot and the proposed poles,  
11 there's a shift that's over to the right side as  
12 well as being a little bit lower. So could you  
13 explain why you have a red dot but it didn't  
14 represent where the pole or pine would go?

15 THE WITNESS (Allen): Yes. This is  
16 Matt Allen. The red dot that you described is the  
17 balloon that we were were flying at the time, and  
18 that balloon was flown at 100 feet to the bottom  
19 of the balloon. It was a 4-foot diameter balloon,  
20 so it's 104 feet to the top of the balloon.  
21 Subsequent to the day of the balloon test, there  
22 was a design change on the project that brought  
23 the top of the tower up to 110 feet. So the  
24 actual proposed tower height is approximately 6  
25 feet higher than we flew the balloon that day, so



1 that's one vertical discrepancy.

2 Another slight discrepancy was where we  
3 were able to place the balloon in that wooded area  
4 to snake it up through the trees so there was a  
5 slight horizontal offset, although I believe we  
6 were very close to the actual tower center. But  
7 that would be a slight horizontal offset. And  
8 also, as with most balloon tests, there was some  
9 wind that day blowing the balloon off its intended  
10 location.

11 So what we do to improve accuracy is we  
12 don't rely entirely on the balloon for the  
13 positioning of the 3D model, we use other fixed  
14 elements visible within the photograph such as the  
15 buildings. We know the buildings' footprint, we  
16 know the buildings' approximate height, we use  
17 terrain, all of that to help establish the  
18 location of the proposed tower within the  
19 photograph. So it actually would be rare for the  
20 tower to be exactly where the balloon was when we  
21 do our simulations. It could be close, but we use  
22 better benchmarks than just the balloon.

23 MR. SILVESTRI: So again, the better  
24 representation would be where you have a monopole  
25 or a monopine depicted in those photos, correct?

1 THE WITNESS (Allen): That's correct.

2 MR. SILVESTRI: Would that be the same  
3 for Photo 68 because there's also a shift that's  
4 there?

5 THE WITNESS (Allen): Yes, that would  
6 be correct also. This is Matt Allen.

7 MR. SILVESTRI: All right. How about  
8 Photo 73?

9 THE WITNESS (Allen): That would be  
10 correct also.

11 MR. SILVESTRI: Then what I didn't see,  
12 if you go back to Photo 58, I didn't see any shift  
13 at all. And again, I think you explained why the  
14 other ones might be off a little bit from the red  
15 dot, but why would 58 be right on the mark?

16 THE WITNESS (Allen): That probably is  
17 just the circumstances. Matt Allen. That  
18 probably would be a circumstance where the  
19 alignment of the balloon and the tower just  
20 happened to coincide.

21 MR. SILVESTRI: From that particular  
22 viewpoint?

23 THE WITNESS (Allen): From that  
24 particular viewpoint.

25 MR. SILVESTRI: Very good. Thank you.

1 And the last set of questions I had pertained to  
2 the site search. Although Mr. Mercier did ask  
3 about 1382 Middletown Avenue and Saint Andrews  
4 Church, but I just wanted to get a clarification  
5 that the rejection for a stealth steeple  
6 installation was because it's not high enough, did  
7 I hear that correctly?

8 THE WITNESS (Cheiban): This is Ziad  
9 Cheiban with Verizon. Yes, it wasn't high enough.

10 MR. SILVESTRI: Okay. Thank you. I  
11 thought I heard that correctly, but thank you  
12 again. And if you go back to Photo 54 in that  
13 series of photos that we were just discussing, and  
14 I want to pull it up on my screen as well. I'm  
15 sorry, this is 54 under Tab 9. And if you look at  
16 that photo, you have the Northford Congregational  
17 Church which is located at 4 Old Post Road and  
18 Route 22 on the hill. I did not see that church  
19 listed in the site search summary for perhaps a  
20 stealth steeple installation, and I do believe  
21 that it's a historic structure, but I'm curious  
22 why it wasn't listed on the site search summary.  
23 So was it considered at all?

24 THE WITNESS (Cheiban): Ziad Cheiban  
25 with Verizon. When the search ring was first

1 issued in 2014, somebody did approach that church  
2 on Verizon's behalf and they were not interested,  
3 and I don't believe we've approached them again  
4 since.

5 MR. SILVESTRI: Thank you, Mr. Cheiban.

6 Mr. Morissette, I believe that's all I  
7 have at this time. Thank you.

8 MR. MORISSETTE: Very good. Thank you,  
9 Mr. Silvestri. We will now take a ten minute  
10 break and reconvene at 3:35. So we will be back  
11 at 3:35. Thank you, everyone.

12 (Whereupon, a recess was taken from  
13 3:25 p.m. until 3:35 p.m.)

14 MR. MORISSETTE: We'll now continue  
15 with cross-examination by Mr. Nguyen followed Ms.  
16 Cooley.

17 Mr. Nguyen.

18 MR. NGUYEN: Thank you, Mr. Morissette.  
19 Good afternoon. Let me start with the site search  
20 summary, attachment 8 for the application. I  
21 noticed that there are a number of sites that were  
22 not chosen, and the reason behind that was after  
23 meetings and many discussions with North Branford  
24 town officials that the town decided not to enter  
25 into the lease with Homeland Towers. And I'm

1 curious as to do you know any reason for that?

2 THE WITNESS (Vergati): Sure. This is  
3 Ray Vergati, Homeland Towers. Maybe I'll take  
4 this opportunity just to frame some brief history  
5 from a site search perspective. I was born in  
6 this town. I've been a resident here for the past  
7 26 years. I know the area extremely well.  
8 There's been three attempts by previous developers  
9 to bring sites into a historic district, one the  
10 Council denied back in 2014.

11 But to answer your question  
12 specifically regarding the town, this proposal was  
13 vetted before the Town Council on numerous  
14 occasions. They ended up sending a letter of  
15 noninterest on any town properties to me back on  
16 February 25th with their noninterest. I've had  
17 numerous meetings and conversations with various  
18 members and town officials, and from what I can  
19 gather, they did not want to encumber the town  
20 property. There was discussion about a potential  
21 deed restriction behind the school and community  
22 house property. There was a wetland crossing that  
23 was needed to get to the back area. There was  
24 also issues that they have walking trails for the  
25 students of Totoket Valley Elementary School,

1 TVES, and they wanted to keep those trails open  
2 and pristine and not encumbered with any type of  
3 development for a cell tower.

4 MR. NGUYEN: And some of the  
5 discussions were conducted recently as well?

6 THE WITNESS (Vergati): Yes, yes,  
7 there's been discussions. This is Ray with  
8 Homeland Towers. There's been dialogue for the  
9 past two years, and there's been even discussion  
10 as of two weeks ago again before the Town Council,  
11 and they have adamantly declined to have any cell  
12 tower on the town property in this section of  
13 Northford.

14 MR. NGUYEN: Reference interrogatory  
15 response to number 14, the question was, "Would  
16 the proposed antennas be capable of offering 5G  
17 services?" And the answer is "Yes." Do you know  
18 which frequency bands you would use to deploy the  
19 5G services?

20 THE WITNESS (Cheiban): This is Ziad  
21 Cheiban with Verizon. We're currently using the  
22 850 megahertz and we will be using the new 3.7  
23 gigahertz frequency for 5G. That is what is  
24 current, but in the future we might reuse some of  
25 our existing frequencies that are being used for

1 4G, we might convert those to 5G.

2 MR. NGUYEN: Moving on to number 29.  
3 And if I could ask, your attention to the table  
4 that you provided that shows the change between  
5 the original tower and the shifted tower position.  
6 And I'm looking at the last column, the percentage  
7 change, and I see that the percentage change is  
8 indicated .03 percent. So should that be .6  
9 percent?

10 THE WITNESS (Allen): This is Matt  
11 Allen. Yes, I assume you're correct. That is  
12 clearly a typo. So I would conservatively say  
13 that should be .6 percent, not .03 percent.

14 MR. NGUYEN: And looking at attachment  
15 1 of the application, I'm looking at the diagram,  
16 and I see that the nearest to the property line  
17 shows 96 feet; is that correct?

18 THE WITNESS (Burns): Bob Burns with  
19 All-Points. Yes, that's correct.

20 MR. NGUYEN: Could it be designed with  
21 a yield point?

22 THE WITNESS (Burns): It is being  
23 designed with a yield point at 80 feet AGL above  
24 grade.

25 MR. NGUYEN: 80 feet?

1 THE WITNESS (Burns): Yes, sir.

2 MR. NGUYEN: And how much more would it  
3 cost to have a yield point?

4 THE WITNESS (Burns): I have to be  
5 honest, sir, I don't know what the difference in  
6 cost would be for the yield point. The tower  
7 hasn't been priced yet, or designed yet, so I  
8 don't know offhand.

9 MR. NGUYEN: And with respect to the  
10 construction time frame, what would be the time  
11 duration starting with the commencement and  
12 completion of the project?

13 THE WITNESS (Vergati): This is Ray  
14 with Homeland Towers. Typical sites, and they  
15 tend to vary based on site specifics, but from the  
16 day of sticking a shovel in the ground to having  
17 the site tenant ready is approximately 60 to 70  
18 days time frame, about two and a half months to  
19 have the site ready.

20 MR. NGUYEN: Okay. Thanks for the  
21 response. And that's all I have, Mr. Morissette.  
22 Thank you.

23 MR. MORISSETTE: Thank you, Mr. Nguyen.  
24 We'll now continue with cross-examination of the  
25 applicant by Ms. Cooley followed by Mr. Quinlan.



1 Ms. Cooley.

2 MS. COOLEY: Thank you, Mr. Morissette.  
3 Many of my questions have been addressed. I just  
4 have a few. I believe this is directed towards  
5 Ms. Langer. I'm looking at a letter from the  
6 Council of Environmental Quality, and in the third  
7 paragraph it mentions that the applicant has  
8 requested some information from the Natural  
9 Diversity Data Base but they haven't included any  
10 correspondence regarding the review. And I'm  
11 curious if you have heard anything from them or if  
12 you have had any correspondence with them. I  
13 think earlier in your testimony you said you had  
14 not talked to DEEP about the Indiana bat. So if  
15 you could comment on that.

16 THE WITNESS (Langer): Correct, we have  
17 not had correspondence. We have an application  
18 and we have not had correspondence.

19 MS. COOLEY: Is that unusual?

20 THE WITNESS (Langer): It looks like it  
21 was done as part of our NEPA. Sometimes it is,  
22 sometimes it isn't, yeah.

23 MS. COOLEY: Okay. It looks like the  
24 date on that was April 26, '21. So is that  
25 unusual to have almost a year go by without any

1 contact from them?

2 THE WITNESS (Langer): For Connecticut  
3 I'm not sure. I know we've had a lot of delays  
4 with U.S. Fish and Wildlife in other states.

5 MS. COOLEY: Okay. And will you be  
6 providing the Council with any correspondence that  
7 you receive from them or recommendations?

8 THE WITNESS (Langer): Yes.

9 MS. COOLEY: Very good. And my other  
10 questions were about vernal pools. I think we've  
11 covered that.

12 I think that's all I have. I think  
13 everything else I was interested in has been asked  
14 and answered. Thank you very much.

15 MR. MORISSETTE: Thank you, Ms. Cooley.  
16 We'll now continue with cross-examination by Mr.  
17 Quinlan followed by Mr. Collette.

18 Mr. Quinlan.

19 MR. QUINLAN: Yes, I just had a few  
20 questions. Thank you. First up, approximately  
21 how far above the existing trees will the top of  
22 the structure be?

23 THE WITNESS (Allen): This is Matt  
24 Allen. Without actually looking directly at the  
25 LiDAR data, but I have looked at it in the

1 viewshed process, the trees in the area are  
2 approximately 50 feet on the low end and some  
3 upwards of 70 to 80 feet on the high end, and the  
4 top of the tower itself is at 110 feet. So  
5 looking at everything horizontally, the top of the  
6 tower might be anywhere from, you know, say 70  
7 feet median and might be 30 feet above the tops of  
8 the trees.

9 MR. QUINLAN: Okay. I was looking at  
10 one of the photographs, I think it's 58, it does  
11 show that there's some pine trees around the  
12 facility. Is there pine trees looking from the  
13 other direction also or is that just in that  
14 particular spot?

15 THE WITNESS (Allen): Yes, there are.  
16 This is Matt Allen again. If you look at the  
17 half-mile viewshed map, it's Figure A-2 in Exhibit  
18 9.

19 MR. BALDWIN: Just for clarification,  
20 that's Exhibit 1, attachment 9 in the application.

21 THE WITNESS (Allen): Thank you. You  
22 can see, you can clearly identify pine trees  
23 within the immediate vicinity. The pine trees  
24 that you are looking at in Photo 58 I believe are  
25 the pine trees on the abutting property

1 immediately to the south of the project site.

2 MR. QUINLAN: But there's also pine  
3 trees in other directions also around the  
4 facility?

5 THE WITNESS (Allen): Yes, there's  
6 scattered pine trees, some on the property and  
7 pine trees off the property on abutting properties  
8 in small groves.

9 MR. QUINLAN: Okay. I just want to  
10 clarify your response to Mr. Mercier. Did you  
11 agree that you would not cut down trees between,  
12 what was it, October 1 and March 31st?

13 THE WITNESS (Vergati): Ray Vergati,  
14 Homeland Towers. I believe the tree restriction  
15 is from, would not allow tree cutting between  
16 April 1st and October 1st due to potential habitat  
17 of the Indiana bat. And we would consult a little  
18 bit further with EBI, but basically our response  
19 would be that yes, Homeland would agree to not  
20 remove trees during that restriction period.

21 MR. QUINLAN: April 1 to October is  
22 when you can't do it or when you can?

23 THE WITNESS (Vergati): That's when you  
24 are not allowed to clear trees between April 1st  
25 and October 1st.

1 MR. QUINLAN: Okay. And you agreed to  
2 that. Thank you.

3 I had one other question. Is there any  
4 way that you could increase the capacity of the  
5 back-up tank so it would last a little longer  
6 than -- it's less than two days at the current  
7 time for the back-up power.

8 THE WITNESS (Burns): Bob Burns from  
9 All-Points. If a larger tank was put in, say,  
10 1,000 gallon tank, that would increase the  
11 capacity.

12 MR. QUINLAN: Could that be easily  
13 added?

14 THE WITNESS (Burns): Depending on the  
15 applicant. The answer from an engineering  
16 standpoint is yes.

17 MR. QUINLAN: How about from a cost  
18 point of view or space?

19 THE WITNESS (Vergati): This is Ray  
20 with Homeland Towers. I can't speak for the cost  
21 perspective. That's Verizon's decision to go from  
22 a 500 gallon liquid petroleum to 1,000 gallon.  
23 From a space perspective, yes, we would allow the  
24 increase to a larger propane tank. It is serving  
25 in this case both the Town of North Branford's

1 public safety and Verizon.

2 MR. QUINLAN: Right. Okay. Thanks a  
3 lot. That's all my questions.

4 MR. MORISSETTE: Thank you, Mr.  
5 Quinlan. We'll now continue with  
6 cross-examination by Mr. Collette followed by Mr.  
7 Lynch.

8 Mr. Collette.

9 MR. COLLETTE: Yes. Thank you. Good  
10 afternoon. My questions focus really on  
11 attachment 1 of the plan sheets, attachment 1 to  
12 the application, and I'm looking specifically at  
13 sheet C2, and there's a section on the left that  
14 details a sequence of construction. It's my  
15 understanding that's just the sequence for  
16 installing that particular erosion control; is  
17 that correct?

18 THE WITNESS (Burns): Bob Burns with  
19 All-Points. Yes, sir, that's correct. When the  
20 D&M plans are submitted, a full sequence of  
21 construction will be (inaudible) --

22 MR. COLLETTE: Okay. So that full  
23 sequence you're talking about, that would include  
24 the plans for any predisturbance work to install  
25 controls and stabilize in areas to help control

1 sediment erosion in that area of the wetland?

2 THE WITNESS (Burns): Yes, sir.

3 MR. COLLETTE: Okay. So that will all  
4 be part of the D&M plan that detailed construction  
5 sequence. Okay.

6 I really think all my other concerns  
7 have been asked and answered. That was really the  
8 key point. I know we're .04 acres below the  
9 threshold for the stormwater GP at DEEP, so I  
10 think we're right on the threshold there, and it's  
11 just equally important on a site this size that  
12 that area be controlled. But thank you for your  
13 responses.

14 MR. MORISSETTE: Thank you, Mr.  
15 Collette. We'll now continue with  
16 cross-examination by Mr. Lynch and I'll wrap it up  
17 for the day.

18 Mr. Lynch.

19 MR. LYNCH: Just a few qualifying  
20 questions before I get started. Question Number  
21 20, Mr. Quinlan talked about back-up battery  
22 power. Your answer is that the back-up battery  
23 power would last for eight hours. Now my question  
24 is this: If Cellco is running on full power and  
25 the town is running on full power, would those

1 batteries really last for eight hours?

2 THE WITNESS (Cheiban): This is Ziad  
3 Cheiban with Verizon. So Verizon, the batteries  
4 are not shared. Verizon has their own batteries  
5 and those are dimensioned to last eight hours.  
6 But there is also a back-up generator. So they're  
7 only needed for a short period of time until the  
8 generator is online.

9 MR. LYNCH: I'll get to the back-up  
10 generator in a minute, but let me -- I understand  
11 what you're saying. But I just have a hard time  
12 conceding that they would last for eight hours,  
13 but I understand your answer.

14 A couple of qualifying questions here.  
15 For Ms. Bowman, in reading the SHPO letter, they  
16 referred to the tower as a monopole, not a  
17 monopine. Did they actually do their evaluation  
18 on a monopole and not a monopine?

19 THE WITNESS (Bowman): This is Maureen  
20 with EBI. No, they had -- we supplied them with  
21 both options. It was submitted as the monopine  
22 design, and their response, they approved it as  
23 the monopine and recommended it be a monopole.

24 MR. LYNCH: So am I to understand that  
25 they didn't care either way?



1 THE WITNESS (Bowman): They didn't see  
2 that it had an adverse effect on anything either  
3 way, correct.

4 MR. LYNCH: And I have to tell you  
5 this: I miss my Native American evaluations here  
6 from the Chippewa and the Kiowa, you know, that we  
7 used to get in the past. So just as an aside.

8 THE WITNESS (Bowman): Okay.

9 MR. LYNCH: Now this is, I guess,  
10 for -- is Mr. Zito still with us?

11 THE WITNESS (Zito): Yes, sir, I am.

12 MR. LYNCH: Now, does the town have any  
13 future plans to add an additional antenna or  
14 microwave to this facility?

15 THE WITNESS (Zito): No, sir.

16 MR. LYNCH: You did mention that you  
17 were looking at a site down south, so you wouldn't  
18 need any point-to-point communication there?

19 THE WITNESS (Zito): No, sir. We plan  
20 on using fiber connections to get connectivity to  
21 the sites.

22 MR. LYNCH: That makes sense. And all  
23 your whips are omnidirectional?

24 THE WITNESS (Zito): Yes.

25 MR. LYNCH: Thank you. I forget what

1 question it is, I think it was 9 or 10, on the  
2 interrogatories about breaking into the facility.  
3 And this is just a curiosity question on my own.  
4 What is valuable within the site that would cause  
5 a break-in, a metal, silver, platinum, palladium  
6 what are they looking for when they break into  
7 these sites?

8 THE WITNESS (Vergati): This is Ray  
9 with Homeland Towers. As a developer, we've seen  
10 and heard of stories that there's copper grounding  
11 bars that have a high value these days as a  
12 precious metal. So that's been a particular metal  
13 that someone would potentially be looking for at a  
14 cell site would be copper materials, copper  
15 metals.

16 MR. LYNCH: So it wouldn't be the more  
17 expensive palladium or platinum that's on the site  
18 there?

19 THE WITNESS (Vergati): I'm sorry,  
20 could you repeat the question?

21 MR. LYNCH: It wouldn't be the more  
22 expensive metals other than copper like the  
23 palladium and platinum, are they on site? I know  
24 they're used in the telecom industry. I just  
25 don't know how.

1           THE WITNESS (Vergati): Good question.  
2 I don't know. I mean, common thief, I don't even  
3 know those metals myself, and I'm in the business.  
4 So I don't know if someone breaking in would be  
5 looking for those. They could, but I don't know  
6 the answer to that question.

7           MR. BALDWIN: Just for clarification  
8 purposes, he's in the tower business not in the  
9 theft business.

10           (Laughter.)

11           MR. LYNCH: I just figured I'd throw it  
12 out, Attorney Baldwin.

13           Coming back to back-up power, now, I  
14 have a couple different questions on it. The  
15 first one being, if you have notice of a storm  
16 coming, be it a hurricane, a blizzard or  
17 Nor'easter or something like that, do you make  
18 preparations to go to the site and secure it and  
19 see that the tanks are all topped off and it would  
20 be able to withstand any type of strong winds?  
21 And what's the -- this is a question our late  
22 friend, Mr. Ashton, used to ask all the time --  
23 what's the wind velocity that these, not poles,  
24 but what these antennas can withstand?

25           THE WITNESS (Cheiban): Ziad Cheiban

1 with Verizon. I can answer part of this question.  
2 So whenever there's a storm, a major storm or any  
3 other kind of bad weather coming, we do make  
4 preparations to make sure that the tanks are  
5 topped off and we also have some of our suppliers  
6 get ready to start refilling the tanks when the  
7 need arises. As far as the wind rating on the  
8 antennas, off the top of my head I do not know. I  
9 want to say it's at least 150 miles per hour, but  
10 I'm not 100 percent sure.

11 THE WITNESS (Burns): This is Bob Burns  
12 with All-Points. I'm not totally positive because  
13 I think it varies a little depending on where in  
14 the state you are, but they're all dictated under  
15 the TIA-222-H. Offhand, I don't have the wind  
16 speed number.

17 MR. LYNCH: I don't want a Late-File,  
18 but maybe, and you've got more dockets coming up,  
19 could you research that for me?

20 THE WITNESS (Burns): I shall.

21 MR. LYNCH: Thank you.

22 THE WITNESS (Burns): You're welcome.

23 MR. LYNCH: Now, this question I've  
24 asked a number of times, and I don't really think  
25 I've got an answer I'm looking for. And that's as

1 far as the site going down, you've got back-up  
2 generators in place for both Cellco and the town.  
3 But if your trunk phone line goes down, that site  
4 is dead. Now, what provisions do you have in  
5 place to get the phone company in there to work on  
6 that trunk line for the fiberoptic phone?

7 And hold on, I'll tell you why, and  
8 Mr. Baldwin will remember this. Years ago when  
9 SNET had these towers, they had an agreement -- of  
10 course they owned the towers -- to get people on  
11 site very quickly. So I was wondering if you had  
12 any type of agreement with Frontier or any of the  
13 phone people.

14 THE WITNESS (Cheiban): This is Ziad  
15 with Verizon again. We do have what's called SLAs  
16 in place with all our fiber providers and we can  
17 escalate incidents to them. It kind of depends on  
18 the severity of the cut, if there's a fiber cut,  
19 but we do have those agreements in place for them  
20 to start repairing, you know, within a very short  
21 time frame.

22 MR. LYNCH: Very short time, can you  
23 narrow that down a little and give me a time  
24 frame? How quickly could they get on site is what  
25 I'm asking. You can lie. It's okay.

1 (Laughter.)

2 THE WITNESS (Cheiban): I would have to  
3 research the exact time. I mean, it really  
4 depends on what kind of fiber is cut because there  
5 are some fiber cuts that would take down multiple  
6 sites versus a fiber cut that takes down one site,  
7 and those have different SLAs. So I'm not going  
8 to go on the record with a guess. I would rather  
9 find out and then get back to you.

10 MR. LYNCH: Okay. Thank you. Now, one  
11 other question involving the tower and the  
12 antennas. You're not very close to the Sound but  
13 you're actually within reach of it. Could your  
14 site have any interference to any boat traffic on  
15 the Sound?

16 MR. BALDWIN: I'm sorry, Mr. Lynch, did  
17 you say interference or any service to boats on  
18 the Sound?

19 MR. LYNCH: Say that again.

20 MR. BALDWIN: I just want to make sure  
21 I heard the question correctly. Did you ask if  
22 this site can provide service --

23 MR. LYNCH: I'm asking if this, because  
24 of the proximity to the Long Island Sound, would  
25 this tower, you have to angle antennas or

1 anything, to prevent any interference with boat  
2 traffic or once it hits the water it will travel  
3 across to Long Island to prevent interference on  
4 the Sound. Sorry, I'm losing my voice.

5 THE WITNESS (Cheiban): This is Ziad  
6 Cheiban again. So the range of these cell sites  
7 is not that large. And from this location -- so  
8 first of all, the frequencies that we operate at  
9 are licensed to Verizon exclusively, so we don't  
10 interfere with anybody else as a general rule.  
11 And in addition, this site wouldn't propagate that  
12 far to reach Long Island Sound to cause any kind  
13 of interference.

14 MR. LYNCH: Let me ask you this. It's  
15 a hypothetical question. If your signal possibly  
16 at night could reach Long Island Sound, once it  
17 hits the water is it able to travel a long  
18 distance?

19 THE WITNESS (Cheiban): The signal does  
20 travel farther over water. So Verizon also owns  
21 frequencies on Long Island Sound in New York, and  
22 we own the same frequencies, both sides, except  
23 for our 850 frequency where AT&T owns the same  
24 frequency on Long Island Sound. So potentially  
25 the only service that we could impact would be

1 AT&T's service, and we run calculations to make  
2 sure we don't do that when we activate the site.

3 MR. LYNCH: Thank you. I've heard that  
4 before. Thank you. Looking at some of your  
5 drawings, your stats, when I look at, I think it's  
6 SP-1, "Sarah," "papa," number 1, and I can't  
7 really find where the underground trench for the  
8 utilities is or hooks up. It's there, I'm sure,  
9 but I just, you know, can't really get there from  
10 here.

11 THE WITNESS (Burns): Yes, sir. Bob  
12 Burns with All-Points. I realize it's tough to  
13 see on this drawing, but there is a line that runs  
14 from the utility pole in the street, it's utility  
15 pole number ED63, runs down along, crosses the  
16 proposed gravel access drive.

17 MR. LYNCH: Mr. Burns, hold on one  
18 second. I've got to get it.

19 THE WITNESS (Burns): Okay. Mr. Lynch,  
20 I would say SP-2 might be the best sheet for you  
21 to look at.

22 MR. LYNCH: Okay, I'm with you. Sorry  
23 about that.

24 THE WITNESS (Burns): That's okay. So  
25 again, Bob Burns with All-Points. We're starting



1 at a utility pole on our side of the road on  
2 Clintonville Road. It runs along the road, will  
3 cross the access drive right in the beginning and  
4 then run along the northern side of the access  
5 drive. There's a line there that says E slash T  
6 which stands for electric telco service.

7 MR. LYNCH: I thought that's where you  
8 were going, but I just wanted a clarification just  
9 in case I didn't have it right.

10 If we go to CP-1, "Charles," "papa," 1,  
11 I notice within the compound the propane tank is  
12 centered away from your equipment. Is that the 10  
13 feet requirement for the propane tank to be away  
14 from structures?

15 THE WITNESS (Burns): Yes, there's a 10  
16 foot no spark zone, and it is further away from  
17 that equipment. Some of the equipment on that  
18 equipment platform may or may not generate a  
19 spark, but as a rule we try and stay 10 feet off  
20 anyway.

21 MR. LYNCH: Now, regarding the propane  
22 tank, I've heard from people that have propane, I  
23 do not, that during the winter, in the cold parts  
24 of the winter, their regulators can freeze up. Do  
25 you have someone, when you do your maintenance on

1 the site during cold weather, do they check that  
2 regulator?

3 THE WITNESS (Cheiban): This is Ziad  
4 Cheiban with Verizon. I don't know specifically  
5 about the regulators, but the generators are  
6 exercised once a week or once every two weeks  
7 remotely to make sure that they turn on, and if  
8 any issue is detected, then somebody is dispatched  
9 to repair.

10 MR. LYNCH: As I look at the chart  
11 here, I'm still confused. Are we talking --  
12 sometimes you talk about monopines, sometimes you  
13 talk about a monopole. From what I understand  
14 there's going to be a monopine?

15 THE WITNESS (Vergati): This is Ray  
16 with Homeland Towers. For clarification for the  
17 record, we are leading with the primary design as  
18 a monopole, not a monopine.

19 MR. LYNCH: Thank you. It's easy to  
20 confuse me.

21 THE WITNESS (Vergati): I agree.

22 MR. LYNCH: You did a very good job  
23 describing why the DAS system would not work. My  
24 question, and again, this is a curiosity question  
25 as to, if a DAS system is to be, you know, placed

1 anywhere on utility poles that are used for  
2 distribution, aren't those poles half owned by  
3 town -- half owned by the utilities, the electric  
4 company and the telephone company, wouldn't that  
5 present a big problem for any type of DAS system?

6 THE WITNESS (Cheiban): So this is Ziad  
7 Cheiban with Verizon. We sometimes do use,  
8 actually oftentimes do use utility poles to put  
9 small cells, and that would be fairly similar to  
10 what a DAS installation would be. It's all  
11 basically, we basically need to apply to PURA  
12 through PURA with the utility company and get the  
13 approval to put our equipment there. It is case  
14 by case, it depends on the specific pole. It's a  
15 case-by-case evaluation, and sometimes we get  
16 approved, sometimes we get denied for various  
17 reasons. I can't really make a blanket statement  
18 one way or the other. I mean, that aspect is  
19 fully dependant on the utility company and on  
20 PURA.

21 MR. LYNCH: And my last question is,  
22 you've got room for three other carriers, but  
23 everything you show is that they go below Cellco  
24 on the tower, but under federal guidelines or  
25 provision, whatever they are, they can actually go

1 above, if they wanted to. How would that affect  
2 this site, you know, as far as the town is  
3 concerned and your equipment is concerned and  
4 Cellco's equipment is concerned?

5 THE WITNESS (Vergati): This is Ray  
6 with Homeland Towers. Right now Verizon has an  
7 antenna RAD center of 96 feet. Hypothetically,  
8 you can look at that 106 RAD center as another  
9 available spot for a carrier which would keep that  
10 10 foot separation between carriers is what they  
11 like. We would have to talk to Mr. Zito on his  
12 frequencies. And if, let's say, for example a  
13 carrier, hypothetically T-Mobile wants that 106  
14 spot, it would work, I think, from a vertical  
15 perspective, and Ziad can weigh in on that on  
16 interference with Verizon's antennas, but we would  
17 also discuss with Mr. Zito if the town's antennas,  
18 the standoffs would have to be raised 2 or 3 feet  
19 to avoid any interference issues between the top  
20 tip of a T-Mobile antenna, per se, at 110 and the  
21 bottom of the town's public safety antenna that's  
22 currently shown at 110. We may want to just bump  
23 the town antenna up 3 feet. And that will be with  
24 some consultation potentially with SHPO, if we had  
25 to, and with Robinson & Cole as well, our attorney

1 on that matter.

2 MR. LYNCH: So if I understand you,  
3 Mr. Vergati, if another carrier came in and you're  
4 at 96 and they went to, you know, 106 or 110,  
5 there would be no, you'd have enough for a clear  
6 signal from both sites? I guess the correct word  
7 is separation.

8 THE WITNESS (Cheiban): Yes, this is  
9 Ziad with Verizon again. So the typical  
10 separation between cellular operators is 10 feet.  
11 So if we're at 96, then we could have somebody at  
12 106 or somebody at 86.

13 MR. LYNCH: Thank you. Mr. Morissette,  
14 I'm all done.

15 MR. MORISSETTE: Thank you, Mr. Lynch.  
16 Most of my questions have been asked by  
17 my fellow Council members, and I thank them for  
18 that, however, I do have a couple of  
19 clarifications I would like to get onto the  
20 record. First of all, I'd like to, I think this  
21 is for Ms. Bowman, and it has to do with the  
22 monopole and SHPO's recommendation as to going  
23 with the monopole versus a monopine. Do we know  
24 why SHPO is leaning towards a monopole, is it  
25 their preference across the board or is it just,

1 you know, generically do they prefer that, or is,  
2 you know, SHPO specific for this site that they  
3 are going with recommending a monopole?

4 THE WITNESS (Bowman): This is Maureen  
5 Bowman with EBI. I was saying, and no one was  
6 hearing, that I don't know that Connecticut SHPO  
7 prefers monopoles across the board. I know they  
8 have approved monopines elsewhere. So I think  
9 they're taking the site location into  
10 consideration and said they approved it as the  
11 monopine, and then they made the recommendation  
12 for monopole. And I don't, like I said, I don't  
13 know their thought process, but my assumption is  
14 that, because it's my belief as well, is that the  
15 monopole will be just less intrusive already  
16 screened by the existing trees, so there's no  
17 need. Adding branches, I feel like, draws  
18 attention to the structure, so leaving it as a  
19 monopole is just less visually noticeable in that  
20 setting. And it doesn't really, it's not visible  
21 above the treelines within the historic district.

22 MR. MORISSETTE: Very good. Thank you.  
23 Now I think this is for Mr. Burns. If we could go  
24 to section attachment 1, SP-1, I have some  
25 follow-up questions on the access road.

1 THE WITNESS (Burns): Yes, sir.

2 MR. MORISSETTE: Now, the access road  
3 goes north and then it runs parallel to the  
4 property line. Is that area where it runs  
5 parallel to the property line, is it a plateau or  
6 are you cutting into that ridge line?

7 THE WITNESS (Burns): Bob Burns with  
8 All-Points. No, it is definitely ascending, and  
9 we are cutting in with less of a slope than what's  
10 out there today.

11 MR. MORISSETTE: Okay. So is it  
12 possible to move that down to the south away from  
13 the property line because you'd still be cutting  
14 into the ridge, correct?

15 THE WITNESS (Burns): The problem with  
16 moving it south is then we're moving it into the  
17 wetlands. We're moving the driveway closer to the  
18 wetlands and then the subsequent grading from the  
19 driveway could actually be impacting the wetlands  
20 within the limits of the wetlands.

21 MR. MORISSETTE: Okay. You'll have to  
22 walk me through that, Mr. Burns. If I look at  
23 where the culvert, the new culvert is being  
24 installed and I moved to the east, that entire  
25 parallel section, you know, if you were to go down

1 the hill, you're saying that you would be  
2 encroaching on the wetlands?

3 THE WITNESS (Burns): So as I traverse  
4 up the hill -- and perhaps, sir, you can see this  
5 a little better on SP-2 because it shows the  
6 grading.

7 MR. MORISSETTE: Yes, I'm on SP-2.

8 THE WITNESS (Burns): Okay. So as you  
9 come up to the culvert, you're taking that turn to  
10 the -- you're turning to the east and you're  
11 running parallel to the property line. If I bring  
12 that driveway that is parallel to the property  
13 line further south, I'm also bringing all the  
14 grading, the swale and the limit of disturbance  
15 further south which is closer to the wetlands and  
16 possibly within the wetlands. In addition,  
17 there's some pretty mature trees that are as we  
18 come parallel and then just before we take that  
19 other turn to the south, there's a little stand of  
20 trees in there too that we were trying to get  
21 around.

22 MR. MORISSETTE: Okay. So your design,  
23 you're pretty comfortable keeping it where it is  
24 and not -- you would not recommend going further  
25 south with the access road in that area?



1 THE WITNESS (Burns): No, because I  
2 think if we went south, we'd actually be taking  
3 down more trees and possibly -- well, I don't know  
4 about earth work, but I know we'd probably be  
5 taking down more trees and impact the wetlands.

6 MR. MORISSETTE: I'm not seeing how you  
7 would impact the wetlands though because the  
8 wetlands --

9 THE WITNESS (Burns): If I'm taking the  
10 grade south pushing those grades down the hill to  
11 the wetlands, that wetland limit is, it comes to a  
12 point right near the culvert there. So if I pull  
13 that driveway further south, those grades are  
14 going to come with me. I'm doing this on here  
15 like you can see it. But it runs along the  
16 property line like this. So as I bring it further  
17 this way, all the grades here are coming down with  
18 it.

19 MR. MORISSETTE: So you're saying that  
20 it's more so along the, I'll call it the curve  
21 to get --

22 THE WITNESS (Burns): Yes, sir.

23 MR. MORISSETTE: -- to get to that  
24 area, you would have to make that a little tighter  
25 and that would encroach on the wetlands?

1           THE WITNESS (Burns): Yeah. I mean, we  
2 could tighten that curve up a little bit. We'd  
3 probably get a little closer to the wetlands with  
4 the limit of disturbance, I don't know if we could  
5 stay out offhand. But there's also some trees in  
6 there that we tried to miss as well. If you look  
7 in the interior, there's a couple nice spans of  
8 trees that we wanted to keep.

9           MR. MORISSETTE: Okay. Great. Thank  
10 you for that information. That's very helpful.

11          THE WITNESS (Burns): You're welcome.

12          MR. MORISSETTE: Mr. Cheiban.

13          THE WITNESS (Cheiban): Yes, sir.

14          MR. MORISSETTE: I'd like to go to your  
15 coverage plots on 6, Tab 6. Now, if I look at  
16 your existing Verizon Wireless 700 megahertz  
17 coverage plots, it appears that to the southeast  
18 you have Crooked Brook and then there's, it  
19 appears to be a mountain range in that area. Is  
20 that correct?

21          THE WITNESS (Cheiban): Yes, that is  
22 correct.

23          MR. MORISSETTE: Okay. So that's why  
24 you're not getting by the Crooked Brook area not  
25 getting any coverage because it's not making it

1 over the mountain?

2 THE WITNESS (Cheiban): Yes, sir.

3 MR. MORISSETTE: So if I look at the  
4 next page, the existing proposed -- existing and  
5 proposed Verizon Wireless 700 megahertz, so your  
6 coverage goes right up to what I believe to be is  
7 the mountain, it fills in that gap very nicely,  
8 but to the north it doesn't seem to fill in the  
9 area going north up 150. So what I'm wondering  
10 is, why, wouldn't it be beneficial for the  
11 coverage plots or the coverage in the area to be a  
12 little bit more north so you make up some of that  
13 lack of coverage along 150?

14 THE WITNESS (Cheiban): This is Ziad  
15 with Verizon again. I don't think it's very  
16 practical to cover both of these with a single  
17 site. I'm going to have to come up with a  
18 different solution for the 150.

19 MR. MORISSETTE: You're going to need  
20 another site between this site and the Wallingford  
21 site?

22 THE WITNESS (Cheiban): We are probably  
23 going to need another site, possibly a collocation  
24 or some other solution to fix that, you know, weak  
25 coverage on the 150.

1 MR. MORISSETTE: But if you were able  
2 to install a site further north, wouldn't that be  
3 helpful?

4 THE WITNESS (Cheiban): I looked at it,  
5 and I was not able to find an area that would  
6 cover. So our primary objective here was to cover  
7 the intersection of these, you know, commuter  
8 highways and state highways, and I was not able to  
9 find a location that could cover both of these.

10 MR. MORISSETTE: Further north?

11 THE WITNESS (Cheiban): Correct.

12 MR. MORISSETTE: Okay. Moving on to  
13 the 1,900, so existing wireless, Verizon Wireless  
14 1,900 megahertz coverage.

15 THE WITNESS (Cheiban): Yes.

16 MR. MORISSETTE: Again, this kind of  
17 illustrates the discussion we just had where it's,  
18 you know, zero coverage now, but if you go into  
19 the proposed, you know, it seems to be very heavy  
20 on this southerly coverage versus the northerly  
21 coverage.

22 THE WITNESS (Cheiban): So what  
23 happened here is there is a mistake on this plot.  
24 We are currently in the process of upgrading our  
25 Northford site, which is the most southern one on

1 this plot.

2 MR. MORISSETTE: Yes.

3 THE WITNESS (Cheiban): We are adding  
4 that 1,900 frequency to it. And, you know, when I  
5 was creating those plots, I included that in it  
6 which, you know, at the time I prepared the plot  
7 was not correct, but this is being done as we  
8 speak within a few days this will actually reflect  
9 the reality of what's out there.

10 MR. MORISSETTE: Okay. So when you  
11 update the plots, what is the result going to be?

12 THE WITNESS (Cheiban): So if you look  
13 at that Northford site which is just south of the  
14 proposed site.

15 MR. MORISSETTE: Yes.

16 THE WITNESS (Cheiban): It is currently  
17 being upgraded to add the 1,900 frequency. So  
18 that plot reflects reality, you know, in a few  
19 days. It did not reflect the reality at the time  
20 I prepared the plot which was a few months ago.

21 MR. MORISSETTE: Right. So the  
22 Northford CT site, correct me if I'm wrong, has a  
23 capacity limitation to the alpha?

24 THE WITNESS (Cheiban): It does, but  
25 also we have a coverage issue in the Northford 2,

1 the proposed.

2 MR. MORISSETTE: Okay. But it still  
3 doesn't get to my point though. Given that, okay,  
4 you update the plot for Northford CT, but that  
5 should improve your coverage to the south of  
6 Northford 2. So therefore if you have improved  
7 coverage to the south, wouldn't it be advantageous  
8 for you to go further north recognizing I  
9 understand you don't have a site but --

10 THE WITNESS (Cheiban): I understand  
11 your point, and, you know, it would be beneficial  
12 for us if we could resolve both the, you know, the  
13 coverage issue on 150 and the coverage issue on  
14 State Highway 17 and 22 with a single site.  
15 However, I was not able to do that. There was no  
16 location where I could drop a site realistically  
17 that would cover both of these. So we're --

18 MR. MORISSETTE: Mr. Vergati, do you  
19 have any comments on that about going north?

20 THE WITNESS (Vergati): Ray Vergati,  
21 Homeland Towers. No, you know, I rely on Verizon  
22 will speak to their network needs and where they  
23 need sites, obviously. I can tell you as a  
24 resident of this town for 26 years I am familiar  
25 with the dead zones of the village and lack of,

1 dropped calls in the area, but I rely obviously  
2 and defer to Ziad on any network design for  
3 Verizon. I will tell you that I have received  
4 interest from two carriers from this site, where  
5 it's located right now, so they have a need as  
6 well.

7 MR. MORISSETTE: It just appears to me  
8 that, you know, the site does fill in your  
9 objectives that you're trying to accomplish here,  
10 but it does seem that if you went further north  
11 you would get more bang for your buck.

12 Okay. Mr. Cheiban, you're going to  
13 file those new plots when they become available?

14 THE WITNESS (Cheiban): Yes, I will.  
15 So, I mean, I'm not sure if I need to file the  
16 other plots because, as I said, it was just a  
17 timing issue on the 1,900 megahertz plot where,  
18 you know, the plot that is currently in the  
19 application is correct as of what, you know, just  
20 is happening right now on our network.

21 MR. MORISSETTE: Well, I would  
22 appreciate if you filed it primarily because I  
23 want to see what it does on the upgrade. So if  
24 you can do that, that would be helpful.

25 THE WITNESS (Cheiban): Okay.

1                   MR. MORISSETTE: All right. I think  
2 that pretty much covers my follow-up questions,  
3 but let me double check. Okay. That wraps it up  
4 for me. I have no further questions. So that  
5 concludes our cross-examination, and thank you,  
6 everyone.

7                   So I will announce that the Council  
8 will recess until 6:30 p.m., at which time we will  
9 commence with the public comment session of this  
10 remote public hearing. Thank you, everyone.  
11 We'll see you at 6:30.

12                   (Whereupon, the hearing adjourned at  
13 4:30 p.m.)



1 CERTIFICATE FOR REMOTE HEARING

2  
3 I hereby certify that the foregoing 104 pages  
4 are a complete and accurate computer-aided  
5 transcription of my original stenotype notes taken  
6 before the CONNECTICUT SITING COUNCIL of the  
7 REMOTE PUBLIC HEARING IN RE: DOCKET NO. 507,  
8 HOMELAND TOWERS, LLC AND CELLCO PARTNERSHIP D/B/A  
9 VERIZON WIRELESS APPLICATION FOR A CERTIFICATE OF  
10 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR  
11 THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A  
12 WIRELESS TELECOMMUNICATIONS FACILITY LOCATED AT  
13 222 CLINTONVILLE ROAD, NORTH BRANFORD,  
14 CONNECTICUT, which was held before JOHN  
15 MORISSETTE, PRESIDING OFFICER, on March 15, 2022.  
16

17  
18 

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

1 I N D E X

2  
3 \*\*COUNCIL'S ADMINISTRATIVE NOTICE ITEMS  
4 I-B-1 THROUGH I-B-81: RECEIVED IN EVIDENCE ON  
5 PAGE 7.

6 WITNESSES: (Sworn on page 9)

7 RAYMOND VERGATI  
8 ZIAD CHEIBAN  
9 ROBERT BURNS  
10 MATTHEW W. ALLEN  
11 MARTIN BROGIE  
12 MAUREEN A. BOWMAN  
13 ELAINE LANGER  
14 ROBERT C. RUSSO  
15 PAUL H. ZITO

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

2 APPLICANTS' EXHIBITS  
3 (Received in evidence)

4 EXHIBIT	DESCRIPTION	PAGE
5 II-B-1	Application for a Certificate 6 of Environmental Compatibility and 7 Public Need, filed by Homeland 8 Towers, LLC and Cellco Partnership 9 d/b/a Verizon Wireless, received 10 January 27, 2022, and attachments and 11 bulk file exhibits including: Bulk file exhibits: a. Technical report b. Town of North Branford zoning regulations c. Town of North Branford Inland Wetlands and Watercourses regulations d. Town of North Branford Plan of Conservation and Development	14
12 II-B-2	Applicants' Affidavit of 13 Publication in the New Haven Register, dated February 3, 2022	14
14 II-B-3	Protective Order related to 15 unredacted lease agreement, signed February 10, 2022	14
16 II-B-4	Applicants' sign posting 17 affidavit, dated March 3, 2022	14
18 II-B-5	Applicants' partial responses to 19 Council interrogatories, Set One, Nos. 1-4, 7-12, 14, 17, 19-24, 26-27 and 29-30, dated March 4, 2022	14
20 II-B-6	Applicants' remaining responses 21 to Council Interrogatories, Set One, Nos. 5, 6, 13, 15-16, 18, 25 and 22 28, dated March 8, 2022	14
23 II-B-7	Updated State Historic Preservation 24 Office Determination Letter for the relocated tower site, dated March, 8, 2022	14
25 II-B-8	Applicants' witness resumes, dated March 8, 2022	14