

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Docket No. 510

5 Application from New Cingular Wireless PCS, LLC
6 d/b/a AT&T and Tarpon Towers II, LLC, for a Certificate
7 of Environmental Compatibility and Public Need for the
8 Construction, Maintenance, and Operation of a
9 Telecommunications Facility Located at 92 Greens Farms
10 Road, Westport, Connecticut

11
12 Remote Council Meeting (Teleconference), on
13 Tuesday, August 9, 2022, beginning at 2 p.m.

14
15 H e l d B e f o r e :

16 JOHN MORISSETTE, Member and Presiding Officer
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1 **A p p e a r a n c e s :**

2 **Council Members:**

3 **JOHN MORISSETTE,**
4 **The Hearing Officer**

5
6 **BRIAN GOLEMBIEWSKI,**
7 **DEEP Designee**

8
9 **QUAT NGUYEN,**
10 **PURA Designee**

11
12 **ROBERT SILVESTRI**
13 **MARK QUINLAN**
14 **DANIEL P. LYNCH, JR.**
15 **LOUANNE COOLEY**

16
17 **Council Staff:**

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

20
21 **IFEANYI NWANKWO,**
22 **Siting Analyst**

23
24 **LISA FONTAINE,**
25 **Fiscal Administrative Officer**

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

2 **Tarpon Towers II, LLC (TT) (Applicant):**

3 **COHEN AND WOLF, PC**

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6 **By: DAVID A. BALL, Esq.**

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10 **New Cingular Wireless PCS, LLC (ATT) (Applicant):**

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18 **For CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS:**

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22 **By: KENNETH C. BALDWIN, ESQ.**

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

2 **For The Town of Westport (TOWN):**

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6 **By: NICHOLAS R. BAMONTE, ESQ.**

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1
2 (Begin: 2 p.m.)
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4 THE HEARING OFFICER: Good afternoon, ladies and
5 gentlemen.

6 Can everyone hear me okay?

7 Very good. Thank you.

8 This remote public hearing is called to order
9 this Tuesday, August 9, 2022, at 2 p.m.

10 My name is John Morissette, member and
11 presiding officer of the Connecticut Siting
12 Council.

13 Other members of the council are Brian
14 Golembiewski, designee for Commissioner Katie
15 Dykes of the Department of Energy and
16 Environmental Protection; Quat Nguyen, designee
17 for Chairman Marissa Paslick Gillett of the Public
18 Utilities Regulatory Authority; Robert Silvestri;
19 Louanne Cooley; Mark Quinlan; and Daniel P.
20 Lynch, Jr.

21 Members of the staff are Melanie Bachman,
22 Executive Director and Staff Attorney; Ifeanyi
23 Nwankwo, siting analyst; and Lisa Fontaine, fiscal
24 administrative officer.

25 If you haven't done so already, I ask that

1 everyone please mute their computer audio and/or
2 telephones now.

3 This hearing is held pursuant to the
4 provisions of Title 16 of the Connecticut General
5 Statutes and of the Uniform Administrative
6 Procedure Act upon an application from New
7 Cingular Wireless, PCS, LLC, doing business as
8 AT&T and Tarpon Towers II, LLC, for a certificate
9 of environmental compatibility and public need for
10 the construction, maintenance and operation of a
11 telecommunications facility located at 92 Greens
12 Farms Road in Westport, Connecticut.

13 This application was received by the Council
14 on May 26, 2022.

15 The Council's legal notice of the date and
16 time of this remote public hearing was published
17 in the Westport News on June 24, 2022. On this
18 Council's request, the Applicant erected a sign
19 along Greens Farms Road in the vicinity of the
20 access drive for the proposed site so as to inform
21 the public of the name of the Applicant, the type
22 of the facility, the remote public hearing date
23 and contact information for the Council, including
24 the website and phone number.

25 As a reminder to all, off-the-record

1 communications with a member of the Council or a
2 member of the Council's staff upon the merits of
3 this application is prohibited by law.

4 The parties and interveners to the proceeding
5 are as follows. Tarpon Towers II, LLC,
6 represented by David A. Ball, Esq., and Philip
7 Pires, Esq., of Cohen and Wolf, PC.

8 New Cingular Wireless PCS, LLC, also known as
9 AT&T, represented by Kristen Motel, Esq., and
10 Lucia Chiocchio, Esq., of Cuddy & Feder, LLP.

11 Interveners, Cellco Partnership doing
12 business as Verizon Wireless, represented by
13 Kenneth C. Baldwin, Esq., of Robertson & Cole,
14 LLP.

15 We have a party, the Town of Westport
16 represented by Ira W. Bloom, Esq., and Nicholas R.
17 Bamonte, Esq., of Berchem Moses, PC.

18 And an intervener, Donald L. Bergmann.

19 We will proceed in accordance with the
20 prepared agenda, a copy of which is available on
21 the Council's Docket Number 510 webpage along with
22 the record in this matter, the public hearing
23 notice, instructions for public access to this
24 remote public hearing, and the Council's citizen's
25 guide to Siting Council's procedures.

1 Interested persons may join any session of
2 this public hearing to listen, but no public
3 comments will be received during the 2 p.m.
4 Evidentiary session. At the end of the
5 evidentiary session we will recess until 6:30 p.m.
6 for the public comment session.

7 Please be advised that any person may be
8 removed from the remote evidentiary session or the
9 public comment session at the discretion of the
10 Council. The 6:30 p.m. public comment session is
11 reserved for the public to make brief statements
12 into the record.

13 I wish to note that the applicants, parties
14 and interveners including their representatives,
15 witnesses and members are not allowed to
16 participate in the public common session. I also
17 wish to note for those who are listening and for
18 the benefit of your friends and neighbors who are
19 unable to join us for the remote public comment
20 session, that you or they may send written
21 statements to the Council within 30 days of the
22 day hereof, either by mail or by e-mail, and such
23 written statements will be given the same weight
24 as if spoken during the remote public comment
25 session.

1 A verbatim transcript of this remote public
2 hearing will be posted on the Council's Docket
3 Number 510 webpage and deposited with the Westport
4 Town Clerk's office for the convenience of the
5 public.

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

8 We will now move on to -- we have a motion to
9 consider. On August 1, 2022, the Applicants
10 submitted a motion for a protective order related
11 to the disclosure of monthly rent and financial
12 terms contained within the lease agreement.

13 Attorney Bachman may wish to comment.

14 Attorney Bachman?

15 **MS. BACHMAN:** Thank you, Mr. Morissette.

16 On August 4th Intervenor Mr. Bergmann
17 objected to the Applicant's motion for a
18 protective order, but in accordance with our
19 protective order procedures upon the signature of
20 a nondisclosure agreement by any party or
21 intervener to this proceeding, the party or
22 intervener may have access to the confidential
23 information.

24 So therefore, Mr. Morissette, based on the
25 conclusions of law in Docket Number 366, staff

1 recommends the motion be granted. Thank you.

2 THE HEARING OFFICER: Thank you, Attorney Bachman.

3 I will entertain a motion from the Council?

4 MR. SILVESTRI: Mr. Morissette, I'll move to grant the
5 request for the protective order.

6 THE HEARING OFFICER: Thank you. Mr. Silvestri.

7 Is there a second?

8 MR. LYNCH: I'll second.

9 THE HEARING OFFICER: Thank you, Mr. Lynch.

10 We have a motion by Mr. Silvestri and a
11 second by Mr. Lynch to grant the motion for a
12 protective order. Is there any discussion?

13 Mr. Silvestri?

14 MR. SILVESTRI: No discussion, Mr. Morissette.

15 Thank you.

16 THE HEARING OFFICER: Thank you.

17 Mrs. Cooley, any discussion?

18 [Interruption.]

19 THE HEARING OFFICER: Excuse me. Somebody's microphone
20 is on. Please mute yourself. Thank you.

21 Mr. Golembiewski, any discussion?

22 MR. GOLEMBIEWSKI: No discussion. Thank you.

23 THE HEARING OFFICER: Thank you.

24 Mr. Nguyen, any discussion?

25 MR. NGUYEN: No discussion. Thank you.

1 THE HEARING OFFICER: Thank you.

2 Mr. Quinlan, any discussion?

3 MR. QUINLAN: No discussion.

4 THE HEARING OFFICER: And Mr. Lynch, any discussion?

5 MR. LYNCH: I have no discussion.

6 THE HEARING OFFICER: Thank you. And I have no
7 discussion. Then I'll move to the vote.

8 Mr. Silvestri, how do you vote?

9 MR. SILVESTRI: Vote approval. Thank you.

10 THE HEARING OFFICER: Thank you, Mr. Silvestri.

11 Mr. Golembiewski, how do you vote?

12 MR. GOLEMBIEWSKI: A vote of approval.

13 THE HEARING OFFICER: Thank you.

14 Mr. Nguyen, how do you vote?

15 MR. NGUYEN: Vote to approve. Thank you.

16 THE HEARING OFFICER: Thank you.

17 Mr. Quinlan, how do you vote?

18 MR. QUINLAN: Vote to approve.

19 THE HEARING OFFICER: Thank you, Mr. Quinlan.

20 Mr. Lynch, how do you vote?

21 MR. LYNCH: Vote to approve.

22 THE HEARING OFFICER: Thank you, and I also vote for
23 approval.

24 The motion passes. The motion for protective
25 order is approved.

1 Moving onto administrative notice taken by
2 the Council, I wish to call your attention to
3 those items shown on the hearing program marked as
4 Roman numeral 1C, items 1 through 78 that the
5 Council has administratively noticed.

6 Does any party or intervener have any
7 objection to the items that the Council has
8 administratively noticed?

9 Attorney Ball or Attorney Pires?

10 MR. BALL: No objection.

11 THE HEARING OFFICER: Thank you, Attorney Ball.

12 Attorney Chiocchio or Motel?

13 MS. CHIOCCHIO: No objection, thank you.

14 THE HEARING OFFICER: Thank you.

15 Attorney Baldwin?

16 MR. BALDWIN: No objection, Mr. Morissette. Thank you.

17 THE HEARING OFFICER: Thank you.

18 Attorney Bloom or Bamonte?

19 MR. BAMONTE: No objection, Mr. Morissette.

20 THE HEARING OFFICER: Thank you.

21 Donald Bergmann?

22 Mr. Bergmann, are you with us?

23
24 (No response.)
25

1 THE HEARING OFFICER: Hearing no objection, accordingly
2 the Council hereby administratively notices these
3 items. We'll now continue with the appearance of
4 the Applicant.

5 Will the Applicants present their witness
6 panel for the purposes of taking the oath?

7 Attorney Bachman will administer the oath.

8 MR. BALL: Thank you, Mr. Morissette. David Ball on
9 behalf of Tarpon Towers, and Attorney Chiocchio is
10 here on behalf of AT&t. We're co-applicants, as
11 you know.

12 And I believe Mr. Coppins, Mr. Roberts,
13 Mr. Gaudet, and Mr. Gustafson are all here.

14 And Attorney Chiocchio can probably speak to
15 the AT&T witnesses.

16 MS. CHIOCCHIO: Yes. They should be standing here
17 behind me. So Mr. Harry Carey, Director of
18 External Affairs at AT&T; David Walsh, Program
19 Manager at Smartlink Group; and Martin Lavin,
20 Senior Radiofrequency Engineer with C Squared
21 Systems.

22 THE HEARING OFFICER: Thank you.

23 Attorney Bachman, please administer the oath.
24
25

1 K E I T H C O P P I N S ,
2 D O U G R O B E R T S ,
3 B R I A N G A U D E T ,
4 D E A N G U S T A F S O N ,
5 D A V I D W A L S H ,
6 H A R R Y C A R E Y ,
7 M A R T I N L A V I N ,

8 called as witnesses, being first duly sworn
9 by the EXECUTIVE DIRECTOR, were examined and
10 testified under oath as follows:

11
12 THE HEARING OFFICER: Thank you, Attorney Bachman.

13 Attorney Ball and Attorney Chiocchio, please
14 begin by verifying all exhibits by the appropriate
15 sworn witness.

16 MS. CHIOCCHIO: Thank you, Mr. Morissette.

17 I'll ask my witnesses a series of questions
18 with respect to the exhibits as identified in the
19 hearing program, and ask that each answer
20 individually.

21 Did you prepare and assist in the preparation
22 of the exhibits as listed in the hearing program?

23 THE WITNESS (Lavin): Martin Lavin, yes.

24 THE WITNES (Carey): Harry Carey, yes.

25 THE WITNESS (Walsh): David Walsh, yes.

1 MS. CHIOCCHIO: Do you have any corrections or updates
2 to the information contained therein?

3 THE WITNESS (Lavin): Martin Levin. Yes, I have one
4 correction to make. Exhibit 5, response to the
5 Town interrogatories dated 8/1/'22, attachment
6 three; the Siting Council has been provided with
7 updated plots for attachment three.

8 MS. CHIOCCHIO: Thank you.

9 THE WITNES (Carey): Harry Carey, no.

10 THE WITNESS (Walsh): David Walsh, no.

11 MS. CHIOCCHIO: And is the information contained
12 therein true and accurate to the best of your
13 knowledge and belief?

14 THE WITNESS (Lavin): Martin Lavin, yes.

15 THE WITNES (Carey): Harry Carey, yes.

16 THE WITNESS (Walsh): David Walsh, yes.

17 MS. CHIOCCHIO: And do you adopt this as your testimony
18 in this proceeding?

19 THE WITNESS (Lavin): Martin Lavin, yes.

20 THE WITNES (Carey): Harry Carey, yes.

21 THE WITNESS (Walsh): David Walsh, yes.

22 MS. CHIOCCHIO: Thank you.

23 I'll turn it over to Attorney Ball.

24 MR. BALL: Thank you. If I may, Mr. Morissette?

25 THE HEARING OFFICER: Please proceed.

1 MR. BALL: I will ask the same questions of
2 Mr. Coppins, Mr. Roberts, Mr. Gaudet and
3 Mr. Gustafson.

4 Did you prepare, assist or supervise in the
5 preparation of the exhibits in the program?

6 THE WITNESS (Coppins): Keith Coppins, yes.

7 THE WITNESS (Roberts): Doug Roberts, yes.

8 THE WITNESS (Gaudet): Brian Gaudet, yes.

9 THE WITNESS (Gustafson): Dean Gustafson, yes.

10 MR. BALL: Do you have any revisions or corrections to
11 any of those exhibits?

12 THE WITNESS (Coppins): Keith Coppins, no.

13 THE WITNESS (Roberts): Doug Roberts, no.

14 THE WITNESS (Gaudet): Brian Gaudet, no.

15 THE WITNESS (Gustafson): Dean Gustafson, no.

16 MR. BALL: Is the information contained in those
17 exhibits true and correct to the best of your
18 knowledge and belief?

19 THE WITNESS (Coppins): Keith Coppins, yes.

20 THE WITNESS (Roberts): Doug Roberts, yes.

21 THE WITNESS (Gaudet): Brian Gaudet, yes.

22 THE WITNESS (Gustafson): Dean Gustafson, yes.

23 MR. BALL: And do you adopt the information contained
24 in those exhibits as your testimony?

25 THE WITNESS (Coppins): Keith Coppins, yes.

1 THE WITNESS (Roberts): Doug Roberts, yes.

2 THE WITNESS (Gaudet): Brian Gaudet, yes.

3 THE WITNESS (Gustafson): Dean Gustafson, yes.

4 MR. BALL: And I will just ask Mr. Coppins with respect
5 to Exhibit 6, which is your prefiled testimony, is
6 that true and accurate to the best of your
7 knowledge?

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

9 MR. BALL: And do you have any corrections or revisions
10 to it?

11 THE WITNESS (Coppins): No, I don't.

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

14 THE WITNESS (Coppins): I do.

15 MR. BALL: Thank you.

16 So Mr. Morissette and Attorney Bachman, we
17 would ask that each of the exhibits in the program
18 1 through 8 be made full exhibits and entered into
19 the record.

20 THE HEARING OFFICER: Thank you, Attorney Ball. And
21 thank you, Attorney Chiocchio.

22 Does any party or intervener object to the
23 admission of the Applicant's exhibits?

24 Attorney Baldwin?

25 MR. BALDWIN: No objection.

1 THE HEARING OFFICER: Thank you.

2 Attorney Bamonte?

3 MR. BAMONTE: No objection.

4 THE HEARING OFFICER: Thank you.

5 Donald Bergmann?

6
7 (No response.)

8
9 THE HEARING OFFICER: Thank you. Hearing no
10 objections, the exhibits are hereby admitted.

11 MR. BALL: And Mr. Morissette, if I may?

12 THE HEARING OFFICER: Yes, Attorney Ball? Please
13 continue.

14 MR. BALL: Thank you. One more bit of housekeeping.
15 You will note that we had requested that the
16 Council take administrative notice of the docket,
17 Citing Council Docket Number 488, and we would ask
18 that the Council do so.

19 THE HEARING OFFICER: Very good.

20 Attorney Bachman, do we have any objection
21 with taking administrative notice to that document
22 that Attorney Ball has indicated?

23 MS. BACHMAN: Thank you, Mr. Morissette. No, we don't
24 have any objection. It's a record of an
25 application that was approved by the Council in

1 Kent. Thank you.

2 THE HEARING OFFICER: Very good. Thank you.

3 I will also ask the parties and interveners
4 if they object or approve. Attorney Baldwin?

5 MR. BALDWIN: No objection.

6 THE HEARING OFFICER: Thank you.

7 Attorney Bamonte?

8 MR. BAMONTE: I'm not sure if I have an objection. I'd
9 just like to understand what the relevance is of
10 taking notice of Docket 488.

11 THE HEARING OFFICER: Attorney Ball?

12 MR. BALL: Well -- yeah, I'll turn it over to Attorney
13 Chiocchio who was directly involved in that docket
14 on behalf of AT&T.

15 MS. CHIOCCHIO: Thank you. Yes, that docket, if the
16 Council recalls there was quite a bit of
17 discussion about small cells, and we are taking
18 administrative notice -- or requesting
19 administrative notice with respect to that
20 discussion and the decision by the Council.

21 MR. BAMONTE: Thank you. No objection, Mr. Morissette.

22 THE HEARING OFFICER: Thank you, Attorney Bamonte.

23 Donald Bergmann, any objection?
24

25 (No response.)

1 THE HEARING OFFICER: Hearing none. The document is
2 hereby administratively noticed. Thank you.
3 Thank you, Attorney Ball.

4 Anything else before we continue?

5 MR. BALL: No, Mr. Morissette. Our panel is available
6 for questioning. Thank you.

7 THE HEARING OFFICER: Very good. We'll now begin with
8 cross-examination of the Applicant by the Council,
9 starting with Mr. Nwankwo and followed by
10 Mr. Nguyen. Thank you.

11 Mr. Nwankwo?

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

13 I'll begin. Is the project or any portion of
14 the project proposed to be undertaken by state
15 departments, institutions or agencies to be funded
16 in whole or in part by the State through any
17 contracts or grants?

18 THE WITNESS (Coppins): Keith Coppins for the
19 Applicant. No, it is not.

20 MR. NWANKWO: What is the estimated distance from the
21 proposed access drive entrance to the fenced
22 compound?

23 THE WITNESS (Roberts): The distance -- this is Doug
24 Roberts. We estimate that the access road is
25 about 125 feet, because we do enter the compound

1 on the east side. Our distance to the street from
2 the tower itself is 79 feet, plus or minus.

3 MR. NWANKWO: What would you say is the length of the
4 proposed driveway?

5 THE WITNESS (Roberts): 125 feet.

6 MR. NWANKWO: What is the existing gradient or slope
7 along the proposed access drive entrance?

8 THE WITNESS (Roberts): Surely. The -- the street is
9 an elevation of 125 feet where we enter off of the
10 Greens Farm Road.

11 Our compound level itself is 19 feet. So
12 we're approximately six-plus feet below the
13 existing street level.

14 MR. NWANKWO: What will be the finished gradient or
15 slope?

16 THE WITNESS (Roberts): Along the access road?

17 MR. NWANKWO: Yes, please?

18 THE WITNESS (Roberts): About 10 percent, or less.

19 MR. NWANKWO: Referencing attachment G of volume one of
20 the application titled, project plans, please
21 briefly describe the topography of the facility
22 compound in contrast to the surrounding area to
23 the east of the facility?

24 THE WITNESS (Roberts): To the east of the facility, on
25 site or off site? If I could ask for a

1 clarification?

2 MR. NWANKWO: On site, and in contrast to the
3 surrounding area to the east of the facility
4 offsite.

5 THE WITNESS (Roberts): I can probably address the on
6 site, and I'll let Brian Gaudet address offsite --
7 if that would be okay?

8 MR. NWANKWO: That's fine.

9 THE WITNESS (Roberts): It's a heavily wooded site. On
10 the east side is the residence of the host
11 property. They have a shed.

12 Basically the location of the compound itself
13 is in a wooded area, again down elevation from the
14 existing road itself. We've located the access
15 road and compound to limit any -- mitigate as many
16 tree removals as possible.

17 And the site itself beyond the house, I'll
18 let Brian address.

19 THE WITNESS (Gaudet): Yeah, so offsite to the east,
20 the elevation immediately offsite to the east is
21 relatively the same. As you go farther east up
22 Greens Farm Road it increases to -- I see 45 feet
23 above mean sea level, and that's about two houses
24 down the street.

25 MR. NWANKWO: Considering the slope or gradient of the

1 proposed project area, what will be the direction
2 of the stormwater runoff within the project area?

3 THE WITNESS (Roberts): Our access road is -- again
4 Doug Roberts. Our access road is gravel as well
5 as our compound. So we have a pervious surface.
6 And we are -- we don't anticipate any real run --
7 runoff from that.

8 MR. NWANKWO: So how will this impact wetland two which
9 is to the east of the compound site?

10 THE WITNESS (Gustafson): Dean Gustafson. I can start
11 addressing that issue and, you know, Mr. Roberts
12 can jump in as he feels necessary.

13 With the -- the proposed nearest activity for
14 the facility, which consists of the turnaround for
15 the access drive, is about 40 feet away from
16 wetland two. With the -- that portion of the
17 access drive turnaround and the proposed compound
18 being in a relatively level area with the
19 implementation of appropriate erosion and
20 sedimentation controls; proper phasing of
21 construction and monitoring of those erosion
22 control measures throughout the duration of
23 construction -- we do not anticipate any likely
24 adverse effect to nearby wetlands including
25 wetland two.

1 MR. NWANKWO: Okay. So referencing sheet C-101 and
2 '102 of project plans, that's attachment G, volume
3 one of the application. Could you describe some
4 of these erosion and sediment control measures
5 that will be implemented during construction?

6 THE WITNESS (Roberts): Doug Roberts. We will be
7 placing on the southern boundary down gradient
8 from the construction site sedimentation and
9 erosion control, and in this case most likely a
10 construction fence just outside that down gradient
11 so that we don't have any inadvertent activities
12 beyond our work area.

13 MR. NWANKWO: Also referencing the same project plans,
14 please identify the proposed construction silt
15 socks?

16 THE WITNESS (Roberts): Sure. Our details are on a
17 sheet -- well, we have siltation and erosion
18 control on C-103. But again, they'll be placed
19 along that down gradient of the site itself prior
20 to construction.

21 MR. NWANKWO: Okay. What direction would that be,
22 looking at 102?

23 THE WITNESS (Roberts): Basically it would be on the
24 bottom half right along the property line, and
25 will wrap up to the wall on the east side, and on

1 the wall to the west side as well. There's --
2 it's got an existing wall there.

3 MR. NWANKWO: Okay. So just to be clear, based on the
4 legend at the top of C-102, the line leading to
5 the house with the squares in between does not
6 represent a construction silt sock -- because
7 that, that is north of the compound?

8 THE WITNESS (Roberts): Correct. That's the round --
9 and that's a fence, that existing chain-link fence
10 along that area to the house. They have a fenced
11 area, I think, for their children and -- or their
12 backyard is fenced, and that leads to their shed.

13 MR. NWANKWO: So will the Council be able to get
14 late-filed plans showing these construction silt
15 socks and all the erosion measures?

16 THE WITNESS (Roberts): Yes, you will.

17 MR. NWANKWO: Thank you.

18 Okay. Referencing the wetland inspection map
19 as shown in volume two of the application,
20 attachment L. It's titled, the wetland inspection
21 report. Please briefly elaborate on the 75-foot
22 upland review area?

23 THE WITNESS (Gustafson): Dean Gustafson. So the
24 75-foot upland review area is regulated by the
25 Town of Westport, their inland wetland commission.

1 It is not a buffer zone or a setback. It's just a
2 regulated activity zone.

3 So if -- if this project were a private
4 project not subject to Siting Council
5 jurisdiction, which obviously supersedes local
6 jurisdiction including wetlands, you know, the
7 proposed project would go before the Westport
8 Inland Wetland Commission for review and permit.

9 MR. NWANKWO: Please provide the total number of trees
10 six inches in diameter at breast height to be
11 removed during the construction of this project?

12 THE WITNESS (Roberts): We had eight trees removed as
13 part of this project.

14 MR. NWANKWO: Referencing the Applicant's response to
15 Council interrogatory 13, blasting is not
16 anticipated. At what point will blasting be
17 required for this project?

18 THE WITNESS (Roberts): Blasting is the last resort.
19 We would look to remove the rock by either a
20 hammer on a machine -- if we did run into rock.

21 Again, that would all be subject to
22 geotechnical investigation at a later date.

23 MR. NWANKWO: Who makes this determination?

24 THE WITNESS (Roberts): Of removal of rock? Or --

25 MR. NWANKWO: On whether blasting would be required?

1 THE WITNESS (Roberts): Well, again blasting would be
2 the last resort. We don't anticipate it at all.
3 I have done a few towers, and I believe only one
4 that I had a blast in Connecticut in all the
5 projects I've been involved in.

6 There's other ways of removing the rock --
7 again with a hammer is usually what we're doing.
8 Again, if it is very sound rock, it's possible
9 that we would take and use a foundation with rock
10 anchors as opposed to removal of the rock, but we
11 don't anticipate us running into to -- to rock at
12 this location.

13 MR. NWANKWO: So just to confirm, geotechnical testing
14 will be conducted before construction on the site?

15 THE WITNESS (Roberts): Yes, as part of the D and M
16 filing on -- on projects, we submit a geotechnical
17 report along with the tower and foundation design.

18 Thank you.

19 MR. NWANKWO: So what would be the purpose of this
20 geotechnical testing -- just to give a brief
21 criteria of certain things that it would do?

22 THE WITNESS (Roberts): Sure. Geotechnical reports
23 usually require -- or usually are done to 50 feet
24 or to refusal. And in refusal they usually are
25 drilled 15 feet into the rock; looking for the

1 quality of the rock itself, whether it's fissured.

2 And if we don't hit rock, you know, what
3 we're also looking for is non nonvirgin soils,
4 like if it was backfill site or there was some
5 dump area or something like that. With that,
6 that, you know we couldn't get sound bearing on --
7 on virgin soil.

8 Other instances, not so much in Connecticut
9 but where we run into clay deposits, we need to
10 make sure that we're not in a clay soil; through
11 that clay soil so we have proper bearing if it's a
12 caisson or pad.

13 MR. NWANKWO: And this testing will be focused on the
14 compound area, or also extending towards the
15 access drive?

16 THE WITNESS (Roberts): The compound area only. We
17 normally drill one hole at the center of the tower
18 location, and I try to do four offsets to refusal
19 in case there is rock.

20 We know what the profile is. We don't have
21 any surprises once we start digging and have steel
22 sitting there and find we can't use it.

23 MR. NWANKWO: Would it require any clearing of the
24 area?

25 THE WITNESS (Roberts): For the geotechnical?

1 MR. NWANKWO: Yes.

2 THE WITNESS (Roberts): Yes, we would have to bring --
3 rough in an access road. They -- we wouldn't
4 probably bring in a machine, a tired machine.
5 We'd use a tracked machine over to that.

6 So we'll have to find the least destructive
7 way to -- to bring something like that down to
8 that site.

9 MR. NWANKWO: Also referencing sheet C-102, the project
10 plans, where would the underground power and telco
11 conduit connect to the new utility pole?

12 THE WITNESS (Roberts): Right just below the word
13 "road" there's -- we're showing a utility pole.

14 And we have not been -- we have not discussed
15 this with the power company, our options for that,
16 whether we go underground to the pole across the
17 street or if they place a new pole on the south
18 side of Greens -- Greens Farms Road.

19 And then from that point we would go
20 underground to our transformer and meter center.

21 MR. NWANKWO: Okay. Because I was about to ask if it
22 would involve the conduit across the road, as the
23 plan shows.

24 But I guess you're saying that it's not clear
25 at the moment.

1 THE WITNESS (Roberts): It's not clear. Quite frankly,
2 the power company tells us what they'll do and,
3 you know, we have to sort of work with them on
4 options, and we can't really talk to them until we
5 have a valid site.

6 MR. NWANKWO: Referencing attachment H of volume one of
7 the application, photo three of the visibility
8 analysis, what is the height of the treeline as
9 shown?

10 THE WITNESS (Gaudet): Yeah, the trees in the -- the
11 area there generally are in that 40 to 50-foot
12 range. Some occasionally could extend up to about
13 60 feet, but those ones are about -- about 50
14 feet.

15 MR. NWANKWO: Could you provide the same answers for
16 photo six, two and one of the same visibility
17 analysis?

18 THE WITNESS (Gaudet): So photos one and two, obviously
19 you have the intervening trees there. Again,
20 generally in that area of along Greens Farms Road,
21 it's going to be in that, that 40 to 50-foot range
22 with the -- the few trees extending up to six
23 feet.

24 And then -- so you said photo six was the
25 other?

1 MR. NWANKWO: Yes.

2 THE WITNESS (Gaudet): Yeah, same -- same situation
3 there as well.

4 MR. NWANKWO: Referencing the Applicant's response to
5 Council Interrogatory 11, at what height would
6 Tarpon install the yield point for the proposed
7 tower?

8 THE WITNESS (Roberts): May I ask you to repeat that
9 question, please?

10 MR. NWANKWO: Yes. Referencing the Applicant's
11 response to Council Interrogatory 11, at what
12 height will Tarpon install the yield point for the
13 proposed tower?

14 THE WITNESS (Roberts): Thank you. Doug Roberts.

15 We would design the yield point so that our
16 124-foot tower would -- would be -- we'd have a
17 yield point, say, 79 feet from grade.

18 So that if -- if by chance there was a
19 failure, that that tower would not collapse
20 outside the property, to the north.

21 MR. NWANKWO: Referencing the Applicant's response to
22 Council Interrogatory 16, will there be a need in
23 the future to upgrade to a platform antenna mount
24 for AT&T?

25 THE WITNESS (Lavin): Martin Lavin for AT&T. We don't

1 anticipate any need to change out the platform.

2 MR. NWANKWO: Thank you. Referencing the Applicant's
3 response to Council Interrogatory Number 48, photo
4 7B, what is the distance at its closest point from
5 the proposed access drive to the fence in the
6 background?

7 THE WITNESS (Gaudet): I don't have that figure.

8 Doug, do you have that, that figure?

9 THE WITNESS (Roberts): I'm sorry. Could you repeat
10 that question once again -- so I just make sure I
11 got that right?

12 MR. NWANKWO: Yes. Referencing the Applicant's
13 response to Council Interrogatory 48, photo 7B,
14 what is the distance at its closest point from the
15 proposed access drive to the fence in the
16 background?

17 THE WITNESS (Roberts): I'll have to get that for you
18 at a later date, perhaps after the supper break.

19 MR. NWANKWO: Okay. Thank you.

20 THE WITNESS (Roberts): Thank you.

21 MR. NWANKWO: Will AT&T's equipment, ground equipment
22 be alarmed?

23 THE WITNESS (Walsh): David Walsh, Smartlink Group.

24 Yes, the ground equipment will be alarmed.

25 MR. NWANKWO: Did the Applicants consider at some point

1 the use of a shared generator for existing and
2 future carriers?

3 THE WITNESS (Walsh): David Walsh for AT&T. Our
4 general practice is not to share generators.
5 Sharing a generator creates a single point of
6 failure, and particularly with our first in
7 service, we want to make sure that we have, you
8 know, constant emergency power -- or we have our
9 own.

10 MR. NWANKWO: Thank you. What is the height of the
11 tree canopy at the proposed site?

12 THE WITNESS (Gaudet): That again ranges between where
13 the site is itself, between 50 and 60 feet.

14 MR. NWANKWO: Will the Applicant consider a stealth
15 tree tower, also known as a monopine for this
16 facility if it were ordered by the Council?

17 THE WITNESS (Gaudet): I'll -- I'll let Keith speak to
18 whether Tarpon would be open to that, and then I
19 can refer back to the visibility impact.

20 THE WITNESS (Coppins): If it was ordered by the
21 Council, we would provide a monopine.

22 THE WITNESS (Gaudet): And I think in -- in situations,
23 a lot of situations a monopine can work. I think
24 the context of this area, specifically a monopine
25 would -- would be, for lack of a better term, a

1 little bit outrageous.

2 Where the tower is going to be visible, it's
3 going to be visible pretty high above the tree
4 line, 40 feet, 50 feet at some points.

5 So you'd have a monopine in an area of
6 deciduous hardwoods that would stick out pretty
7 blatantly and really increase the width of the
8 tower at the top, as opposed to the monopole
9 option.

10 And like I said, the context in this area, I
11 think just doesn't -- doesn't suit itself for a
12 monopine option.

13 MR. NWANKWO: Okay. Will the Applicant be able to file
14 a photo simulation for a monopine design for the
15 top tower as a late filing?

16 THE WITNESS (Gaudet): Yeah, we can do that. Do you
17 have any specific photos in mind that you would
18 like to see with the monopine simulation?

19 MR. NWANKWO: Just to see what the monopine would look
20 like in the surroundings.

21 THE WITNESS (Gaudet): Okay. We'll do.

22 MR. NWANKWO: This is for AT&T. What impact would a
23 monopine design have on AT&T's installation?

24 THE WITNESS (Lavin): Martin Lavin for AT&T. From
25 AT&T's perspective, it would have no effect. We'd

1 still have our antennas on the platform behind the
2 branches. So it -- it wouldn't have any effect
3 for us.

4 MR. NWANKWO: Thank you. I think this will also go
5 back to Mr. Gaudet.

6 Could a different type of stealth tower
7 design blend in with the surrounding foliage?

8 THE WITNESS (Gaudet): I think the only option here
9 would be possibly painting the tower, the base of
10 it, you know, the lower section of the tower.

11 Again outside of the immediate area where
12 you've got year-round visibility, it doesn't
13 really lend itself to any stealth options above
14 the tree line, but painting the lower portions of
15 the tower I think could benefit some of the -- the
16 closer views, primarily along Greens Farms Road
17 where the tower is going to be tucked back in the
18 trees.

19 I'll refer you to the photos -- photo two,
20 for example. As you go east down Greens Farm
21 Road, you've got -- where you can see it through
22 the trees, I think it would -- would lend itself
23 to blending in a little bit. But I think overall
24 the -- the best option here is -- is the monopole.

25 MR. NWANKWO: How often do you think -- if eventually

1 the tower was painted, how often do you think that
2 would be refreshed or recoated, or need
3 maintenance?

4 THE WITNESS (Coppins): I can probably answer that
5 since I've been replacing branches on some trees
6 lately. Typically after the winter, in our first
7 spring cleanup we typically have branches that
8 break. So they're manufactured, so we have to get
9 the same manufacturer to redo them.

10 But I would say at least once a year we have
11 branches that need to be replaced, socks that tear
12 that go around the antennas. And it's -- it's a
13 bigger maintenance with -- with a monopine than it
14 is with some others. But there is -- there is an
15 increased maintenance aspect to having a monopine.

16 MR. NWANKWO: So you would just -- at least once a
17 year?

18 THE WITNESS (Coppins): At least once a year.

19 MR. NWANKWO: Thank you. Thank you, Mr. Morissette.

20 That will be all my questions for now.

21 THE HEARING OFFICER: Thank you, Mr. Nwankwo.

22 We'll now continue with cross-examination by
23 Mr. Nguyen followed by Mr. Silvestri.

24 MR. LYNCH: Mr. Morissette, if I can interrupt for a
25 second?

1 THE HEARING OFFICER: Yes, Mr. Lynch.

2 MR. LYNCH: I just want to get the game plan down for
3 how we're going to continue the questioning. Now
4 are we going to question first the Tarpon Towers,
5 and then AT&T? Or can we commingle our questions?

6 THE HEARING OFFICER: Well, at this point both Tarpon
7 and AT&T are on the panel.

8 So we can ask both, either/or questions.

9 MR. LYNCH: Thank you. I appreciate it.

10 THE HEARING OFFICER: Thank you.

11 Mr. Nguyen, please continue.

12 MR. NGUYEN: Thank you, Mr. Morissette and good
13 afternoon.

14 THE HEARING OFFICER: Good afternoon.

15 MR. NGUYEN: Let me start with Siting Council response
16 to number 15. The response indicates that the
17 maximum wind speed tolerance for the antenna is 60
18 miles per hour.

19 Now how does that compare with the designed
20 wind speed tolerance for the tower itself?

21 Is it still 60 miles per hour?

22 THE WITNESS (Roberts): No, that's the serviceability.
23 Again, Doug Roberts. That's the serviceability
24 for -- for antennas on a tower. The wind speed is
25 governed by state building code. Usually the

1 antennas themselves have tolerances. And in a
2 tower on -- with wind, it can not only rock back
3 and forth, but it can twist. So that's the
4 tolerance for propagation off that tower.

5 The tower, again is governed by state
6 building code as far as the wind speed itself.

7 MR. NGUYEN: So 60 miles per hour -- the wind speed
8 tolerance for the antenna is 60 miles per hour.

9 Is that the number that the antenna can withstand?

10 THE WITNESS (Roberts): No, it's -- no, it's strictly
11 governed by direction. In other words, both AT&T
12 And Verizon have azimuths that they're -- they're
13 looking for.

14 And up to 60 miles an hour that azimuth would
15 be achieved. Above 60 miles an hour it might
16 twist a little more one way or the other outside
17 their -- their preferred azimuth.

18 MR. NGUYEN: Will it fall off?

19 THE WITNESS (Roberts): No, not at all. Good question.

20 MR. NGUYEN: With respect to one of the questions that
21 was asked by Mr. Nwankwo regarding the yield
22 point, and you mentioned earlier, Mr. Roberts,
23 that the yield point is currently being designed
24 at 79.

25 Is that right?

1 THE WITNESS (Roberts): We haven't designed the yield
2 point yet. Again, that 79 feet is the property
3 line to the northwest at green -- Greens Farms
4 Road from the tower.

5 MR. NGUYEN: Well, when I look at the diagram C-1 of
6 Exhibit G --

7 THE WITNESS (Roberts): Yeah?

8 MR. NGUYEN: -- it shows that the closest distance to
9 the property of the line is approximately 35 feet.
10 And given that it's 124-foot tower, would the fall
11 radius of the cell site contain within the
12 project, the subject property lines, you know,
13 between 124 and 35 feet away?

14 THE WITNESS (Roberts): Again, we can --

15 MR. NGUYEN: It looked like 89 to me.

16 THE WITNESS (Roberts): Yeah, we can design -- have the
17 tower designed with a yields point so that that
18 tower would shed the 35 feet from the top, if you
19 will.

20 And again the remainder of the tower would be
21 in fact capable to withstand substantially greater
22 wind speeds than ever -- anything else probably in
23 that area.

24 MR. NGUYEN: Okay.

25 THE WITNESS (Roberts): I think one of the

1 interrogatory questions was the distance to the
2 highway line itself, and I think we did respond to
3 that. I'll just get you that.

4 MR. NGUYEN: Number 10, it's 118.

5 THE WITNESS (Roberts): Thank you. Yes, thank you.

6 MR. NGUYEN: But to the property lines of state
7 property is about 35 feet.

8 THE WITNESS (Roberts): Uh-huh.

9 MR. NGUYEN: Okay. And 118 feet to the actual -- to
10 this, to the curb of Interstate 95?

11 THE WITNESS (Roberts): Yes, that would be kind of to
12 the breakdown lane, and just the breakdown lane.

13 Thank you.

14 MR. NGUYEN: With respect to the 5G -- and I guess this
15 question would go to AT&T -- regarding the 5G
16 plus, it's my understanding that it's not
17 proposing at the moment. Is that right?

18 THE WITNESS (Lavin): Martin Lavin. Yeah, that's
19 correct. 5G plus is not proposed for here and
20 it's not -- we can't provide it with the antennas
21 that we're installing.

22 MR. NGUYEN: And to the extent if there's a future need
23 for 5G plus, would this structure support that?

24 THE WITNESS (Lavin): Yeah, the structure wouldn't have
25 any trouble supporting the 5G-plus infrastructure.

1 MR. NGUYEN: So the company would just simply change
2 out the antenna, the 5G-plus antenna besides --

3 THE WITNESS (Lavin): There might be a change -- yeah,
4 a change on one antenna. It wouldn't be any
5 bigger than what we're setting up there now, so.

6 MR. NGUYEN: Now the tower -- and I guess I should go
7 back to the tower design. The tower has two
8 future carriers. Is that correct?

9 THE WITNESS (Roberts): Yes. We've -- we're proposing
10 both AT&T and Verizon with two future carriers on
11 this tower.

12 MR. NGUYEN: Okay. And does that include a space for
13 the Town's communication, should there be a need
14 in the future?

15 THE WITNESS (Roberts): I'll let Tarpon address that
16 with -- with you, but the town equipment usually
17 are -- are very minor as compared to cellular
18 antennas. They're usually a whip, maybe two; far,
19 far less surface area than, you know, a dozen
20 panel antennas.

21 So it's not -- the tower will be designed to
22 be expandable so we could accommodate any of that
23 loading.

24 MR. NGUYEN: And it's my understanding that one of the
25 Respondents indicated that there's no -- that the

1 Town has not expressed any interest, but what I'm
2 trying to ask is that if there's a future need for
3 it, and the tower could accommodate that?

4 THE WITNESS (Roberts): Yes, from a structural point of
5 view.

6 And it's also from a compound point of view
7 we do have space, not only for the two future
8 carriers, but we did show a small area that could
9 be utilized by the Town or emergency services.

10 Thank you.

11 MR. NGUYEN: Now -- and I apologize I'm jumping back
12 from Tarpon to AT&T. With respect to the backup
13 generators, number 39, the response indicated that
14 there would be a 20 kilowatt generator.

15 Is that right? And this is AT&T's emergency
16 backup generator?

17 THE WITNESS (Walsh): David Walsh. That's correct.

18 Yes, a 20 kilowatt backup generator.

19 MR. NGUYEN: And then for the record, could you clarify
20 what type of a fuel source is this?

21 THE WITNESS (Walsh): We proposed a diesel generator.

22 MR. NGUYEN: And for the record, is there any natural
23 gas line in the vicinity of the proposed site?

24 THE WITNESS (Walsh): AT&T's typical preference is
25 to -- to begin with a diesel generator. It's --

1 it's easier to fuel and maintain. We have not
2 done any research on the nearest natural gas
3 access point. It's certainly something we can
4 look into.

5 MR. NGUYEN: Would Tarpon know if there's natural gas
6 fuel lines in the vicinity?

7 THE WITNESS (Roberts): Doug Roberts. Yes, we've done
8 some investigation. There appears to be natural
9 gas available on Greens Farms Road.

10 MR. NGUYEN: So it is available on Greens Farms Road.

11 Is that right?

12 THE WITNESS (Roberts): Yes, we haven't been in contact
13 with the gas company, but it looks to be it's on
14 their list of available sites.

15 MR. NGUYEN: Okay. With respect to the site search
16 summary number 10 of Exhibit F, the response
17 indicated that this site was suggested by the
18 Town, but it was rejected by AT&T because it is
19 too close to an existing site.

20 Do you see that?

21 THE WITNESS (Lavin): Which number are you looking at?

22 MR. NGUYEN: Yes, exhibit --

23 THE WITNESS (Lavin): I got the exhibit. I just want
24 to know what number?

25 MR. NGUYEN: Site search number ten.

1 THE WITNESS (Lavin): Number ten? Okay.

2 MR. NGUYEN: They're with respect to 200 Nyala Farms in
3 Westport.

4 THE WITNESS (Lavin): Yes, correct.

5 MR. NGUYEN: Yeah. I'm not quite sure if this question
6 is for you or for AT&T, but it's indicated that
7 AT&T rejected it because it was too close to an
8 existing site.

9 So my question is -- yes. So my question is,
10 what's considered too close in this context?

11 THE WITNESS (Lavin): Martin Lavin for AT&T. Basically
12 a great deal of overlapping coverage and not
13 giving us coverage in the area where the coverage
14 gap currently exists.

15 I don't have the plot in front of me, but I
16 know I did take a look at that and I'm fairly
17 certain it produced a lot of duplicate coverage,
18 and didn't cover the coverage gap we're looking to
19 cover.

20 MR. NGUYEN: And I still need to know what's considered
21 too close. What does that mean?

22 THE WITNESS (Lavin): That -- that it largely
23 duplicates the coverage of the other side, and the
24 two sides could be on -- it's not generally. You
25 can't just specify a distance per se. They could

1 be on two different sides of the hill, in which
2 case they could be a lot closer to each other and
3 still serve the purpose.

4 But in this case I don't know exactly how
5 close it was offhand -- but it produces mostly, in
6 this case, duplicate coverage for the existing
7 system and doesn't serve the gap.

8 MR. NGUYEN: And it was referencing to an existing
9 site. Do you know what that site is?

10 You mentioned earlier that you will look into
11 it and I can, as Mr. Morissette, that we'll give
12 you --

13 THE WITNESS (Lavin): I believe it's too close to
14 CT-2103. It's within the -- it is just east of
15 sure --

16 MS. CHIOCCHIO: Sherwood Island.

17 THE WITNESS (Lavin): Sherwood Island Road in an area
18 that already has green and orange indicating
19 coverage, and doesn't reach over the coverage gap
20 to the west any -- anywhere near as well as the
21 proposed site.

22 MR. NGUYEN: Okay. Well, thank you very much.

23 And that's all I have, Mr. Morissette.

24 Thank you.

25 THE HEARING OFFICER: Thank you, Mr. Nguyen.

1 We will now continue with cross examination
2 of the Applicant by Mr. Silvestri followed by
3 Mr. Quinlan. Mr. Silvestri?

4 MR. SILVESTRI: Thank you, Mr. Morissette and good
5 afternoon.

6 THE HEARING OFFICER: Good afternoon.

7 MR. SILVESTRI: Mr. Roberts, I'd like to follow through
8 with drawing C-101 to begin my line of questions.

9 You mentioned earlier that eight trees would
10 need to be removed, and in looking at that drawing
11 I just want to determine which trees would
12 actually be removed. So let me pose this to you.

13 In the drawing in the proposed entrance from
14 Greens Farms Road there's a ten-inch ash and a
15 twelve-inch ash. Would both of those be removed?

16 THE WITNESS (Roberts): Yes, they would.

17 MR. SILVESTRI: And further down there's a 14-ash right
18 next to a 15-ash -- a 15-foot oak.

19 Would those two also go?

20 THE WITNESS (Roberts): The ones on the east site, not
21 necessarily. We'd look to preserve those.

22 MR. SILVESTRI: Okay. Then you have a 22-foot that's
23 marked as to be removed next to a maple.

24 THE WITNESS (Roberts): Correct.

25 MR. SILVESTRI: I would take it both of those -- yeah.

1 So that's four. The ten-inch ash on the bend in
2 the road right next to it -- ten-foot ash, I
3 should say.

4 **THE WITNESS (Roberts):** Yeah, we'll look to preserve
5 that one as well.

6 **MR. SILVESTRI:** Okay. Well, I got four.

7 Where's the other four?

8 **THE WITNESS (Roberts):** Okay. I have a six-inch oak
9 and an eight-inch maple in the location of the
10 AT&T equipment.

11 **MR. SILVESTRI:** Copy that. Okay.

12 **THE WITNESS (Roberts):** Okay? And we have an ash
13 that's right along the stone wall, a six-inch ash.
14 If we can preserve it we will, but it's right in
15 kind of the compound, edge of the compound fence
16 line.

17 Knowing that we're going to have a foundation
18 28 by 28-foot square, we anticipate that we'll
19 lose the south side root system on that. And if
20 we do keep it, we'll end up probably losing it in
21 the future.

22 **MR. SILVESTRI:** That one is along the line that has a
23 proposed 124-foot monopole, and then the arrow
24 direct into that. Is that correct?

25 **THE WITNESS (Roberts):** Yeah. Exactly, sir. Yeah.

1 MR. SILVESTRI: Okay. And those are all of them?

2 THE WITNESS (Roberts): That is correct.

3 MR. SILVESTRI: Okay.

4 THE WITNESS (Roberts): I'm sorry -- and there is one
5 more by the AT&T equipment. So -- eight. Yeah.

6 MR. SILVESTRI: Very good. Thank you.

7 THE WITNESS (Roberts): Thank you, sir.

8 MR. SILVESTRI: While I have you on that drawing, what
9 is control point A that's at the stone wall at
10 Greens Farms Road kind of to the north?

11 THE WITNESS (Roberts): Sure. When we -- when we do
12 our survey, we -- the -- the surveyors themselves
13 put a control point in so that in the future when
14 they go back they can reset -- recreate everything
15 from -- from that point.

16 There's usually two of them, and they're
17 usually placed offsite so they won't be lost
18 during construction activity.

19 MR. SILVESTRI: And the second one here would be
20 control point B, which is kind of to the southwest
21 of A. Would that be correct?

22 THE WITNESS (Roberts): Correct.

23 MR. SILVESTRI: So they'd be reference points for any
24 future type of surveying that would be performed?

25 THE WITNESS (Roberts): Yeah. Let's say an example

1 would be when they surveyed this, they didn't know
2 where -- where we were going to build that tower.
3 So those were placed.

4 I gave them a CAD version of the site plan.
5 They came out, picked up their control points, and
6 then staked it out accordingly.

7 MR. SILVESTRI: Very good. Thank you.

8 THE WITNESS (Roberts): You're welcome.

9 MR. SILVESTRI: Also with that drawing -- and I believe
10 it's towards the bottom.

11 Let me just -- yeah. The very bottom right,
12 there is a FEMA zone X, and a FEMA zone AE. Could
13 you tell me the difference between those two
14 zones?

15 THE WITNESS (Roberts): I'm going to request Dean to
16 address that?

17 THE WITNESS (Gustafson): Sure. Dean Gustafson. The
18 FEMA zone AE is -- it represents a hundred-year
19 flood zone. The AE designation means that there's
20 a known elevation for the base flood elevation at
21 ten feet.

22 The -- in this particular case the adjacent
23 FEMA zone X is actually a zone X shaded, which
24 represents the 500-year flood zone. The limits of
25 that aren't shown on this plan, but the 500-year

1 flood zone is -- is kind of a thin extension of
2 the zone AE line, and it does not encroach into
3 the proposed compound or any of the facility
4 activities.

5 It -- it does encroach into the property,
6 more -- mainly the western portion of the
7 property. And if you -- I'll just, so you
8 understand what I'm talking about, if you look at
9 Applicant Exhibit 1, attachment L -- and that's
10 the wetland inspection report. And if you go to
11 the last page on that, which is a wetland
12 inspection map, I can give you some additional
13 clarification on those two zones.

14 MR. SILVESTRI: I'm almost there.

15 That's the one with colors on it?

16 THE WITNESS (Gustafson): Correct.

17 MR. SILVESTRI: Yeah, go ahead.

18 THE WITNESS (Gustafson): So on that particular map,
19 well inspection map, the -- the pink or red
20 shading represents the FEMA zone AE, the
21 hundred-year flood zone. And the -- the teal
22 or -- or bluish coloration that extends beyond
23 that represents the 500-year flood zone.

24 MR. SILVESTRI: Got that. Thank you.

25 And the green line that's running through the

1 compound is representative of what?

2 THE WITNESS (Gustafson): That's -- that's noted in
3 the -- the map legend, but it represents the local
4 75-foot upland review area for the Town of
5 Westport Inland Wetlands Commission.

6 MR. SILVESTRI: Oh, yeah. I see that as well.

7 Thank you.

8 THE WITNESS (Gustafson): You're welcome.

9 MR. SILVESTRI: Okay. All right. There was discussion
10 with Mr. Nguyen about 5G. A the new question for
11 you. Why isn't 5G being initially added should
12 the project be approved?

13 THE WITNESS (Lavin): Martin Lavin for AT&T. 5G will
14 be added. 5G plus will not. 5G, the low band 5G
15 will be on the site for sure. 5G plus is the
16 millimeter wave, the 24 gigahertz to 39 gigahertz
17 ultra wideband, and that won't be provisioned,
18 certainly at first.

19 MR. SILVESTRI: Thank you. And just so I understand,
20 the 5G phones that are being offered, are they
21 just 5G? Or are they 5G plus? I'm trying to
22 figure out the advantage, if you will, of 5G plus.

23 THE WITNESS (Lavin): I know they've got 5G there. I
24 don't know if they're all equipped for 5G plus.
25 I'd have to check on that.

1 The advantage of 5G plus is that it probably
2 has -- if you were -- the millimeter wave coverage
3 is very limited, but if you're in it you're
4 basically getting service from a greater bandwidth
5 than the rest of all the AT&T frequencies
6 combined.

7 MR. SILVESTRI: I'm going to try to simplify it in my
8 mind. Would 5G plus be superior to 5G?

9 THE WITNESS (Lavin): If you're lucky enough to be in
10 the right spot for coverage, yes, but the spotty
11 coverage is -- it can't be the primary service
12 because it doesn't cover broadly enough to serve
13 customers over the whole area.

14 MR. SILVESTRI: At this time?

15 THE WITNESS (Lavin): Yes.

16 MR. SILVESTRI: Okay. Thank you. Then I think while I
17 have you, there was the August 1, 2022,
18 re-submittal for Exhibit 5, the updated plots.

19 Could you briefly explain the difference
20 between the updated plots that were submitted in
21 that August 1st document versus what was
22 originally submitted for Exhibit 5?

23 THE WITNESS (Lavin): The original submission was
24 thoughts that were on hand for a different
25 iteration of the site. It was not the correct

1 configuration, or the site had more limited
2 coverage.

3 MR. SILVESTRI: So what we have in the August 1st is
4 more representative. Correct?

5 THE WITNESS (Lavin): It is the correct -- using the
6 current configuration of the site, yes.

7 MR. SILVESTRI: Very good. Thank you. Then if I could
8 refer to the August 3rd submittal, these are the
9 responses of the Applicant to the Town of Westport
10 Interrogatories 3 and 5.

11 In three it talks about the search ring site
12 was placed on hold in 2013.

13 Why was that placed on hold?

14 THE WITNES (Carey): Harry Carey for AT&T. At the time
15 across the country AT&T had a budget reduction and
16 scaled back our -- our build plan at that time.

17 MR. SILVESTRI: And not to make light of it, but then
18 budgets came to life back in 2018 and the search
19 ring was reissued?

20 THE WITNES (Carey): That's correct.

21 MR. SILVESTRI: Okay. Thank you. And I had a followup
22 on Mr. Nguyen's questions about natural gas. From
23 what I heard there's the potential that natural
24 gas is in Greens Farms Road.

25 Is there any idea what the cost would be to

1 bring that into the compound, and what direction a
2 natural gas line would follow from Greens Farms
3 Road into the compound?

4 **THE WITNESS (Roberts):** I can address the technical
5 side of it. The line itself would be obviously
6 not in the same trench as the electric and telco,
7 but it will be an adjacent excavation and it would
8 follow probably the opposite side of the road.

9 And we would locate that meter center in the
10 southwest corner of the -- southeast corner of the
11 compound itself, next to the gate.

12 Hope that helps.

13 **MR. SILVESTRI:** So far.

14 Any idea what the cost would be?

15 **THE WITNESS (Roberts):** Well that's -- that's a
16 difficult question to answer because we've run
17 into that multiple times where, you know, we don't
18 necessarily -- the carriers don't usually -- don't
19 utilize a lot of gas, because they're really only
20 using the generator for exercising it, and in
21 emergency services.

22 When a resident or business is putting in
23 natural gas, they look at it as, you know, how
24 much gas are they going to use over that whole
25 year. And then, you know, they'll -- they'll

1 possibly even bring it in for next to nothing.

2 Where our usage is so limited that the -- the
3 cost can be, you know, it could -- it could be
4 \$10,000 to bring gas in between excavation, hookup
5 and meter center.

6 MR. SILVESTRI: Okay -- no. Thank you for that
7 response. Was there any consideration to use
8 propane as the fuel of choice instead of diesel?

9 THE WITNESS (Roberts): One of the disadvantages of
10 propane is that we need a 10-foot clear from those
11 tanks to any spark, which could be either
12 equipment, meter center. And what that does is
13 requires the compound to be bigger to accommodate
14 that.

15 Granted, we can locate a propane tank next to
16 a propane tank, but you know, it pushes the
17 equipment away from it by a minimum of ten feet.

18 MR. SILVESTRI: Thank you for that response.

19 And one last question on the generator. With
20 the diesel that's being proposed, do you know what
21 the run time would be?

22 THE WITNESS (Roberts): I can answer from -- from --
23 usually the diesel generators or natural gas
24 generators are exercised every other week for
25 about 20 to 30 minutes.

1 And basically at that point, you know,
2 they -- they sit idle unless there's a need for
3 emergency power.

4 MR. SILVESTRI: Yeah. And if there is an emergency
5 because the power from the suppliers is out, do
6 you know how long the diesel generator could still
7 power the equipment?

8 MS. CHIOCCHIO: Mr. Silvestri, David Walsh is getting
9 that answer.

10 MR. SILVESTRI: Okay. Let me move onto another
11 question and then we'll come back to that answer.

12 In some of the correspondence I've received
13 and the Council has received -- I'll pose the
14 question, is the driving force for the proposed
15 tower, is it from a vehicle standpoint on
16 Interstate 95? Or is it more to serve the area
17 around the proposed tower?

18 THE WITNESS (Lavin): Martin Lavin. We certainly have
19 both situations here. They go hand in hand.
20 I-95, you've got 110,000 cars going by every day.
21 And certainly within the area as well both -- both
22 need the service that the site will provide.

23 And -- and Metro North and the trains going
24 by, too.

25 MR. SILVESTRI: So that would be both, and a potential

1 for the train as well?

2 **THE WITNESS (Lavin):** Definitely for the train as well,
3 yes. I've kind of forgotten them being there
4 on -- on the south side of I-95.

5 **MR. SILVESTRI:** Okay. And thank you for that response.
6 I'd like to go back also to another question that
7 Mr. Nguyen had proposed to you, that this goes
8 back to that 60-mile-per-hour antenna business.

9 Is there a potential or need, if you will --
10 now say the wind speed in the area goes over 60
11 miles per hour. Let's just say it might be 70 or
12 something like that. Does that mean that the
13 antennas would have to be investigated to see if
14 they would need to be adjusted?

15 **THE WITNESS (Lavin):** No. Ultimately it's a
16 serviceability to meet the criteria of the tower.
17 On a tower -- when we order a tower they give wind
18 speed, they give wind speed with ice, and they
19 also have serviceability speeds.

20 And serviceability speeds is the equivalent
21 of -- yeah, it will function all day long.
22 Other -- lower than that, it's possibly azimuths
23 would not be maintained; less critical for
24 cellular, more critical for microwave where you're
25 looking to shoot, you know, 5, 10, 20, 30 miles

1 out where, you know, a quarter of a degree, half a
2 degree would remove you from making that
3 connection.

4 MR. SILVESTRI: And just go back to the azimuth comment
5 that you made. Would you need to adjust it to fix
6 that azimuth with the antennas?

7 THE WITNESS (Lavin): No, because it, in fact, it's
8 going to twist. And if as soon as that gust ends
9 it will -- it will reorientate itself back to
10 where it is originally. It's just a matter of it
11 twisting a little bit maybe, or rocking slightly.

12 MR. SILVESTRI: Would you call it self correcting?

13 THE WITNESS (Lavin): Yes.

14 MR. SILVESTRI: Okay.

15 THE WITNESS (Lavin): Yeah, most of the force is taken
16 off from the wind. It would then go back to its
17 original azimuth.

18 MR. SILVESTRI: And I take it that would be true for
19 most towers?

20 THE WITNESS (Lavin): It is, yes.

21 MR. SILVESTRI: Okay. Thank you. All right. I wanted
22 to turn to the response for interrogatory 30.
23 This is from the August 1, 2022, submittal,
24 Responses to Connecticut Siting Council prehearing
25 interrogatories that were dated July 8th.

1 And in number 30 the second paragraph of the
2 response talks about the area of Westport does not
3 have the same usage patterns and density like
4 Bridgeport, New Britain, Waterbury, Danbury and
5 New London. Can you explain what is meant by that
6 sentence?

7 **THE WITNESS (Lavin):** It's Martin Lavin again. We
8 deploy small cells generally for capacity and
9 fill-in coverage in -- in highly urban areas where
10 there's enough usage within, enough customers when
11 this -- within a small footprint of the small cell
12 to make it worthwhile.

13 That density occurs in, you know, Hartford
14 Bridgeport, the -- all the places listed in -- in
15 the center of the city, but not in a place like
16 Westport where the density of subscribers isn't
17 nearly as high.

18 **MR. SILVESTRI:** I heard what you said, but I'm still
19 not understanding it. So for the small cell to be
20 efficient you would need a densely populated area?

21 **THE WITNESS (Lavin):** Yes. And small cells are -- the
22 macro cells like the one we're building here or
23 proposing here are for primary coverage. Small
24 cells are generally for filling in very small
25 areas or for providing extra capacity.

1 And capacity is only generally a problem in
2 those high -- mostly a problem in those high
3 density areas.

4 MR. SILVESTRI: Okay. All right. Thank you.

5 Then if we could turn to photo number one in
6 that submittal that we had, what's the structure
7 that's located in the upper right corner of photo
8 number one?

9 THE WITNESS (Gaudet): I believe it's -- it looks to me
10 like a -- like a storm alarm system typically seen
11 in -- in coastal communities either to alert for
12 flooding or -- or some other evacuation routes.
13 That's -- that's what it appears to be to me, but
14 I -- I don't know for certain, but I've certainly
15 seen that in similar coastal areas.

16 MR. SILVESTRI: Possibly like the old civil defense
17 warning towers?

18 THE WITNESS (Gaudet): Yes.

19 MR. SILVESTRI: Do you know how tall that is?

20 THE WITNESS (Gaudet): I'm trying to see if I have
21 another photo here with a better perspective on
22 it. Give me one second.

23 It looks like it might be 35 feet.

24 MR. SILVESTRI: Thirty-five?

25 THE WITNESS (Gaudet): Thirty-five, 40, somewhere in

1 that range.

2 MR. SILVESTRI: Very good. Thank you.

3 Okay. Did we get an estimate on my other
4 question yet?

5 MS. CHIOCCHIO: Yes, Mr. Silvestri. We did.

6 THE WITNESS (Walsh): Yes, we did. Thank you for
7 waiting. David Walsh.

8 So the usable fuel load is 92 gallons, about
9 1.9 gallons an hour. That brings us to 48 hours
10 of run time on a full tank.

11 MR. SILVESTRI: Forty-eight, did I hear that correct?

12 THE WITNESS (Walsh): Forty-eight, yes. And that,
13 that's based on a hundred percent capacity. Those
14 times get longer if -- if the generator does not
15 need to run at a hundred percent.

16 MR. SILVESTRI: Understood. Thank you.

17 THE WITNESS (Walsh): Of course.

18 MR. SILVESTRI: Okay. My last set of questions I have,
19 looking at 197 Compo Road South was investigated
20 as a potential location, but it seems that that
21 didn't come to fruition for one reason or another.

22 My question for you, 4 Elaine Road is
23 slightly to the west and appears to be the POTW,
24 the publicly owned treatment works. Was that
25 location investigated as a potential site at 4

1 Elaine Road?

2 THE WITNESS (Coppins): I -- I did not look at that
3 site at all.

4 MR. SILVESTRI: So right now we don't know if that's
5 potentially viable or not. And I guess that would
6 be a town, maybe a town question, too, when the
7 time comes. Okay.

8 Then a related question, to the east of 197
9 Compo Road South is New Creek Road. That's the
10 location of the Greens Farms Train Station. I'm
11 not sure if the answer was provided, but I'll pose
12 the question.

13 Was that location investigated as a potential
14 site?

15 THE WITNESS (Coppins): That same answer.

16 We did not investigate that location.

17 THE HEARING OFFICER: Okay. So for all we know right
18 now they could be feasible sites to locate a
19 tower.

20 THE WITNESS (Coppins): We could certainly look into
21 them.

22 MR. SILVESTRI: I would like to know.

23 And Mr. Morissette, I don't know if that's
24 something that we could ask for to be filed at a
25 later point in time, but the way I'm looking at

1 it, they could be two viable sites and I'd like to
2 know if they could be, or if they would be
3 rejected?

4 **THE HEARING OFFICER:** Thank you, Mr. Silvestri. I
5 think that's something that we should look into
6 given that we will have a continuance. We're not
7 going to wrap this up today.

8 So I think a late file exploring those two
9 sites -- if you could repeat the two sites for
10 clarity of the record?

11 **MR. SILVESTRI:** Gladly. The first one is 4 Elaine
12 Road. That spelled E-l-a-i-n-e. And I believe
13 that's the site of the POTW.

14 The second one is New Creek Road. I don't
15 have an address, but it seems to be the location
16 of the Greens Farms Train Station.

17 **THE HEARING OFFICER:** Thank you, Mr. Silvestri. So
18 I'll ask.

19 I'll ask if the Applicant is willing to
20 provide a late file to pursue those two potential
21 sites?

22 **THE WITNESS (Coppins):** Yes, we'll look into those.

23 **THE HEARING OFFICER:** Very good. Thank you.

24 **MR. SILVESTRI:** Very good, Mr. Morissette. And that's
25 all the questions that I have at this point for

1 the Applicant, and I thank you.

2 THE HEARING OFFICER: Thank you, Mr. Silvestri.

3 We'll now continue with cross examination of
4 the applicant by Mr. Quinlan followed by
5 Mr Golembiewski.

6 Mr. Quinlan?

7
8 (No response.)

9
10 MS. BACHMAN: Excuse me, Mr. Morissette. It seems that
11 Mr. Quinlan has lost his connectivity, but he is
12 about to jump back on the meeting.

13 THE HEARING OFFICER: Very good. Thank you, Attorney
14 Bachman.

15 We'll give him a second here.

16 There he is. Good afternoon, Mr. Quinlan.

17 MR. QUINLAN: Good afternoon. Something just happened
18 right before I was going to come on there.

19 THE HEARING OFFICER: Of course.

20 MR. QUINLAN: I have a few questions. First off, I was
21 wondering how many feet it would be approximately
22 to extend a gas line to the backup generators from
23 the street?

24 THE WITNESS (Roberts): Sure. Doug Roberts. It would
25 approximately be in the neighborhood of 135 feet

1 from the gas line in the street to the meter
2 center that we had proposed.

3 MR. QUINLAN: I'm just wondering if you could get some
4 type of estimate from the gas company for that
5 extension by the next hearing?

6 THE WITNESS (Roberts): Certainly. Thank you.

7 MR. QUINLAN: I was looking at the total cost of the
8 facility on, I guess it's page 46 of your initial
9 summary. And it mentions the tower costs of
10 135,000, and then does that include your
11 equipment? Or is that just the tower?

12 Can you answer that?

13 THE WITNESS (Coppins): I think I can answer that. I
14 think -- I think that's just the tower.

15 MR. QUINLAN: Okay. So then each of the companies is
16 then going to put on their equipment, which is
17 going to add cost to that?

18 THE WITNESS (Coppins): Correct.

19 MR. QUINLAN: Okay. And approximately how much? Do
20 you have any idea what that would be?

21 THE WITNESS (Coppins): I can -- I can defer to AT&T on
22 what their install is.

23 Let me just clarify what that \$135,000
24 represents. It represents not only the tower, but
25 it also -- it represents the foundation that

1 goes -- goes with it.

2 THE WITNESS (Walsh): This is David Walsh --
3 (unintelligible).

4 THE HEARING OFFICER: I'm sorry. We're hearing a lot
5 of feedback from Mr. Walsh.

6 THE WITNESS (Walsh): Is this better now?

7 THE HEARING OFFICER: Yes. Please continue.

8 THE WITNESS (Walsh): So David Walsh. It's -- we can
9 get that answer for you in the future.

10 Material costs are so variable right now I'm
11 hesitant to take a guess at this point. I could
12 easily over or undershoot based on market values.

13 So I'd like to go back to the client and do a
14 better estimate.

15 THE HEARING OFFICER: Mr. Quinlan, just for
16 clarification you're asking for the cost of the
17 components of the 135,000. Is that correct?

18 Mr. Quinlan?

19 Mr. Quinlan, could you please clarify what
20 you're looking for?

21
22 (No response.)

23
24 THE HEARING OFFICER: Oh, it looks like we lost him.

25 Okay. Well, I think this is a good time to

1 take a break and we'll see if Mr. Quinlan can get
2 back. So we will take a break until 3:40. So
3 that is a 13-minute break.

4 So we'll see everybody back here at 3:40, and
5 we will continue hopefully with cross-examination
6 by Mr. Quinlan. Thank you.

7
8 (Pause: 3:27 p.m. to 3:40 p.m.)
9

10 **THE HEARING OFFICER:** Very good. Thank you, everyone.

11 Is the Court Reporter back with us?

12 **THE REPORTER:** I am back, and we are on the record.

13 **THE HEARING OFFICER:** Very good. Thank you.

14 Mr. Quinlan, I see that you're connected.

15 Please continue with your cross-examination, but I
16 would like some clarification as to what
17 information that Mr. Walsh is going to provide in
18 the late file.

19 **MR. QUINLAN:** What I was trying to do is just get the
20 total cost of the project, including the cost of
21 the pole and the equipment of the carriers.

22 So is this the proper time to ask for that?
23 Can AT&T and Verizon answer that? Or better to
24 ask it another time?

25 **THE HEARING OFFICER:** No, it's the proper time.

1 MR. QUINLAN: Okay.

2 THE HEARING OFFICER: Your turn to cross-examine is
3 now. So AT&T and Tarpon can provide the cost for
4 their relative pieces. Verizon, we'll have to ask
5 that question separately when it's their turn to
6 be cross-examined.

7 Mr. Walsh, does that make sense to you? Can
8 you provide the information that Mr. Quinlan is
9 looking for?

10 THE WITNESS (Walsh): It does, and I can. I've put the
11 request in with AT&T for some current numbers. I
12 just really don't want to misquote.

13 With current materials prices, they're all
14 over the map. So I'm hoping to have an answer for
15 you shortly.

16 THE HEARING OFFICER: Very good. Well, we'll consider
17 that a late file for now. If you could file that
18 when you have the information available, that
19 would be very helpful. Thank you.

20 Mr. Quinlan, please continue with your
21 cross-examination.

22 MR. QUINLAN: I had one followup on -- I was wondering
23 what the wind speed tolerance is for the tower.

24 I never got that as an answer.

25 THE WITNESS (Roberts): The tower itself?

1 MR. QUINLAN: Yes.

2 THE WITNESS (Roberts): It's designed for per
3 Connecticut State Building Code.

4 MR. QUINLAN: What is that?

5 THE WITNESS (Roberts): In that location I believe it's
6 like 93 miles an hour, 3 second gusts, but
7 that's -- I can double check that, though.

8 MR. QUINLAN: Okay. That would be great.

9 I had one other question. It looks to me in
10 the record that there's no comment from any state
11 agencies, municipalities or other organizations.

12 Is that correct? Have you received any
13 comments from any, any groups?

14 THE WITNESS (Coppins): I don't think we've received
15 any comments from state agencies. I think we've
16 received comments in with -- with the Town of
17 Westport. I mean, we've had conversations with
18 the Town of Westport and their -- and their folks
19 there.

20 MR. QUINLAN: Have they submitted formal comments?

21 THE HEARING OFFICER: Mr. Quinlan, I'll just mention
22 that the Town of Westport is a party in the case.

23 MR. QUINLAN: Okay. But they haven't submitted any
24 written comments in advance. Just --

25 THE HEARING OFFICER: Yes, they have.

1 MR. QUINLAN: Oh, they have? Okay. I missed that
2 somehow.

3 All right. They're the only group then?

4 THE WITNESS (Coppins): To my knowledge, yes.

5 MR. QUINLAN: Okay. Did you have public meetings on
6 this proposal?

7 THE WITNESS (Coppins): We did have some public meet --
8 we did have a couple of public meetings on the
9 proposal. We met with inland wetlands for -- in
10 our site search summary we kind of laid out the
11 meetings that we had.

12 We started -- one of the sites that we were
13 looking at was 55 Greens Farms Road, and we met
14 on -- I'll tell you the dates. Let me just get
15 my -- my notes here.

16 The -- it was in February we met with the --
17 with the -- we met with the inland wetlands. We
18 had meetings on site.

19 We had a follow-up meeting, and during the
20 follow-up meeting we -- 55 Greens Farms decided
21 that they didn't want to move forward with the
22 site. So we talked a little bit about 92 Greens
23 Farms as part of that same, that same meeting, but
24 it wasn't -- it wasn't part of the -- the inland
25 wetlands purview to look at that.

1 So those, those were all taking place in
2 February and March.

3 **THE HEARING OFFICER:** Very good.

4 Anything else, Mr. Quinlan?

5
6 (No response.)

7
8 **MR. SILVESTRI:** His screen looks frozen.

9 **THE WITNESS (Coppins):** Let me rephrase. For the
10 record, interrogatory -- my question number four,
11 it says, we met with the conservation commission
12 for a site walk on January 28th.

13 And they did a special meeting for -- for the
14 site, February -- on February 2nd -- on January
15 31.

16 And then February 2nd our 55 Greens Farms
17 Road land -- landlord backed out of the -- out of
18 lease negotiations.

19 **THE HEARING OFFICER:** Very good. Thank you,
20 Mr. Coppins

21 **MR. QUINLAN:** That is all my questions. Sorry.

22 **THE HEARING OFFICER:** Okay. Thank you, Mr. Quinlan.

23 We'll now continue with cross-examination by
24 Mr. Golembiewski followed by Mr. Lynch.

25 Mr. Golembiewski?

1 MR. GOLEMBIEWSKI: Thank you, Chairman.

2 I had one question in regards to
3 alternatives. I did read some of the, I guess,
4 some of the narrative and some of the e-mails on
5 the Connecticut DOT site, on Hales Road. And I
6 guess my question is, it did appear that that was
7 a dead end and I just wanted to sort of make sure
8 that that was the case.

9 Because it does seem like a fairly comparable
10 location to the proposal.

11 THE WITNESS (Coppins): Keith Coppins for the
12 Applicant. Yes, that -- the Connecticut DOT site
13 did not -- did not move forward at all.

14 MR. GOLEMBIEWSKI: Okay. Did you get ever a formal,
15 like, statement from them? I know I saw some
16 e-mails, but did you ever get anything like
17 specifically with DOT letterhead?

18 THE WITNESS (Coppins): So we've got -- we had -- we
19 had several e-mails back and forth with -- with
20 the DOT with no responses. And then the DOT
21 started talking with the Town, and the Town had --
22 the DOT had a meeting.

23 The day after the meeting, they -- regarding
24 this site. The day after the meeting the DOT
25 contacted the Town, and the Town was involved

1 with -- with the conversations with DOT.

2 We tried to get -- we tried to -- to be in
3 touch with DOT directly, and it seemed like
4 they -- they were dealing more with the Town. The
5 Town -- the Town Attorney Mr. Bloom contacted
6 Attorney Ball and said that the -- that it wasn't
7 high on the priority list.

8 But we didn't get a formal statement from DOT
9 other than a meeting and then the meeting with --
10 with Mr. Bloom and the Town. So that's when we
11 moved forward with the -- with the application to
12 the to -- the Council here.

13 MR. GOLEMBIEWSKI: Okay. Thank you. I had a
14 question -- I guess this would be for Dean. There
15 I saw some questions or interrogatories regarding
16 some endangered species and state listed species.
17 Reading your reports and the Applicant's reports
18 can you kind of confirm that there was no NDDB? I
19 believe there was no NDDB shaded area.

20 And then based on maybe your site
21 investigations is there any likelihood -- is there
22 any habitat there that would be, you know, a
23 preferred habitat or any of these state listed
24 species, and I guess maybe some of the avian
25 species that were identified?

1 THE WITNESS (Gustafson): Sure. Dean Gustafson.

2 So I'll first address the Natural Diversity
3 Database. And by reference it's -- this
4 information is contained in Applicant Exhibit 1,
5 attachment I. It's part of -- it's an attachment
6 in the NEPA report, the US Fish and Wildlife and
7 Natural Diversity Database compliance memo.

8 So there is no natural diversity database
9 buffer area or polygon located on the subject
10 property. The nearest one is located
11 approximately two tenths of a mile to the
12 southeast, and it's associated with the intertidal
13 and tidal wetland area located south of I-95.
14 The -- so there was no -- because of that there's
15 no requirement to consult with the natural
16 diversity database.

17 We did also screen the site for potential
18 federally listed species utilizing the IPaC online
19 system through US Fish and Wildlife to screen the
20 site. And two potential species came up, northern
21 long-eared bat and red knot.

22 For northern long-eared bat, pretty much all
23 the forested habitat in Connecticut, it's
24 potential habitat for northern long-eared bat. So
25 we -- that species is currently identified as a

1 federally listed threatened species, and there's a
2 4D rule in place for consult -- a streamlined
3 consultation process.

4 We submitted that material and -- and the
5 site was found not to have a likely adverse effect
6 on northern long-eared bat. The Applicant will
7 consider additional recommended voluntary measures
8 for northern long-eared bat conservation, namely
9 should the project schedule allow tree removal
10 will be conducted outside the northern long-eared
11 bat pup season to minimize impact to potentially
12 roosting northern long-eared bat.

13 However, the -- the site, because of its
14 close proximity to developed areas, and
15 particularly the I-95 corridor and the rail line,
16 the area doesn't really provide a great habitat
17 for potential northern long-eared bats.

18 For northern -- for red knot, that is a
19 migratory and coastal bird species that utilizes
20 tidal and intertidal flats. There's no such
21 habitat located on the subject property or
22 adjacent to it. There is some habitat located
23 about a quarter of a mile to the south, but the
24 project wouldn't have any adverse effect to red
25 knot.

1 With respect to the potential for other
2 listed species, or avian species utilizing the
3 subject property, the site has, you know, got an
4 existing residence. It's a fairly narrow parcel.
5 It represents a very small habitat block of some
6 upland forest habitat.

7 There's some forested wetland habitat located
8 on the adjacent DOT parcel, and in the west -- the
9 eastern extent of the subject property, but the --
10 the high level of human activity in and around
11 that parcel really precludes it from being
12 utilized as a wildlife habitat by any -- any
13 species, particularly any listed species.

14 There may be some habituated species that
15 would utilize the area, but those would be fairly
16 common regular species in -- in this kind of
17 suburbanized environment.

18 **MR. GOLEMBIEWSKI:** How about the potential for any type
19 of, like, vernal pools or amphibian breeding?

20 **THE WITNESS (Gustafson):** So we -- we did take a look.
21 There were two wetlands that we had identified and
22 delineated in proximity to the subject property.
23 They're mainly located on the -- the DOT parcel
24 associated with the I-95 corridor.

25 Wetland one is an isolated wetland pocket.

1 It only sustains seasonally saturated soils. It
2 doesn't contain the topographic depression to
3 sustain any level of inundation that could
4 potentially be used by amphibians, particularly
5 vernal pool dependent amphibians.

6 Wetland two, the -- we delineated the -- the
7 freshwater inland wetland boundary of that
8 feature, and then as that wetland system continues
9 to the east it transitions into a tidal wetland
10 system.

11 Tidal wetlands are probably located at the
12 closest point a hundred to 200 feet away from the
13 proposed project. So it transitions quickly to a
14 tidal marsh system, which would not support any
15 breeding habitat by a vernal pool indicator
16 species.

17 MR. GOLEMBIEWSKI: And I had a question. So I know
18 that the closest point of the facility is about 40
19 feet from the turnaround to wetland area two. In
20 the constructability or construction of it, you
21 know, we've already heard that there clearly will
22 be silt fencing or some type of erosion control.
23 There will be some type of construction fence or
24 something to identify essentially not to enter
25 these areas.

1 Where do you think the limits of clearing,
2 grubbing and the limits of disturbance would be?
3 It would be closer than 40 feet. Yes?

4 **THE WITNESS (Gustafson):** That that's -- that's
5 correct. So what we anticipate is that, you know,
6 that the proposed development footprint that we're
7 showing as, you know, 40 feet from that
8 turnaround, that's probably within about 10 feet
9 of the property line.

10 So any of the associated activities, the
11 limited clearing, essentially what we'd consider
12 the limited disturbance associated with
13 construction of the facility, you know, would
14 extend no more than ten feet beyond the existing
15 footprint of the access drive, the turnaround and
16 the fence compound.

17 So the closest activities from the limit of
18 disturbance, or the LOD to wetland two would be no
19 closer than, let's say, 30 feet.

20 **MR. GOLEMBIEWSKI:** Okay. So basically because of the
21 fence it would be impossible to even clear or
22 disturb within 30 feet or so of the wetland?

23 **THE WITNESS (Gustafson):** That's correct. There's --
24 it's, you know, a highway non-encroachment line
25 that represents that boundary for the I-95

1 corridor.

2 MR. GOLEMBIEWSKI: Okay. I had a question about the
3 actual access driveway. So in the application it
4 states that it's twelve feet in a couple
5 locations. And then if you look at the spec on
6 the plans, it says 14 feet plus 2-to-1 side
7 slopes.

8 And I know that the detail doesn't -- it
9 says, not, you know, not the scale or whatever,
10 but I guess I want to know if it is going to be 14
11 feet, and it says it's 9 inches high, and it says
12 max 2-to-1 slopes, you know, you kind of do the
13 math.

14 And it's really kind of a 17-foot wide access
15 way, and that's kind of what it shows on the plans
16 when you look at the 25-foot width of the --
17 whatever the easement is.

18 So I just want to make sure that I'm looking
19 at the right, I guess, the right whatever
20 configuration and right dimensions.

21 THE WITNESS (Roberts): Sure. This is Doug Roberts.
22 Yeah, that the road itself is twelve feet. Again
23 once we get into fine -- finalized detailing of
24 that access road, much of this is more of a cut as
25 opposed to a fill.

1 MR. GOLEMBIEWSKI: Okay.

2 THE WITNESS (Roberts): Because we're -- we're dropping
3 down in grade seven feet from Greens Farms Road to
4 our compound. So it -- it will be the other way
5 around as far as that goes.

6 MR. GOLEMBIEWSKI: Okay. Oh, good. Okay.

7 THE WITNESS (Roberts): So it will limit that.

8 Thank you.

9 MR. GOLEMBIEWSKI: Okay. And then I had a question. I
10 mean, I know there's already been testimony that a
11 gravel road is pervious. I don't know -- my
12 experience, especially with DOT and such, that a
13 good gravel road generally is pretty impervious.

14 And I want to refresh my memory. Any type
15 of -- and then the detail also talks about a
16 swale.

17 This facility, the access road and the -- if
18 it's going to be cut in, it's going to be
19 essentially graded to the south, everything, the
20 turnaround and everything is going to be graded to
21 the south?

22 THE WITNESS (Roberts): That is correct.

23 We'll try to --

24 MR. GOLEMBIEWSKI: On green --

25 THE WITNESS (Roberts): Yeah, we'll be again trying to

1 limit as much water runoff as possible.

2 After our construction of our site, a very
3 limited activity -- and I agree with you a hundred
4 percent. If you take a gravel access road and
5 drive on it continuously, it will -- it will
6 eventually become an impervious surface.

7 Once our construction is complete there will
8 be just one or two trucks a month, you know,
9 pickup trucks, cars entering the site. It's a
10 very limited use. And we -- we haven't really had
11 any kind of problems with water runoff on -- on
12 gravel roads.

13 MR. GOLEMBIEWSKI: Okay. And then so that leads me to
14 my second question is, that any drainage from the
15 road, is it possible that this is going to collect
16 more than just what's on your site?

17 THE WITNESS (Roberts): From Greens Farms Road?

18 MR. GOLEMBIEWSKI: Correct.

19 THE WITNESS (Roberts): No, there is, again
20 substantially higher and will be basically at
21 grade or slightly higher as we enter the site. So
22 that any, any kind of runoff going to the
23 northwest would stay on the street side itself.

24 MR. GOLEMBIEWSKI: Okay. So I have a question also --
25 and this is just to refresh my memory. So the

1 noise, if there's any noise generated from the
2 facility, it would be from the backup generators,
3 which are diesel and there would be two proposed,
4 one for AT&T and one for Verizon?

5 THE WITNESS (Roberts): That is correct. There's two
6 proposed generators right now for this site being
7 entertained.

8 MR. GOLEMBIEWSKI: Do you know what the maximum
9 decibels from them are?

10 THE WITNESS (Roberts): No, but I'm sure we can get you
11 that information as a late file.

12 MR. GOLEMBIEWSKI: And then my question on top of
13 that -- and this is to refresh my memory because I
14 haven't done this in a while.

15 They would be operated once a week. Is that
16 correct? It keeps them functioning?

17 THE WITNESS (Roberts): Yeah -- that's what they used
18 to be. Now there, they're exercising them every
19 other week.

20 MR. GOLEMBIEWSKI: Okay. See, I'm older too. I'm a
21 little less, too.

22 THE WITNESS (Roberts): Yeah. Basically, I think
23 from -- from conservation of fuel and such, that
24 they exercise them every other week.

25 MR. GOLEMBIEWSKI: Would they be exercised at the same

1 time? Or that's not something that's in your
2 control?

3 **THE WITNESS (Roberts):** Well, that's a very good point.
4 It was discussed, and there's controls regarding
5 exercising them that can be adjusted so that both
6 wouldn't exercise at the same time.

7 You know, there's, you know, we've certainly
8 done sites at churches and while you don't want
9 that exercised on a Sunday morning, but you know,
10 if it's another project type it maybe makes sense
11 to do it on a Sunday morning because there's no
12 one there.

13 **MR. GOLEMBIEWSKI:** Okay.

14 **THE WITNESS (Roberts):** So they can be adjusted to
15 accommodate that.

16 **MR. GOLEMBIEWSKI:** And if they were run at the same
17 time, would that in some way magnify the maximum
18 noise level? Or would they just, because they're
19 both -- because I think the daytime is -- what?
20 Forty-five decibels. Nighttime is -- 55 and
21 forty-five at night?

22 **THE WITNESS (Roberts):** Yeah, I think we can provide
23 that all in a late filing.

24 **MR. GOLEMBIEWSKI:** Okay. Yeah. So I just -- it's just
25 interesting. I don't know.

1 THE WITNESS (Roberts): All good points.

2 MR. GOLEMBIEWSKI: Would they, you know, like, is it
3 double? Or I'm assuming that because they're both
4 roughly the same, they would be -- it would be the
5 same.

6 THE WITNESS (Roberts): Yeah, I think -- I think
7 they're added together almost as a logarithmic
8 addition. So that even though there's twice --
9 two times, they're not, you know, combined.

10 MR. GOLEMBIEWSKI: And then you would measure what's
11 anticipated at the property line.

12 Is that what you would do?

13 THE WITNESS (Roberts): That's correct.

14 MR. GOLEMBIEWSKI: Okay. Great. I appreciate that.

15 Then I had a question about -- because of the
16 topography there, are you anticipating the need
17 for landscaping on, say, like the northern side of
18 the facility?

19 THE WITNESS (Roberts): We were not proposing any at
20 this time.

21 MR. GOLEMBIEWSKI: Okay. Do you think there's enough
22 buffer of, I guess, uncut or uncleared, or
23 un-grabbed vegetation there?

24 THE WITNESS (Roberts): Yeah, we do. And the fact that
25 our -- our grade is six, seven feet below the

1 existing street line, it's -- it's, you know, it
2 will be kind of set down in a hole.

3 MR. GOLEMBIEWSKI: Okay.

4 THE WITNESS (Roberts): Maybe you see the top of our
5 fence. Perhaps the AT&T shelter would be visible.

6 MR. GOLEMBIEWSKI: Okay. And then I know there was
7 some mention about painting the tower, and I think
8 someone said that potentially the tower, the
9 visual impact could be minimized by painting the
10 tower -- it sounded like to say, like, tree level
11 or so.

12 And my question to you is, what color would
13 you paint the tower? Would it be brown? Or
14 green? Or --

15 THE WITNESS (Gaudet): Yeah. So typically you would --
16 you would paint it, you know, a brown, maybe a
17 dark gray, something that would blend in with what
18 would appear to be a tree trunk through the
19 treeline.

20 MR. GOLEMBIEWSKI: Okay. And that's really to offset
21 the, like, a metallic basic, like stainless steel
22 look of it?

23 Is that sort of the intent, to soften that?

24 THE WITNESS (Gaudet): Yeah. So -- so it helps to
25 blend in that galvanized steel finish within the

1 treeline.

2 MR. GOLEMBIEWSKI: Okay.

3 THE WITNESS (Gaudet): Yeah. It's essentially to -- to
4 mute the visibility of -- of, as you mentioned,
5 the metal appearance through the treeline.

6 MR. GOLEMBIEWSKI: Okay. Quickly two more questions.
7 I know that the plots that I saw, I believe were
8 for -- they said the base layer is the 700
9 megahertz. That's the broad coverage.

10 That's what you modeled?

11 THE WITNESS (Lavin): This is Martin Lavin for AT&T.
12 That is correct.

13 MR. GOLEMBIEWSKI: So I read also for capacity, there's
14 also the tower will provide -- is at 1900, 2100,
15 and 2300 megahertz?

16 THE WITNESS (Lavin): Yes.

17 MR. GOLEMBIEWSKI: And so how? How does that work?
18 How? Could you just quickly, for a newbie, sort
19 of explain that, how that helps capacity?

20 THE WITNESS (Lavin): The 700 establishes the
21 compliance capacity and establishes the footprint
22 of the site, the overall coverage area that the
23 users will have. The higher frequencies, the
24 1900, 2100, 2300 will cover less area but they
25 will grab as much of the capacity that is within

1 the footprint of the site as they can.

2 That offloads people from 700 megahertz as
3 much as possible which allows it to provide the
4 maximum coverage footprint.

5 MR. GOLEMBIEWSKI: Okay. I get it. Yeah. So
6 basically otherwise that the 700 could actually
7 shrink because of usage?

8 THE WITNESS (Lavin): That's correct.

9 MR. GOLEMBIEWSKI: Okay. All right. I'm refreshing my
10 memory. Okay. One, I guess, one last question,
11 and this is on the site plan. The site plan shows
12 an existing. I thought it showed an existing
13 stone retaining wall that kind of -- I don't know
14 if it's about 50 feet off south of the road.

15 It shows it in, like, two sections and then
16 there's an open section. Is that an artifact of
17 the plan, or is that actually at the site? And is
18 it going to -- I think it goes through where the
19 access road comes in.

20 Is it just sort of a little ornamental wall
21 that's no big deal for construction?

22 THE WITNESS (Roberts): In -- Doug Roberts. I -- I
23 believe if we go back into the history, pre-95
24 being constructed, that the road actually followed
25 along the area where a compound is.

1 MR. GOLEMBIEWSKI: Oh, okay.

2 THE WITNESS (Roberts): And when 95 came in, they --
3 they brought the Greens Farm Road to the north to
4 get some higher elevation and then, of course,
5 build a bridge across 95 and the -- and the
6 tracks.

7 So if you were to look at them there is, in
8 fact, remnants of an old stone wall. Not a
9 fieldstone wall that, you know, at a farm -- but
10 kind of almost like at the edge of the road from,
11 you know, a hundred years ago perhaps.

12 MR. GOLEMBIEWSKI: Okay. Like sort of a roadway
13 retaining wall?

14 THE WITNESS (Roberts): Exactly. Exactly.

15 MR. GOLEMBIEWSKI: I did have one more question. Can
16 you refresh my memory on, during construction what
17 is the type of environmental inspection you guys
18 provide?

19 THE WITNESS (Gustafson): So for -- for this particular
20 site, I think what would be useful is that, and
21 what we've done on numerous other applications
22 before the Council for projects that are located
23 in -- in relative proximity to wetland resources
24 and potentially sensitive receptors, environmental
25 receptors is, we do environmental compliance

1 monitoring which would essentially consist of a
2 wetland protection plan.

3 We would set up a pre-application meeting
4 with the site contractor, civil contractor, go
5 over the environmental sensitive nature of the
6 site; make sure they understand, you know, the
7 proximity to wetland resources, make sure that
8 erosion control measures are installed properly,
9 and then periodic monitoring during the course of
10 construction.

11 And make sure that those, those protective
12 measures are being properly maintained throughout
13 the course of construction.

14 MR. GOLEMBIEWSKI: Okay. I'm done. Thank you and
15 thank you, Dean. It's nice talking to you again.

16 THE WITNESS (Gustafson): Yeah, same here, Brian.

17 Welcome back.

18 MR. GOLEMBIEWSKI: Thanks.

19 THE HEARING OFFICER: Thank you, Mr. Golembiewski.

20 We'll now move into cross examination by
21 Mr. Lynch and then I will wrap it up.

22 Mr. Lynch?

23 MR. LYNCH: Thank you, Mr. Morissette. I'd like to
24 compliment my colleagues because the majority of
25 the questions I had have been addressed in some

1 form or the other. So I'm not going to beat a
2 dead horse -- but I will use a light jockey's whip
3 coming down the homestretch here.

4 Mr. Roberts, I'd just like you to clarify a
5 couple of things here that you said earlier with
6 regards to miles per hour, not necessarily a set
7 miles per hour.

8 But I understood that if -- there's no
9 microwave dish on here, but I know microwave has
10 to be point to point, so that's very important.
11 But you did mention that the other antennas --
12 correct me if I'm wrong -- could get jostled
13 around a little bit, and their azimuth would be
14 off some.

15 Did I hear you correctly?

16 THE WITNESS (Roberts): You did. That is correct.

17 MR. LYNCH: Now my question really is for AT&T and
18 Verizon, Mr. Lavin and I think Mr. Parks.

19 If that's the case when we have, you know,
20 we've had a lot of storms this year up here -- to
21 have an excess of 60 miles an hour or plus, you
22 know, do -- and when they get a chance to answer
23 this -- do they, after we have a severe storm,
24 send people out to check that the antennas haven't
25 been jostled too much and they're still

1 functioning?

2 **THE WITNESS (Roberts):** Maybe I could clarify that.

3 First of all, it's not necessarily the antennas
4 being jostle -- jostled on the -- on their mounts
5 or tower. It's the tower itself moving.

6 Similar, if we go back to your microwave
7 comment, you know, a cell support tower that has a
8 microwave dish, it -- it has twist and sway.

9 Well, it's aligned. It twists, then it recenters
10 itself once that force is off it. So --

11 **MR. LYNCH:** And that, Mr. Roberts, is what I'd like
12 the -- I'm curious to address if that's a problem
13 when they, when the platforms, whatever, get
14 shifted around. And do they have someone go out
15 after and inspect? That's what I want to know.

16 And I'm going to stick with you, Mr. Roberts.
17 And Mr. Silvestri was talking about C-101 and
18 C-102. And you mentioned earlier that you --
19 there's no decision made from crossing the road,
20 whether it would be underground or aboveground.
21 But if I look at the diagram, you know, especially
22 on 102, it looks like your original diagram has it
23 going underground. You know?

24 So which would you prefer, underground, or
25 the two-pole option that you talked about earlier?

1 THE WITNESS (Roberts): The ideal location -- or
2 solution would be to place a new pole on our side
3 of the street, and then run overhead and then drop
4 down that pole to our site. It would be the --
5 the least disturbance to Greens Farms Road.

6 If the Council requires and we were -- were
7 to get an agreement with the power company to go
8 underground underneath the street, we would -- we
9 would do so.

10 MR. LYNCH: Now correct me if I'm wrong again.

11 Underground it would be much more reliable
12 for your project?

13 THE WITNESS (Roberts): Yes, and we'll be running
14 underground from whether the north side of the
15 street or the south side of the street -- but east
16 and west on that, that pole set we don't have
17 control of.

18 MR. LYNCH: Okay. Now also sticking to the same
19 diagram -- or diagrams. We talked -- it was
20 mentioned earlier, everyone talked about natural
21 gas being available. Now if it was, if natural
22 gas would come into the compound, would it follow
23 the same course as the electrical undergrounding?

24 Or does there have to be a separation between
25 the two?

1 THE WITNESS (Roberts): There does have to be a
2 separation. I believe it's a minimum of five feet
3 between the electric, phone, conduits. And then
4 so -- so it would mean a separate conduit -- or a
5 separate trench, excuse me.

6 MR. LYNCH: I knew there was a distance. I just didn't
7 know the exact distance. Thank you.

8 And I want to also -- I don't know who will
9 take this one. The backup generators, now we have
10 two on site that are going to be 20 kilowatts and
11 30 kilowatts. Now I'm not laying any blame here,
12 but for years both carriers have been doing the
13 Aztec two-step on sharing these facilities.

14 Now if they could explain to -- now a 50
15 kilowatt generator is just a slight bit larger
16 than 30 kilowatt. Why couldn't they share a 50?
17 That would allow them to, if they wanted to use
18 propane without a separation, they could use
19 propane as a supply and they could also use
20 natural gas.

21 So I'm still unsure why -- and this is for
22 the carriers, not you, Mr. Roberts, you know, why
23 they won't share these generators? And that's a
24 hypothetical, but we'll leave it there.

25 And I want to come back to the yield point in

1 these towers. The towers I've seen come down. I
2 don't know if they didn't have a yield point, but
3 they've actually fallen over, you know, from the
4 base.

5 The yield points -- I guess this is a loaded
6 question. Do yield points really work?

7 THE WITNESS (Roberts): A very good question. You
8 know, it's -- it's a theoretical yield point. The
9 tower has to be loaded as designed.

10 If there's different loading on it than it
11 was originally designed, that yield point could
12 potentially change. But you know, it's -- it is
13 that way when we see towers that have failed at
14 the base plate, which again it's very rare to see
15 a monopole or a cell support tower fail. It's
16 usually due to lack of maintenance and/or there's
17 a defect in that.

18 You know, I -- I think we both have seen
19 pictures from whether it's the Caribbean or Puerto
20 Rico, where we see, you know, no trees around and
21 everyone is huddled around cell phone towers
22 trying to reach their loved ones. The towers
23 themselves are -- are pretty bulletproof if
24 they're maintained and installed properly.

25 MR. LYNCH: This next question is definitely for the

1 carriers. I'll start with Mr. Lavin, if he's
2 available.

3 THE WITNESS (Lavin): This is Mr. Lavin, available.

4 MR. LYNCH: It's kind of a simple question, Mr. Lavin.

5 If you're so close to the Long Island Sound do you
6 have to in any way redirect your antennas away
7 from the Sound so you don't interfere with either
8 boat or commercial shipping traffic that is on the
9 Sound?

10 And at night or something couldn't the signal
11 actually skip across the sound to Long Island?

12 THE WITNESS (Lavin): Um --

13 MR. LYNCH: No, I'm just asking. Can you address that?

14 THE WITNESS (Lavin): Yes, I can. On a case-by-case
15 basis we have to -- usually it's a down tilt of
16 the antenna facing the other direction if needed
17 to adjust, without really making any change to the
18 local coverage. Just bring that distant coverage
19 in a little bit to reduce those problems.

20 MR. LYNCH: I didn't really hear you.

21 Could you repeat that, please?

22 THE WITNESS (Lavin): Yes. The -- it's a case by case
23 if we're having a problem. It's just a matter of
24 figuring out which is the offending antenna and
25 adding just a slight bit of downtilt to it.

1 At that range it just takes a little bit of
2 covering production to usually resolve the
3 problem.

4 MR. LYNCH: Okay, now I have a another question for
5 you, Mr. Lavin. In building out your network now
6 as opposed to 10 years ago when it was all about,
7 you know, voice communication and texting, people
8 today are under the assumption that that's still
9 the case -- but you're delivering on your system,
10 and Verizon's a lot more data than has ever been
11 delivered before.

12 Now is that increasing your capacity demand,
13 and by how much? And is this really a capacity
14 question here?

15 Or are we still dealing with some coverage?

16 THE WITNESS (Lavin): In this case we're dealing with
17 coverage. We have a gap in coverage in this area
18 that needs to be filled in.

19 To address the first part of your question,
20 though, overall it is data versus voice that --
21 that drives the networks.

22 Voice is just a few percent of the overall
23 traffic on the network.

24 MR. LYNCH: Thank you. I'll leave it at that. Okay.

25 Now again, seeing that you're so close to the

1 shoreline, you know, we've had incidents in the
2 past where different types of birds, ospreys and
3 gulls have built nests in your towers.

4 Are you making provisions to prevent this
5 from happening?

6 THE WITNESS (Lavin): I -- I don't know of any
7 specifics, provisions for that either way.

8 I -- I know if they do nest on there, I
9 believe Mr. Gustafson can probably say we were --
10 they have to be left in place.

11 MR. LYNCH: Okay. Thank you.

12 THE WITNESS (Gustafson): Yeah. Yeah, and Mr. Lynch, I
13 can add some additional information to that. So
14 yeah, we would, it wouldn't surprise me at all
15 that if ospreys would try to nest on this tower.

16 You know, we've looked at a number of
17 deterrence systems over the years and -- and none
18 of them really provide a great solution to try to
19 prevent them from nesting. So if they do develop
20 a nest then -- then yeah, they'll have -- if
21 there's a need for doing any repairs or whatnot,
22 depending on whether there's an active nest or
23 not, they'll need to adhere to the Migratory Bird
24 Treaty Act requirements.

25 MR. LYNCH: Now the reason I ask, Mr. Gustafson, is you

1 know, I've been on the Cape and up to the north
2 shore in Mass and New Hampshire, and I see some of
3 their towers have, like, a netting over the top.

4 Is that something that's been used in the
5 past?

6 THE WITNESS (Gustafson): Yeah, that can have some
7 limited effectiveness. You know, it depends on
8 the type of netting that's being used and -- and
9 how well that's being maintained.

10 But you know there are -- it's a possible
11 option. It's not a great option because it -- it
12 does create some issues for maintenance as well
13 for accessibility for tower climbers.

14 So it's something that every -- every tower
15 owner or carrier looks at, you know, on a
16 site-by-site basis.

17 MR. LYNCH: And my last two questions are for
18 Mr. Coppins. You do mention in your application
19 that even though you're only building the tower to
20 a certain height, you are aware that it can go
21 higher. You know, so do -- correct me if I'm --
22 you're building your foundation to go 30 feet
23 higher. Is that correct?

24 THE WITNESS (Coppins): That is correct.

25 MR. LYNCH: And you have mentioned that the Town so far

1 has no interest in going on the tower. Have you
2 ever -- have you checked with any state or federal
3 agencies about going onto the tower?

4 **THE WITNESS (Coppins):** We haven't checked with any of
5 the state agencies. We typically only deal with
6 the -- with the town emergency services.

7 If the State needed to go on it we would --
8 we would certainly, you know, look at them as --
9 as another carrier on the tower as well.

10 **MR. LYNCH:** I was thinking more of the -- on the
11 federal level, because I know both the marshal
12 service and the FBI have antennas along the
13 shoreline, have radio communication along the
14 shoreline. So that's the only reason I asked.

15 **THE WITNESS (Coppins):** We -- we can certainly reach
16 out to them and let them know that we have a
17 tower -- if it's approved, that we would have a
18 tower in -- in the area.

19 **MR. LYNCH:** Mr. Morissette, those are all my questions.

20 **THE HEARING OFFICER:** Thank you, Mr. Lynch.

21 I will start my questioning with Mr. Lavin,
22 and I refer to the application Exhibit E. Now
23 looking at the attachments -- and specifically,
24 unfortunately it is Verizon's existing Verizon 700
25 megahertz.

1 I note that there's a small cell, Westbrook
2 SC2A Connecticut. Mr. Lavin, do you know is that
3 a Verizon small cell? Or whose small cell it is?

4 THE WITNESS (Lavin): I -- I believe so. Those plots
5 are appended to the end of my report, but I did
6 not prepare them.

7 THE HEARING OFFICER: Okay. So they're not an AT&T
8 small cell. So they're Verizon -- or we'll have
9 to ask Verizon to clarify what those are for me.

10 Is that correct?

11 THE WITNESS (Lavin): Yes.

12 THE HEARING OFFICER: Okay. All right. So your plots
13 on attachment one and attachment two basically
14 are -- only incorporate the addition of the new
15 cell tower at the proposed site.

16 THE WITNESS (Lavin): That's correct.

17 THE HEARING OFFICER: That's correct. Okay. Very
18 good. Thank you. What I'd like to do now is go
19 to the wetlands exhibit, wetlands inspection map.
20 Mr. Gustafson, I think this is going to be you.

21 First of all, wetlands number one, it says
22 here that it's plus or minus 85 feet to the edge
23 of the compound, and my understanding is that the
24 upland review area is 75 feet. So I would expect
25 that that corner would be outside of the upland

1 review area but it seems to intersect.

2 What am I missing here?

3 THE WITNESS (Gustafson): Yeah. So what you're seeing
4 there is the influence of the western extent of
5 wetland two.

6 THE HEARING OFFICER: Okay. So the --

7 THE WITNESS (Gustafson): In that pond -- yeah, the
8 75-foot offset for wetland two kind of intersects
9 and then marries with the 75-foot upland review
10 area to wetland one.

11 So that's why wetland two is driving the
12 upland review area to essentially clip that
13 southern portion of the proposed compound.

14 THE HEARING OFFICER: Very good. Thank you for
15 clarifying that for me.

16 THE WITNESS (Gustafson): You're welcome.

17 THE HEARING OFFICER: I will now turn to site plan
18 C-101. Now what I'm looking at here is, given
19 that we are within the upland review area -- well,
20 first of all, Mr. Gustafson, are there any
21 downsides for us being within the upland review
22 area for this project?

23 THE WITNESS (Gustafson): So in -- in my opinion, based
24 on the -- the characteristics of the subject
25 property, the proposed compound is being located

1 in a fairly level area that requires minimal
2 grading.

3 The existing anthropogenic changes to those
4 two nearby wetland systems, essentially the high
5 level of human influence both historically and
6 currently to those wetland systems, you know,
7 having the -- some of the activities located
8 within the 75-foot upland review area would not
9 result in a likely adverse effect to those nearby
10 wetlands because of those site conditions, both
11 conditions in the uplands and within the wetlands
12 themselves.

13 The -- from a regulatory perspective at the
14 local level, it's -- it's an upland review area.
15 So it's all -- it's not an area that's considered
16 a setback or a buffer, or a restricted area. It's
17 just an area that requires purview by the local
18 inland wetland commission if you're proposing
19 activities in that area.

20 So when you take that all into the proper
21 context, you know, I would not have any concerns
22 with this proposed development located within
23 proximity to those wetland resources.

24 **THE HEARING OFFICER:** Thank you. You testified earlier
25 that the limit of disturbance with relation to

1 wetland two would be approximately 30 feet. So my
2 question is along the design of the facility.

3 I recognize -- well, first of all, there's no
4 way to move the proposed site further north
5 primarily because of the retaining wall. Is that
6 correct?

7 I don't think that's for you. I think that's
8 Mr. Roberts.

9 THE WITNESS (Roberts): You are correct.

10 THE HEARING OFFICER: Okay. So you're limited by
11 moving it north by the retaining wall. So is it
12 possible to eliminate the turnaround and creating
13 more buffer for the 40 -- or 30 feet that is
14 encroaching on wetland two?

15 THE WITNESS (Roberts): We certainly could look at
16 reconfiguring that to something not to limit
17 our -- our construction activities within that
18 upland review area. I'm certainly happy to do
19 that as a late filing.

20 THE HEARING OFFICER: In that review, would you look to
21 remove the turnaround so you're creating a greater
22 buffer?

23 THE WITNESS (Roberts): We could look to do that as
24 well as kind of reconfiguring it. Instead of the
25 turnaround going to the south, perhaps we can,

1 reconfiguring it -- reconfigure it to go to the
2 northeast. So the backside would be against that
3 wall itself.

4 I'd have to look at it. We might lose a
5 tree, but we -- we gained a buffer.

6 THE HEARING OFFICER: Very good. Yes, if we could look
7 at that, and understanding what Mr. Gustafson said
8 about the -- I'm not concerned about the impact on
9 wetland two or wetland one. For that matter,
10 increasing the buffers may be by another 10 to 15
11 feet I think would be helpful.

12 THE WITNESS (Roberts): Surely.

13 THE HEARING OFFICER: Thank you. Okay, I was curious
14 as to AT&T is proposing a 20 kilowatt diesel
15 generator, and Verizon is 30 KW. Is there any
16 reason that you're aware of as to why the
17 discrepancy in sizing?

18 I would think that the equipment that needed
19 to be backed up with would require similar sized
20 generators. Is there any reason why AT&T is going
21 with a smaller generator.

22 THE WITNESS (Roberts): I'm afraid that's something
23 that AT&T would need to address.

24 THE WITNESS (Walsh): David Walsh. I -- I honestly
25 can't speak to Verizon's capacity needs, but my

1 client can successfully back up the site with the
2 20 kilowatt unit.

3 THE HEARING OFFICER: Okay. That's pretty much your
4 standard. Is that right, 20 kilowatt?

5 THE WITNESS (Walsh): That's correct. That's our
6 go-to. Yes.

7 THE HEARING OFFICER: Okay. All right. Well, I'll ask
8 Verizon when it's their turn.

9 I just wanted to circle back quickly on the
10 site selection report. The indications are that
11 the Town -- or you guys haven't heard anything
12 from CDOT since -- for the Hale Road site since
13 probably early May.

14 And there has been no further communications
15 from CDOT at this point?

16 THE WITNESS (Walsh): That is correct. We've -- we've
17 requested meetings on site. They refused to
18 answer e-mails, and we just considered the site
19 dead once that -- once we didn't get any info --
20 didn't get any communication with them.

21 THE HEARING OFFICER: Okay. Certainly. I can
22 understand that.

23 The 55 Greens Farms was -- pretty much the
24 area in which the property owner wanted to site
25 the project was within wetlands. An off-the-cuff

1 estimate of it, what size of impact would it have
2 been?

3 THE WITNESS (Walsh): The -- the actual roadway was
4 where the wetlands were located, and I'll let
5 Mr. Gustafson, since he delineated those for us,
6 let him answer that question.

7 THE HEARING OFFICER: Thank you.

8 THE WITNESS (Gustafson): Mr. Morissette, yeah, we --
9 we did do a wetland investigation on that
10 alternate subject property. I can check my notes,
11 but off the top of my head we're looking at a
12 relatively short wetland crossing.

13 It wasn't fully designed, so we don't know
14 the full extent of the limit of impact, but it'll
15 probably be in about the 500 to a thousand square
16 foot direct wetland impact range.

17 There's also floodplains on that property
18 that would be impacted, so there would be a need
19 for compensatory storage for those, to address
20 those issues as well.

21 THE HEARING OFFICER: But the bottom line, it was the
22 Town wouldn't support those type of impacts.

23 That's the takeaway that I'm getting from the
24 information provided.

25 THE WITNESS (Lavin): The Town didn't -- the Town

1 didn't support it after a meeting that they had,
2 and also the landlord decided at a meeting that
3 they did not want to enter into a lease with --
4 with Tarpon.

5 **THE HEARING OFFICER:** Okay. So was it the location?
6 Was it the impact on the wetlands? Or was it the
7 location on the property that was the stumbling
8 block?

9 My impression was it was the location on the
10 property, Tarpon wanted it in one place and they
11 wanted it within the wetlands area.

12 **THE WITNESS (Walsh):** They only gave us one part of the
13 property to locate the tower. We requested two,
14 maybe three other locations on the property that
15 possibly could work. And they said, no.

16 **THE HEARING OFFICER:** Very good. Thank you. Okay.
17 That -- thank you, my fellow councilmembers, for
18 asking your detailed questions. It cleared up
19 quite a few of mine.

20 What we will do now is go back and go over
21 the open items, and I will poll the rest of the
22 Council for any followup.

23 **MS. CHIOCCHIO:** Mr. Morissette?

24 **THE HEARING OFFICER:** Yes?

25 **MS. CHIOCCHIO:** I'm sorry to interrupt. We do have

1 some information about the alternates that
2 Mr. Silvestri had asked about from an RF
3 perspective, so we thought we'd get those on the
4 record.

5 **THE HEARING OFFICER:** Certainly. Please do.

6 **MS. CHIOCCHIO:** Okay. I'll ask Martin Lavin to address
7 them.

8 **THE WITNESS (Lavin):** The two locations were 4 Elaine
9 Road and New Creek Road, which I believe were the
10 POTW and the train station, effectively.

11 4 Elaine Road, the site immediately across
12 the river from the site designated as 5278 on the
13 coverage plots in exhibit E, the RF report. And
14 New Creek Road at the train station is also
15 immediately adjacent to CT-2103 on the plots, the
16 first site to the east along I-95 from the
17 proposed site.

18 So they would be directly adjacent to
19 existing sites.

20 **THE HEARING OFFICER:** Very good. Thank you.

21 Mr. Silvestri, any follow-up questions on
22 this?

23 **MR. SILVESTRI:** Not at this point, Mr. Morissette.

24 What I want to do is pull up the maps and look at
25 this directly. So right now I don't have it, but

1 I may come back at another point in time.

2 THE HEARING OFFICER: Very good. Thank you.

3 I have here a open item from question 48 from
4 Mr. Nwankwo, which is the distance of the access
5 drive to the fence. Do we have an answer for
6 that?

7 THE WITNESS (Roberts): That was on photo eight?

8 THE HEARING OFFICER: I believe it was -- Mr. Nwankwo,
9 you're going to have to help me out here. 7B?

10 MR. NWANKWO: Yes, photo 7B.

11 THE WITNESS (Roberts): 7B? We don't. We will have
12 that for you after the dinner break, if that's
13 okay?

14 THE HEARING OFFICER: Unfortunately, that's not going
15 to work because that is for --

16 THE WITNESS (Roberts): That's right.

17 THE HEARING OFFICER: -- for public comment, and public
18 comment only. Well, we'll have to accept that for
19 a late file. Is that acceptable?

20 THE WITNESS (Roberts): Certainly.

21 THE HEARING OFFICER: Okay. All right. So, if I could
22 review the late files? So I have -- Late-File
23 Number 1 is the drawings for the erosion and
24 sediment control measures.

25 We now have Late-File 2 which is the distance

1 from the access drive to the fence on photo seven.

2 Late-File Number 3 is the photo sim of the
3 monopine.

4 Late-File 4 is an estimate from the gas
5 company for natural gas for the backup generators.

6 Late-File 5 is the total costs of the
7 project, a breakdown between AT&T, tarpon, and
8 Verizon. We'll have to ask Verizon for the
9 similar calculation.

10 And I believe we answered the tower wind
11 speed design. Is that correct?

12 THE WITNESS (Roberts): Yes.

13 THE HEARING OFFICER: Very good. And the sound levels
14 from the generators at the property line.

15 And lastly, to look at the limit, the limit
16 to turn around from a design and construction
17 perspective to increase the buffer to the
18 wetlands.

19 Okay, that's the list that I have. What I
20 will do now is poll the Councilmembers to see if
21 they have any follow-up questions starting with
22 Mr. Silvestri.

23 Mr. Silvestri, any follow-up questions?

24 MR. SILVESTRI: Not at this point, Mr. Morissette. I'm
25 still going to look at site 5278 and site 2103 in

1 relation to the two addresses I had mentioned
2 earlier.

3 And I might come back when we reconvene at
4 another point in time with a follow-up question,
5 but right now I don't have anything directly.

6 Thank you.

7 THE HEARING OFFICER: Very good. Thank you,
8 Mr. Silvestri.

9 Actually, let me go back to Mr. Nwankwo. Mr.
10 Nwankwo, any follow-up questions?

11 MR. NWANKWO: Yes, thank you, Mr. Morissette. Yes, I
12 do have one question. If I may proceed?

13 THE HEARING OFFICER: Yes, proceed, please.

14 MR. NWANKWO: Okay. Yes, my question is to the
15 Applicant. In the application you did mention
16 natural gas as the generator fuel source, however
17 I think based on today's questions, AT&T keeps
18 referring to a diesel generator.

19 THE WITNESS (Coppins): I guess I can try to try to
20 answer -- more of a statement than a question, I
21 guess.

22 You're right, the application did mention
23 natural gas. We're, you know, we're going to --
24 we're going to rely on the -- on the Council's
25 request of what fuel type that we'd like to use,

1 but there is natural gas on the property.

2 We've all talked about natural gas, but we
3 also have talked about diesel generators. So
4 we'll -- we'll rely on the -- on the Council on
5 that.

6 MR. NWANKWO: Thank you. That's the only question I
7 have.

8 THE HEARING OFFICER: Thank you, Mr. Nwankwo.

9 We will now continue with Mr. Quinlan.

10 Mr. Quinlan, any follow-up questions?

11 MR. QUINLAN: I have no further questions at this time.

12 THE HEARING OFFICER: Thank you, Mr. Quinlan.

13 Mr. Golembiewski, any follow-up questions?

14 MR. GOLEMBIEWSKI: No questions. Thank you.

15 THE HEARING OFFICER: Thank you.

16 Mr. Lynch, any follow-up questions?

17 MR. LYNCH: Just one for Mr. Coppins. If the carriers
18 decided they wanted to use natural gas, who would
19 pay for bringing it into the compound?

20 Your company or the carriers?

21 THE WITNESS (Coppins): So I guess we can work that out
22 in our -- in -- in a lease agreement, but
23 typically, you know, we would we would spearhead
24 it. We did natural gas in our Glastonbury site
25 and we did natural gas in -- in New Britain.

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And I think we're working out the costs on
that together.

MR. LYNCH: All right. So it would be a cooperative
deal, you're telling me?

THE WITNESS (Coppins): I certainly hope so, but we
would spearhead the whole thing.

MR. LYNCH: Thank you, Mr. Coppins.
Mr. Morissette, that's it.

THE HEARING OFFICER: Thank you, Mr. Lynch.

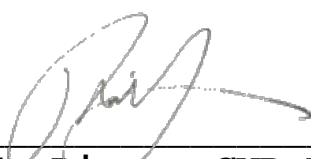
Okay. I think we're going to call it a day.
And so the Council will recess until 6:30 p.m., at
which time we will commence with the public
comment session of the remote public hearing.

So thank you, everyone. Have a good dinner,
and we will see you at 6:30.

(End: 4:42 p.m.)

CERTIFICATE

I hereby certify that the foregoing 113 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting in Re: APPLICATION FROM NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T AND TARPON TOWERS II, LLC, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 92 GREENS FARMS ROAD, WESTPORT, CONNECTICUT, which was held before JOHN MORISSETTE, Member and Presiding Officer, on August 9, 2022.



Robert G. Dixon, CVR-M 857
Notary Public
My Commission Expires: 6/30/2025

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