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STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Docket No. 534

The Towers, LLC, Application for a Certificate of
Environmental Compatibility and Public Need for the
Construction, Maintenance, and Operation of a
Telecommunications Facility and Associated Equipment
Located at 90 Woodstock Avenue West (Route 171),
Woodstock, Connecticut.

Zoom Remote Council Meeting (Teleconference),
on Thursday, July 17, 2025, beginning at 2 p.m.

H e l d B e f o r e:

JOHN MORISSETTE, THE VICE CHAIR

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

2 **Councilmembers:**

3 **JOHN MORISSETTE (Vice Chair)**

5 **BRIAN GOLEMBIEWSKI,**

6 **DEEP Designee**

8 **QUAT NGUYEN,**

9 **PURA Designee**

11 **CHANCE CARTER**

12 **KHRISTINE HALL**

13 **DANIEL P. LYNCH, JR.**

15 **Council Staff:**

16 **IFEANYI NWANKWO,**

17 **Siting Analyst**

19 **MELANIE BACHMAN, ESQ.,**

20 **Executive Director and Staff Attorney**

22 **LISA FONTAINE**

23 **Administrative Support**

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

2 **For The Towers, LLC (APP):**

3 **CUDDY & FEDER, LLP**

4 **445 Hamilton Avenue, 14th Floor**

5 **White Plains, New York 10601**

6 **By: LUCIA CHIOCCHIO, ESQ.**

7 **LChiocchio@cuddyfeder.com**

8 **914.761.1300**

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1 (Begin: 2:00 p.m.)
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4 THE VICE CHAIR: Good afternoon, ladies and gentlemen.
5
6

7 Can everybody hear me okay? Very good. Thank
8 you. I hope everyone is staying cool this
9 afternoon.

10 This public hearing is called to order this
11 Thursday, July 17, 2025, at 2 p.m. My name is
12 John Morissette, Vice Chair of the Connecticut
13 Siting Council. Other members of the Council are
14 Brian Golembiewski, designee for Commissioner
15 Katie 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; Chance Carter,
19 Khristine Hall; and Bill Syme.

20 Members of the staff are Executive Director
21 Melanie Bachman, Siting Analyst Ifeanyi Nwankwo,
22 and Administrative Support Lisa Fontaine.

23 If you haven't done so already, I ask that
24 everyone please mute your computer audio and/or
25 telephones now.

26 This hearing is held pursuant to the
27 provisions of Title 16 of the Connecticut General
28 Statutes and of the Uniform Administrative

1 Procedure Act upon an application from the Towers,
2 LLC, for a certificate of environmental
3 compatibility and public need for the
4 construction, maintenance, and operation of a
5 telecommunications facility and associated
6 equipment located at 90 Woodstock Avenue West,
7 also known as Route 171, in Woodstock,
8 Connecticut.

9 This application was received by the Council
10 on April 1, 2025. The Council's legal notice of
11 the date and time of this public hearing was
12 published in the Woodstock Villager on May 9,
13 2025. Upon this Council's request, the Applicant
14 erected a sign in the vicinity of the proposed
15 site so as to inform the public of the name of the
16 Applicant, the type of facility, the public
17 hearing date, and contact information for the
18 Council, including the website and telephone
19 number.

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

24 The parties and interveners to this
25 proceeding are as follows, the Applicant, the

1 Towers LLC, its representative, Lucia Chiocchio,
2 Esquire; Daniel Patrick, Esquire, of Cuddy &
3 Feder, LLP.

4 We will proceed in accordance with the
5 prepared agenda, a copy of which is available on
6 the Council's website, along with a record of this
7 matter, the public hearing notice, instructions
8 for public access to this public hearing, and the
9 Council's citizens guide to the Siting Council's
10 procedures.

11 Interested persons may join any session of
12 this public hearing to listen, but no comments
13 will be received during the 2 p.m. evidentiary
14 session. At the end of the evidentiary session,
15 we will recess until 6:30 p.m. for the public
16 comment session. Please be advised that any
17 person may be removed from the evidentiary session
18 or the public comment session at the discretion of
19 the Council.

20 The 6:30 p.m. public comment session is
21 reserved for members of the public who have signed
22 up to make brief statements into the record. I
23 wish to note that the Applicant, including their
24 representatives, witnesses, and members are not
25 allowed to participate in the public comment

1 session.

2 I also wish to note for those who are
3 listening and for the benefit of your friends and
4 neighbors who are unable to join us for the public
5 comment session, that you or they may send written
6 statements to the Council within 30 days of the
7 date hereof, either by mail or by e-mail, and such
8 written statements will be given the same weight
9 as if spoken during the public comment session.

10 A verbatim transcript of this public hearing
11 will be posted on the Council's website and
12 deposited with the Woodstock Town Clerk's office
13 for the convenience of the public.

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

16 We have one motion to take care of, the
17 Towers, LLC, motion for protective order for the
18 lease agreement financial terms, dated May 12,
19 2025. Attorney Bachman may wish to comment.

20 Attorney Bachman, good afternoon.

21 ATTORNEY BACHMAN: Good afternoon. Thank you, Vice
22 Chair Morissette.

23 Pursuant to General Statutes Section 16-50o,
24 the Towers submitted a motion for protective order
25 for the lease agreement financial terms, which are

1 exempt from the Freedom of Information Act, and
2 therefore, staff recommends the motion be granted.

3 Thank you.

4 THE VICE CHAIR: Thank you, Attorney Bachman.

5 Is there a motion?

6 MS. HALL: I'll make a motion to approve the protective
7 order.

8 THE VICE CHAIR: Thank you, Ms. Hall.

9 Is there a second?

10 MR. CARTER: I will second.

11 Good afternoon, Mr. Vice Chair.

12 THE VICE CHAIR: Good afternoon, Mr. Carter. Thank
13 you.

14 We have a motion by Ms. Hall to approve the
15 motion for protective order, and we have a second
16 by Mr. Carter. We'll now move to discussion.

17 Mr. Golembiewski, good afternoon.

18 Any discussion?

19 MR. GOLEMBIEWSKI: Good afternoon, Vice Chair.

20 I have no discussion. Thank you.

21 THE VICE CHAIR: Thank you.

22 Mr. Nguyen, good afternoon. Any discussion?

23 MR. NGUYEN: Good afternoon, Vice Chair.

24 No discussion. Thank you.

25 THE VICE CHAIR: Thank you.

1 Mr. Carter, any discussion?

2 MR. CARTER: No discussion.

3 Thank you, Mr. Vice Chair.

4 THE VICE CHAIR: Thank you.

5 Ms. Hall, good afternoon. Any discussion?

6 MS. HALL: Good afternoon.

7 No discussion. Thank you.

8 THE VICE CHAIR: Thank you. I don't see Mr. Syme, and
9 I have no discussion.

10 We will now move to the vote.

11 Mr. Golembiewski, your vote, please?

12 MR. GOLEMBIEWSKI: I vote to approve. Thank you.

13 THE VICE CHAIR: Thank you. Mr. Nguyen?

14 MR. NGUYEN: I vote to approve.

15 THE VICE CHAIR: Thank you. Mr. Carter?

16 MR. CARTER: I vote to approve. Thank you.

17 THE VICE CHAIR: Thank you. Ms. Hall?

18 MS. HALL: I vote to approve. Thank you.

19 THE VICE CHAIR: Thank you. And I also vote to
20 approve. The motion for protective order is
21 approved.

22 We'll now move on to administrative notice
23 taken by the Council. I call your attention to
24 those items shown on the hearing program, marked
25 as Roman numerals 1C, items 1 through 94.

1 Does any party or intervener have an
2 objection to the items that the Council has
3 administratively noticed?

4 Attorney Chiocchio or Attorney Patrick, good
5 afternoon.

6 ATTORNEY CHIOCCHIO: Good afternoon, Vice Chairman

7 Morissette. No objection. Thank you.

8 THE VICE CHAIR: Thank you. Accordingly, the Council
9 hereby administratively notices these existing
10 documents.

11 We'll now move on to the appearance by the
12 Applicant. Will the Applicant present its witness
13 panel for purposes taking the oath? Attorney
14 Bachman will administer the oath.

15 Attorney Chiocchio?

16 ATTORNEY CHIOCCHIO: Thank you. Thank you, Vice
17 Chairman Morissette. Good afternoon, everyone.

18 We're having a little bit of technical
19 difficulty on our end, but I think we're
20 definitely connected. So, our witnesses today
21 include Mr. Brian Paul, Project Manager of
22 Vertical Bridge; Elizabeth Glidden, Senior
23 Engineer, Regulatory and Real Estate for Verizon
24 Wireless; Robert Burns, professional engineer,
25 Telecommunications Department Manager at APT; Kip

1 DiVito, radiofrequency engineer with Verizon
2 Wireless; Matt Gustafson, environmental scientist
3 with All-Points Technology; and Rick Landino,
4 graphics specialist, All-Points Technology.

5 And we're working with one camera on a
6 laptop, so I'll ask all the witnesses to come so
7 they can be seen on the camera --

8 THE VICE CHAIR: Thank you.

9 ATTORNEY CHIOCCHIO: -- to be sworn in.

10 THE VICE CHAIR: Very good. Attorney Bachman?

11 ATTORNEY BACHMAN: Thank you, Vice Chairman Morissette.

12 Could the witnesses please raise their right
13 hand?

14 B R I A N P A U L,
15 E L I Z A B E T H G L I D D E N,
16 R O B E R T S B U R N S,
17 K I P D i V I T O,
18 M A T T H E W G U S T A F S O N,
19 R I C H A R D L A N D I N O,

20 called as witnesses, being sworn by
21 THE EXECUTIVE DIRECTOR, were examined and
22 testified under oath as follows:

23
24 ATTORNEY BACHMAN: Thank you.

25 THE VICE CHAIR: Very good. Thank you.

Attorney Chiocchio, please begin by verifying all the exhibits by the appropriate sworn witnesses.

ATTORNEY CHIOCCHIO: Thank you, Vice Chairman.

So, the exhibits the Applicant has to offer are included in Roman numeral 2B, items 1 through 5 in the hearing program. I'll ask each of my witnesses a series of questions with respect to those exhibits, and I'll ask that they respond individually.

Is the information contained in those exhibits -- did you prepare and assist in the preparation of those exhibits? Anyone can start.

THE WITNESS (Burns): Robert Burns. Yes.

THE WITNESS (Gustafson): Matt Gustafson. Yes.

THE WITNESS (Paul): Brian Paul. Yes.

THE WITNESS (Divito): Kip Divito. Yes.

THE WITNESS (Glidden): Liz Glidden. Yes.

THE WITNESS (Landino): Rick Landino. Yes.

ATTORNEY CHIOCCHIO: Do you have any update

clarifications, or corrections to the information contained therein?

THE WITNESS (DiVito): Kip DiVito. No.

THE WITNESS (Landino): Rick Landino. No.

THE WITNESS (Burns): Robert Burns. I do have one

1 correction. Under the response to
2 interrogatories, question number 43 under -- I
3 believe it's Exhibit 4, it states a six-foot-high
4 chain-link fence will be installed. It should be
5 an eight-foot-high chain-link fence will be
6 installed. Thank you.

7 Other than that, no corrections.

8 THE WITNESS (Gustafson): Matt Gustafson. I do have
9 one correction as well to the same Exhibit 4,
10 response to interrogatories. This is responses 47
11 and 48. Response 47 references attachment 4. It
12 should be attachment 3.

13 And response to interrogatory question 48,
14 the reference attachment is 3. It should be
15 referencing attachment 4.

16 Otherwise, I have no other corrections.

17 ATTORNEY CHIOCCHIO: Thank you.

18 THE WITNESS (Paul): Brian Paul. No corrections.

19 THE WITNESS (Glidden): Liz Glidden. No corrections.

20 ATTORNEY CHIOCCHIO: Is the information contained in
21 the exhibits true and accurate to the best of your
22 belief?

23 THE WITNESS (DiVito): Kip DiVito. Yes.

24 THE WITNESS (Landino): Rick Landino. Yes.

25 THE WITNESS (Burns): Robert Burns. Yes.

1 THE WITNESS (Gustafson): Matt Gustafson. Yes.

2 THE WITNESS (Paul): Brian Paul. Yes.

3 THE WITNESS (Glidden): Liz Glidden. Yes.

4 ATTORNEY CHIOCCHIO: And do you accept these exhibits
5 as your testimony in this proceeding?

6 THE WITNESS (DiVito): Kip DiVito. Yes.

7 THE WITNESS (Landino): Rick Landino. Yes.

8 THE WITNESS (Burns): Robert Burns. Yes.

9 THE WITNESS (Gustafson): Matt Gustafson. Yes.

10 THE WITNESS (Paul): Brian Paul. Yes.

11 THE WITNESS (Glidden): Liz Glidden. Yes.

12 ATTORNEY CHIOCCHIO: Thank you. We ask that the
13 Council accept the Applicant's exhibits.

14 THE VICE CHAIR: Thank you, Attorney Chiocchio. The
15 exhibits are hereby admitted. Thank you,
16 everyone.

17 We'll now begin with cross-examination of the
18 Applicants by the Council, starting with
19 Mr. Nwankwo, and followed by Mr. Golembiewski.

20 Mr. Nwankwo, good afternoon.

21 MR. NWANKWO: Good afternoon. Thank you, Mr. Vice
22 Chair. I'll begin.

23 Has the Applicant determined a location for
24 its equipment staging or storage area during
25 construction?

1 THE WITNESS (Paul): This is Brian Paul. Yes, there
2 there will be a small staging area for some
3 equipment during the construction on the site,
4 correct.

5 MR. NWANKWO: Thank you.

6 Would it be possible to just describe it
7 based on the site drawing where that location
8 would be? Thank you.

9 THE WITNESS (Paul): Yes, that that area appears to be
10 on the north side of the compound as the access
11 road enters the area. So, there's less
12 disturbance to anything around that area.

13 MR. NWANKWO: Thank you. Would that be within the
14 proposed vehicle turnaround area?

15 THE WITNESS (Paul): Yes, correct.

16 MR. NWANKWO: Thank you.

17 Approximately how many construction vehicles
18 and what type of vehicles will be expected to
19 enter the site during construction?

20 THE WITNESS (Paul): There will be a number of
21 different vehicles on a regular basis. Most will
22 consist of general pickup trucks. There will be
23 excavation equipment here. There will be concrete
24 trucks that enter the site.

25 There will also be a crane used to stack the

tower, and there will also be a man lift on site to install the equipment at the top of the tower.

MR. NWANKWO: Thank you.

THE WITNESS (Paul): Those will all occur when settled.

MR. NWANKWO: Okay. Also looking at the site plans, could you indicate where these vehicles will be parked?

THE WITNESS (Paul): Again, those would all be in that turnaround area towards the north side of the compound.

MR. NWANKWO: Thank you.

For my next question I'd like to refer to the Applicant's response to Council interrogatory number ten, which references the geotechnical survey. My question is, what type of actions are required for the geotechnical investigation?

THE WITNESS (Burns): So, during the -- prior to the D and M phase, the geotechnical invest -- I'm sorry. This is Robert Burns from APT. The geotechnical investigation will take place.

They'll do one deep boring at the tower location usually to a depth of approximately 30, 35 feet. And they'll do a couple small probes in the compound area usually to about ten feet, as the deepest excavation will be for the tower

1 foundation.

2 MR. NWANKWO: Thank you.

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

4 MR. NWANKWO: Next, I would like to refer to the
5 Applicant's response to interrogatories numbers
6 14, 18, and 40, which talk about design standards
7 and codes.

8 My question is, with the future adoption of
9 the 2024 International Building Code by the State,
10 which would include an updated structural standard
11 for antenna supporting structures and antennas --
12 I believe this is revision I.

13 My question is, would the antennas and
14 antenna mounts still be compliant with the updated
15 design standards for wind speed and tolerance?

16 THE WITNESS (Burns): So the tower and the
17 foundation -- not the foundation. The tower and
18 the mounts and the antennas will be
19 (unintelligible) --

20 MR. NWANKWO: I'm sorry. I think you're breaking up.

21 THE WITNESS (Burns): -- nine per the -- the short
22 answer is yes. They will. They will be used to
23 code that is in -- in place at that time.

24 And if there -- if I is adopted -- I mean, if
25 2024 is adopted at that point, it will apply to

1 those as well.

2 MR. NWANKWO: Okay. But the question was, do you think
3 they will be compliant with that new standard,
4 with the updated standards for revision I?

5 THE WITNESS (Burns): To be honest, I don't know what
6 the difference between H and I is at this point.
7 So, they will be compliant with H, if H is in --
8 in -- inactive -- is activated; and I if I is
9 activated.

10 MR. NWANKWO: Thank you.

11 Next I'll refer to the Applicant's response
12 to Interrogatory Number 20, which references an
13 existing Cellco site in Putnam currently at
14 exhaustion. My question is, would that be the
15 same site that's referenced in attachment two of
16 the application identified as 154 Sayles Avenue,
17 Putnam?

18 THE WITNESS (DiVito): Are you referring to Putnam
19 East? Right?

20 MR. NWANKWO: The response to interrogatory number 20
21 references an existing Cellco site in Putnam,
22 which is currently in exhaustion. Would that be
23 the same site as 154 Sayles Avenue, Putnam?

24 I believe that's listed on the list of
25 existing sites within four miles.

1 THE WITNESS (DiVito): Yes, it is.

2 MR. NWANKWO: Oh, thank you.

3 What sectors of this Putnam site are
4 currently experiencing exhaustion?

5 THE WITNESS (DiVito): Currently it's experiencing --
6 the beta and gamma sectors, but this site is in
7 reference to the gamma sector.

8 MR. NWANKWO: Okay. So, the proposed site is in
9 reference only to the gamma sector?

10 THE WITNESS (DiVito): Correct.

11 MR. NWANKWO: Thank you. Next, also referencing
12 Council admin notice number 42, the Council
13 approved three small-cell antennas within the
14 Woodstock Fairgrounds. I believe that was in
15 Petition Number 1119 that was in 2014. Council
16 records show that this site has been completed.

17 Would this site -- would these three
18 small-cell antennas be represented by what the
19 Applicant has listed as item number F in the list
20 of existing sites?

21 I believe that's 39 North Gate.

22 THE WITNESS (DiVito): That looks correct. I don't
23 have a zoomed-in picture of it. I'm looking --
24 I'm referencing attachment to the site search
25 list, and I'm trying to look at the map on either

1 the second or third page. It looks -- you know,
2 letter IDF looks correct. Can't see it exactly.

3 MR. NWANKWO: Okay. But my question for this would be,
4 how would these three small antennas interact with
5 the proposed facility?

6 THE WITNESS (DiVito): We've decided -- so, keeping the
7 small cells for the capacity demands when the fair
8 is in town. At this point, we don't have any --
9 we won't be shutting them off or anything like
10 that at this point.

11 It will require testing and optimization
12 once, or if the site gets approved to build.

13 THE REPORTER: May I have the name of the witness?
14 Apologies for the interruption.

15 THE WITNESS (DiVito): This is Kip DiVito with Verizon
16 Wireless.

17 THE REPORTER: Thank you.

18 THE VICE CHAIR: Mr. DiVito, unfortunately, your
19 response got cut off and you froze. So, I'm
20 not -- it's not clear to me what, if any, relevant
21 information should be repeated for the record.

22 THE WITNESS (DiVito): Okay. I'll start over. This is
23 Kip DiVito with Verizon Wireless.

24 At this point, we will not be decommissioning
25 the small cells at the fairground. It will

1 require testing when and if this, the new proposed
2 site is constructed. But as of right now, we
3 would like to keep the small cells in the
4 fairground for capacity needs during the fairs.

5 MR. NWANKWO: Thank you.

6 Also, I'd like to refer to Council
7 interrogatory number 27. My question is, is the
8 Pomfret east site currently at exhaustion?

9 THE WITNESS (DiVito): This is Kip DiVito with Verizon
10 Wireless.

11 So, currently that site is, from what I've
12 been told, not in exhaust. However, it does
13 provide a significant amount of coverage to the
14 area of the proposed site, which results in poor
15 service level, which of course results in a poor
16 experience for the customers in the area of the
17 proposed site.

18 MR. NWANKWO: Thank you, Mr. DiVito. Thank you.

19 Next, I'll refer to the Applicant's response
20 to Council interrogatory number 57, which
21 references the tower painting. My question is, if
22 the tower is painted, how much is the initial cost
23 to paint the tower?

24 THE WITNESS (Landino): This is Rick Landino, APT.

25 We -- we were not recommending we paint the

1 tower in their interrogatories. We recommended
2 we're going to go with a muted gray, galvanized
3 steel finish.

4 MR. NWANKWO: Thank you.

5 But if the Council did insist that, or did
6 recommend that the tower is painted, would there
7 be an initial cost that you could provide?

8 THE WITNESS (Landino): Oh, we --

9 A VOICE: We have painting costs.

10 THE WITNESS (Landino): Oh, yeah. Painting costs, I
11 don't know --

12 A VOICE: Galvanized and painted. It would probably be
13 between 10 and 20 thousand.

14 THE WITNESS (Landino): I'm hearing 10 and 20 thousand
15 dollars.

16 MR. NWANKWO: Thank you. What color would the
17 Applicant recommend if this were to?

18 THE WITNESS (Landino): I -- I recommend the
19 galvanized, the galvanized steel. Based on the
20 interrogatory there's a lot of factors that go
21 into, you know, best use over there.

22 If you have a darker color and it's against
23 the sky, you have a view against the sky. It's
24 going to be more contrast. And if you have a
25 lighter color and it's backdropped against a

1 hillside or dark trees, it's going to have more
2 contrast there.

3 So, the galvanized steel kind of gives you a
4 muted kind of reflective finish that blends best
5 with both. That's my recommendation.

6 MR. NWANKWO: Yes. And how often do you think in terms
7 of maintenance this would have to be repainted?

8 A VOICE: Galvanized doesn't require.

9 THE WITNESS (Landino): Oh, yeah, galvanized would not
10 require repainting, but I -- I really -- I don't
11 know how often you repaint a tower. Yes --

12 MR. NWANKWO: Would the antennas also be painted?

13 Oh, my apologies.

14 THE WITNESS (Landino): Yeah. I guess it depends on --
15 I would imagine it depends on the environment, the
16 weather, the amount of sun it's -- it's taken on.

17 A VOICE: The quality of the paint.

18 THE WITNESS (Landino): Yeah, quality of the paint.
19 There's probably a lot of determining factors.

20 MR. NWANKWO: Thank you. Will the antennas also be
21 painted in that situation?

22 THE WITNESS (Landino): Yes. They paint the -- they
23 paint everything.

24 MR. NWANKWO: Thank you. I'll move on.

25 What is the slope or gradient of the existing

1 paved access road?

2 THE WITNESS (Burns): This is Robert Burns with APT.

3 You're asking the slope of the existing
4 access drive?

5 MR. NWANKWO: Yes. Thank you.

6 THE WITNESS (Burns): I'm just looking at it. It
7 probably starts off at any -- about 1 percent. It
8 gets a little steeper as it gets to the building
9 supply store, but it's fairly flat.

10 MR. NWANKWO: Thank you.

11 What would be the finished slope or gradient
12 along the proposed gravel access road?

13 THE WITNESS (Burns): That one is pretty flat as well.
14 It's probably in the neighborhood of 2 percent.

15 MR. NWANKWO: Thank you.

16 What will be the direction of stormwater
17 runoff from the compound and access road?

18 THE WITNESS (Burns): So, the compound is -- for the
19 most part, the site is being designed in -- to be
20 as close to the existing grade as possible. The
21 compound where it sits now is the tower is more or
22 less the high point, and it runs in all four
23 directions, although the slope is very -- it's not
24 very steep at all.

25 The access drive itself will be sloped to the

1 north, which is where the existing drainage
2 patterns are now.

3 MR. NWANKWO: Thank you.

4 In consideration of that, how would the
5 proposed access road influence stormwater velocity
6 and stormwater volume post construction?

7 THE WITNESS (Burns): It won't. The idea is it won't
8 influence it at all. The stormwater patterns will
9 be exactly the same as they are today.

10 MR. NWANKWO: Thank you.

11 Could the Applicant briefly describe how a
12 500-year flood will impact the access and/or
13 operation of the facility?

14 THE WITNESS (Gustafson): Good afternoon. Matthew
15 Gustafson with All-Points.

16 Per the -- our coordination which we've --
17 write in interrogatory response -- or Exhibit 4,
18 the interrogatory response number 48, we have
19 coordinated with the state national flood
20 insurance coordinator, and we have provided a
21 concurrence letter with that, that person.

22 The activities posed as part of this site,
23 including the grading and filling of both the
24 compound and access road, will not have an impact
25 to the hundred or 500-year flood zone. All

1 activities proposed will occur above the current
2 base flood elevation at -- of both the
3 hundred-year and 500-year.

4 So, there should be no cumulative impact on
5 the 500-year, to directly answer your question.

6 MR. NWANKWO: Thank you.

7 So in the event of a 500-year flood, the site
8 will be accessible and will continue operating.

9 THE WITNESS (Gustafson): On the case of a 500-year
10 flood, there is a potential that some of the
11 existing road on the frontage that is not a part
12 of this project could be flooded. In that case,
13 there are other avenues to access the site in an
14 emergency scenario. So that, with the site, it
15 could still be potentially accessible.

16 MR. NWANKWO: Thank you. Are there any measures that
17 would be employed by the Applicants to minimize
18 potential flood risks? That is to the facilities.

19 THE WITNESS (Gustafson): So, yeah. And -- and I think
20 as we've kind of gone through this we do not feel
21 there's currently any significant risk from a
22 flood event, because the tower compound and access
23 are all outside of both the hundred and 500-year
24 flood zone, and as we just discussed, the -- the
25 site would still be potentially accessible in

1 either of those flood events.

2 MR. NWANKWO: Thank you.

3 Just to confirm, will any runoff from the
4 equipment compound flow towards wetland one, which
5 is north of the facility?

6 THE WITNESS (Gustafson): Yes. As Robert Burns had
7 already testified to, existing grading patterns
8 and drainage currently drains towards wetland one,
9 and those drainage patterns will be mimicked in
10 the proposed grading plan.

11 MR. NWANKWO: Thank you.

12 Is there existing drainage along the existing
13 paved access road?

14 THE WITNESS (Gustafson): No. Based on our
15 observations of the site, we do not believe -- we
16 have not observed any drainage features or
17 structures along that access road.

18 MR. NWANKWO: Thank you.

19 Is the Applicant planning to install drainage
20 within the proposed gravel access road?

21 THE WITNESS (Burns): Well, the only -- Robert Burns
22 with APT.

23 The only existing drainage along that access
24 drive is there's three cross culverts up by the
25 street that take drainage along the street. There

are no existing drainage structures on the access drive. There's no drainage structures proposed as part of this construction.

MR. NWANKWO: Thank you.

I'd like to refer to response number 48 to council interrogatories. It references a proposed one foot of fill at the proposed gravel access road entrance of the existing paved drive. I believe that's where they meet.

Could you elaborate on why this does not require compensatory storage?

THE WITNESS (Gustafson): Again, Matthew Gustafson with All-Points.

Compensatory storage is required when you are displacing any part of the hundred-year flood volume. In this case, the -- the base elevation that we are proposing, that one foot is above that base flood elevation.

For the record, the base flood elevation, as determined by the flood insurance mapping, is 293.3 feet above sea level. For reference, at that point that you're referencing at the entrance, we're proposing that one foot. We are 0.7 feet above that base flood elevation. So, even though we're adding a foot, the bottom of

1 that foot is still outside of that base flood
2 elevation zone.

3 MR. NWANKWO: Thank you.

4 Moving on, what are the distances from the
5 center line of the tower and the facility compound
6 to the nearest commercial building which is to the
7 west of the facility?

8 THE WITNESS (Burns): Robert Burns with All-Points.

9 The -- the distance from the tower to the
10 building to the west is 277 feet.

11 MR. NWANKWO: Thank you.

12 And from the compound, that will be from the
13 corner of the fence at --

14 THE WITNESS (Burns): I'm sorry. I misspoke.

15 The distance from the compound to the
16 building is 277 feet, and the tower is an
17 additional 30 feet. So, it's 307 feet from the
18 tower. Apologies.

19 MR. NWANKWO: Thank you.

20 The response to interrogatory number 49
21 states that the nearest property line is 383 feet
22 to the southwest. However, looking at sheet SP-1
23 of the site drawings, we see a distance of 336
24 feet to the southeast of the compound.

25 Could you please clarify?

1 THE WITNESS (Burns): Yeah, so the distance on the --
2 the response to question 49 is the distance from
3 the generator to the property line. The --

4 MR. NWANKWO: That's the 383 feet?

5 THE WITNESS (Burns): Correct.

6 MR. NWANKWO: Thank you.

7 THE WITNESS (Burns): The dimensions on the drawings
8 are from the compound to the property line, and I
9 believe the distance on the plans also show from
10 the tower to the property line.

11 MR. NWANKWO: Yes, it does. Thank you.

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

13 MR. NWANKWO: Moving on, I would like to reference
14 response number 50 and also attachment 5 of the
15 response to interrogatories, which is the
16 determination of no hazard from the FAA.

17 My question is, is that a response to the
18 submission of Form FAA 7460-1?

19 THE WITNESS (Paul): Yeah. Thank you. Brian Paul.

20 I'm sorry. Could you just repeat the
21 question one more time?

22 MR. NWANKWO: Yes. Yeah, response number 50 and
23 attachment 5, you know, references the
24 determination of no hazard, which was provided.

25 My question, is that a response to the

1 submission of Form FAA 7460-1? The interrogatory
2 did ask if the Applicant was going to submit a
3 Form FAA 7460-1 to the FAA for approval.

4 THE WITNESS (Paul): Yes, that will be done within five
5 days of the tower reaching its highest point.

6 MR. NWANKWO: Okay. So, the determination is not a
7 response to the submission of that form?

8 THE WITNESS (Paul): No, we will have to submit 7460-2,
9 part two, once the tower is stacked.

10 MR. NWANKWO: Thank you for that clarification.

11 Next, I will refer to the response to council
12 interrogatory number 52. Will the timers for the
13 LED lighting be manual or automatically
14 controlled?

15 THE WITNESS (Paul): They're usually manual on a
16 one-hour timer.

17 MR. NWANKWO: Thank you.

18 Would the lights be motion activated?

19 THE WITNESS (Paul): Typically not. We can make them,
20 though. Typically, there they're manual dial,
21 again set for up to one hour at a time.

22 MR. NWANKWO: Thank you.

23 What is the average height of the surrounding
24 tree canopy?

25 THE WITNESS (Landino): I have that. I have that.

1 Hi. Rick Landino. I just need a second. I
2 can pull that up for you.

3 MR. NWANKWO: No problem.

4 THE WITNESS (Landino): All right. Average surrounding
5 height of the tree canopy from about a thousand
6 feet of the tower, they -- we have an average
7 height of 64 feet.

8 MR. NWANKWO: Thank you.

9 Considering that --

10 THE WITNESS (Landino): (Unintelligible) --

11 MR. NWANKWO: I'm sorry. Please go ahead. I
12 apologize.

13 THE WITNESS (Landino): They range from approximately
14 41 feet to 97 feet, but the average around there
15 is -- like, 64, I think is most of it.

16 MR. NWANKWO: Thank you.

17 The visual assessment does show reduced
18 visibility to the east. Would you say that's
19 attributed to the uphill topography, or the height
20 of the existing tree canopy?

21 THE WITNESS (Landino): I think it's both. Yeah,
22 it's -- it's both together will contribute to
23 that.

24 MR. NWANKWO: Thank you.

25 Response to interrogatory number 54

1 references 18 residential properties with views of
2 the proposed facility. Will most of these
3 residences be to the west or to the east of the
4 facility? Or a combination of both?

5 THE WITNESS (Landino): Let me see.

6 I can't say for -- I cannot say for certain.
7 I do -- I don't have that information available,
8 but I think there -- I think there will be views
9 on -- on both sides. I can't say if it's most,
10 but both sides will experience views.

11 MR. NWANKWO: Thank you.

12 Also, could you provide a brief explanation
13 of the phrase that was referenced in that
14 response, quote, a combination of year-round and
15 seasonal views, unquote?

16 THE WITNESS (Landino): I can. Let's see how we come
17 up with that. To assess the properties within a
18 half-mile radius that will experience year-round,
19 seasonal, or combined views, we analyze a
20 composite map that overlays parcel boundaries with
21 our viewshed analysis.

22 The viewshed model predicts visibility based
23 on terrain, vegetation, and structure height and
24 includes two visibility layers, year-round and
25 seasonal. We determine the extent of visibility

1 on each property by evaluating where and how these
2 visibility layers intersect with individual parcel
3 boundaries. So, the properties are then
4 categorized based on the presence of one or both
5 layers, indicating year-round viz, seasonal viz,
6 or both.

7 It should also be noted, too, that what we
8 don't account in that is even though some of these
9 properties will get year-round viz or seasonal viz
10 or -- or both, some of them will also experience
11 no visibility on portions of their properties,
12 too.

13 MR. NWANKWO: So it would be safe to say some of these,
14 some properties would have both year-round views
15 on some parts of the parcel and seasonal views on
16 other parts?

17 THE WITNESS (Landino): Correct.

18 MR. NWANKWO: Thank you.

19 Would you be able to provide the address of
20 the one additional residential property which has
21 only year-round views of the facility?

22 THE WITNESS (Landino): I do not have that available.

23 MR. NWANKWO: Thank you.

24 THE WITNESS (Landino): We could find out for you.

25 MR. NWANKWO: Thank you.

1 How would vehicular traffic be affected
2 during construction of the proposed facility?

3 THE WITNESS (Paul): This is Brian Paul with Vertical
4 Bridge.

5 Are you referencing the main access road? Or
6 the pro -- I'm sorry, the existing main road?

7 MR. NWANKWO: Yeah.

8 THE WITNESS (Paul): Or the --

9 MR. NWANKWO: The existing access.

10 THE WITNESS (Paul): Yeah, there there shouldn't be any
11 impact to the -- the road leading into the site.

12 Again, most activity is taking place well away
13 from that access road.

14 MR. NWANKWO: Thank you.

15 So, just to confirm, no traffic management
16 will be required during construction?

17 THE WITNESS (Paul): That's correct.

18 MR. NWANKWO: Thank you.

19 Looking at the remote field review, photo
20 number 1, which is part of the response to
21 interrogatory number 51, identifies the Utility
22 Pole Number 4950 as being located directly
23 opposite the parcel entrance. That's looking at
24 photo number one of the remote field review. The
25 Utility Pole Number 4950 is located opposite the

1 parcel entrance.

2 But in contrast, looking at sheet SP-2 of the
3 construction drawing, it shows Pole Number 4950 is
4 located adjacent to the parcel entrance.

5 Will the Applicant please clarify?

6 THE WITNESS (Burns): This is Robert Burns with
7 All-Points Technologies.

8 The site plan SP-2, that pole location was
9 taken from a survey. So, that is the location --
10 no, let me take that back.

11 Actually that, the surveyor didn't pick that
12 up. So, we approximated that. It -- it is
13 probably a little more to the west. So, it
14 probably is directly across from the access drive.

15 MR. NWANKWO: So, the remote field review, the photo in
16 the remote field review is the correct location
17 for 4950?

18 THE WITNESS (Landino): Let me -- this is Rick Landino,
19 All-Points Tech.

20 Let me say this. I conducted the remote
21 field review, and I did not pull a number off of
22 that pole, but I used the site plans to determine
23 what pole that was. If I remember correctly,
24 there's -- there's also a pole. If you look at
25 page 2A, Bob, you might be able to --

1 THE WITNESS (Burns): Yeah.

2 THE WITNESS (Landino): So, there's 2A. There's this
3 pole here, 49 -- that I have marked, but is this
4 the pole?

5 THE WITNESS (Burns): Yeah.

6 THE WITNESS (Landino): Because that's across from the
7 driveway.

8 THE WITNESS (Burns): So, yeah. So, this is Robert
9 Burns. Yeah, you're right, Rick.

10 THE WITNESS (Landino): Okay.

11 THE WITNESS (Burns): The pole that is directly across
12 from the driveway is actually pole -- oh, my God,
13 my eyes. 4944, and 4950 is located properly on
14 SP-2, and that's the pole that we'll be pulling
15 power from overhead to a proposed pole on our
16 side.

17 MR. NWANKWO: Excellent. Thank you. Thank you for
18 that.

19 What measures could the Applicant take to
20 deter birds from nesting at the top of the tower?

21 THE WITNESS (Gustafson): Matthew Gustafson with
22 All-Points.

23 We have done -- and this is usually in
24 response to osprey nesting, or birds that use the
25 nests after ospreys have left it. We've monitored

1 nesting sites across the New England region. In
2 cases where the nests have become problematic for
3 tower use we've tried a number of different
4 deterrence methods. Deterrence methods we have
5 seen used are mesh netting around the tower, or
6 owl statues used as a predatory deterrence. In
7 all cases they're very unsuccessful in deterring
8 both bird use and -- and nesting.

9 Furthermore, in cases where we've removed
10 nests outside of the nesting window, most of these
11 migratory birds are very habituated to their
12 nesting sites. And even, you know, during the
13 removal of those nests, usually they come back the
14 next season and rebuild.

15 So, in my opinion, usually deterrence
16 measures are ineffective on towers in the cases
17 where there are some ability to -- to utilize
18 those. They do become maintenance issues and --
19 and safety hazards. So, your -- there's no sweet
20 spot in between ones that are successful that
21 don't cause problems with the tower, and the ones
22 that don't cause a problem with the tower really
23 aren't effective.

24 MR. NWANKWO: Thank you for that.

25 For my last question I would like to refer to

1 council admin notice item number 85, which is the
2 National Heritage Corridor. My question is, is
3 the proposed facility located within the Last
4 Green Valley National Heritage Area?

5 THE WITNESS (Landino): Could you -- This is Rick
6 Landino. Could you repeat that question?

7 MR. NWANKWO: Yes. Referencing the council admin
8 notice number 85, which is the National Heritage
9 Area, my question, is the proposed facility
10 located within the Last Green Valley National
11 Heritage Area?

12 THE WITNESS (Landino): I'm not sure.

13 THE WITNESS (Gustafson): Matt Gustafson with
14 All-Points.

15 If we can, can we -- we can take that as a
16 homework assignment and get back to you
17 potentially after the break?

18 MR. NWANKWO: Thank you.

19 In addition to that, another question I had
20 to add to that, would the proposed facility also
21 in any way adversely impact any heritage area
22 resources?

23 THE WITNESS (Gustafson): I think we'll likely have to
24 take that one as an additional homework
25 assignment, if we can. And we'll get back to you

1 right after the break with --

2 MR. NWANKWO: Thank you. I appreciate it.

3 THE WITNESS (Gustafson): -- with an answer.

4 MR. NWANKWO: Thank you, Mr. Vice Chair.

5 THE WITNESS (Gustafson): Thank you.

6 MR. NWANKWO: That's all my questions.

7 THE VICE CHAIR: Thank you, Mr. Nwankwo.

8 So, coming out of this line of questioning,
9 we have three homework assignments; we have the
10 address of the year-round view, we have the Last
11 Green Valley Heritage, and the impact on any
12 heritage. Please do your best to answer those by
13 the end of the break, all three of them, please,
14 so that we can continue properly?

15 Very good. Thank you.

16 We'll now continue with cross-examination of
17 the Applicant by Mr. Golembiewski, followed by
18 Mr. Nguyen.

19 Mr. Golembiewski, good afternoon.

20 MR. GOLEMBIEWSKI: Good afternoon, Vice Chair. I have
21 a couple questions.

22 My first questions are in regards to vernal
23 pool one, which is located at the northern portion
24 of the site. I had a question in regards to the
25 application said there were two vernal pool

1 obligate species, wood frogs and spotted
2 salamanders, and it did say there was egg masses.

3 I was just wondering if someone had kept
4 track how many egg masses were observed during the
5 vernal pool survey?

6 THE WITNESS (Gustafson): Yes. During the survey, we
7 did take a count of egg masses -- just trying to
8 find that information, if I can. But yes, we did
9 conduct a, you know, not only a presence absence,
10 but also a rough estimate of, or a rust -- rough
11 count of those, those species.

12 At the time of the inspection it was early in
13 the breeding window, but generally, obviously the
14 assessment for the quality and preservation status
15 of vernal pools is both dependent on the fecundity
16 of the pool, but as well as the locate -- of the
17 identification of two species. And if you have
18 either of those it meets the highest criteria.
19 So, one -- you have two species of egg masses. It
20 doesn't change them. So, in either case,
21 independent of the number of the masses, it would
22 meet the highest standard for -- for preservation,
23 that tier-one status.

24 Obviously, in the case of this vernal pool,
25 the existing terrestrial, the supporting

1 terrestrial habitat, that hundred to 750-foot
2 critical terrestrial habitat buffer is, in the
3 existing condition, fairly heavily impacted above
4 the 25 percent threshold, which does unfortunately
5 take it out of that tier-one status that the
6 biological factors keep it in, thereby degrading
7 it to a tier-two status.

8 MR. GOLEMBIEWSKI: Okay. Is it your opinion that the
9 north side of Route 171 likely has no migration at
10 all to the pool?

11 THE WITNESS (Gustafson): So, this -- this being a
12 state road, and that there are, you know,
13 contiguous wetlands on the north side, this --
14 this road historically was likely, you know, built
15 bisecting a much larger wetland complex that this
16 wetland one and vernal pool one is, you know, now
17 bisected from. There's a good chance that there
18 is still migration between, you know, the areas to
19 the south of Route 171 and to the north.

20 Furthermore, if you refer to the vernal pool
21 analysis map, you can see much of the critical
22 terrestrial habitat buffer zone is existing
23 wetlands. While these species can use those
24 areas, those forested areas for the remainder of
25 their life cycle, they much prefer well-drained

1 forested uplands. And where you see the most of
2 that habitat is either to the far south or to the
3 northwest across 171.

4 So, there's likely still some cross migration
5 across that road. How successful they are is
6 obviously a different story, but to answer your
7 question, I would suspect that there is still
8 migration over, over that road.

9 MR. GOLEMBIEWSKI: Okay. The migration that would be
10 coming from, I guess, south of the road to the
11 east of our site, to the south and southeast, the
12 facility should have no impact on that corridor or
13 that migration pattern. Correct?

14 THE WITNESS (Gustafson): That is correct. Yeah, that
15 the site as it's currently constructed would not
16 represent an impediment to migration. Obviously,
17 the fenced compound is -- is de minimis in size.
18 There is the ability for any migratory species to
19 be moving either east or west of the compound in
20 the road. As is currently proposed, being more or
21 less aggrade with minimal fill, it would not
22 represent a significant impediment to migration.

23 And likely, most of the migration as it
24 currently constituted prior to the development,
25 potential development of this site, likely occurs

1 along the edges of, you know, that wetland two and
2 the bordering forested uplands of that, that
3 corridor.

4 MR. GOLEMBIEWSKI: Okay. I noticed a resource plan was
5 prepared. It seems to indicate that the site,
6 if -- if construction is done through, whether
7 it's the spring migration period or the fall, the
8 site will be encapsulated with silt fence to avoid
9 any individuals entering the work site?

10 THE WITNESS (Gustafson): That is correct. We are
11 currently proposing a resource protection plan.
12 And as you point out, one of the measures in that
13 resource protection plan is installation of a silt
14 fence barrier, circumventing the entire
15 construction area to prevent unintentional
16 mortality.

17 Other key aspects of that plan are contractor
18 awareness training whereby we, prior to the start
19 of construction, meet with members of the
20 contracting and construction team to review where
21 all the wetland, you know, areas are, the
22 sensitivity to vernal pool, the potential for
23 encountering these species, and contingencies if
24 they do encounter what to do to safely move those,
25 those individuals outside of potential work zones.

1 MR. GOLEMBIEWSKI: Thanks.

2 I was wondering -- I know in the resource
3 plan it mentioned something. It said turtles, but
4 didn't say species. I was kind of surprised that
5 there wasn't an NDDB hit for turtles along the
6 Little River.

7 Would your plan include identification of,
8 say, like, wood turtles and eastern box turtles?

9 THE WITNESS (Gustafson): Yeah. Yeah. And, you know,
10 like you said, with the Little River, here you're
11 really looking at potential more riparian species,
12 which, you know, wood turtle would be one.

13 I would kind of concur with your assessment
14 that there's, you know, it's a surprise, but that
15 there's no NDDB buffer. However, this part of the
16 state is pretty notorious for a lack of records.
17 So, it's not entirely unexpected.

18 But nonetheless, if there was a record for
19 any of our protected turtle species, the
20 protection plan would more or less remain the
21 same, but obviously, kind of the note you made
22 of -- of adding those species into the contractor
23 awareness training, which we would do anyways, and
24 will do as part of this project in the off chance
25 that they do happen to -- happen to observe or

1 encounter species that NDDB is -- is unaware of.

2 MR. GOLEMBIEWSKI: Okay. Great. I'm going to start on
3 a new topic, which is the visual assessment.

4 I appreciate your answers. Thank you.

5 THE WITNESS (Gustafson): Thank you, Brian.

6 MR. GOLEMBIEWSKI: I'd like to just go to a couple --
7 quickly, a couple photos in the visual assessment.

8 Photo 21, which is from a location on Peake
9 Brook Road, which is located to the southwest, and
10 then I guess maybe photo 22, also; is that likely
11 the most visible the tower will be from a
12 residential area?

13 THE WITNESS (Divito): I believe so. I just want to
14 look at this and make sure I'm seeing it.

15 Yeah, I think that's a fair assessment.

16 MR. GOLEMBIEWSKI: Okay. And then I know that some,
17 you know, interrogatories and discussions even
18 today about, you know, color, painting and such,
19 you know, these views, it's kind of interesting.
20 One view is sort of, you know, looks like it's
21 like sort of the, you know, upper three quarters
22 of it. One looks like it's just maybe the upper
23 third.

24 Would color have any bearing on views from
25 these locations?

1 THE WITNESS (DiVito): Yeah. Like, some. Like, if --
2 it will always have bearing on it. It's just
3 getting a color that's right for everybody. You
4 know color will influence. Color will influence
5 any location. I guess if you have a light
6 backdrop and you have a darker color, it's -- it's
7 going to not be good for anybody.

8 But I mean, I get -- I guess, I just think
9 galvanized is probably your best bet with that.

10 MR. GOLEMBIEWSKI: Okay.

11 THE WITNESS (DiVito): You know, because it's
12 different. It's, you know, you're looking at
13 different views and there are all kinds of
14 different things happening.

15 Sometimes the sun is on my back. Sometimes
16 the sun might be in the foreground. That could
17 affect things drastically, too. That's why color
18 looks different in the simulations. The color of
19 the pole might appear different in some shots.
20 You know, if lot of it's shadow -- you're seeing
21 shadows and light, if that makes sense.

22 MR. GOLEMBIEWSKI: Yeah, that's pretty consistent with
23 what we've heard before as galvanized seems to
24 sort of be the best overall.

25 All right. If I could direct your attention

1 to photo 27?

2 THE WITNESS (DiVito): Yes.

3 MR. GOLEMBIEWSKI: Which appears to be sort of the most
4 visible the tower is, and that appears it would be
5 from the State Road 171.

6 THE WITNESS (DiVito): Right.

7 MR. GOLEMBIEWSKI: I guess my only question is because
8 it's sort of visible from here, a lot of times we
9 see, like, a landscaping plan around the compound
10 to sort of soften that.

11 Is there any reason that a landscaping plan
12 in this case was not proposed? Is it due to the
13 developed nature of the site? Or?

14 THE WITNESS (DiVito): I don't know. All I can say is,
15 like, a landscape plan might soften the appearance
16 of the -- of the compound.

17 MR. GOLEMBIEWSKI: Okay. I mean, it wouldn't do
18 anything but cover the bottom 5 percent, you know,
19 of the compound. Okay. But you wouldn't object
20 to that?

21 THE WITNESS (DiVito): I don't think so, no.

22 MR. GOLEMBIEWSKI: Okay.

23 THE WITNESS (DiVito): While you have me here, could I
24 just ask a question to follow up on one of my
25 homework assignments?

1 Were you -- that earlier question, was it the
2 little -- the Little River Greenway that you were
3 referring to? The Shepherds Pond area?

4 MR. NWANKWO: The Last Green Valley, yes.

5 THE WITNESS (DiVito): Okay.

6 MR. NWANKWO: The heritage area.

7 THE WITNESS (DiVito): I misunderstood. So, there's --
8 right kind of across the street to the northwest a
9 bit, there's the Little River Greenway there. And
10 there, there are some year-round views being
11 predicted on Shepherds Pond itself up that way.

12 It's a wooded area.

13 MR. NWANKWO: Thank you, but -- I apologize. I think I
14 was referring to the Last Green Valley Heritage
15 Area.

16 THE WITNESS (DiVito): The Little River Greenway
17 Valley? The -- is that -- that's between Little
18 Pond Road?

19 A VOICE: That's a different --

20 THE WITNESS (DiVito): It's a different thing? Okay.

21 MR. NWANKWO: No. I believe it's a conservative
22 corridor for -- that's protected.

23 THE WITNESS (DiVito): All right. I'll double check
24 that and I will get back to you.

25 MR. NWANKWO: Conservation, sorry. Conservation.

1 THE WITNESS (DiVito): Okay. Is there anything else
2 for -- for visuals?

3 MR. GOLEMBIEWSKI: No. I'm all set. Thank you.
4 Thank you, Vice Chair.

5 THE WITNESS (DiVito): Thanks.

6 THE VICE CHAIR: Thank you, Mr. Golembiewski.

7 Just as a reminder for those testifying,
8 please state your name prior to answering the
9 questions for the Court Reporter so we don't lose
10 track of who's answering what. Thank you.

11 We'll now continue with cross-examination of
12 the Applicant by Mr. Nguyen, followed by
13 Mr. Carter.

14 Good afternoon, Mr. Nguyen.

15 MR. NGUYEN: Good afternoon, Mr. Vice Chair, and good
16 afternoon, everyone. Just a few questions.

17 Let me start with question number 31, the
18 answer to 31. The answer indicates that the tower
19 can accommodate three additional carriers.

20 Is that correct?

21 THE WITNESS (Burns): This is Robert Burns with
22 All-Points?

23 Yes, that is correct, Mr. Nguyen.

24 MR. NGUYEN: And does that include municipalities and
25 tenants?

1 THE WITNESS (Burns): At this point, the municipality
2 hasn't expressed interest. But yes, if -- if the
3 municipality was interested, it would accommodate
4 them as well. Yeah.

5 MR. NGUYEN: And how many municipality and tenants can
6 the tower accommodate? Question number eleven is
7 for the town of Woodstock, Thompson, Pomfret,
8 Putnam.

9 THE WITNESS (Burns): So, for the most part, the towns
10 usually require whips or dipole antennas, which
11 really don't add much to the load.

12 So, we probably could accommodate whatever
13 was needed by the municipality.

14 MR. NGUYEN: And moving on to question number 35, this
15 is related to the backup generator. And my
16 understanding that there would be a 50-watt diesel
17 backup generator deploy in this site.

18 Now, the question is, is there a natural gas
19 line available in the area?

20 THE WITNESS (Burns): No. Per Eversource's website,
21 there's no natural gas in the area.

22 MR. NGUYEN: Okay. Now, moving on to technology, and I
23 guess it's just a question for Verizon. Will 5G
24 be deployed on this particular site?

25 THE WITNESS (DiVito): This is Kit DiVito with Verizon

1 Wireless.

2 Yes, we will deploy 5G.

3 MR. NGUYEN: And one last question, just a follow-up on
4 FAA 7460-1. Is that the form typically submitted
5 after the construction of a tower? And whether or
6 not -- is it mandatory by FAA? Or is it a --

7 THE WITNESS (Paul): Yes, it's mandatory.

8 Oh, I'm sorry. This is Brian Paul with
9 Vertical Bridge. Yes, that's mandatory.

10 MR. NGUYEN: Okay. And that you indicated that you
11 were going to do that?

12 THE WITNESS (Burns): Yes.

13 MR. NGUYEN: And that's all I have. Thank you,
14 gentlemen.

15 THE WITNESS (Paul): Thank you.

16 MR. NGUYEN: That's all I have, Mr. Vice Chair.

17 THE VICE CHAIR: Thank you, Mr. Nguyen.

18 We'll now continue with cross-examination of
19 the Applicant by Mr. Carter, followed by Ms. Hall.
20 Mr. Carter, good afternoon.

21 MR. CARTER: Good afternoon, Mr. Vice Chair, and good
22 afternoon, all.

23 I won't be taking up much time because we've
24 had a very robust line of questions from my fellow
25 councilmembers and staff. I really just have a

1 question that goes along the lines of
2 interrogatory number eleven regarding co-locating.

3 I've heard that the towns haven't expressed
4 any interest, but has there been any outreach or
5 expression of interest from any emergency services
6 or law enforcement in the area for having
7 facilities co-located on the proposed tower?

8 THE WITNESS (Paul): This is Brian Paul with Vertical
9 Bridge.

10 We have not, other than Verizon being
11 interested in being on this tower at this time.

12 MR. CARTER: Well, Mr. Vice Chair, that's the only
13 question that I had. So, thank you.

14 THE VICE CHAIR: Thank you, Mr. Carter.

15 We'll now continue cross-examination by
16 Ms. Hall, followed by Mr. Syme. Ms. Hall, good
17 afternoon.

18 MS. HALL: Good afternoon. Just a couple of
19 follow-ups.

20 There was discussion earlier from Mr. Nwankwo
21 about updated codes and the difference between
22 Section H and Section I, and there was not the
23 familiarity on the part of the Applicant on what
24 those differences might be. I'd like some clarity
25 on that just to know where the code is going, and

1 if that might be an important change?

2 THE WITNESS (Burns): Well, this is Robert Burns with
3 All-Points.

4 Code I has not been adopted yet. The -- it's
5 not scheduled to mid to late 2026 to be adopted --
6 adopted, and we really don't know what the changes
7 are at this point that will be adopted as part of
8 that code. So, when the tower -- the mounts are
9 designed, they'll be designed with the adopted
10 code, which is dash H.

11 MS. HALL: Okay. Thank you. Thank you.

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

13 MS. HALL: What discussions, if any, has the Applicant
14 had with local officials, board of selectman,
15 zoning, planning, et cetera, et cetera?

16 THE WITNESS (Paul): Brian Paul with Vertical Bridge.

17 We're not aware of any conversations at this
18 time with the local officials.

19 MS. HALL: Okay. Thank you. And that's all of the
20 questions. As observed, we've had some really
21 good discussion. Thank you.

22 THE VICE CHAIR: Thank you, Ms. Hall.

23 We'll now continue across examination by
24 Mr. Lynch. Mr. Syme is not with us here this
25 afternoon.

1 Good afternoon, Mr. Lynch.

2 MR. LYNCH: Good afternoon, Mr. Morissette. I have
3 just a couple quick questions.

4 With regards to law enforcement using the
5 tower, Woodstock and Thompson are patrolled by
6 resident troopers. Has anyone gone out to the
7 State Police about using the tower?

8 THE WITNESS (Paul): This is Brian Paul with Vertical
9 Bridge.

10 We're certainly welcome to accepting the
11 State Police as a co-locator on the tower. We
12 have not spoken with them. They have not reached
13 out to us.

14 Typically, Vertical Bridge allows space and
15 loading on the tower for municipalities. In this
16 case, we have not heard from the State.

17 MR. LYNCH: Does the State even know about the tower?

18 That would be my next question. Because --

19 THE WITNESS (Paul): The state police?

20 MR. LYNCH: Yeah. I'm familiar with that area out
21 there, and there's nothing there.

22 THE WITNESS (Paul): No, we don't make it a habit of
23 reaching out to the State Police to inform them.

24 It's -- it's not something we typically do. We're
25 certainly welcome to do that. We just have not.

1 It's not in our normal practice to do that.

2 MR. LYNCH: I know the State Police have their own
3 towers.

4 THE WITNESS (Paul): Yes, they do.

5 MR. LYNCH: But like I say, seeing that this is a very
6 remote area, they may be interested.

7 Now, my next question has to do with wind
8 speed and so on. You, in question 14, you have a
9 150-mile-an-hour wind speed, but I have not seen a
10 stat -- and if I missed it, I'm sorry -- on weight
11 load, whether it be ice or snow or so on.

12 What would that be for the tower?

13 THE WITNESS (Burns): The -- the ice load?

14 MR. LYNCH: Yeah, ice load or snow.

15 THE WITNESS (Burns): This is Robert Burns with
16 All-Points.

17 I don't know the answer to that offhand.

18 The ice load on the tower?

19 A VOICE: Typically (unintelligible) --

20 THE WITNESS (Burns): Yeah.

21 A VOICE: -- an inch of ice load.

22 THE WITNESS (Burns): Yeah, that's -- that's true.

23 Yeah, it's typically a half an inch of ice load.

24 And all that will be taken into account once the
25 tower is designed, which will happen during the D

1 and M phase.

2 MR. LYNCH: All right. Thank you. I knew it -- I
3 thought it was about a half an inch, but maybe
4 more. But I know you know we tend to get ice
5 storms in this area, so I was -- I didn't see it
6 in the application.

7 Now, the other question I have on the
8 tower -- and I can't testify, so I'm going to say
9 I've been doing this for over 30 years and I've
10 never seen a tower collapse with a yield point.
11 I've seen lattice ones, lattice towers collapse,
12 but I've never seen -- so, if you know of any, let
13 me know.

14 THE WITNESS (Burns): Mr. Lynch, this is Robert Burns.

15 And anecdotally, I've never seen one either.
16 I'm not saying that they don't. I've just never
17 seen one personally.

18 MR. LYNCH: Yeah. I just wanted to get that on the
19 record.

20 As far as nesting on the top of the tower, if
21 I heard you correct, osprey, I know they tend to
22 come back and nest at the same place every year.

23 Was that a correct statement you made?

24 THE WITNESS (Gustafson): Yes. Yeah. Certainly,
25 osprey, a number of species do, but obviously,

1 osprey seem to be the most common co-locators on
2 the top of these nests -- or on the top of these
3 towers, excuse me.

4 And yes, they have a very high fecundity
5 for -- for renesting and reusing their preferred
6 nesting spots, even if their nests have been
7 removed in previous years, whether by, you know,
8 humans or by natural storm events.

9 MR. LYNCH: Now, on your battery-powered backup, it
10 says it would last for eight hours. But from what
11 I've heard in the past from others, if the site is
12 operating at full capacity, eight hours is a
13 stretch.

14 Now, are you sticking by eight hours? Or
15 could it -- if there's a lot of load on the tower,
16 would it go down to six hours?

17 THE WITNESS (Paul): Again, this is Brian Paul with
18 Vertical Bridge.

19 Typically, what would happen is before those
20 batteries would be expended, the generator
21 would -- would kick on. Right? So, the generator
22 would support the backup, or supply the backup
23 power, and not the batteries.

24 In most cases, what would happen is within a
25 minute -- right? Of the power going out, or the

1 site losing power, the generator for Verizon's
2 equipment would kick on.

3 MR. LYNCH: You led me into my next question about the
4 generator. Does the generator, being a diesel,
5 have to be a certain distance away from any
6 facility? Like, I know propane tanks have to be
7 10 or 15 feet away. Does a diesel generator have
8 to have a distance, too?

9 THE WITNESS (Paul): You mean like a spark zone? Is
10 that what you're referencing?

11 MR. LYNCH: Yes.

12 THE WITNESS (Paul): Yeah -- no. No requirement there.
13 We typically, however, keep a three-foot buffer
14 around the generator simply for clearances and
15 workspace.

16 Five foot. Yeah, five-foot --

17 A VOICE: For combustibles.

18 THE WITNESS (Paul): Yeah, five-foot for other
19 combustibles.

20 MR. LYNCH: All right, thank you.

21 THE WITNESS (Paul): Thank you.

22 MR. LYNCH: Hold on. I got to check my -- I've got to
23 check these off here.

24 Now, I mentioned before that this is a rather
25 remote area. I can't, you know, understand why

1 other carriers wouldn't be interested in this
2 tower.

3 THE WITNESS (Paul): It certainly has the potential for
4 other carriers to be interested. Typically,
5 Vertical Bridge will market the site once we're
6 further along in the development process, and we
7 actually have an entity that we can market to the
8 other carriers if they don't find out about it
9 through the Siting Council's database themselves.

10 But typically, once we're a little further
11 along in the process, we'll garner interest from
12 other carriers.

13 MR. LYNCH: All right. Now, my next two questions are
14 more curiosity questions on my part. If you
15 happen to find at the site an archaeological find,
16 you know, what would the procedure be for
17 completing or shutting down the site?

18 THE WITNESS (Paul): That's not my expertise.

19 THE WITNESS (Gustafson): Good afternoon. Matt
20 Gustafson.

21 As part of our NEPA process, there will be a
22 cultural resource assessment done. Usually,
23 that's a little bit closer to the D and M phase
24 once we have a firmer understanding of if there
25 will be any adjustments to the -- the layout

1 resulting from -- from, you know, these
2 proceedings.

3 So, as part of that, correspondence will be
4 done to the State Historic Preservation Office,
5 which will help determine if there is any
6 potential for occurring to -- and to your point,
7 you know, incurrences with any sort of historical
8 resource.

9 If there is something encountered during
10 construction, which is -- is not expected at this
11 site due to our preliminary assessment not finding
12 any heritage sites or -- or not listings in the
13 National Register, then those would have to be
14 taken into account during construction in
15 coordination with -- with the -- with state SHPO.

16 MR. LYNCH: Now, having said that, would the site be
17 shut down while the archaeological study is going
18 on, and then once it's cleared out, you'd start up
19 again?

20 THE WITNESS (Gustafson): So, I've never been a part of
21 a telecommunications facility where we have
22 encountered something that was not already vetted
23 during the phase 1A process in occurrence with the
24 SHPO. I expect that if something were determined,
25 it would be on a case-by-case basis, depending on

1 what the characteristics of -- of the find, where
2 the location is, and the sensitivity to it.

3 So, I can't say with any sort of certainty
4 that the site would be shut down. Certainly,
5 there would be either intervening measures or
6 mitigation to prevent, you know, an impact to that
7 resource if it -- if it does happen to be
8 encountered unexpectedly.

9 MR. LYNCH: Thank you, Mr. Gustafson. So, that means
10 we might get to hear from the Chippewas and the
11 Miamis again? Well, just a joke.

12 My next question, again it's a curiosity
13 question on my part. I was happening to listen to
14 an interview with the new -- or the chairman of
15 the FCC, and he said that there's going to be
16 auctions coming up on different frequencies or
17 more frequencies because of AI.

18 Now, I know nothing about AI. How would AI
19 coming into your telecom world influence what
20 we're looking at?

21 THE WITNESS (Gustafson): I'm going to cede the floor
22 to someone who has more information than me, which
23 is about anybody.

24 MR. LYNCH: No. No, I apologize. I know nothing about
25 AI.

1 THE WITNESS (Landino): I know a little bit about it,
2 and I know -- I only know that because our parent
3 company builds data centers. So, we learned a
4 little bit about this recently in some
5 company-wide meetings.

6 So, the increase in usage of AI on handheld
7 devices, whether it's through an application such
8 as your ChatGPT, things like that, has -- has
9 increased exponentially over the source -- over
10 the past two years or so.

11 So, I think what the chairman is referring to
12 is an increase in usage of people requiring data,
13 or additional data and speeds on their handheld
14 device to use these types of applications.

15 MR. LYNCH: In that, now would the additional
16 frequencies be in a higher frequency or a lower
17 frequency?

18 THE WITNESS (Paul): Yeah, those are all typically --
19 and I'm, again, I'm not the RF expert in the room,
20 but from everything that I've read, I think I
21 probably read the same article you read. Those
22 are all at a much higher frequency in the 3.5
23 gigahertz frequency. I'll let Kip speak to that a
24 little bit, though.

25 THE WITNESS (DiVito): This is Kip DiVito with Verizon

1 **Wireless.**

2 The reason -- so, there's different
3 characteristics that come with different
4 frequencies. And obviously, the -- the higher the
5 frequency has the shorter wavelength, therefore,
6 it's better at passing data, the ones and zeros,
7 because there's a shorter frequency. It can do it
8 faster. That's why higher frequencies are better
9 at passing data. However, they just have a --
10 that also, the downside to that is they have a
11 characteristic to attenuate more than, say, a
12 lower frequency.

13 So, if you're really concerned about passing
14 data faster and lots of it, we would want to use
15 higher frequencies. It's just, like I said
16 before, a downside is just they don't go as far as
17 lower frequencies.

18 MR. LYNCH: Now, would that require -- I'm surprised
19 I've even been asking this question -- new
20 equipment for transmitting and receiving? Would
21 we need to get new phones, new iPads, new
22 computers? Or would they be able to handle the AI
23 frequencies?

24 THE WITNESS (DiVito): Well, I think it would be
25 similar to what we've experienced in our lifetime

1 so far, that we've had a growth in technology;
2 different phones come out, different frequencies.
3 From a telco perspective we've had different
4 radios that we've had to deploy that do different
5 technology.

6 You know, I'm -- I, personally, I don't think
7 there's ever going to be a stop to new stuff.

8 MR. LYNCH: Well, Moore's Law is everything changes
9 every 18 months. That's Moore's Law.

10 Thank you very much. Like I say, it was just
11 a curiosity question on my part, because I know
12 nothing about AI, nor do I want to know. Thank
13 you very much.

14 Mr. Morissette, I'm all done.

15 THE VICE CHAIR: Thank you, Mr. Lynch.

16 We're going to take a break now. The panel
17 has three homework assignments to take care of
18 during the break. So, we will return at 3:40, and
19 that gives you 21 minutes, a little longer than
20 normal, so you can develop your responses to the
21 three questions.

22 Are we clear on what the three questions are?

23 ATTORNEY CHIOCCHIO: Thank you, Vice Chairman.

24 We actually have the answers now. If you'd
25 like, we can provide those answers now.

1 THE VICE CHAIR: That would be great. Thank you.

2 ATTORNEY CHIOCCHIO: Okay, great. Thank you.

3 THE WITNESS (Landino): Hello. Rick Landino again,
4 All-Points Tech.

5 That one parcel that experiences year-round
6 only views is 48 Little Pond Road. It's about a
7 half mile to the northwest of our site. And I
8 want to -- I want to -- it's kind of what I was
9 saying before. It also experiences quite a bit of
10 non-visible views.

11 The year-round only accounts for about 3
12 percent of the overall area. It's mostly
13 non-visible, but it's, you know, 3 percent of it,
14 which is -- it's predicted to be some year-round
15 views. So they'll have some year-round views, no
16 seasonal views. That's that.

17 And then the question about the Last Green
18 Valley, I got clarification on that. The Last
19 Green Valley National Heritage Corridor is also
20 known as the Quinebaug/Shetucket Rivers National
21 Heritage Corridor, which incorporates 35 towns in
22 Northeast Connecticut and South Central Mass. It
23 is recognized as a region possessing significant
24 natural and cultural resources. It is not
25 regulated on a federal or state level, but relies

1 on community-based volunteers and grants to
2 preserve resources.

3 There are more than a hundred
4 telecommunications towers in the corridor,
5 including emergency service providers, radio and
6 television broadcasts, private dispatches, and
7 wireless communications with at least five in the
8 town of Woodstock. So, this type of facility
9 won't be uncommon to the area.

10 THE VICE CHAIR: Thank you.

11 Mr. Nwankwo, does that answer your open
12 questions?

13 MR. NWANKWO: Yes, Mr. Vice Chair. Thank you.

14 THE VICE CHAIR: Very good.

15 THE WITNESS (Landino): Thank you.

16 THE VICE CHAIR: Thank you. Okay. With that, we will
17 now take a break, and we will reconvene at 3:40.

18 Thank you, everyone. We'll see you at 3:40.

19 ATTORNEY CHIOCCHIO: Thank you.

20 THE VICE CHAIR: Thank you.

22 (Pause: 3:21 p.m. to 3:40 p.m.)

24 THE VICE CHAIR: Thank you, everyone.

25 Is the Court Reporter back with us?

1 THE REPORTER: I am, and we are on the record.

2 THE VICE CHAIR: Thank you. Very good. All right.

3 It's time for my turn to ask some questions. I'd
4 like to turn to the coverage plots, the existing
5 and proposed Verizon Wireless 700 megahertz
6 coverage, please.

7 Okay. Well, my first question is Mr. Nwankwo
8 was talking about overcapacity on one of the
9 Putnam facilities, and it wasn't clear to me which
10 one it was. Is it the Putnam Center, Connecticut?
11 Is that the overcapacity that you're trying to
12 relieve?

13 THE WITNESS (DiVito): It's the -- no, sir. It's the
14 Putnam, Connecticut one. So, if you're looking at
15 the 700 existing coverage plots, you'll see, like,
16 directly to the east is Putnam, Connecticut.

17 THE VICE CHAIR: Got it.

18 THE WITNESS (DiVito): A little southeast is the Putnam
19 Center.

20 THE VICE CHAIR: Okay. Thank you. Okay. What is
21 meant by the Woodstock, Connecticut re-lo? What
22 does re-lo mean? Is it relocation?

23 THE WITNESS (DiVito): Yes, sir. So, sometimes when we
24 have to move a site for any number of reasons, but
25 we're (unintelligible) --

1 THE VICE CHAIR: I'm sorry, you're breaking up.

2 THE WITNESS (DiVito): (Unintelligible.)

3 ATTORNEY CHIOCCHIO: I'm plugged in --

4 (unintelligible).

5 THE WITNESS (DiVito): They're back.

6 Can you hear me better now?

7 THE VICE CHAIR: Yes, I can. I didn't hear anything
8 you said before though.

9 THE WITNESS (DiVito): Okay, I apologize. So, let me
10 give you an example of why we might re-lo a site
11 or relocate a site. If, for example, the rent on
12 a rooftop site becomes too expensive when we find
13 a next-door neighbor that has -- can reduce their
14 rent or we could get on it for a cheaper rent, we
15 will -- we'll move.

16 We'll decommission the -- the site, move it
17 to its relocation. It's just, we move the site at
18 some point in history.

19 THE VICE CHAIR: Okay. Thank you. All right. Then,
20 so that's done and it's in place and it's working?

21 THE WITNESS (DiVito): Yes.

22 THE VICE CHAIR: Now in Docket 535, where is that
23 facility going to be in relation to this one?

24 THE WITNESS (DiVito): That's about a little over three
25 miles, I think to the northwest of

(unintelligible) --

THE REPORTER: This is the Reporter. I'm not getting it. I'm having difficulty hearing that testimony. It keeps breaking up.

THE VICE CHAIR: Yes. Unfortunately, Mr. DiVito, your testimony broke up again.

THE WITNESS (DiVito): I'll try it again. Can you hear me a little bit better now?

THE VICE CHAIR: Yes, I can.

THE WITNESS (DiVito): So, it's roughly, I think a little bit over three miles to the northwest of the proposed site.

THE VICE CHAIR: Okay. Thank you.

Okay. I would like to go to drawing SP-1. I think these questions are for Mr. Burns.

Good afternoon, Mr. Burns.

THE WITNESS (Burns): Good afternoon, Mr. Morissette.

Robert Burns from All-Points Technologies.

THE VICE CHAIR: My questions relate to the access road.

THE WITNESS (Burns): Yes, sir?

THE VICE CHAIR: The access road takes a diagonal turn and it crosses some, I'll call it undisturbed property. Is there any reason why the access road doesn't use the existing paved parking lot as its

1 access road?

2 THE WITNESS (Burns): As I understand it, the landlord
3 did not want us to access it through his parking
4 area. He has a gate that he closes because he
5 keeps some of his lumber supplies for his building
6 business in that area. So, he locks that.

7 So, he wanted a separate entrance and access
8 drive to the facility.

9 THE VICE CHAIR: Okay. All right. Yeah, that makes
10 sense. All right. What I'd like to do is I'd
11 like to talk about the flood -- the flooding as
12 well. I'm not sure that's you, Mr. Burns, but --
13 and it has to do with question 48 as well as the
14 drawing in the wetlands report, the FEMA flood
15 zone map.

16 Good afternoon, Mr. Gustafson.

17 THE WITNESS (Gustafson): Good afternoon, sir.

18 THE VICE CHAIR: My question is kind of twofold. Now
19 the way I read it is that the facility after the
20 fill is added will be about .7 feet above the
21 500-year floodplain. Is that correct?

22 THE WITNESS (Gustafson): No. It is, as that -- that
23 currently stands, the facility's location is, in
24 the existing condition, .7 feet above.

25 Referencing, and kind of I think where you

1 may be leading these questions, the actual FEMA
2 flood zone mapping does not have access to the --
3 the actual elevation of the site. They use
4 publicly available elevation data, whether it's
5 digital elevation models or the lidar data that a
6 lot of people are familiar with.

7 THE VICE CHAIR: Uh-huh?

8 THE WITNESS (Gustafson): So, the mapping that's shown
9 is -- is a rough estimate. In my previous
10 testimony where I referenced a base flood
11 elevation, that is an elevation that the National
12 Flood Insurance Program puts out that is based on
13 a study of the resource, in this case the Little
14 River, what -- the actual accurate base flood
15 elevation, the elevation of which they expect
16 floods at both the hundred and 500-year, in this
17 case, the hundred-year flood elevation. Again,
18 that elevation as -- is 29 -- 293.3 feet above sea
19 level.

20 So, in the -- in this case, because we knew
21 the property as well as the proposed facility did
22 occur or, you know, overlap with these buffer
23 zones as they were illustrated on the FEMA map, we
24 did an independent study of that using that base
25 flood elevation. So, based on that base flood

1 elevation, again, we are above at all points of
2 the proposed project in the existing access, the
3 entrance that we're proposing to upgrade, as well
4 as the compound.

5 The base elevation on the existing condition
6 prior to construction, all of those elevations are
7 above that base elevation that's provided by the
8 National Flood Insurance Program.

9 THE VICE CHAIR: For both the 100 and 500?

10 THE WITNESS (Gustafson): Yes. At the 500-year, we're
11 about .7 feet above the 500-year at the compound
12 level.

13 THE VICE CHAIR: Right. Okay. All right. So, my
14 original statement was correct, because I did say
15 it was .7 feet above 500. So, now --

16 THE WITNESS (Gustafson): Sorry to cut you off. And
17 the clarification I would have is that it's in the
18 existing condition, not in the proposed condition
19 after adding the gravel.

20 THE VICE CHAIR: Okay.

21 THE WITNESS (Gustafson): So, the base elevation -- I
22 believe your question was, and maybe I
23 misinterpreted it, was if, you know, after we're
24 adding fill to get it above that, which I just
25 wanted to clarify, we're -- we're above that base

1 flood elevation in the existing condition prior to
2 elevating that, the compound.

3 THE VICE CHAIR: Okay. So, how much higher are you
4 above after the fill? How much higher are you
5 above the 500-year elevation?

6 THE WITNESS (Burns): (Unintelligible) -- proposed at
7 around two-ninety-seven (unintelligible) --

8 THE WITNESS (Gustafson): So, the tower, the base of
9 the tower elevation is about -- and if I can get
10 that --

11 THE WITNESS (Burns): 297-point --

12 THE WITNESS (Gustafson): 297.5. So, with the base
13 flood elevation being 293.3, we are talking about
14 4.2 feet above the base flood elevation, if my
15 math is correct.

16 THE VICE CHAIR: Well, that's where I'm confused. If
17 you look at the response to 48, that is the height
18 of the hundred-year, not the 500-year at the very
19 end of the paragraph.

20 THE WITNESS (Gustafson): So, the only portion of the
21 hundred-year flood zone where we are currently
22 shown as part of the FEMA mapping is the access
23 entrance.

24 THE VICE CHAIR: Okay. So, all right. Let me try to
25 hone in on what my concern is. I'm concerned

1 about the control house -- houses, and whether
2 they will be protected. Because they're really --
3 that's what you want to protect, because the
4 tower, if it's in the flood zone, it's not really
5 going to do any damage. But if the control house
6 gets flooded, there could be problems.

7 THE WITNESS (Gustafson): Yeah. So, yeah. I'll try to
8 put it plainly. We've been throwing a lot of
9 numbers around.

10 So, in the existing condition, as it
11 currently stands, if we put the tower there today
12 without any change to the -- the grading of the
13 compound, we're .7 feet above the 500-year flood
14 zone. Generally, that is consistent with the --
15 the areas where your control houses are as well,
16 plus or minus a little bit, mostly plus.

17 We are elevating the entire compound above
18 that, above that even in addition to that. So,
19 all the control houses plainly will be above the
20 500-year, which is the more exorbitant of the two
21 flood zones. You know, 500-year is a larger area
22 than the hundred-year.

23 So, the control houses that the base -- the
24 base of them will be above both the 500-year and
25 the hundred-year base flood elevation.

1 THE VICE CHAIR: So, the control houses will be
2 approximately four feet above the 500?

3 THE WITNESS (Gustafson): That is correct. Yes.

4 THE VICE CHAIR: Four feet. Okay.

5 A VOICE: It's actually outside the 500.

6 THE VICE CHAIR: Well, that was my other question. Why
7 don't you move the compound further to the south
8 to get it completely out of the flood zone, flood
9 plain.

10 THE WITNESS (Gustafson): So, yeah. So, in the case --
11 again, you know, there I think that what we're
12 being hung up on is the -- what the mapping is
13 showing versus what the actual, where the actual
14 flood zones actually exist. The FEMA flood zones
15 that are shown on the mapping are approximations.

16 THE VICE CHAIR: Yeah.

17 THE WITNESS (Gustafson): What -- my testimony and what
18 I'm saying here today is that if we -- using the
19 base flood elevation data that -- that the
20 National Flood Insurance Program provides, if we
21 redid those zones and provided that map, the
22 compound access and all the areas that we are
23 proposing any sort of disturbance would entirely
24 be outside of those zones if we redid that map.

25 THE VICE CHAIR: Okay. So, this map, FEMA flood zone

1 really is kind of misleading because your
2 calculation has none of this in the 500?

3 THE WITNESS (Gustafson): It's a depiction based on
4 publicly available elevation models.

5 THE VICE CHAIR: Yeah.

6 THE WITNESS (Gustafson): Obviously, we do our own
7 survey to fine tune that, which again led to us
8 being able to determine that we are entirely
9 outside of those flood zones.

10 And again, as part of that response to 48,
11 just to ensure that we had concurrence with the
12 National Flood Insurance Program, we reached out
13 to the state coordinator and they concurred with
14 our assessment that we are entirely outside of
15 those zones.

16 THE VICE CHAIR: Okay. I read somewhere that the data
17 is somewhat dated and it's going to be updated.
18 So, your analysis basically did that, or FEMA is
19 updated?

20 THE WITNESS (Gustafson): So, because of the changing
21 (unintelligible) --

22 THE REPORTER: This is the Reporter. I'm not
23 getting the testimony.

24 THE WITNESS (Gustafson): -- that mapping. It would
25 also update the -- potentially, that base flood

1 elevation based on new flood data.

2 THE VICE CHAIR: Sorry, Mr. Gustafson. You broke off
3 as soon as you started answering.

4 THE WITNESS (Gustafson): I'll keep talking and wait
5 for --

6 THE VICE CHAIR: You're good now.

7 THE WITNESS (Gustafson): Very convenient. I'll keep
8 talking and let me -- I'm good now. Thank you.
9 So again, Matt Gustafson with All-Points.

10 The -- you're correct that as part of a
11 routine or --

12 ATTORNEY CHIOCCHIO: Hit mute on that and come over and
13 use this one.

14 THE WITNESS (Gustafson): We're going to try a
15 different setup and see if --

16 THE VICE CHAIR: Okay. You're perfectly clear now.

17 THE WITNESS (Gustafson): Beautiful. Thank you, sir.
18 We're just getting some feedback. So, I'm --
19 Can you hear the feedback? We're good now. All
20 right, perfect.

21 THE VICE CHAIR: Great.

22 THE WITNESS (Gustafson): So I'll try this again.

23 FEMA, as part of their standard practices update
24 there, their flood insurance mapping on a
25 sometimes frequent basis -- in the case of this

1 mapping, fairly infrequent with this, this mapping
2 being dating that back to 1984, largely in result
3 to changing climatological data as well as changes
4 to, as we talked about, elevation information.

5 We have -- we have known that in this
6 location they are planning, like many locations in
7 the state, they are planning on updating the
8 mapping, so the mapping would be updated. In
9 addition, that bus -- base flood elevation that
10 we're referencing for the Little River could also
11 potentially be updated based on new hydrography
12 data models. So, that base flood elevation could
13 change.

14 We have, as per the correspondence that
15 you're referencing, we have put in a request to
16 the insurance program, the National Flood
17 Insurance Program, to review that data to see if
18 they think that there is going to be a higher base
19 flood elevation. However, they are not planning
20 to update that mapping until, the earliest, until
21 2028, at which point if this facility would be
22 approved it would be long after construction,
23 obviously.

24 So, we are currently, you know, designing our
25 standards for creating to -- to meet the current

1 flood insurance data. Currently, if that data for
2 some reason, or if we get any information to the
3 contrary in the interim, we would make adjustments
4 to -- to meet whatever adjustments in the data
5 that we receive.

6 THE VICE CHAIR: Okay. Thank you.

7 I don't think this question is for you, but
8 I'll throw it out there. Does the tower or
9 Verizon have any standards in which they installed
10 their control houses within flood areas as far as
11 height is concerned?

12 THE WITNESS (Gustafson): Yeah. So, Matt Gustafson
13 again.

14 In cases where we are within the actual flood
15 zone and do you have flooding concerns, I've seen
16 them raised on stilts or steel platforms to get
17 them above that zone. And that's -- it's
18 typically the standard practice in a case where
19 they all have concerns with impacting the
20 compensatory capacity of -- of the flood zones.

21 THE VICE CHAIR: Okay. Because I have seen substation
22 control houses raised above flood plains,
23 specifically the critical equipment in Docket 433
24 in Shelton's substation where it was agreed that
25 the control house, I believe it was the control

1 house would be raised a foot above the 500-year
2 flood plain.

3 So, nobody is worried about this given that
4 we've got climate change, all the flooding that's
5 occurred, and wanting to be safe and maybe
6 installing it a little higher than building some
7 margin into it?

8 THE WITNESS (Gustafson): To your previous note on
9 the -- the substation, you know, typical practices
10 from what we've seen is to keep it a foot outside
11 of the base flood elevation for that exact reason
12 of in case you have some buffer as things shift.

13 THE VICE CHAIR: Exactly.

14 THE WITNESS (Gustafson): In the case of this compound,
15 we are, you know, four feet above that elevation.

16 THE VICE CHAIR: Uh-huh?

17 THE WITNESS (Gustafson): Which gives us, you know,
18 above that kind of typical one foot. So, I can't
19 speak for the entire team, but certainly I think,
20 you know, it is something that we've
21 considered/assessed as part of this project, and,
22 you know, certainly there is -- I don't know if
23 "concern" is the right word, but there's certainly
24 been attentiveness to this flood.

25 Yeah, "awareness" is probably a better word

1 of this flood issue and has been designed as such
2 to keep us, you know, outside of a comfortable
3 tolerance if those flood elevations do shift in --
4 in the lifespan of this facility.

5 THE WITNESS (Burns): Can I add something, Matt?

6 THE WITNESS (Gustafson): Sure, yeah.

7 THE WITNESS (Burns): Mr. Morissette, it's Robert Burns
8 with All-Points.

9 THE VICE CHAIR: Yes, Mr. Burns?

10 THE WITNESS (Burns): I just want to point out that the
11 compound itself was moved to where it is to be
12 outside of the 500-year flood plain. So, the
13 compound itself, the tower, Verizon's equipment is
14 outside of that 500-year flood plain. The
15 access -- part of the access drive is in the
16 100-year, graphically the way it's shown, not by
17 elevation.

18 And part of it is in what they call the 100
19 to 500-year zone, but the compound itself is
20 outside of the 500-year flood plain.

21 THE VICE CHAIR: Great. Very good.

22 Thank you, Mr. Burns.

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

24 THE VICE CHAIR: Yeah, my first read of the response to
25 question 48, I was at .7. And well, whoa, that's

1 a little close.

2 THE WITNESS (Burns): Yeah.

3 THE VICE CHAIR: Given that it's 4, you know, 3.3 feet
4 higher than the .7, you're at 4 feet, and outside
5 the 500, I think you got it covered. And
6 obviously, it's your call, but I think you've
7 looked at it and addressed it appropriately.

8 Thank you.

9 THE WITNESS (Burns): Yes, sir.

10 THE VICE CHAIR: Great. Thank you for answering those
11 questions for me.

12 That concludes my line of questioning for
13 this afternoon. Thank you, panel, for your
14 responses. We will now recess until 6:30, at
15 which time we will have the public comment
16 session.

17 So thank you, everyone. We'll see you at
18 6:30, and have a nice dinner. We'll see you then.

19 Thank you.

21 (End: 4:01 p.m.)

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1 CERTIFICATE

2

3 I hereby certify that the foregoing 83 pages

4 are a complete and accurate computer-aided

5 transcription of my original verbatim notes taken

6 of the remote teleconference meeting of The

7 Connecticut Siting Council hearing in Re: DOCKET

8 NO. 534, THE TOWERS, LLC, APPLICATION FOR A

9 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND

10 PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND

11 OPERATION OF A TELECOMMUNICATIONS FACILITY AND

12 ASSOCIATED EQUIPMENT LOCATED AT 90 Woodstock

13 AVENUE WEST (ROUTE 171), Woodstock, CONNECTICUT,

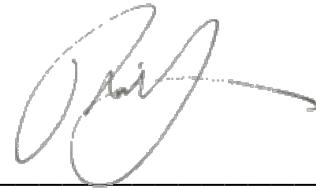
14 which was held before JOHN MORISSETTE, THE VICE

15 CHAIR, on July 17, 2025.

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18



19 _____
20 Robert G. Dixon, CVR-M 857
21 Notary Public
22 My Commission Expires: 6/30/2030
23
24
25

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