

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 541

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 132 Bass Road in Windham, Connecticut.

Zoom Remote Council Meeting (Teleconference),
Evidentiary Session, on Thursday, November 6, 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)

4

5 BRIAN GOLEMBIEWSKI,

6 DEEP Designee

7

8 QUAT NGUYEN

9 PURA Designee

10

11 CHANCE CARTER

12 KHRISTINE HALL

13 BILL SYME

14 DR. SCOTT WILLIAMS

15 DANIEL P. LYNCH, JR.

16

17 Council Staff:

18 ROBERT MERCIER,

19 Siting Analyst

20

21 MELANIE BACHMAN, ESQ.,

22 Executive Director and Staff Attorney

23

24 LISA FONTAINE

25 Administrative Support

1 A p p e a r a n c e s : (c o n t ' d)

2 F o r T h e T o w e r s , L L C (A P P) :

3 R O B I N S O N & C O L E , L L P

4 1 S t a t e S t r e e t

5 H a r t f o r d , C o n n e c t i c u t 0 6 1 0 3

6 B y : J O N A T H A N H . S C H A E F E R , E S Q .

7 J S c h a e f e r @ r c . c o m

8 8 6 0 . 2 7 5 . 8 3 4 9

9 A n d : E M I L Y C . D E A N S , E S Q .

10 E D e a n s @ r c . c o m

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(Begin: 2:00 p.m.)

THE VICE CHAIR: Good afternoon, ladies and gentlemen.

This public hearing is called to order this
Thursday, November 6, 2025, at 2 p.m.

My name is John Morissette, Vice Chair of the
Connecticut Siting Council. Other members of the
Council are Brian Golembiewski, designee for
Commissioner Katie Dykes of the Department of
Energy and Environmental Protection; Quat Nguyen,
designee for Chairman-elect Thomas Wiehl of the
Public Utilities Regulatory Authority; Chance
Carter; Khristine Hall; Bill Syme; Dr. Scott
Williams; and Daniel P. Lynch, Jr.

Members of the staff are Executive Director
Melanie Bachman, Siting Analyst Robert Mercier,
and Administrative Support Lisa Fontaine.

If you haven't done so already, I ask that
everyone please mute their computer audio and/or
telephones now. Thank you.

This hearing is held pursuant to the
provisions of Title 16 of the Connecticut General
Statutes and of the Uniform Administrative
Procedure Act upon an application from The Towers,
LLC, for a certificate of environmental

1 compatibility and public need for the
2 construction, maintenance, and operation of a
3 telecommunications facility and associated
4 equipment located at 132 Bass Road in Windham,
5 Connecticut. This application was received by the
6 Council on June 23, 2025.

7 This Council's legal notice of the date and
8 time of this public hearing was published in The
9 Chronicle on July 30, 2025. Upon this Council's
10 request, the Applicant erected a sign in the
11 vicinity of the proposed site so as to inform the
12 public of the name of the Applicant, the type of
13 facility, the public hearing date and contact
14 information for the Council, including the website
15 and phone number.

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

20 The parties and interveners to the proceeding
21 are as follows. The Applicant, The Towers, LLC,
22 represented by Jonathan Schaefer, Esquire, and
23 Emily C. Deans, Esquire, of Robinson & Cole, LLP.

24 We will proceed in accordance with the
25 prepared agenda, a copy of which is available on

1 the Council's website along with a record of this
2 matter, the public hearing notice, instructions
3 for public access to this public hearing and the
4 Council's citizens guide to the Siting Council's
5 procedures.

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

15 The 6:30 p.m. public comment session is
16 reserved for members of the public who have signed
17 up to make brief statements into the record. I
18 wish to note that the Applicants, parties, and
19 interveners, including their representatives,
20 witnesses, and members are not allowed to
21 participate in the public comment session.

22 I also wish to note for those who are
23 listening and for the benefit of your friends and
24 neighbors who are unable to join us for the public
25 comment session that you or they may send written

1 statements to the Council within 30 days of the
2 date hereof, either by mail or by e-mail, and such
3 written statements will be given the same weight
4 as if spoken during the public comment session.

5 A verbatim transcript of this public hearing
6 will be posted on the Council's website and
7 deposited with the Windham Town Clerk's office for
8 the convenience of the public.

9 We will take a 10- to 15-minute break at a
10 convenient juncture around 3:30 p.m.

11 I believe we have a motion. Attorney
12 Bachman, do we have a motion?

13 ATTORNEY BACHMAN: Good afternoon, Vice Chair
14 Morissette.

15 We do have a motion. It's The Tower, LLC's
16 motion for protective order for the lease
17 agreement financial term dated July 21, 2025.

18 THE VICE CHAIR: Thank you, Attorney Bachman.

19 With that, is there a motion?

20 MS. HALL: I'll make a motion to grant the protective
21 order as requested in this matter.

22 MR. LYNCH: Second.

23 THE VICE CHAIR: Thank you, Ms. Hall. And thank you,
24 Mr. Lynch.

25 We have a motion by Ms. Hall to approve the

1 protective order, and we have a second by
2 Mr. Lynch. We will now move to discussion.

3 Mr. Golembiewski, any discussion?

4 MR. GOLEMBIEWSKI: I have no discussion. Thank you.

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

6 MR. NGUYEN: Good afternoon. No discussion.

7 THE VICE CHAIR: Good afternoon.

8 Mr. Carter, good afternoon.

9 MR. CARTER: Good afternoon. I have no discussion.

10 Thank you.

11 THE VICE CHAIR: Thank you. Ms. Hall, good afternoon.

12 MS. HALL: Good afternoon. No discussion. Thank you.

13 THE VICE CHAIR: Thank you.

14 Mr. Syme, Good afternoon. Any discussion?

15 MR. SYME: Good afternoon. I have no discussion.

16 THE VICE CHAIR: Thank you.

17 Dr. Williams, good afternoon. Any
18 discussion?

19 DR. WILLIAMS: Good afternoon.

20 No discussion. Thank you.

21 THE VICE CHAIR: Thank you. And Mr. Lynch, good
22 afternoon. Any discussion?

23 MR. LYNCH: I have no discussion.

24 THE VICE CHAIR: Thank you. And I have no discussion.
25 We'll now move to the vote.

1 Mr. Golembiewski, how do you vote?

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

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

4 MR. NGUYEN: Vote to approve.

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

6 MR. CARTER: Vote to approve. Thank you.

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

8 MS. HALL: Vote to approve. Thank you.

9 THE VICE CHAIR: Thank you. Mr. Syme?

10 MR. SYME: Vote approval.

11 THE VICE CHAIR: Thank you. Dr. Williams?

12 DR. WILLIAMS: Vote to approve.

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

14 MR. LYNCH: Vote approval.

15 THE VICE CHAIR: Thank you. And I also vote approval.

16 We have a unanimous decision. The motion for
17 protective order is approved. We'll now move on
18 to administrative notices taken by the Council.

19 I call your attention to those items shown on
20 the hearing program marked as Roman Numeral 1C,
21 items 1 through 90. Does the Applicant have an
22 objection to the items that the Council has
23 administratively noticed?

24 Attorney Schaefer, good afternoon.

25 ATTORNEY SCHAEFER: Yes. Good afternoon, Vice Chair

1 Morissette. No objection.

2 THE VICE CHAIR: Thank you.

3 The items are hereby admitted. Accordingly,
4 the Council hereby administratively notices these
5 existing documents. We'll now move on with the
6 appearance by the Applicant.

7 Will the Applicant present its witness panel
8 for purposes of taking the oath? Attorney Bachman
9 will administer the oath.

10 Attorney Schaefer?

11 ATTORNEY SCHAEFER: Thank you. Good afternoon again.

12 Attorney John Schaefer of Robinson & Cole, here
13 with my colleague Emily Deans on behalf of the
14 Applicant, the Towers, LLC.

15 Today we have a witness panel of six
16 representatives of the Applicant. To my far left
17 is Elizabeth Glidden, real estate regulatory
18 specialist with Verizon Wireless. Immediately to
19 my left is Mark Brauer, radiofrequency engineer
20 with Verizon Wireless.

21 Immediately to my right is Brian Paul,
22 project engineer with Vertical Bridge, REIT, LLC.
23 To his right is Matthew Gustafson, registered soil
24 scientist and forester with All-Points Technology
25 Corporation. To his right is Rick Landino, Senior

1 Design Analyst at All-Points Technology
2 Corporation. And last, but not least, to his
3 right is Joseph Johnston, PE, Vice President,
4 Engineering, of Airosmith Development,
5 Incorporated.

6 I would offer these Witnesses at this time to
7 be sworn in.

8 THE VICE CHAIR: Thank you, Attorney Schaefer.

9 Attorney Bachman, please proceed in swearing
10 in the Witnesses. Thank you.

11 ATTORNEY BACHMAN: Thank you, Vice Chair Morissette.

12 Could the Witnesses please raise your right
13 hand?

14 E L I Z A B E T H G L I D D E N,

15 M A R K B R A U E R,

16 B R I A N P A U L,

17 M A T T G U S T A F S O N,

18 R I C K L A N D I N O,

19 J O S E P H J O H N S T O N,

20 called as witnesses, being duly 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: Thank you, Attorney Bachman.

1 Attorney Schaefer, please begin by verifying
2 all the exhibits by the appropriate sworn
3 witnesses.

4 ATTORNEY SCHAEFER: Yes. We have four exhibits listed
5 in the hearing program. Those exhibits are listed
6 in the hearing program under Roman numeral two,
7 under the appearance of Applicants, subsection B,
8 and they include the application for a certificate
9 of environmental compatibility and public need,
10 filed by The Towers, LLC, dated June 23, 2025,
11 along with bulk filing exhibits, including the
12 technical report, the Town of Windham zoning
13 regulations, the Town of Windham inland wetlands
14 and watercourses regulations, and the Town of
15 Windham plan of conservation and development.

16 Also included as exhibits are the Applicant's
17 affidavit; a publication filed with the Council on
18 July 17, 2025; the Applicant's signposting
19 affidavit filed with the Council on October 28,
20 2025; and lastly, Applicant's response to the
21 Council's interrogatories filed with the Council
22 on October 21st.

23 I offer these for identification purposes at
24 this time, subject to verification by the
25 Witnesses. And if it pleases the Council, we will

1 verify these, these exhibits as a panel by the
2 Witnesses for administrative effectiveness.

3 THE VICE CHAIR: Very good. Please do. Thank you.

4 ATTORNEY SCHAEFER: Thank you.

5 So, let me ask the panel, did you prepare or
6 assist in the preparation of the exhibits listed
7 in the hearing program under Roman numeral 2,
8 subsection B, items 1 through 4?

9 Mrs. Glidden?

10 THE WITNESS (Glidden): I did.

11 ATTORNEY SCHAEFER: Mr. Brauer?

12 THE WITNESS (Brauer): Yes, I did.

13 ATTORNEY SCHAEFER: Mr. Paul?

14 THE WITNESS (Paul): Yes.

15 ATTORNEY SCHAEFER: Mr. Gustafson?

16 THE WITNESS (Gustafson): Yes.

17 ATTORNEY SCHAEFER: Mr. Landino?

18 THE WITNESS (Landino): Yes.

19 ATTORNEY SCHAEFER: And Mr. Johnston?

20 THE WITNESS (Johnston): Yes.

21 ATTORNEY SCHAEFER: Thank you.

22 Do you have any amendments or modifications
23 to offer to any of those exhibits at this time?

24 Mrs. Glidden?

25 THE WITNESS (Glidden): No.

1 ATTORNEY SCHAEFER: Mr. Brauer?

2 THE WITNESS (Brauer): I have one correction to the
3 interrogatory responses, question 45, referencing
4 application attachment RF table. The value in
5 dark green is not legible, please resubmit. And
6 it was -- the response was answered with an FAA
7 marking and lighting response that should have
8 said 5.1 percent.

9 And the -- what we've done is we've changed
10 the table a little bit. So, future filings, when
11 it's scanned it should be more legible. We
12 basically changed the -- the black to white. And
13 the -- made it a larger font. So, it should be
14 more legible in the future.

15 ATTORNEY SCHAEFER: Anything else?

16 THE WITNESS (Brauer): Nothing else.

17 ATTORNEY SCHAEFER: Thank you very much.

18 Mr. Paul?

19 THE WITNESS (Paul): No changes.

20 ATTORNEY SCHAEFER: Mr. Gustafson?

21 THE WITNESS (Gustafson): No.

22 ATTORNEY SCHAEFER: Mr. Landino?

23 THE WITNESS (Landino): No.

24 ATTORNEY SCHAEFER: And Mr. Johnston?

25 THE WITNESS (Johnston): No.

1 ATTORNEY SCHAEFER: Thank you.

2 With those modifications, is the information
3 contained in these exhibits true and accurate to
4 the best of your knowledge?

5 Mrs. Glidden?

6 THE WITNESS (Glidden): Yes.

7 ATTORNEY SCHAEFER: Mr. Brauer?

8 THE WITNESS (Brauer): Yes.

9 ATTORNEY SCHAEFER: Mr. Paul?

10 THE WITNESS (Paul): Yes.

11 ATTORNEY SCHAEFER: Mr. Gustafson?

12 THE WITNESS (Gustafson): Yes.

13 ATTORNEY SCHAEFER: Mr. Landino?

14 THE WITNESS (Landino): Yes.

15 ATTORNEY SCHAEFER: And Mr. Johnston?

16 THE WITNESS (Johnston): Yes.

17 ATTORNEY SCHAEFER: And do you adopt the information
18 contained in those exhibits as your testimony in
19 this proceeding?

20 Mrs. Glidden?

21 THE WITNESS (Glidden): I do.

22 ATTORNEY SCHAEFER: Mr. Brauer?

23 THE WITNESS (Brauer): Yes.

24 ATTORNEY SCHAEFER: Mr. Paul?

25 THE WITNESS (Paul): Yes.

1 ATTORNEY SCHAEFER: Mr. Gustafson?

2 THE WITNESS (Gustafson): Yes.

3 ATTORNEY SCHAEFER: Mr. Landino?

4 THE WITNESS (Landino): Yes.

5 ATTORNEY SCHAEFER: And Mr. Johnston?

6 THE WITNESS (Johnston): Yes.

7 ATTORNEY SCHAEFER: Vice Chair Morissette, I offer them
8 as full exhibits, and we offer the Witnesses for
9 cross-examination.

10 THE VICE CHAIR: Thank you, Attorney Schaefer. The
11 exhibits are hereby admitted.

12 We will now begin with cross-examination of
13 the Applicant by the Council, starting with
14 Mr. Mercier, followed by Mr. Golembiewski.

15 Mr. Mercier, good afternoon.

16 MR. MERCIER: Afternoon. Thank you.

17 I'm going to begin by reviewing the responses
18 to the Council's interrogatories which were
19 submitted on October 21st. I'm going to simply go
20 through a couple of interrogatories to clarify a
21 couple of responses, and I'm going to begin with
22 interrogatory number five, the response to number
23 five.

24 Sorry. There's some background noise.

25 For number five the response states, the

1 proposed site was not within the initial
2 half-mile-radius search area. And it was expanded
3 to a three-quarter-mile radius because no sites
4 were actually available in that half-mile search
5 area.

6 Since the proposed site is slightly outside
7 the half mile, what coverage deficiencies or
8 issues result of being not in the prime location
9 that you were hoping for?

10 THE WITNESS (Brauer): Mark Brauer. I may be able to
11 answer that question.

12 Typically, when we issue a search ring we
13 will look for, especially with -- with a coverage
14 site, we will look for the highest point in the
15 area to try and cover as much as possible. When
16 we move the search ring, sometimes we will have to
17 make adjustments to the tower height or the type
18 of antennas that we use, or the orientation of the
19 antennas.

20 So, not -- not being in the prime spot does
21 have an effect on the -- the proposed site, but as
22 long as we can get a viable candidate it doesn't
23 have much of an effect overall.

24 MR. MERCIER: Okay. So, for this particular site, was
25 the tower height raised given maybe a shorter

1 elevation ground-wise, or was there a modification
2 to antennas?

3 THE WITNESS (Brauer): I believe there was a slight
4 increase in centerline as well as an orientation
5 change to the antennas to -- to try to cover the
6 same area.

7 MR. MERCIER: Okay. Thank you.

8 I'm going to move on to response 30, which
9 had to do with performance indicators of
10 surrounding sites.

11 There are several sites here listed, and two
12 of them, the Scotland site and the Chaplin South
13 site have data speeds in megabits per second. So,
14 what's the relevance of this information? What do
15 these data speeds indicate for the coverage area?

16 THE WITNESS (Brauer): So, once -- when a site has slow
17 data speeds, it affects the performance of the
18 site and the customers, the customers using the
19 service. The -- the one megabit and the three
20 megabit per second, once -- once we drop below
21 about five megabits per second, customers can --
22 customers will see the impact on that. They'll
23 start to notice lag in opening web pages. They
24 may start to notice text taking a little bit
25 longer than -- or having to resend.

1 And in the case of the Scotland sector being
2 below one megabit per second, that really has an
3 impact on the users. Your GPS apps can freeze and
4 have to reconnect. Text may not go through at all
5 at that point, because once -- once we get below
6 one, the data speeds are just not there anymore to
7 handle all of the -- all of what the users want.

8 MR. MERCIER: Are the data speeds that are presented
9 here, is that speed for the entire sector coming
10 from the tower? Or is it just in this particular
11 area where you're trying to build the tower?

12 You know, I understand, you know, that these
13 towers are several miles distant. So, where are
14 the data speeds measured?

15 THE WITNESS (Brauer): Well that, they are measured
16 at the -- at the site level and then -- then the
17 individual sector level. So, it's -- it's not
18 necessarily an area, per se. It's the -- the
19 whole sector on that site.

20 MR. MERCIER: Okay. Thank you.

21 So, the proposed tower obviously will
22 increase data speeds in the proposed coverage
23 area. Correct?

24 THE WITNESS (Brauer): Yeah. So, in this, this
25 particular case, the -- because we -- it's a much

1 more rural area, what's happening is users are
2 getting into poor -- areas of poor service and
3 they're sitting there and they're hanging on the
4 site, and there they're just -- they're loading up
5 the sector because they can't get on, get what
6 they want, and then get off to free up the
7 resources for the next user.

8 So, with -- with this particular site, if we
9 fill in the coverage area, we end up alleviating
10 the coverage need as well as the capacity need.

11 MR. MERCIER: Okay. I guess I was taken off my
12 question. So, once this particular tower, if it's
13 constructed, will increase data speeds in the
14 immediate area, but it would also increase data
15 speeds on the other two sectors that are listed
16 here in the response. Is that correct?

17 THE WITNESS (Brauer): Correct. Yes.

18 MR. MERCIER: Thank you.

19 I think the next question actually pertains
20 to response 54, and this was a question about
21 application attachment 13. It was an
22 environmental resources map.

23 And essentially the question was, where did
24 you get the core forest label, as you called it on
25 attachment 13, and you provided a response. For

1 the attachment 13 legend, you know, based on the
2 response you provided, should -- the beige color
3 in the legend, should that actually be marked as
4 forest land habitat instead of core forest?

5 THE WITNESS (Gustafson): Matthew Gustafson.

6 Yes, it could be labeled, as -- as you noted,
7 the forest land habitat impact map. However this,
8 this layer generally demarcates areas that are
9 considered core forest using the UConn CLEAR
10 forest fragmentation data analysis.

11 So, while you -- your question is -- is
12 accurate. It could be relabeled, as -- as you
13 noted, as the forest land habitat impact map. It
14 is still currently representing areas demarcated
15 under that data layer as, you know, core forest.

16 MR. MERCIER: Okay. I'm looking at the beige areas and
17 there's buildings, and then there's lawn areas and
18 there's roads. Those areas are not core forest.

19 Is that correct?

20 THE WITNESS (Gustafson): That is correct. My
21 understanding of the data layer is that, you know,
22 it's created using remote sensing techniques. So,
23 it has not been ground truthed in some areas, to
24 your point, in the vicinity of this, this location
25 using that same methodology of areas within 300

1 feet of development intrusions, which on this site
2 would include the -- the residential development
3 and associated areas.

4 In fact, the -- the areas for the compound
5 and access would be within that 300-foot kind of
6 edge forest perforation, and therefore would not
7 be in areas that would be considered true core
8 forest.

9 So, to put it simply and to maybe get at what
10 the question is, the data layer is probably
11 overestimating the areas of -- of core forest.
12 And in the case of this site, the majority of the
13 site is not within core forest. And none of the
14 proposed facility, it would be within areas of
15 core forest. It would be in areas of --
16 considered edge forest.

17 MR. MERCIER: Okay. Thank you.

18 Move on to responses, interrogatory responses
19 55 to 61. These were a series of questions
20 regarding the two vernal pools on the host parcel.
21 They're also kind of -- the two vernal pools are
22 shown on that environmental resources attachment
23 13, application attachment 13.

24 Based on the responses collectively in the
25 depiction of the two vernal pools on application

1 attachment 13, just looking at it in some of the
2 data you have, would you basically say the
3 vernal -- is it correct to say vernal pool one
4 might have more environmental attributes than
5 vernal pool two?

6 THE WITNESS (Gustafson): Matthew Gustafson again.

7 In my professional opinion, both pools are
8 currently -- do not currently represent
9 significant ability to support obligate breeding.
10 Both pools are anthropogenic in origin. Both
11 during our surveys did not contain significant
12 levels of breeding.

13 Vernal pool one only was observed having six
14 spotted salamander egg masses versus vernal pool
15 two, which only had five wood frog egg masses.
16 Both of those quantities are fairly low and
17 obviously being a single species, not all that
18 diverse.

19 So, in my professional opinion, I believe
20 both are -- and reflected in the tier rating, both
21 being tier-two conservation status vernal pools.
22 Neither represents kind of significant opportunity
23 for obligate vernal pool breeding habitat.

24 MR. MERCIER: Okay. Thank you.

25 And given that response, I noted the proposed

1 tower access drive extends northwards beyond
2 vernal pool two, according to attachment 13 and
3 referencing that map, you know, to the compound
4 area. And I understand you found spotted
5 salamander in one pool and wood frog in the other.

6 Would the gravel road that's proposed, would
7 that be -- serve as any impediment to wood frog or
8 spotted salamander dispersal?

9 THE WITNESS (Gustafson): Again, Matthew Gustafson.

10 No, in my professional opinion, the road, the
11 proposed road, as you've identified it as it
12 traverses both east and north of vernal pool two
13 being a facility that's un -- you know, unmanned
14 and with low vehicular traffic would not represent
15 a significant migratory impediment for -- for
16 species utilizing vernal pool two.

17 In addition, any potential short-term impacts
18 created during construction, it will be properly
19 mitigated as part of our proposed resource
20 protection plan, which includes several elements,
21 a couple being contractor training as well as a
22 restrictive barrier during construction and
23 monitoring by an environmental monitor.

24 MR. MERCIER: Thank you.

25 I think you just used the term "migratory

1 corridor," and that was also used in the response
2 to number 56. Now, when you mentioned the term
3 "migratory corridor," is that consistent with the
4 definition of directional corridor that's used in
5 the 2015 US Army Corps of Engineers best
6 management practices for vernal pools?

7 THE WITNESS (Gustafson): Yes, yes. Those terms --
8 Matthew Gustafson, again.

9 Yes, those terms are used synonymously.

10 MR. MERCIER: Thank you.

11 I was going to flip down to attachment two of
12 the interrogatories, and that had a couple
13 pictures of the vernal pools. So, I just had a
14 question on one of the pictures. Let me find
15 that. I think it was photo number three. I was
16 interested in attachment one.

17 THE WITNESS (Gustafson): Yes, yeah.

18 MR. MERCIER: I apologize. Attachment two, photo
19 number three. It says, photo three, view of
20 vernal pool one taken on October 11th of '24.

21 Is the pool generally located between the
22 snagged tree to the left and the dead tree in the
23 center --

24 THE WITNESS (Gustafson): Matthew Gustafson --

25 MR. MERCIER: -- (unintelligible.)

1 THE WITNESS (Gustafson): -- again.

2 The vernal pool in this picture generally
3 constitutes the entire center of the image. If
4 you're looking at it, there's taller or, you know,
5 moderately sized shrubs to your, kind of, view
6 left and view right, and there's more emergent
7 vegetation at the bottom and middle of the photo.

8 The area of that emergent vegetation, as it,
9 you know, kind of shifts from the bottom towards
10 the -- the middle of the photo, that generally
11 constitutes the -- the extents of the vernal pool.
12 And in this photo, the reference to, you know, one
13 to two feet of inundation is -- is generally it
14 being in, you know, the middle of October in what
15 amounted to a more drier fall back in 2024 prior
16 to the onset of some significant rains.

17 That inundation was -- was a little bit lower
18 at that time, which is why you're not seeing it
19 present at the -- in the photo, in the emergent
20 vegetation poking through.

21 MR. MERCIER: Okay. Thank you.

22 I have a couple questions on the visibility
23 analysis, and that was included in application
24 attachment number nine.

25 I'm going to look at the aerial photo of the

1 overall visibility map. I think that's page 9 on
2 the Council's website of, you know, PDF page 9.

3 Oh, I just lost it. But anyway, looking at
4 the map, there's an abutting property which
5 appears to be a residence to the northeast. I
6 believe that's at 572 Kemp Road, northeast of the
7 tower site. And it doesn't show any seasonal or
8 year-round visibility up to the northeast there.

9 I'm just trying to get a sense of what's
10 actually blocking the view of the tower from this
11 particular residential area.

12 THE WITNESS (Landino): This is Rick Landino,
13 All-Points Tech.

14 You're talking 575 Kemp Road. Correct?
15 South of the -- south of the tower?

16 MR. MERCIER: No, it's to the northeast. If you look
17 at the aerial photograph, it shows overall
18 visibility within two miles.

19 THE WITNESS (Landino): Yeah.

20 MR. MERCIER: If you go to the northeast of the site,
21 you'll see a cleared area and a residence right
22 next to it.

23 I may have the address wrong, however.

24 THE WITNESS (Landino): Oh, I think I see what you're
25 saying. Yeah, directly --

1 MR. MERCIER: The residence has a driveway that extends
2 along the property line.

3 THE WITNESS (Landino): I see.

4 MR. MERCIER: For reference.

5 THE WITNESS (Landino): So, yeah. So, northeast of the
6 site. I -- I believe it's a combination of rising
7 topography east of the site and vegetation that's
8 obstructing that, your line of sights there.

9 MR. MERCIER: Yes, I have the map back up. Yeah, it's
10 right beyond the town line that's marked in yellow
11 with a dash to the, kind of, right of that a
12 little bit. Although, this image is not well --
13 it's not clear.

14 Okay. So, if the house is located at a
15 taller elevation, according to the topo map on the
16 previous page it might be 30, 40 feet high, why
17 wouldn't the property have, like, a direct view
18 down onto the tower? Would it be up at eye level?

19 Instead of, you know, looking up in the sky,
20 it would be just at eye level?

21 THE WITNESS (Landino): Yeah, it's -- it is. It's
22 heavily wooded. It is heavily wooded, and to me
23 it looks like it rises and -- and it kind of -- it
24 kind of plateaus for a while before you reach that
25 property a little bit. So, I think it's a

1 combination of those things, the -- the rise in
2 elevation and the -- and the vegetation, the
3 trees.

4 MR. MERCIER: Okay. Again, when you do the visibility
5 mapping, that's based on what type of resource?

6 The lidar resource?

7 THE WITNESS (Landino): The way --

8 MR. MERCIER: Would it be, like, the density of trees?

9 THE WITNESS (Landino): The way our GIS team puts those
10 together, it's based on lidar data. So, you
11 have -- and your 3D topography. So, your lidar
12 data captures, you know, tops of trees and the
13 elevations, and it kind of creates a
14 three-dimensional model with it.

15 So, you're kind of getting -- all the yellow
16 is line of sight to the tower from anywhere that
17 it's not obstructed by trees or topography, the
18 combination.

19 MR. MERCIER: Okay. And staying with the topo map I
20 just mentioned that was the overall visibility,
21 and now looking at the tower one more time down to
22 the southeast, you know, it shows there's the
23 property line there that's dashed right next to
24 the tower on the right.

25 There there's three residences along Bass

1 Road, which I believe becomes Kemp Road right when
2 it crosses the town line. And those aren't marked
3 with any visibility either, although the one to
4 the left of it is. Do you have any sense of why,
5 why seasonal visibility would not extend over to
6 those three residences to the southeast?

7 THE WITNESS (Landino): I -- I am seeing some seasonal
8 visibility southeast of the site right along Kemp
9 Road, some potential for seasonal visibility that
10 we called out. It's probably similar to view
11 twelve, if I had to guess, but twelve is closer to
12 than -- closer to our site than the area I think
13 you're talking about, but there is a little bit of
14 seasonal visibility over there.

15 I think the reason why there's probably so
16 little is because of the density of the trees and,
17 again, the topography. There is a rising hill
18 just to the east of the site, and then as you move
19 farther east-northeast along Kemp Road there, that
20 hill blocks your line of sight to the tower.

21 MR. MERCIER: Okay. Thank you.

22 THE WITNESS (Landino): Sure.

23 MR. MERCIER: I just have one other question. It just
24 has to do with the access drive. You know it's a
25 shared driveway up to the residence, and then

1 you're extending the driveway up to the tower.

2 For the access road, who is responsible for
3 maintenance and snow removal?

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

6 The road as it exists today will stay in
7 place. The current property owner will maintain
8 the property as he always has, or as they always
9 have. Where the road takes on its new
10 characteristics beyond the residence to the tower
11 will be maintained by Vertical Bridge.

12 MR. MERCIER: Thank you.

13 I have no other questions. Thank you.

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

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

18 Mr. Golembiewski, good afternoon.

19 MR. GOLEMBIEWSKI: Good afternoon, Vice Chair.

20 I have a few questions. My first question is
21 based on the coverage maps, specifically the 700
22 megahertz coverage maps. I heard the response to
23 Mr. Mercier in regards to kind of how this tower
24 functions. One is coverage, which is pretty clear
25 that it fills a gap, but I'm having a hard time

1 wrapping around how it interacts with the other
2 towers around it, because I don't see a lot of
3 overlap in any of the green and blue.

4 So, could you maybe explain to me how this
5 offsets? I guess you were talking about, you
6 know, not necessarily coverage, but, you know,
7 sort of users that are backlogged on some of these
8 other -- or in a logjam on some of these other
9 towers, when I don't really see a whole lot of
10 interaction, at least based on these, the 85 and
11 95 levels in building and in vehicle?

12 THE WITNESS (Brauer): Yes. Mark Brauer, Verizon
13 Wireless.

14 So, when you have an area that's outside of
15 our coverage threshold, that that doesn't
16 necessarily mean that you can't access the system
17 at all. It means the service is going to be
18 unreliable. So, even though you're in an open
19 area, you are going to be -- you can be on some of
20 those surrounding sites.

21 When we bring in the new site to fill in that
22 area, you now have a strong dedicated server for
23 that area. And now those users can now stop
24 repeating requests or very slow requests to the
25 surrounding sites. They now have a good server

1 that they can get on and to have a very fast
2 service and -- and very reliable service.

3 So, that's basically what happens is when you
4 have users sitting there in poor RF conditions,
5 you can have those just -- they're just sitting
6 there, and there they're taking up resources for a
7 very long period of time which impacts capacity,
8 data speeds. And also, you're in an area where it
9 is unreliable. You have increased dropped calls.

10 MR. GOLEMBIEWSKI: Okay. I guess, you know, a lot of
11 times I don't really worry about the coverage
12 maps, but in this case -- so, your tower doesn't
13 really fill in any gaps on Route 203. It doesn't
14 really fill in any gaps on 14. It doesn't really
15 fill in any gaps on 97.

16 It seems like if I was looking at attacking
17 this, this is -- right? Like, no man's land in
18 the middle. It seems like you've set yourself up
19 to need, like, four more towers if you want to
20 cover the main roads that people travel in that
21 area.

22 What is your response to that?

23 THE WITNESS (Brauer): Well, when we -- before we're
24 looking at areas to provide service, this
25 particular area, although it's not along a state

1 road, there still are -- there still are users
2 that come in here and they also come up into
3 the -- the state forest. I believe it's Beaver
4 Brook State Park that's to the northwest of this
5 area.

6 So, even though it's not on a state route,
7 we -- we still do have users in this area that --
8 that need improved service.

9 MR. GOLEMBIEWSKI: I'm not saying that there's a lack
10 of coverage there, but it just seems like you
11 could have attacked roads that probably thousands
12 of people travel a day in lieu of -- I don't know.
13 I mean, I don't know how many houses are even in
14 your gap.

15 I'm not sure if there's dozens, but it just
16 seems like it's like -- I don't know. Just, I
17 don't know. It just seems like it doesn't --
18 priority-wise, it sort of just covers a big gap,
19 but it's not any -- it's not very strategic to me.

20 But -- okay. Well, I'll move on from that.
21 I guess I'll go now to the vernal pool issue. Let
22 me go to this, to the map here.

23 So, I know Mr. Mercier was talking about the
24 directional buffer, I guess if you want to call it
25 that. And as I look -- so, vernal pool one you

1 said had spotted salamander. And vernal pool two
2 had wood frogs.

3 If you were going to, you know, not just do,
4 you know, a radius around it, would the
5 directional buffers go to the north? And the --
6 so, I guess we'll take it by vernal pool one
7 first.

8 To me, it looks like the directional would go
9 to the north and northwest. Is that accurate?

10 THE WITNESS (Gustafson): Matthew Gustafson.

11 So, in the context of these pools, as they
12 likely serve a larger metapopulation, using best
13 professional judgment and looking at the aerials,
14 there are larger core forested wetlands to the
15 west that, based on aerial signatures, look like
16 they likely support or have the potential to
17 support more complex and higher valued
18 productivity vernal pool habitat.

19 It's likely these pools, being anthropogenic
20 in origin, are seeing breeding because of
21 dispersal from that larger metapopulation to the
22 west. So, while your -- your -- what your
23 statement is of -- of kind of directional
24 potential pathways to the north and west are
25 possible, because that's where there's certainly

1 suitable bordering upland habitat, it's -- in my
2 personal opinion it's more likely that what we're
3 seeing is dispersal from that western
4 metapopulation east towards these pools.

5 These pools are being intercepted during that
6 migration, and during that period are just being
7 used as kind of sink habitats for -- for breeding.

8 MR. GOLEMBIEWSKI: Okay.

9 THE WITNESS (Gustafson): But again, there's certainly
10 potential that there is some pathways to the north
11 and -- and east into those upland habitats, but
12 again, my -- my best judgment of how these pools
13 likely fit because of the kind of low productivity
14 and low species diversity that we're seeing in
15 these pools is that there they're likely kind of
16 pools on the very far outlying stretches of -- of
17 a larger metapopulation to the west.

18 MR. GOLEMBIEWSKI: Okay. And when you say sink, you
19 don't know specifically that they're a sink.
20 You're just basically, based on what you see, you
21 would think that the success rate is fairly low in
22 these pools?

23 THE WITNESS (Gustafson): Again, Matthew Gustafson.

24 That's -- that's correct, based on what we're
25 seeing in the hydrology of these two pools being

1 potentially, subjectively, year-round flooding,
2 them being anthropogenic in -- in origin, their
3 proximity to the residents and some of the -- the
4 infrastructure associated, and the likely high
5 predation in these pools, because of that. We're
6 seeing quite a few green frogs and other predatory
7 species.

8 It is likely that these areas, you know, do
9 not support or fully support breeding in these at,
10 you know, a significant capacity.

11 MR. GOLEMBIEWSKI: Okay. So, you -- as I look at sort
12 of the layout, the compound is actually within
13 that 100 -- let's see. Is that the hundred-foot?
14 The hundred-foot envelope, it looks like it could
15 be sort of flexed to the north to be outside of
16 that.

17 And I guess you did not suggest that because
18 you don't believe it would make much difference?

19 THE WITNESS (Gustafson): Matthew Gustafson.

20 I think it's a fair characterization, yes.

21 MR. GOLEMBIEWSKI: Okay.

22 THE WITNESS (Gustafson): Where, you know, we're
23 approximately 95 feet away. Shifting it five feet
24 to get outside the hundred-foot boundary, while
25 that would result in it technically being

1 compliant with the BDP guidelines, in my personal
2 opinion, that doesn't -- that would not result in
3 a significant effect on -- on this pool.

4 That 5 feet or, in this case, you know,
5 the -- what we're talking about is the 58 square
6 feet of impact resulting from the compound is not
7 going to result in a significant benefit to that,
8 to that pool.

9 MR. GOLEMBIEWSKI: Okay. I know I've asked this
10 probably previously, but do you believe the
11 compound limits itself is an obstruction to wood
12 frogs -- and in this, I guess, this case wood
13 frogs, but we'll throw in spotted salamanders.

14 Do you think they can make it across one of
15 those without desiccating, you know, desiccating
16 or without getting, you know, some type of lost or
17 injured?

18 THE WITNESS (Gustafson): Yeah, Matthew Gustafson
19 again.

20 I think it's far more likely that they would
21 avoid it, and it being a 50 by 50, being able to
22 circumvent even with the access road kind of
23 closing out one side. The access road only being
24 twelve feet wide, the access road itself doesn't
25 result in, you know, an impediment to that

1 migration. They're certainly not going to
2 desiccate walking over those 12 feet.

3 So, my guess is that any -- any amphibians
4 migrating towards the compound, towards vernal
5 pool two from the north or east would just
6 circumvent the compound. And that, you know, it
7 being 50 by 50, that doesn't represent a
8 significant alteration to their -- their migratory
9 pathways that would result in any sort of
10 significant effect on -- on their health or
11 ability to get into vernal pool two.

12 MR. GOLEMBIEWSKI: Okay. Would it be unreasonable to
13 ask for one year or two years of monitoring after
14 to make sure that wood frogs are getting to vernal
15 pool two?

16 THE WITNESS (Gustafson): So, that's -- Matthew
17 Gustafson again.

18 In my personal opinion, I don't think it
19 would be unreasonable. We are proposing a
20 protection, a resource protection plan that
21 includes monitoring during construction and up
22 until construction is completed to ensure that the
23 pool is not impacted.

24 In this particular scenario, because of the
25 low numbers that we're seeing in egg masses and

1 the higher -- highly variable nature of potential
2 hydrology to these pools because they're
3 anthropogenic in origin, you know, pools that are
4 constructed like this very well one year could see
5 a foot of water, and the next year if it's a
6 little bit drier, it could be -- it could be dry.
7 Similarly, when you're talking about low numbers
8 like five and six egg masses, that can be from
9 just a couple females.

10 So, where I'm going with this is that you
11 may, you know, if we kind of take this to the next
12 step and we did do a monitoring in year two, or
13 one or two after construction, you may not see any
14 breeding in these pools and it may not have
15 anything to do with the construction of the
16 compound. It may just be that these pools are
17 highly variable in nature, and -- and therefore
18 that that data would be inconclusive whether we
19 had it or not.

20 But that, I guess the direct answer to the
21 question is I don't believe it would be
22 unreasonable. It just -- it may not be all that
23 informative.

24 MR. GOLEMBIEWSKI: Okay. But it would make us -- we
25 would then at least have some idea on whether this

1 development had some impact on migration, whether
2 it's a handful of frogs or not, but I see what
3 you're saying.

4 There's so many variables. It may not -- if
5 it was a larger pool and a large, you know,
6 larger, yeah, reproductive reproduction there, you
7 might have some statistical -- something you could
8 look at statistically. Okay.

9 THE WITNESS (Gustafson): Yeah. And certainly, you
10 know -- and Matt Gustafson again.

11 You know, if we saw breeding, you know, in
12 year one or year two, you know, to your point,
13 that would support there's no "if" and no effect.
14 But if we didn't see breeding, it, you know, it
15 essentially would be, you know, it would not tell
16 us that there -- that there wasn't effect, you
17 know, there there was a negative effect, so.

18 MR. GOLEMBIEWSKI: Yeah, I guess I'm just a little, you
19 know, like, for site, you know, we're looking at
20 an environmental compatibility. So, I just kind
21 of feel like I know it's manmade, but I just, you
22 know, this might be the first time I've seen, you
23 know, an access road and a compound proposed
24 within the hundred-foot envelope of a vernal pool.

25 So, I'm just trying to wrap my head around it

1 and just trying to think of reasons why I would
2 vote to approve this. So, I guess monitoring, if
3 we condition monitoring, that's something that
4 could be done. Is that accurate?

5 THE WITNESS (Gustafson): Matt Gustafson.

6 Yeah, my understanding is that the -- the
7 Applicant would be amenable to monitoring if that
8 it becomes a condition of approval.

9 MR. GOLEMBIEWSKI: Okay. All right. Thank you.

10 Thank you, panel. Thank you, Vice Chair.

11 THE VICE CHAIR: We'll now continue with
12 cross-examination by Mr. Nguyen, followed by
13 Mr. Carter.

14 Mr. Nguyen, good afternoon.

15 MR. NGUYEN: Good afternoon, Mr. Vice Chair. And good
16 afternoon, panel. Many questions have been asked
17 and answered. Just a couple.

18 Regarding to question number 30, Mr. Mercier
19 asked about this response. And you indicated that
20 these are four sectors that are somewhat
21 determined to be substandard service.

22 So, the question is, if this tower is
23 approved, what will we see in terms of improvement
24 on these four sectors? Are we seeing higher
25 megabits per second? Are we seeing lower dropped

1 calls, and what would that mean?

2 THE WITNESS (Brauer): Yes. Mark Brauer, Verizon
3 Wireless.

4 Yeah. So, if this site were to be approved
5 and put in place, we would be alleviating the --
6 the data throughput speed problems on our Scotland
7 site as well as dropped calls on our Chaplin and
8 Hampton sites.

9 So, dropped calls would improve, yes. And
10 data speeds would also improve, yes.

11 MR. NGUYEN: What would that be? You talk about five
12 megabits per second. Is that the objective?

13 THE WITNESS (Brauer): Yeah, we -- once we start
14 getting close to five, we start to worry about
15 issues.

16 We typically like to be -- and this isn't an
17 industry standard. This is -- this is more
18 Verizon trying to be as -- as good as they can be.
19 We typically like to be above 30 megabits per
20 second.

21 MR. NGUYEN: And again, these were measured. These
22 statistics or data were measured by the existing
23 customers out there? Or is it based on some
24 side-by-side statistical calculation?

25 THE WITNESS (Brauer): It is statistics directly,

1 directly from our sites.

2 MR. NGUYEN: Moving on to the answer to number 53, the
3 response to interrogatory number 53, this has
4 something to do with the access area that will be
5 within the wetland. And the answer indicated that
6 a US Army Corps of Engineers permit may be
7 required, or have to reach out to US Army Corps of
8 Engineers to have --

9 THE WITNESS (Gustafson): Matthew Gustafson.

10 MR. NGUYEN: A permit would be required?

11 THE WITNESS (Gustafson): Matthew Gustafson.

12 Yeah, to fully go through that response, the
13 portions of the access road that are being shown
14 on that mapping as it's, you know, a GIS map, a
15 graphical representation of these resources as
16 it's overlaid with the proposed compound and --
17 and access routing shows the full easement
18 extension of that access road, which is why you're
19 seeing some overlap with wetland one when, in
20 fact, you know the Applicant is proposing to use
21 the existing road, which would not result in any
22 direct impacts to wetland one.

23 To your point where we're, you know, very
24 proximate to wetland two, as it gets closer to the
25 compound, the access road is generally outside of

1 any potential for direct impacts to wetland two.
2 However, because of its close proximity, and we
3 are proposing silt fence -- or, sorry, erosion
4 controls adjacent to the access road in that
5 location, in order to fit those in next to the
6 road there is the potential that those erosion
7 controls would need to be installed in the
8 wetlands.

9 We believe that based on the -- the site
10 plans and everything that we have available to us
11 that we'll be able to keep the erosion controls
12 directly adjacent to the access road, thereby --
13 thereby eliminating any even, you know, indirect
14 impacts to those wetlands.

15 However, as you've noted in the response, if
16 those erosion controls are needed to be placed in
17 wetlands, that has the potential for triggering
18 Army Corps jurisdiction. And in that case, if
19 that situation were to occur, then at that point
20 we would reach out and secure that necessary
21 permitting.

22 MR. NGUYEN: So, how? How do you know that you will
23 need to pull the permit from the US Army Corps?

24 THE WITNESS (Gustafson): Again, Matthew Gustafson.

25 Frankly, I don't believe we're going to need

1 to, that it -- the response was kind of a
2 worst-case scenario. If we got to the D and M
3 phase of construction and during that D and M
4 phase, as they lay out the final access road
5 positioning and the erosion controls we find that
6 they do again overlap in the wetland, at that
7 point then we would -- then we would reach out to
8 the Corps to secure that permitting.

9 But it is my understanding, speaking with our
10 engineers and the Applicant, that there is
11 flexibility in that area to be able to shift
12 things outside of the wetland, avoiding that
13 entire potential conflict, and thereby not needing
14 an Army Corps permit.

15 MR. NGUYEN: Your answer indicated that you would have
16 no problem securing all necessarily permitting, a
17 permit from US Army Corps. Is that correct?

18 THE WITNESS (Gustafson): Yes, that's correct. In this
19 case, and again, that worst-case scenario, we do
20 need a permit. It would be a self-verification
21 permit, which is the lowest tier of permitting
22 under that, the general permit for the Army Corps
23 of Engineers.

24 That process is very straightforward. You
25 send in -- I believe it's, like, a two-page form

1 to the Corps and typically you get a response.
2 And as -- as the name implies, self-verification,
3 as long as you file -- you fit under the general
4 permit standards, then they will issue you a
5 permit without any additional consultation usually
6 required.

7 MR. NGUYEN: Now, I'm looking at the worst-case
8 scenario where you don't have a permit from US
9 Army Corps. What next?

10 THE WITNESS (Gustafson): In the worst-case scenario
11 where we would, you know, again, and as long as we
12 are complying with the general permit standard,
13 they would, as again, the self-verification, you
14 know, notification form, that -- that as that name
15 implies, as long as you fit within their
16 standards, which this project would, by their
17 statute they would issue a permit.

18 And again, we would, you know, construction
19 in this area vis-a-vis the installation of erosion
20 controls in this area would not commence until we
21 had that permitting secured. But again, I -- I do
22 not think that is the likely pathway on this
23 project because of the flexibility we have in that
24 area.

25 Based on my experience on other projects

1 working in close proximity to wetlands like this,
2 there are options to install those erosion
3 controls directly adjacent to the access road,
4 eliminating the need for any even indirect impacts
5 to the wetland.

6 MR. NGUYEN: So, you're saying that the needs for the
7 permit is probably premature at this time until
8 the D and M plan? If the project is approved --

9 THE WITNESS (Gustafson): Yeah, I think --

10 MR. NGUYEN: -- and the D and M plan is in place, and
11 you will comply with it?

12 THE WITNESS (Gustafson): I think that's a fair
13 characterization. Our response wanted to take
14 into account the potential for even those
15 temporary impacts while understanding that that is
16 an unlikely scenario, very unlikely scenario.

17 And the most likely scenario is that we avoid
18 wetland two entirely with all elements of the --
19 the proposed project.

20 MR. NGUYEN: And assuming the project is approved with
21 the condition that you will need to obtain the
22 necessary green light, that you will -- from the
23 US Corps, you would have no problem with that.

24 Do you?

25 THE WITNESS (Gustafson): No, sir.

1 MR. NGUYEN: Okay. Thank you, panel. And thank you,
2 Mr. Vice Chair. That's all I have.

3 THE VICE CHAIR: We'll now continue with
4 cross-examination by Mr. Carter, followed by
5 Ms. Hall.

6 Mr. Carter, good afternoon.

7 MR. CARTER: Good afternoon, Mr. Vice Chair, and good
8 afternoon, all. I won't take up too much time.
9 There's been some great questions.

10 I just want to take a look at question number
11 43 from the interrogatories regarding FAA
12 certification. I see in the answer that it says
13 that, no, this is not required, but I just wanted
14 to get some clarification because looking at the
15 FAA compliance evaluation, I see that there is a
16 note under notice criteria under FAR 77.9(b) that
17 says notice is required due to exceeds notice
18 slope.

19 So, can you all speak to that? I just wanted
20 to get some clarification.

21 THE WITNESS (Gustafson): Matt Gustafson.

22 The actual response to that question is -- is
23 as it pertains to the use of a crane during
24 construction. My understanding is that the tower
25 would require consultation. So that, that

1 question just pertains to the -- the erection of
2 the tower as, you know, using a crane during
3 construction.

4 MR. CARTER: Thank you.

5 And has consultation with the FAA been
6 underway, or is the shutdown impacting that?

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

9 At this time, the shutdown is unfortunately
10 impacting any communication with FAA and FCC.

11 MR. CARTER: Well, thank you for that. That's all that
12 I have. And hopefully, you all will be able to
13 get in touch with FAA soon. Thank you.

14 THE WITNESS (Paul): Thank you.

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

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

18 Ms. Hall, good afternoon.

19 MS. HALL: Good afternoon.

20 I want to thank my fellow Councilmembers for
21 the questioning, because it's really clarified a
22 lot. I have a followup to what Mr. Golembiewski
23 was asking about, more from our curiosity I think
24 than for anything, any particular impact here.

25 The point he made about how the coverage for

1 installing this tower seems to be -- the location
2 seems not to hit some of the places where you
3 might expect higher usage. And I just wondered
4 whether when you are in your planning phases for
5 where you want to put towers, where you want to
6 move next, does density of usage play into it?
7 And if so, how is that?

8 How is that factored in, in this particular
9 location given that, as Mr. Golembiewski pointed
10 out, there may be some denser usage in areas close
11 by that may not be affected by this tower?

12 THE WITNESS (Brauer): Mark Brauer from Horizon
13 Wireless.

14 I'm not sure how else I can -- I can answer,
15 but we do -- we do look at statistics from our
16 customers and usage patterns. So, we're very
17 confident that this -- this will solve -- solve
18 the issues that we're seeing on the surrounding
19 sites, even though it's -- it appears to be a
20 lower usage area.

21 MS. HALL: All right. And I know you've done the
22 statistical analysis on dropped calls and all of
23 that sort of thing. Have there been complaints
24 from this area?

25 THE WITNESS (Brauer): Being in the -- the design

1 portion of this, of Verizon, I'm not directly in
2 touch with our customer service portion, but
3 that's -- that's not something I -- I have in
4 particular.

5 MS. HALL: Okay. Thank you.

6 I have no further questions. Thank you.

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

8 We'll now continue with the cross-examination
9 by Mr. Syme, followed by Dr. Williams.

10 Mr. Syme, good afternoon.

11 MR. SYME: Good afternoon, everybody.

12 I have no further questions at this time.
13 Most of my environmental vernal pool wetland
14 questions have been talked about already. So, I
15 checked off my list, so I'm good.

16 THE VICE CHAIR: Thank you, Mr. Syme.

17 We'll now continue cross-examination by
18 Dr. Williams, followed by Mr. Lynch.

19 Dr. Williams, good afternoon.

20 DR. WILLIAMS: Good afternoon.

21 I feel the same as Mr. Syme. I had some
22 questions about proximity to vernal pools and
23 wetlands, and those were answered as well.

24 Thank you.

25 THE VICE CHAIR: Very good. Thank you.

1 Mr. Lynch, good afternoon.

2 MR. LYNCH: Good afternoon, Mr. Chairman.

3 I have a couple of questions. The first one
4 is for Mr. Gustafson. I had some questions about
5 the Army Corps permits, but you answered that
6 question very thoroughly, so thank you.

7 And Mr. Gustafson, I know you contacted SHPO,
8 but did you have any follow-up consultations with
9 any of the Native American tribes, the Paugussetts
10 or the Narragansetts, or the Mohicans? Are they
11 involved in any capacity?

12 THE WITNESS (Gustafson): Matthew Gustafson.

13 At this point, my understanding is that the
14 State Historic Preservation Office as well as any
15 of the tribal correspondences have not taken
16 place. As part of our preliminary assessment of
17 this project, a cultural and historical resource
18 assessment is completed to see if anything that's
19 on the -- either the National Register or locally
20 known in the area are located adjacent or nearby
21 that, the site.

22 Based on our preliminary assessment, none of
23 those resources were found either on or proximate
24 to the site. As we've seen on other dockets, you
25 know, those consultations with -- with SHPO and

1 with the tribes occurred during the -- the NEPA
2 process. That usually occurs during the D and M
3 phase of the project.

4 MR. LYNCH: Thank you.

5 Now, on the tree removal, if the owner
6 decides he doesn't want the trees, where do you
7 dispose of the trees? Are they chipped up? Are
8 they dropped in landfills? What happens to them?

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

10 Typically, if a tree is not wanted by the
11 property owner, they're disposed of by the
12 contractor that we've hired to remove them. I
13 can't speak to whether or not this particular
14 landowner wants the trees that we'll be cutting
15 down or not, but typically the assumption is that
16 they'll be hauled off site.

17 MR. LYNCH: All right. Thank you.

18 On question 19. With the wind-gust speed of
19 125 miles an hour, I thought that it was 135 miles
20 an hour, just subject to check.

21 THE WITNESS (Johnston): This is Joe Johnston with
22 Airosmith.

23 No, I actually verified appendix P in the
24 2022 Connecticut State Building Code again
25 yesterday evening, and the 125-mile-an-hour

1 three-second gust is accurate.

2 MR. LYNCH: Now, does that also apply to the antennas,
3 or anything that's on the pole itself?

4 THE WITNESS (Johnston): Yes, sir. It does.

5 MR. LYNCH: Thank you.

6 Now, you also stated in one of the
7 interrogatories that the tower is not going to be
8 designed to support rising in height. Why not?

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

11 Typically, we don't plan to extend towers
12 that are already over 140 feet. Our company
13 policy is typically that any tower that's 120 feet
14 is designed to be extended another 20 feet, but if
15 it's already taller than that we don't typically
16 plan for expansion beyond that.

17 MR. LYNCH: But doesn't the feds allow going up 20 more
18 feet? The federal government, do they allow going
19 up 20 more feet? The FCC?

20 THE WITNESS (Paul): Brian Paul again.

21 In this case, I -- I can't speak to that. We
22 didn't -- we didn't run the FAA assessment at a
23 higher elevation. My assessment would be that if
24 we're already being required to give notice at its
25 current height, we would most likely have to give

1 it at the higher height as well.

2 MR. LYNCH: But wouldn't you have to -- oh, nevermind.
3 Forget it.

4 Your coverage for in-building coverage, does
5 that allow for data and streaming?

6 THE WITNESS (Brauer): Mark Brauer, Verizon Wireless.

7 Typically, that level of signal strength
8 is -- is enough to get you in building in -- in a
9 typical, you know, a typical suburban area to --
10 in order for you to get enough to -- to stream,
11 yes. It's obviously very dependent on the
12 building itself, what the building is made out of,
13 how thick are the walls, how big is the building
14 kind of thing, but in general, yes.

15 MR. LYNCH: Now, in your answers to Brian G. about
16 coverage, you know, in their gaps that are there,
17 that sounded to me like this is more of a capacity
18 site than a coverage site. Or is there a
19 different percentage of capacity and coverage?

20 THE WITNESS (Brauer): Mark Brauer, Verizon.

21 In terms of a percentage, I -- I really don't
22 have an answer for that, but it is. It is double
23 duty. It is a coverage site and a capacity site.

24 MR. LYNCH: All right. Is it more of a capacity site
25 than a coverage site?

1 THE WITNESS (Brauer): I would say it's pretty equal.
2 Because -- because of the -- the lack of service
3 in the area and the coverage that's being
4 provided, it is providing a significant capacity
5 offload. So, maybe 60/40 in favor of coverage.

6 MR. LYNCH: All right. Now, on your fuel tank for your
7 backup generator you have 210 gallons. How much
8 of that 210 gallons is actually used to operate
9 the generator to support the site, and how much is
10 used to actually run the generator?

11 THE WITNESS (Paul): This is Brian Paul with Vertical
12 Bridge.

13 Typically, that's dependent on how often it's
14 used. So, we know that the generator cycles on a
15 regular basis to ensure its operation properly,
16 but again, those 210 gallons in the tank depend on
17 how often it's run. Right?

18 So, if we had an emergency that lasted
19 overnight or for two or three days, it would most
20 likely use a lot of that fuel, versus a site that
21 had no need for that generator to run an extended
22 period of time. That fuel would certainly last
23 quite a while.

24 MR. LYNCH: Now, how often is the generator topped off?

25 THE WITNESS (Paul): Again, Brian Paul.

1 As needed. So, there's -- there's a fuel
2 gauge that's monitored by Verizon, and they can --
3 they can tell when it gets to a certain fuel level
4 that they want to top it off. It really, again,
5 depends on the usage of the site.

6 MR. LYNCH: Now, during the maintenance visit, these
7 generators are run correctly -- or, am I correct
8 there?

9 THE WITNESS (Paul): Brian Paul, again.

10 No, you are not correct there. They run
11 independently. I believe it's weekly. It could
12 be biweekly -- yeah, it's weekly. And they do not
13 need to run during a maintenance visit. They're
14 simply --

15 MR. LYNCH: All I'm saying is there is a schedule --

16 THE WITNESS (Paul): Yes.

17 MR. LYNCH: -- for it to be operated weekly or
18 biweekly?

19 THE WITNESS (Paul): Correct.

20 MR. LYNCH: All right. How many of those visits would
21 it take before the generator needed to be topped
22 off?

23 THE WITNESS (Paul): It -- it's not -- again, Brian
24 Paul here.

25 It's not that there's a visit that occurs,

1 that it runs automatically. No one has to be
2 present to start it, to turn it on. It -- it does
3 it on its own.

4 So, it -- I think your question is how -- how
5 many times -- how many weeks would it have to
6 cycle in order to burn 210 gallons of fuel? I
7 don't know the answer to that. I -- I would guess
8 that 210 gallons on -- on a 50-kW generator that's
9 running once a week for 20 minutes would probably
10 only burn about 100 gallons a year. Yeah, it's a
11 guess.

12 MR. LYNCH: All right. I'll take that. Now, my last
13 question is the standard question I ask all the
14 time. When your fiber optic telephone line goes
15 down, what plans do you have in place to get that
16 site up and operating again?

17 THE WITNESS (Paul): Brian Paul, Vertical Bridge.

18 So, we do have a redundant conduit in place
19 to be able to pull a new fiber from the source at
20 the street out to the site so that if the existing
21 fiber can't be repaired, we can pull a new fiber
22 from the site to the -- again, to the source at
23 the street.

24 MR. LYNCH: And how long would that take?

25 THE WITNESS (Paul): You'd have to ask the fiber

1 provider. I think it depends on what the
2 emergency is. Again, if it's -- if it's a
3 statewide outage, you know, if you go back 13
4 years ago to our October storm and there's outages
5 everywhere, I think it's going to take quite a
6 significant amount of time.

7 If it's a limited case outage where it's just
8 on Bass Road, it's likely to get its attention a
9 lot sooner and be restored a lot sooner.

10 MR. LYNCH: Okay. I'm very familiar with the October
11 Halloween storm. I think we all are. But I just
12 wanted to know that there is some plan that you
13 have with the current telephone company to get
14 that place up and running again because the site
15 is dead without that line.

16 THE WITNESS (Paul): 100 percent we agree with you.
17 Unfortunately, the fiber providers -- I don't want
18 to say limit us, but direct us to only run one
19 fiber to a site per carrier. There's no
20 redundancy for that. It's -- it's one main fiber
21 run to the site. The carrier split it from there.

22 So, we're directed that way by the fiber
23 provider in the area.

24 MR. LYNCH: Thank you.

25 THE WITNESS (Paul): Or the fiber provider for that

1 site, yeah.

2 MR. LYNCH: Thank you.

3 Mr. Morissette, those are all my questions.

4 THE VICE CHAIR: Good afternoon, panel.

5 I would like to get one question on the
6 record relating to whether there's natural gas at
7 the site. I presume there is not.

8 THE WITNESS (Paul): Brian Paul, Vertical Bridge.

9 No gas on this location.

10 THE VICE CHAIR: Okay. Great. Thank you.

11 Question number eight talks about moving
12 the -- you looked at moving the site 72 feet to
13 the west, a hundred feet to the north. And it
14 states that the reason was you would be
15 encroaching on the adjacent parcel. And earlier
16 there was discussion about the compound being in
17 the vernal pool envelope and that it did not
18 comply with the Army Corps BMP.

19 Now, why wouldn't you want to move it out,
20 move it five feet to comply with the vernal pool
21 BMP?

22 THE WITNESS (Gustafson): Matt Gustafson.

23 It's not so much that we didn't want to.

24 It's -- it's, as you might expect, you know, and
25 moving it five feet as it relates to the

1 complexity of amphibians using, you know, this
2 anthropogenic vernal pool two feature, in my
3 professional opinion, it doesn't result in a
4 significant improvement or benefit to -- to that
5 pool.

6 Certainly, if the -- if the Council feels
7 that moving it five feet to comply with those BDP
8 standards is important and would -- and makes that
9 a condition of approval, that is something that
10 the Applicant is amenable to shifting it, as you
11 say, five feet east to push it outside that
12 envelope.

13 But again, and in my professional opinion,
14 that five-foot shift is not going to, you know,
15 while it technically now, you know, results in it
16 being compliant with the BDP standards, it doesn't
17 result in any significant benefit to -- to that
18 buffer.

19 Frankly, both these pools being anthropogenic
20 in origin, the tower being sited in an area that's
21 had the underbrush already cleared and was used
22 for livestock previously, the access road
23 generally following the existing residential
24 access road and then transitioning to the -- the
25 kind of the dirt farm road that was that, as it

1 transitions to the north, all of those factors
2 result in, you know, this, this project resulting
3 in a very limited impact to this pool.

4 And the fact -- and I should make a
5 correction here. I think previously in my
6 testimony I stated these are tier-two pools.
7 They're actually tier-three pools, the second
8 lowest tier conservation status under those BDP
9 guidelines.

10 So, because of all those factors, again, that
11 it's not the Applicant isn't amenable to shifting
12 it five feet outside the area. It's just it
13 doesn't feel like it provides a significant
14 benefit, and -- and that is why we -- we left it
15 where it is.

16 But again, if the Council feels like that --
17 or the commission feels like that's an important
18 distinction to comply with the BDP standards, they
19 are amenable to shifting it to be compliant.

20 THE VICE CHAIR: Okay. If you're not compliant with
21 the Army Corps BMPs, how does the Army Corps view
22 that?

23 THE WITNESS (Gustafson): So, vernal pools don't have
24 any -- so, these buffers that are established, the
25 hundred-foot vernal pool envelope and the 750-foot

1 critical terrestrial habitat buffers are
2 non-jurisdictional buffers. There are no
3 triggers. You could -- we could clear out the
4 entire area and as long as you did not touch a
5 square foot of wetland impacts, the Army Corps has
6 no jurisdiction on the project.

7 The Army Corps' jurisdiction starts at the
8 first, you know, square foot of impact directly to
9 a wetland under the -- as we've already talked
10 about, under the self-verification notification
11 form, indirect impacts like we're talking about to
12 vernal pools are assessed.

13 However, you need a significant indirect -- I
14 think -- I believe it's 5,000 square feet under
15 the old GP to trigger no longer being compliant
16 with the SP, which would push you to the next tier
17 rating of -- of permitting, but still would be
18 allowable under their guidelines.

19 So, those BDP standards are -- are really,
20 while they are cited by the Army Corps, it is
21 largely for planning and conservation of these
22 pools and not directly correlated to jurisdiction
23 or, you know, the ability to approve something
24 that did have an impact to wetlands.

25 THE VICE CHAIR: Okay. I am familiar with the

1 self-verification process in my past life. You
2 talked a little bit about earlier if you have to
3 put controls into the wetlands that you would
4 trigger a self-verification, that you don't
5 necessarily think you're going to need to, but if
6 you do, you would file. You would need to file a
7 self-verification.

8 And so, now you're in wetlands. Does that
9 also trigger a review of the vernal pool envelope?
10 Or do you need to note it, I should say, in your
11 self-verification?

12 THE WITNESS (Gustafson): It is something we would
13 note. But to answer your question, no, it would
14 result -- it would not affect our ability to
15 secure a self-verification permit. Again, those,
16 those impacts are immaterial to that process.
17 They -- they strictly care about your direct
18 impacts to the wetlands and -- and indirect
19 wetlands, to the impact to the wetlands.

20 To further, you know, if we want to further
21 complicate this process under the current ruling
22 for -- for regulated resources under the Army
23 Corps of Engineers, this wetland would likely be
24 considered non-jurisdictional because it is an
25 isolated feature, however, that that process would

1 require reaching out to the Corps for a
2 jurisdictional determination.

3 Typically, and historically in the past we
4 have foregone that process and just assumed
5 jurisdiction. So, that's, you know, where we lead
6 to SV, but for edification purposes, it is likely
7 that this wetland, being an isolated wetland, a
8 non-traditional navigable water, not a relatively
9 permanent water, it would not be considered
10 jurisdictional at a federal level even though it
11 is considered a Connecticut wetland.

12 THE VICE CHAIR: Okay. And when you file a
13 self-verification, the DEEP water quality
14 certificate is automatically issued as part of
15 that process. Is that correct?

16 THE WITNESS (Gustafson): That is correct. Yes, you're
17 required to submit to, as you said, the State as
18 well when you file with -- with the Army Corps.

19 THE VICE CHAIR: Right. And the State automatically
20 grants it based on your filing the
21 self-verification.

22 So with that, the Army Corps, if you have to
23 file a self-verification, both the Army Corps and
24 the DEEP water quality have jurisdiction over that
25 wetland?

1 THE WITNESS (Gustafson): That is correct, yes.

2 THE VICE CHAIR: Okay. Well, and the point I'm trying
3 to make is that there was discussion earlier about
4 whether ongoing monitoring of wetland two would
5 be -- you would be able to undertake it. The
6 problem with that is that we, the Council, because
7 it's outside of the site, do not have jurisdiction
8 over that, that wetland and vernal pool.

9 The Army Corps and DEEP could, upon reviewing
10 your self-verification, come back and say, we'd
11 like you to monitor it. Typically they wouldn't,
12 but they could. Correct?

13 THE WITNESS (Gustafson): That is correct. In
14 addition, in cases where we do propose monitoring,
15 because that becomes part of the record as part of
16 that permit that's filed, it becomes a requirement
17 of that approval.

18 THE VICE CHAIR: Okay. Is that something that you
19 would consider when you file your
20 self-verification to include monitoring as it was
21 suggested earlier?

22 THE WITNESS (Gustafson): So, in the case of what was
23 suggested earlier, post-construction monitoring
24 for a year or two, it's something we could
25 consider. It's not currently something we're

1 proposing.

2 Currently, we're proposing monitoring just
3 during construction up to the point of permanent
4 stabilization of the site and removal of all
5 temporary erosion controls.

6 THE VICE CHAIR: Okay. So, that's something that the
7 Council could recommend that you consider if we so
8 choose to, that you ask the Army Corps, and to
9 part of your self-verification you would include
10 additional monitoring?

11 THE WITNESS (Gustafson): Yes. Correct.

12 THE VICE CHAIR: Okay. Very good. Okay. I just
13 wanted to clarify that for everyone.

14 Now, we'll go back to number eight. It says
15 that it was not considered because it would
16 encroach on the adjacent parcel. Was that the
17 case, or would it be encroaching on the wetlands
18 to the west? Or was it more the parcel?

19 THE WITNESS (Gustafson): So, yeah. Matt Gustafson
20 again.

21 You know, the hundred feet to the north, if
22 you're -- and to answer the question of 72 feet to
23 the west and a hundred feet to the north, that
24 does push you onto the adjacent parcel.

25 I think if I interpret your question

1 correctly, if you just shifted it 72 feet to the
2 west, or west away, you know, from wetland two,
3 you are now pushing it close to wetland one or
4 within potentially edges of wetland one, which
5 for, you know, for those reasons was why that that
6 option was eliminated.

7 THE VICE CHAIR: Okay. Well, I definitely don't agree
8 with a hundred feet to the north, because that
9 certainly would be right on the property line and
10 that would not be a good design.

11 Okay. That concludes my questioning for this
12 afternoon. Thank you, everyone, for your
13 responses.

14 We'll quickly go through and see if there are
15 any follow-up questions since we have a little bit
16 of time here.

17 Mr. Mercier, are there any follow-up
18 questions?

19 MR. MERCIER: Yes, thank you. I had a couple just to
20 clarify a couple of points.

21 The first one, I'm going to ask a question
22 regarding the Federal Aviation Administration
23 notice of slope criteria. I believe on page 18 of
24 the application it stated that, you know, the
25 tower would not require any obstruction light, or

1 marking or lighting. Now, is that still valid
2 even though you haven't completed this slope,
3 notice of slope consultation?

4 THE WITNESS (Paul): Yeah, this is Brian Paul.

5 So, we'll continue to follow up with the FAA
6 and the FCC to determine the next steps with
7 regard to their determination. This is an initial
8 investigation. Their determination will come at a
9 later date.

10 MR. MERCIER: Okay. Yes. I'm just looking at page 18
11 where it states that obstruction lighting or
12 marking is not required. So, is that a true
13 statement, or you don't -- we're not sure right
14 now?

15 THE WITNESS (Paul): That's -- that's a true statement,
16 but again, their final determination will come at
17 a later date.

18 MR. MERCIER: Thank you.

19 I'm going to refer to site plan Z2. This is
20 the overall site plan in the application. So, the
21 access road extends from Bass Road. You know, it
22 shows silt fencing on the side of the
23 road that's -- the existing driveway, that is.
24 And it says, upgrade as required off to the left.

25 What upgrades are you anticipating for the

1 access drive here, in case I did not catch it
2 earlier?

3 THE WITNESS (Johnston): This is -- this is Joe
4 Johnston with Airosmith.

5 I think the existing driveway is in fairly
6 good condition. So, we don't anticipate needing
7 upgrades for that first 600 feet.

8 MR. MERCIER: Okay. I was just looking at sheet Z3.1,
9 you know, two sheets down. It just showed a silt
10 fence on either side of the road. I wasn't sure
11 exactly what you were doing.

12 THE WITNESS (Johnston): This is Joe Johnston with
13 Airosmith.

14 I believe we're placing construction silt
15 fences there while material and equipment are
16 being brought in and out as a safety measure.

17 MR. MERCIER: Okay. And did I hear earlier that
18 there's a duct bank under the existing driveway?

19 THE WITNESS (Paul): Brian Paul --

20 MR. MERCIER: From the driveway, that is.

21 THE WITNESS (Paul): Brian Paul, Vertical Bridge.

22 No, there's existing overhead on -- on the
23 existing driveway. We'll go under it --

24 MR. MERCIER: Okay.

25 THE WITNESS (Paul): -- from the last pole near the

1 residence and take the utilities underground from
2 there.

3 MR. MERCIER: Okay. So, it's overhead. You're
4 connecting to the existing pole on the site.
5 Correct?

6 THE WITNESS (Paul): Yes, that's correct.

7 MR. MERCIER: On this parcel. Okay.

8 Would there be upgrades required to the
9 overhead lines?

10 THE WITNESS (Paul): Again, Brian Paul, Vertical
11 Bridge.

12 At this time, it's unknown. We'll walk the
13 site with the utility company upon site approval
14 to determine if any upgrades or additional poles
15 are required. But my assumption, based on what we
16 know of the lines today, those are fairly new and
17 should not require any upgrades.

18 MR. MERCIER: Okay. And just moving up one more sheet,
19 that would be Z3, and that's the site plan of the
20 compound area and the existing home in the area.
21 On there it shows a goat shelter, and you earlier
22 mentioned livestock grazing. Is that still
23 ongoing at the site?

24 I mean, the vernal pool, according to the
25 interrogatories, was actually man-made for --

1 probably for livestock. I'm not sure, but is
2 there any livestock grazing on there right now?

3 THE WITNESS (Gustafson): This is Matthew Gustafson.

4 During my investigations of the site I did
5 not see any livestock using those areas. There
6 was evidence that livestock have been there
7 fairly, you know, recently within the last year or
8 couple years, but no, I have not seen any active
9 use.

10 MR. MERCIER: If the landowner decided to graze
11 livestock again in the event he's not doing it
12 currently, how would that -- and he used the
13 man-made excavation as a water source for his
14 animals, how would that affect the quality of the
15 man-made vernal pool?

16 THE WITNESS (Gustafson): Matt Gustafson, again.

17 Because this pool, like you said, was -- was
18 likely constructed as -- as a farm pond or a
19 watering feature for -- for those livestock, and
20 these, these amphibians that we're seeing in there
21 would likely have been using it with that, with
22 that use in mind, I would not expect there to be a
23 significant change in the -- the impact to -- to
24 that vernal pool or the -- the species using it.

25 MR. MERCIER: Okay. And looking at that site plan

1 again, on the -- right next to the wetland, it
2 shows the silt fence, and there's a tiny jut out
3 just to go around the wetland.

4 I mean, is it just possible just to move the
5 actual road over to the west side of your
6 easement? Or do you always have to have it within
7 the middle?

8 THE WITNESS (Paul): This is Brian Paul again.

9 Yeah, we're -- we're certainly open to
10 putting the road within the easement. I think,
11 again, we're just trying to avoid putting the silt
12 fence in the wetlands. Right?

13 So -- but yeah. To answer your question, the
14 road does not always have to be down the middle of
15 the easement. We're certainly open to moving that
16 over to the west.

17 MR. MERCIER: Okay. Thank you.

18 I had one question regarding the coverage
19 maps. We talked about them earlier, and
20 specifically the Chaplin South site, which I
21 believe, you know, had some deficient data speeds.
22 It appears that that site covers, you know, the
23 south end of that existing Chaplin South site. It
24 kind of reaches towards the Route 6, Route 198
25 corridor -- excuse me, Route 195.

1 Now, if this proposed site was constructed,
2 alleviating some capacity issues on that Chaplin
3 South sector we talked about earlier, would that
4 actually increase data speeds along the Route 6,
5 Route 195 corridor, above the -- as five or above?

6 THE WITNESS (Brauer): Yes. Mark Brauer --

7 MR. MERCIER: (Unintelligible) --

8 THE WITNESS (Brauer): I'm sorry, go ahead.

9 MR. MERCIER: I just wanted to clarify, you know, above
10 5 MPS or above?

11 THE WITNESS (Brauer): Mark Brauer, Verizon Wireless.

12 Just for clarification, that's -- is that
13 Route 195 or 198?

14 MR. MERCIER: It might be 198. I can't see it, but
15 it's directly east of the site.

16 THE WITNESS (Brauer): Understood.

17 MR. MERCIER: The existing Chaplin South site.

18 THE WITNESS (Brauer): Yes. I mean, certainly --
19 certainly, whenever we bring in a new site and
20 we -- we alleviate, we alleviate issues from --
21 from surrounding sites, that the data speeds
22 certainly do increase because we have users that
23 are no longer -- no longer using that site.

24 So, they -- now those resources are now used
25 for the -- for the people that are -- that are

1 closer to the site. So, the data speeds would
2 increase, yes.

3 MR. MERCIER: For the coverage maps, are there -- does
4 the green -- is there any way to tell the data
5 speeds used in the coverage maps? I mean, would
6 the green be less than, you know, the 5 MPS level?
7 Or that's not really shown?

8 THE WITNESS (Brauer): No, that's -- that's not an
9 equivalent comparison. What -- what we show with
10 the coverage maps is -- is a signal strength. And
11 certainly, if it's, you know, if -- if your site
12 isn't very, very busy, you can certainly achieve
13 the high data through -- throughput in those
14 areas.

15 But yeah, the coverage map to data speed is
16 there's -- there's no correlation there.

17 MR. MERCIER: Okay. Thank you.

18 That's all my extra questions. Thank you.

19 THE VICE CHAIR: Thank you, Mr. Mercer.

20 Mr. Golembiewski, any follow-up questions?

21 MR. GOLEMBIEWSKI: I don't have any follow-up
22 questions. Thank you, Vice Chair.

23 THE VICE CHAIR: Very good. Thank you.

24 Mr. Nguyen?

25 MR. NGUYEN: No followup.

1 Thank you.

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

3 MR. CARTER: No further questions.

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

5 MS. HALL: No further questions. Thank you.

6 THE VICE CHAIR: Thank you. Mr. Syme?

7 MR. SYME: I have none.

8 THE VICE CHAIR: Thank you. Dr. Williams?

9 DR. WILLIAMS: Nothing further. Thank you.

10 THE VICE CHAIR: Thank you. Mr. Lynch?

11 Mr. Lynch, anything further?

12 MR. LYNCH: No questions.

13 THE VICE CHAIR: Very good. Thank you.

14 Okay. Thank you, everyone. That concludes
15 our hearing for this afternoon.

16 So, the Council will recess until 6:30 p.m.,
17 at which time we will commence the public comment
18 session of this public hearing.

19 Thank you, everyone. And we'll see you at
20 6:30.

21

22 (End: 3:35 p.m.)

23

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CERTIFICATE

I hereby certify that the foregoing 77 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting of THE CONNECTICUT SITING COUNCIL EVIDENTIARY HEARING In Re: DOCKET NO. 541, 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 132 BASS ROAD IN WINDHAM, CONNECTICUT, which was held before JOHN MORISSETTE, THE VICE CHAIR, on November 6, 2025.



Robert G. Dixon, CVR-M 857

Notary Public

My Commission Expires: 6/30/2030

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