

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Docket No. 543

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 17 Warren Road, Washington (New Preston), Connecticut.

Zoom Remote Council Meeting (Teleconference), on Tuesday, January 13, 2026, 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       C o u n c i l   M e m b e r s :

3            JOHN MORISSETTE (Hearing Officer)

4

5            BRIAN GOLEMBIEWSKI ,

6            D E E P   D e s i g n e e

7

8            Q U A T   N G U Y E N ,

9            P U R A   D e s i g n e e

10

11            C H A N C E   C A R T E R

12            K H R I S T I N E   H A L L

13            D R .   S C O T T   W I L L I A M S

14            B I L L   S Y M E

15

16       C o u n c i l   S t a f f :

17            M E L A N I E   B A C H M A N ,   E S Q . ,

18            E x e c u t i v e   D i r e c t o r   a n d   S t a f f   A t t o r n e y

19

20            R O B E R T   M E R C I E R ,

21            S i t i n g   A n a l y s t

22

23            L I S A   F O N T A I N E ,

24            A d m i n i s t r a t i v e   S u p p o r t

25

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

2       For THE TOWERS, LLC (Applicant) :

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10      For THE TOWN OF WARREN:

11               GREGORY M. LaCAVA,

12               First Selectman

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14      For STEEP ROCK ASSOCIATION, INC.:

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

2       For WASHINGTON MONTESSORI ASSOCIATION, INC.:

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10      For THE AREA RESIDENTS GROUP:

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1 the Connecticut General Statutes and of the  
2 Uniform Administrative Procedure Act upon The  
3 Towers, LLC, for a certificate of environmental  
4 compatibility and public need for the  
5 construction, maintenance and operation of a  
6 telecommunications facility and associated  
7 equipment located at 17 Warren Road in Washington,  
8 Connecticut.

9                   A verbatim transcript will be made of this  
10                  hearing and deposited with the Washington Town  
11                  Clerk's office for the convenience of the public.

14                   We will now continue with the appearance by  
15                   the Applicant in accordance with the Council's  
16                   December 5, 2025, continued evidentiary hearing  
17                   memo.

18                   We will continue with the appearance of the  
19                   Applicant, The Towers, LLC, to verify the new  
20                   exhibit marked as Roman numeral number two, items  
21                   B-8 through 11 on the hearing program.

1 Attorney Baldwin?

2

(Pause.)

4

5 ATTORNEY BALDWIN: Vice Chair Morissette, can you hear  
6 us now?

7 THE VICE CHAIR: I can hear you now. Thank you.

8 ATTORNEY BALDWIN: Thank you. I apologize for the  
9 delay. Good afternoon.

10 I would remind our witness panel that they  
11 all remain sworn in this proceeding.

12 B R I A N P A U L,

13 | K E I T H V E L L A N T E,

14 | ELIZABETH GLIDDEN,

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

16 J A S O N M A R G E L O T,

17 | DEAN GUSTAFSSON,

# 18 RICK LANDINO,

19 recalled as wit

20                   duly sworn, were examined and testified under  
21                   oath as follows:

22

23 ATTORNEY BALDWIN: As the Vice Chair has stated, we  
24 have four new exhibits that have been submitted  
25 into the record. They include our responses to

1                   the Siting Council's interrogatory set two and our  
2                   late-file exhibit responses, both dated December  
3                   30, 2025; our responses to the Washington  
4                   Montessori Association, Incorporated,  
5                   Interrogatories, and our responses to the area  
6                   resident group interrogatories, both dated January  
7                   6, 2026.

8                   I would ask our Witnesses to respond to the  
9                   following questions to verify these exhibits. Did  
10                  you prepare or assist in the preparation of the  
11                  exhibits listed in the hearing program under Roman  
12                  2B, items 8 through 11? Mr. Paul?

13                  THE WITNESS (Paul): Yes.

14                  ATTORNEY BALDWIN: Mr. Vellante?

15                  THE WITNESS (Vellante): Yes.

16                  ATTORNEY BALDWIN: Ms. Glidden?

17                  THE WITNESS (Glidden): Yes.

18                  ATTORNEY BALDWIN: Mr. Johnston?

19                  THE WITNESS (Johnston): Yes.

20                  ATTORNEY BALDWIN: Mr. Margelot?

21                  THE WITNESS (Margelot): Yes.

22                  ATTORNEY BALDWIN: Mr. Gustafson?

23                  THE WITNESS (Gustafson): Yes.

24                  ATTORNEY BALDWIN: And Mr. Landino?

25                  THE WITNESS (Landino): Yes.

1 ATTORNEY BALDWIN: Do you have any corrections,  
2 modifications, or clarifications to offer to any  
3 of the information contained in those exhibits?

4 Mr. Paul?

5 THE WITNESS (Paul): No.

6 ATTORNEY BALDWIN: Mr. Vellante?

7 THE WITNESS (Vellante): No.

8 ATTORNEY BALDWIN: Ms. Glidden?

9 THE WITNESS (Glidden): No.

10 ATTORNEY BALDWIN: Mr. Johnston?

11 THE WITNESS (Johnston): I do have one. For LFE Number  
12 1, the alternate driveway design is listed as  
13 having a total area of disturbance of 67,065  
14 square feet, or 1.54 acres. The correct value for  
15 the new area of disturbance is 64,260 square feet,  
16 or 1.48 acres.

17 ATTORNEY BALDWIN: Thank you. Mr. Margelot, any  
18 corrections or modifications?

19 THE WITNESS (Margelot): No.

20 ATTORNEY BALDWIN: Mr. Gustafson?

21 THE WITNESS (Gustafson): No.

22 ATTORNEY BALDWIN: Mr. Landino?

23 THE WITNESS (Landino): No.

24 ATTORNEY BALDWIN: And is the information contained in  
25 those exhibits as modified true and accurate to

1                   the best of your knowledge? Mr. Paul?

2 THE WITNESS (Paul): Yes.

3 ATTORNEY BALDWIN: Mr. Vellante?

4 THE WITNESS (Vellante): Yes.

5 ATTORNEY BALDWIN: Ms. Glidden?

6 THE WITNESS (Glidden): Yes.

7 ATTORNEY BALDWIN: Mr. Johnston?

8 THE WITNESS (Johnston): Yes.

9 ATTORNEY BALDWIN: Mr. Margelot?

10 THE WITNESS (Margelot): Yes.

11 ATTORNEY BALDWIN: Mr. Gustafson?

12 THE WITNESS (Gustafson): Yes.

13 ATTORNEY BALDWIN: Mr. Landino?

14 THE WITNESS (Landino): Yes.

15 ATTORNEY BALDWIN: And do you adopt the information  
16                   contained in those exhibits as your testimony in  
17                   this proceeding? Mr. Paul?

18 THE WITNESS (Paul): Yes.

19 ATTORNEY BALDWIN: Mr. Vellante?

20 THE WITNESS (Vellante): Yes.

21 ATTORNEY BALDWIN: Ms. Glidden?

22 THE WITNESS (Glidden): Yes.

23 ATTORNEY BALDWIN: And Mr. Johnston?

24 THE WITNESS (Johnston): Yes.

25 ATTORNEY BALDWIN: Mr. Margelot?

1 THE WITNESS (Margelot): Yes.

2 ATTORNEY BALDWIN: Mr. Gustafson?

3 THE WITNESS (Gustafson): Yes.

4 ATTORNEY BALDWIN: Mr. Landino?

5 THE WITNESS (Landino): Yes.

6 ATTORNEY BALDWIN: Vice Chair Morissette, I offer them  
7 as full exhibits.

8 THE VICE CHAIR: Thank you, Attorney Baldwin.

9 Does any party or intervenor object to the  
10 admission of the Applicant's new exhibits?

11 First Selectperson Brinton? Good afternoon.

12 Any objection?

13 First Selectperson Brinton, please?

14

15 (No response.)

16

17 THE VICE CHAIR: Very good. We'll move on.

18 First Selectman LaCava, any objection?

19 FIRST SELECTMAN LaCAVA: No, sir. Thank you.

20 THE VICE CHAIR: Thank you.

21 Attorney Sherwood, good afternoon.

22 Any objection?

23 ATTORNEY SHERWOOD: Good afternoon, Vice Chairman  
24 Morissette. No objection.

25 THE VICE CHAIR: Thank you.

1 Attorney Mortelliti, any objection?

2 ATTORNEY MORTELLITI: No objections.

3 THE VICE CHAIR: Thank you. Good afternoon, by the  
4 way.

5 Attorney Coppola, any objection?

6 Good afternoon.

7 ATTORNEY COPPOLA: Good afternoon, Vice Chairman.

8 | No objection.

9 THE VICE CHAIR: Very good. Thank you. The exhibits  
10 are hereby admitted.

11                   We will continue the cross-examination of the  
12                   Applicant by Steep Rock Association by Attorney  
13                   Sherwood. Attorney Sherwood, please continue.

14 ATTORNEY SHERWOOD: Thank you, Mr. Vice Chairman.

15                   My first question is with respect to the  
16 revised site plan. I think this is a question for  
17 Mr. Johnston. The disturbed area, you get two  
18 numbers, but the disturbed area you've corrected  
19 to 64,260 square feet for the new proposal.

20 Is that correct?

21 THE WITNESS (Johnston): This is Joe Johnston with  
22 Airosmith. Yes, that's correct.

23 ATTORNEY SHERWOOD: And that's significantly greater  
24 than the area of disturbance originally proposed.

25       Correct?

1 THE WITNESS (Johnston): Joe Johnston with Airosmith.

2 That is correct.

3 ATTORNEY SHERWOOD: The first proposal, I believe, was  
4 37,502 square feet, and then the second, I  
5 believe, was 30,848 square feet.

6 Does that sound correct?

7 THE WITNESS (Johnston): This is Joe Johnston with  
8 Airosmith.

9 The original area of disturbance was about  
10 30,848 square feet. That is now this -- this now  
11 goes to the 64,260 square feet.

12 ATTORNEY SHERWOOD: Thank you.

13 And does your 64,260 square-foot figure  
14 include the clearing for the right-of-way  
15 sightline?

16 THE WITNESS (Johnston): This is Joe Johnston with  
17 Airosmith.

18 It includes -- it includes the roadway, the  
19 swales, the graded area around it, the proposed  
20 roadway, and the flat field portion that the  
21 existing curb cut is at.

22 ATTORNEY SHERWOOD: So, it does not include the  
23 clearing you'd have to do in the right-of-way for  
24 the sightline?

25 THE WITNESS (Johnston): Yes, it -- no, it does not.

1 (Unintelligible) --

2 ATTORNEY SHERWOOD: With respect -- go ahead.

3 THE WITNESS (Johnston): It does not include the  
4 sightline clearing, no.

5 ATTORNEY SHERWOOD: Thank you.

With respect to the tree-clearing, you indicate, or the site plan indicates that approximately 120 trees over 6 inches diameter breast height will be removed. Is that correct?

10 THE WITNESS (Johnston): This is Joe Johnston with  
11 Airosmith. That is correct.

12 ATTORNEY SHERWOOD: And that's significantly greater  
13 than that originally proposed, which was 76 trees.

14      **Correct?**

15 THE WITNESS (Johnston): That is correct.

16 ATTORNEY SHERWOOD: Is the new estimate based on an  
17 actual count?

18 THE WITNESS (Johnston): Joe Johnston with Airosmith.

19                   No, we are in the process of performing a  
20 formal tree survey in the location of the new  
21 road. We're using a tree density that we used  
22 from the original tree survey that was done for  
23 the original road design.

24 ATTORNEY SHERWOOD: So, you'll be giving the Siting  
25 Council an actual count?

1 THE WITNESS (Johnston): Yes.

2 ATTORNEY SHERWOOD: And will you be locating the trees  
3 on the revised site plan as you did for the last  
4 version?

5 THE WITNESS (Johnston): Joe Johnston with Airosmith.  
6 Yes, we will.

7 ATTORNEY SHERWOOD: You indicate -- or the Applicant  
8 indicates in the first set of interrogatories in  
9 response to question 13, that the limit -- quote,  
10 limits of the easements will not need to be  
11 cleared in their entirety.

12 How wide is the access and utility easement  
13 across the property?

14 THE WITNESS (Johnston): Joe Johnston with Airosmith.  
15 The total width of the easement is 30 feet.

16 ATTORNEY SHERWOOD: Right, and that's what your most  
17 recent site plan reflects. Correct?

18 THE WITNESS (Johnston): That's correct.

19 ATTORNEY SHERWOOD: But there's grading in a much  
20 larger area. Correct?

21 THE WITNESS (Johnston): There will be additional  
22 grading that will be reseeded and planted.

23 ATTORNEY SHERWOOD: But the additional grading is  
24 outside of the easement area. Correct?

25 THE WITNESS (Johnston): That is correct.

1 ATTORNEY SHERWOOD: Wouldn't all activity have to take  
2 place within the easement area under the lease and  
3 option agreement?

4 THE WITNESS (Paul): So, this is Brian Paul with  
5 Vertical Bridge.

6 The easement you're describing is the access  
7 and utility easement width of 30 feet. In  
8 addition to that, we'll seek an additional  
9 easement for what's considered landscaping and/or  
10 grading that are required to install the road.

11 So, in other words, it's not the same type of  
12 easement as an access or a utility easement. It's  
13 not as -- it's not considered permanent.

14 ATTORNEY SHERWOOD: Well, the access and the utility  
15 easement in the option and lease agreement, it's  
16 referred to on the first page and then it's shown  
17 on Exhibit 2. It's not in the location of the  
18 description of the access easement, and the tower  
19 is not -- is quite distant from what's shown in  
20 Exhibit 2 of the option and lease agreement.

21 So, you don't have the right at this point to  
22 put the access road and the tower there.

23 Isn't that correct?

24 THE WITNESS (Paul): This is Brian Paul with Vertical  
25 Bridge.

1           That's correct. We'd need to do an amendment  
2           with the landlord pending the approval of this  
3           application.

4   ATTORNEY SHERWOOD: Has the landlord indicated that  
5           it's willing to go along with that?

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

8   ATTORNEY SHERWOOD: There is grading up near the  
9           Montessori property about two feet from the  
10          boundary line. Is that -- am I correct in  
11          understanding that?

12           This is exhibit -- Late-File Exhibit 1, sheet  
13          Z3.3.

14   THE WITNESS (Johnston): This is Joe Johnston with  
15          Airosmith. That appears to be correct.

16   ATTORNEY SHERWOOD: And is there a silt fence in  
17          between the edge of the grading and the property  
18          line?

19   THE WITNESS (Johnston): This is Joe Johnston with  
20          Airosmith.

21           We have called out a proposed temporary  
22          compost filter sock between the grade --

23   ATTORNEY SHERWOOD: I'm sorry. I didn't hear you.

24   THE WITNESS (Johnston): We have a proposed compost  
25          filter sock between the grading and the boundary

1                   line.

2   ATTORNEY SHERWOOD: So, you're going to be able to  
3                   grade within two feet of the boundary line without  
4                   extending onto the adjacent property?

5   THE WITNESS (Johnston): That is correct.

6   ATTORNEY SHERWOOD: The Council on Environmental  
7                   Quality letter expressed concern about the core  
8                   forest, and that is -- I believe that's shown on  
9                   Late-File Exhibit 2.

10                  Can you tell me who prepared that exhibit?

11   THE WITNESS (Gustafson): Good afternoon. Dean  
12                  Gustafson from All-Points.

13                  Our office prepared that map.

14   ATTORNEY SHERWOOD: What is it intended to show?

15   THE WITNESS (Gustafson): It's intended to show the  
16                  existing core forest habitats within/approximate  
17                  to the subject property.

18   ATTORNEY SHERWOOD: And the core forest, the location  
19                  of the core forest came from what source?

20   THE WITNESS (Gustafson): It came from our analysis  
21                  using the core forest methodology that's provided  
22                  by CLEAR. So, we took a look at the existing  
23                  surrounding developments, showed those as  
24                  perforations to the forest, attached a 300-foot  
25                  offset to show the edge forest effect and what the

1                   remaining core forest habitat area would be.

2   ATTORNEY SHERWOOD: So, the dark -- the dark green is  
3                   the core forest, and the light green is the edge  
4                   forest?

5   THE WITNESS (Gustafson): That's correct, yeah.

6                   It's -- and it's indicated as such in the legend  
7                   of that figure.

8   ATTORNEY SHERWOOD: And the Shepaug Forest Block  
9                   Important Bird Area, that's also shown?

10   THE WITNESS (Gustafson): That's correct.

11   ATTORNEY SHERWOOD: And that's the shading on the lower  
12                   half of the map, I take it?

13   THE WITNESS (Gustafson): That's correct, yeah. And  
14                   it's also indicated on the map legend as such.

15   ATTORNEY SHERWOOD: So, the tower and the access road  
16                   encroach slightly into the -- or the core, into  
17                   the core forest?

18   THE WITNESS (Gustafson): The -- the proposed access  
19                   road and tower is primarily located in edge  
20                   forest, but it does encroach slightly into the  
21                   core forest.

22   ATTORNEY SHERWOOD: And it looks like the tower site  
23                   just misses the Shepaug Forest Block IBA?

24   THE WITNESS (Gustafson): That's correct. The -- the  
25                   proposed compound is located just north of the

1                   Shepaug Forest Habitat Block IBA.

2   ATTORNEY SHERWOOD: Do you consider the core forest and  
3                   the IBA designations to be hard lines,  
4                   Mr. Gustafson?

5                   In other words, activity to the immediate  
6                   north of the core forest, as shown on your plan,  
7                   would have a different effect and activity  
8                   immediately to the south of the northerly line?

9                   Are those hard lines?

10   THE WITNESS (Gustafson): So, I'm -- I'm not clear on  
11                   what you mean by hard lines. The -- the boundary  
12                   that's shown on this map from -- for the Shepaug  
13                   River Habitat Block IBA is provided as a GIS layer  
14                   from Audubon Connecticut.

15                   So, to the regards to that being a hard line,  
16                   that's the data. That's the source of that data  
17                   and it's -- it's geo-referenced properly on this  
18                   map with respect to the subject property and the  
19                   proposed activities.

20   ATTORNEY SHERWOOD: Do you think that there's any  
21                   differential impact on birds on one side or the  
22                   other of this line within, say, a hundred or 200  
23                   yards either way?

24   THE WITNESS (Gustafson): No. No, I wouldn't. You  
25                   know, you were so close to this habitat block for

1                   the Shepaug River IBA.

2                   You know, we're -- we essentially -- the  
3                   project site contains habitat similar both on the  
4                   north and the south sides of that, that boundary.  
5                   So, any effects from the project to avian species  
6                   would be the same whether it's on -- within or  
7                   just adjacent to that IBA block.

8   ATTORNEY SHERWOOD:  How about the values that are  
9                   incorporated in the, or expressed in the core  
10                  forest designation?  The same, same question.

11   THE WITNESS (Gustafson):  I apologize.  Can you  
12                  rephrase that question?

13                  I'm not sure what your intent is.

14   ATTORNEY SHERWOOD:  Well, you show a slight  
15                  encroachment of the access road and the tower into  
16                  the area that you've designated as core forest.  
17                  And the access road essentially wraps around the  
18                  core forest block here.

19                  My question is, would it make sense to move  
20                  the access road ten feet so that there -- so that  
21                  there's no encroachment?  Is that going to make  
22                  any difference, or is the impact essentially the  
23                  same in light of the proximity of the access road?

24   THE WITNESS (Gustafson):  So, we could certainly  
25                  consider shifting it further north, but the -- the

1       effect to the forest habitat is essentially the  
2       same with respect to the project's impacts to core  
3       forest habitat.

4           Whether we are just encroaching into it or  
5        just outside of it, it probably has minimal effect  
6        one way or the other.

7 ATTORNEY SHERWOOD: Okay. Thank you.

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

9 ATTORNEY SHERWOOD: I have some questions about the  
10 sightline drawings which are in the Late-File  
11 Exhibit Number 1 at the end, sheets SD-01 and  
12 SD-02. These, I think, are for Mr. Johnston.

13                   Why was the access road relocated to its  
14                   current position?

15 THE WITNESS (Johnston): Joe Johnston with Airosmith.

16                   The original reason was there's an existing  
17                   curb cut at this location, so, it -- it was a  
18                   sensible place to access the site. That also got  
19                   us the sightline distances that we needed per  
20                   CDOT.

21 ATTORNEY SHERWOOD: So, it was relocated because the  
22 sightlines are better?

23 THE WITNESS (Johnston): That is one reason it was  
24 relocated, correct.

25 ATTORNEY SHERWOOD: And I didn't understand your

1 explanation with respect to the first reason. You  
2 say that there was an existing curb cut there?

3 THE WITNESS (Johnston): That's correct. This is Joe  
4 Johnston with Airosmith.

5 There was an existing driveway or curb cut at  
6 this exact location that we -- we'd be planning to  
7 utilize instead of cutting a brand new one.

8 ATTORNEY SHERWOOD: Did you measure the sightline  
9 distances for the prior two locations that were  
10 proposed?

11 THE WITNESS (Johnston): This is Joe Johnston with  
12 Airosmith. We did not.

13 ATTORNEY SHERWOOD: Well, then how do you know the  
14 sightlines are better here?

15 THE WITNESS (Johnston): This is Joe Johnston with  
16 Airosmith.

17 When we redid our survey, the surveyor shot  
18 distances at this location to verify sightline  
19 distances available at this location.

20 ATTORNEY SHERWOOD: Right, but if you didn't measure  
21 the sightlines at the other two locations  
22 proposed, then you don't know. You don't know  
23 what they are. Correct?

24 THE WITNESS (Paul): Yeah. This is Brian Paul with  
25 Vertical Bridge.

1           We were notified by the Connecticut DOT that  
2           the proposed was not sufficient, which is one of  
3           the main reasons, as Joe indicated, that we  
4           decided to move the road approximately 200 feet.

5   ATTORNEY SHERWOOD:   Did you make a determination that  
6           an encroachment permit from the DOT would be  
7           necessary?

8   THE WITNESS (Johnston):   This is Joe Johnston with  
9           Airosmith.  Yes, DOT, they said the permit will be  
10           necessary.

11   ATTORNEY SHERWOOD:   Even if you're using an existing  
12           curb cut?

13   THE WITNESS (Johnston):   Joe Johnston with Airosmith.  
14           Per the -- per the permitting language, that  
15           is accurate.

16   ATTORNEY SHERWOOD:   Was this, was the curb -- was the  
17           encroachment permit requirement something you just  
18           found out about as a result of the commissioner's  
19           letter?

20   THE WITNESS (Johnston):   Joe Johnston with Airosmith.  
21           That is when we -- we did an evaluation of  
22           the need for a cell permit, and it confirmed its  
23           need.  Yeah.

24   ATTORNEY SHERWOOD:   With respect to the sightline  
25           drawings, how did you determine the required sight

1                   distance, which you show -- there's a little sight  
2                   distance matrix on each drawing?

3   THE WITNESS (Johnston): Yes, sir. This is Joe  
4                   Johnston with Airosmith.

5                   There is a table in the Connecticut DOT  
6                   standard that specifies sightline distances based  
7                   on vehicle type and posted speed limits.

8   ATTORNEY SHERWOOD: Are you referring to the highway  
9                   design manual?

10   THE WITNESS (Johnston): This is Joe Johnston with  
11                   Airosmith.

12                   I don't recall the exact formal name of it at  
13                   this point.

14   ATTORNEY SHERWOOD: So, you don't know the citation  
15                   that requires 390 feet for a car and 490 feet for  
16                   a truck?

17   THE WITNESS (Johnston): This is Joe Johnston with  
18                   Airosmith.

19                   It was a Connecticut DOT design manual.

20   ATTORNEY SHERWOOD: How did you determine the -- you  
21                   show the edge of the right-of-way on the drawing.  
22                   How did you determine the location of the edge of  
23                   the right-of-way?

24   THE WITNESS (Johnston): Joe Johnston with Airosmith.  
25                   We used a property boundary line for the

1           parcel and measured the distance from that  
2           boundary line to the road edge.

3   ATTORNEY SHERWOOD:  Is the survey of the property part  
4           of the record?

5   THE WITNESS (Johnston):  This is Joe Johnston with  
6           Airosmith.

7           I don't believe the new survey is currently  
8           part of the record.

9   ATTORNEY SHERWOOD:  And -- but you're testifying that  
10           the survey shows the edge of the right-of-way?

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

13           The new survey does show the edge of the  
14           right-of-way.

15   ATTORNEY SHERWOOD:  And looking at SD-01, which is the  
16           site distance plan northbound, from what point did  
17           you measure the sightline?

18   THE WITNESS (Johnston):  This is Joe Johnston with  
19           Airosmith.

20           On the right-hand side of the graphic, there  
21           is -- there is a call-out that got -- right at the  
22           edge of the existing curb cut, in their  
23           directions, the road.  The addition is there.

24   ATTORNEY SHERWOOD:  So you measured the sightline from  
25           the edge of the pavement?

1 THE WITNESS (Johnston): That is correct.

2 ATTORNEY SHERWOOD: And at what height?

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

5 I don't recall the exact height. I would  
6 estimate 5 feet.

7 ATTORNEY SHERWOOD: The Connecticut Department of  
8 Transportation Highway Design Manual recommends  
9 that the site distance be measured a minimum of 15  
10 feet from the edge of the right-of-way.

11 Are you familiar with that requirement?

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

14 Yes, I am, and we can relocate the line of  
15 the drawing to account for that.

16 ATTORNEY SHERWOOD: Well, if you move the -- if you  
17 move the measurement point 15 feet back from the  
18 edge of the right-of-way -- and again, to be clear  
19 here, you measured at the edge of the pavement,  
20 not at the edge of the right-of-way.

21 So if you move it back 15 feet from the edge  
22 of the right-of-way, you're going to be  
23 significantly farther into the property, and that  
24 may significantly affect your sightline  
25 measurement. Correct?

1 THE WITNESS (Johnston): This is Joe Johnston with  
2 Airosmith.

3 The current right-of-way distance is  
4 about that 15 feet. So, it will have an effect on  
5 how much clearing needs to be done, but I don't  
6 know how significant that effect is.

7 ATTORNEY SHERWOOD: Well, the distance between the edge  
8 of the pavement and the edge of the right-of-way  
9 is 15 feet?

10 THE WITNESS (Johnston): This is Joe Johnston with  
11 Airosmith.

12 It's -- it's different in -- for both  
13 directions. It ranges from 13 feet to 16 feet.

14 ATTORNEY SHERWOOD: Well, what about where you measured  
15 it? In other words, right in the middle of the  
16 driveway there, how wide is the right-of-way, the  
17 difference between the right-of-way and the edge  
18 of the pavement?

19 THE WITNESS (Johnston): This is Joe Johnston with  
20 Airosmith.

21 Northbound -- so, northbound is 13 feet.  
22 Southbound is 16 feet. So, right at about -- at  
23 about 15 feet.

24 ATTORNEY SHERWOOD: You didn't measure it from the same  
25 point in both directions?

1 THE WITNESS (Johnston): We measured the property lines  
2 in both directions from the edge of pavement.

3 ATTORNEY SHERWOOD: So, if the spread between the edge  
4 of pavement and the right-of-way line is 13 feet,  
5 and you've got to go an additional 15 feet back,  
6 you're going to go 28 feet back. Right? From  
7 where you measured it?

8 THE WITNESS (Johnston): This is Joe Johnston with  
9 Airosmith.

10 I'm not following that, the calculation.

11 ATTORNEY SHERWOOD: The highway design manual, which is  
12 one of our administrative notice items -- it's  
13 item number 50, which is the authoritative  
14 document in Connecticut with respect to sightline  
15 requirements on state highways -- requires that  
16 the sightline be measured a minimum of 15 feet  
17 from the edge of the right-of-way. In other  
18 words, on the property, 15 feet from the edge of  
19 the right-of-way.

20 And the obvious reason for that is, if you  
21 measure it where you measured it, which is at the  
22 edge of the roadway, then you're going to have  
23 six, eight, ten feet of vehicle in the road  
24 because the driver isn't sitting on the front of  
25 the car. He's sitting at the steering wheel. So,

1           there the hood of the vehicle is going to be in  
2           the travelway. So, the design manual requires  
3           that it be measured about 30 feet south of  
4           where -- or 30 feet southeast of the point at  
5           which you measured.

6           Would you be willing to submit a  
7           sight-distance drawing showing the measurement per  
8           the highway design manual?

9   THE WITNESS (Johnston): This is Joe Johnston with  
10           Airosmith.

11           I now understand exactly what you're saying.  
12           And absolutely yes, we could.

13   ATTORNEY BALDWIN: Mr. Morissette, if I could interrupt  
14           for just a second? I would remind the Council  
15           that this driveway entrance, as proposed, is going  
16           to be subject to a DOT encroachment permit.

17           While the Siting Council certainly wants to  
18           be sure that we comply for traffic safety reasons,  
19           there will be another review of this application  
20           for an encroachment permit by the regional office  
21           of the DOT -- but I think it's probably time to  
22           move on from this point.

23   ATTORNEY SHERWOOD: May I comment on that,  
24           Mr. Morissette, please?

25   THE VICE CHAIR: Certainly. Go ahead, Attorney

1 Sherwood. Please comment.

2 ATTORNEY SHERWOOD: As we'll see, I hope shortly, the  
3 new location of the access road results in  
4 significantly greater wetlands impact, clearing,  
5 and tree disturbance. So, this location is not,  
6 at least in our opinion, is not as desirable as  
7 the location in the second iteration of the site  
8 plan.

9                   And if the Applicant's reason for relocating  
10                  the access road was to gain an improved sightline,  
11                  then I think the sightline is very relevant to the  
12                  Council's consideration. Because if the sightline  
13                  isn't any better at the new location than it was  
14                  at the second location, then we would certainly  
15                  encourage the Council to require the Applicant to  
16                  put the access road where the Applicant had shown  
17                  it in the second iteration.

18 ATTORNEY BALDWIN: Well, I think the testimony that  
19 you've heard, Vice Chair Morissette, is that it is  
20 significantly better from a traffic safety  
21 perspective in meeting the sightlines. We'll talk  
22 about the wetland impacts associated with the new  
23 driveway and other impacts associated with it  
24 altogether.

As one of the interveners who was making an

1 issue of the sightlines at the last location, I  
2 find it somewhat interesting, perhaps even  
3 disingenuous, that the new location is being  
4 criticized from a driveway safety perspective.

5 But let's talk about those other issues.

6 THE VICE CHAIR: Well, two things. As Attorney Baldwin  
7 had indicated, CDOT is going to need to review and  
8 sign off on this. So, they are going to look at  
9 the design and make sure that it meets their  
10 criteria.

11 We, the Siting Council, also get another peek  
12 at this as part of the D and M plan if it's  
13 approved. So, it's not as if we're signing off on  
14 it at this point. We would review it based on  
15 CDOT's recommendations at the time of the D and M  
16 plan, if it's reviewed.

17 Attorney Bachman, do you have any comments on  
18 this matter?

19 ATTORNEY BACHMAN: Thank you, Vice Chair Morissette.

20 I would just comment that if we are  
21 considering one, two, or three different access  
22 roads, that we make sure we have consistent  
23 information along all of our jurisdictional  
24 criteria across the board for the three access  
25 roads, or at least clarity from the Applicant as

1 to whether or not one, two, or three, or two out  
2 of the three are no longer on the table to be  
3 considered by the Council.

4 Thank you.

5 THE VICE CHAIR: Thank you, Attorney Bachman.

6 That's a very good point. Are options one  
7 and two still being considered by the Applicant,  
8 or are they off the table based on the comments  
9 you received from CDOT?

10 THE WITNESS (Paul): Yeah. This is Brian Paul at  
11 Vertical Bridge.

12 The late file that we recently filed is  
13 the -- is the plan moving forward. The other two  
14 are -- are considered off the table as far as  
15 we're concerned.

16 THE VICE CHAIR: Okay. So, we're only considering the  
17 new location as filed in the late-file exhibit.

18 So, therefore, I think we need to move on as  
19 far as discussion on this. And I think we have  
20 enough information on the record to have an  
21 opinion one way or the other.

22 ATTORNEY SHERWOOD: Mr. Morissette, I'd like to make  
23 two points. The first is that I'd like to state  
24 on behalf of the Steep Rock Association that Steep  
25 Rock Association believes the second iteration of

1                   the plan is preferable to either the first or the  
2                   third.

3                   And I don't think that the sightlines are  
4                   adequate, really, on any part of this highway, but  
5                   I don't think they're any better where the  
6                   Applicant is proposing them now. I just want to  
7                   be clear that what we're concerned about is the  
8                   impact, the environmental impact, not the  
9                   sightline.

10                  And I also would like to point out that it  
11                  was the Applicant who submitted SD-1 and SD-2, not  
12                  us. So, the Applicant has made the sightline an  
13                  issue in the application, and the sightline  
14                  drawing that the Applicant has -- or sightline  
15                  drawings that the Applicant has included bear no  
16                  resemblance to what's required under the highway  
17                  design manual.

18                  But I'll move on if that's what the Council  
19                  wishes.

20 THE VICE CHAIR: Yes, and I suggest that you brief your  
21                  opinion as to what your position is relating to  
22                  this matter. And certainly, as you continue with  
23                  cross-examination, or anybody, as Attorney Bachman  
24                  suggested, it is fair game to question the impact  
25                  on the environmental aspects of the shift in the

1 access road.

2 ATTORNEY SHERWOOD: Thank you.

3 I have some questions about the slope of the  
4 access road. This is addressed in your response  
5 to interrogatory number twelve. The existing  
6 grade that you indicate is 2.34 to 31.8 percent,  
7 is that correct?

8 ATTORNEY BALDWIN: Attorney Sherwood, could you -- you  
9 said interrogatory twelve?

10 ATTORNEY SHERWOOD: Number twelve. That's at 11, page  
11 11 of the 74 pages of the PDF. And my  
12 understanding is that the existing grade -- oh,  
13 I -- I guess I stand corrected, because the  
14 existing grade would be the existing grade of the  
15 second version of the site plan.

16 ATTORNEY BALDWIN: That was going to be my point. That  
17 does not -- that is not the information for the  
18 new driveway location that was submitted on  
19 December 30th.

20 ATTORNEY SHERWOOD: So, what is the existing grade of  
21 the access road under the third plan?

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

24 There's approximately 323 feet that has a  
25 grade of 1.5 percent. There's 637 feet of road

1           with a grade of 21.25 percent. Then at the top,  
2           towards the compound, there's approximately 133  
3           feet of road at 5 percent.

4   ATTORNEY SHERWOOD: That's your proposed grade.

5           Correct, Mr. Johnston?

6   THE WITNESS (Johnston): That's correct.

7   ATTORNEY SHERWOOD: You show some cut-and-fill  
8           calculations on sheet Z-3.2 of Late-File 1?

9   THE WITNESS (Johnston): This is Joe Johnston with  
10           Airosmith. That's correct.

11   ATTORNEY SHERWOOD: Do those include the -- do those  
12           numbers include the trenching for utilities?

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

15           No, it does not. It includes cut-and-fill to  
16           lay the road itself.

17   ATTORNEY SHERWOOD: In your opinion, can fire trucks  
18           ascend a 21.25 percent grade without any issue?

19   THE WITNESS (Johnston): Joe Johnston with Airosmith.  
20           Yes, a 21 percent grade actually is -- is  
21           about 12 degrees, which is, you know, fairly  
22           common on highways.

23   ATTORNEY SHERWOOD: So, in all -- in all types of  
24           weather, you don't think a fire truck or a diesel  
25           fuel truck would have any problem with the grade

1                   of that pitch?

2    THE WITNESS (Johnston): This is Joe Johnston with  
3                   Airosmith.

4                   You know, in -- in poor weather, it will be  
5                   more difficult. It's tough to say in all types of  
6                   weather if -- if they have no issues.

7    ATTORNEY SHERWOOD: Are you familiar with the Town of  
8                   Washington driveway ordinance that was our  
9                   administrative notice item number 49?

10   ATTORNEY BALDWIN: Vice Chair Morissette, I'll object  
11                   to the question.

12                   As Mr. Sherwood is aware, the Siting Council  
13                   has exclusive jurisdiction. Any requirements of  
14                   the local ordinances do not apply.

15   ATTORNEY SHERWOOD: Mr. Chairman, I'm not claiming that  
16                   the ordinance applies. I just want to know  
17                   whether or not Mr. Johnston is familiar with the  
18                   ordinance.

19   THE VICE CHAIR: Yeah. Let the Witness answer the  
20                   question, and let's move on.

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

23                   I'm aware of the ordinance. I'm aware of the  
24                   ordinance, yes.

25   ATTORNEY SHERWOOD: Well, the ordinance provides for a

1           15 percent maximum grade, and as Attorney Baldwin  
2           points out, the Siting Council is not bound by the  
3           local ordinance. But you don't -- the 21.25  
4           percent grade doesn't conform to the 15 percent  
5           maximum in the ordinance.

6           What would be the reason for a requirement  
7           like that if access were no problem?

8           ATTORNEY BALDWIN: I'll object to the question.

9           First of all, the ordinance doesn't apply.  
10           And second of all, Mr. Johnston cannot speak to  
11           the Town's reasoning for establishing the  
12           ordinance in the first place.

13           THE VICE CHAIR: The objection is sustained.

14           ATTORNEY SHERWOOD: The drive -- Mr. Johnston, the  
15           driveway as proposed is going to be entirely  
16           gravel. Is that correct?

17           THE WITNESS (Johnston): Joe Johnston with Airosmith.

18           That is correct.

19           ATTORNEY SHERWOOD: And you're not concerned about  
20           erosion?

21           THE WITNESS (Johnston): Joe Johnston with Airosmith.  
22           I'm not. It is purposefully angled towards  
23           the inside of the curb to help limit erosion and  
24           water runoff.

25           ATTORNEY SHERWOOD: Have you done a drainage design for

1                   the road?

2    THE WITNESS (Johnston): Joe Johnston with Airosmith.

3                   Yes, we have.

4    ATTORNEY SHERWOOD: Is that part of the record?

5    THE WITNESS (Johnston): This is Joe Johnston with  
6                   Airosmith.

7                   No, we have not submitted a calculation  
8                   package as part of the record.

9    ATTORNEY SHERWOOD: So, as part of your drainage  
10                  design, have you investigated the on-site soils?

11   THE WITNESS (Johnston): Joe Johnston with Airosmith.

12                  We do not yet have a complete geotech to  
13                  verify on-site soils, but we have been on-site and  
14                  are -- are using engineering judgment in our  
15                  preliminary calculations.

16   ATTORNEY SHERWOOD: Well, administrative notice items  
17                  12 and 13 are the USDA soil report for this  
18                  property, and they indicate that the soils are  
19                  highly erodible. That would make a difference in  
20                  your drainage design.

21   THE WITNESS (Johnston): Joe Johnston with Airosmith.

22                  I -- I've used those reports before. They're  
23                  only so accurate. You know, so we'll -- we'll  
24                  have a full geotech at this exact location, and we  
25                  can make adjustments once that comes in. That

1 can --

2 ATTORNEY SHERWOOD: But you don't -- but you don't have  
3 any better information than that. Correct?

4 THE WITNESS (Johnston): That is correct.

5 ATTORNEY SHERWOOD: The Late-File Exhibit 1, sheet  
6 Z-3.8, which are the environmental notes,  
7 discourage the use of salt on the access road.

8 Ascending this driveway without using some  
9 type of chloride de-icer, is that a realistic  
10 possibility if the weather is bad?

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

13 Typically, the only time we would attempt to  
14 salt or prepare the road is if we knew someone was  
15 going to access it. Otherwise, the road would  
16 simply be plowed free of snow. We wouldn't apply  
17 any needed or any specific type of ice melt or  
18 de-icing chemicals to the property unless we  
19 absolutely knew someone needed to get up there and  
20 there was ice, and in which case, we would  
21 typically sand.

22 ATTORNEY SHERWOOD: Mr. Johnston, you indicated that  
23 you don't have any information on the nature of  
24 the subsurface conditions. Correct?

25 THE WITNESS (Johnston): This is Joe Johnston with

1 Airosmith.

2                   We do not have a site-specific geotechnical  
3                   investigation at this time.

4 ATTORNEY SHERWOOD: Do you anticipate encountering  
5 bedrock in your construction of the access road or  
6 the utility trenches, or the tower site?

7 THE WITNESS (Johnston): This is Joe Johnston with  
8 Aerosmith.

12 ATTORNEY SHERWOOD: Yeah, I have a few questions about  
13 the wetlands impacts. The public notice, which is  
14 attachment three to the application, says, quote,  
15 access to the facility compound will extend from  
16 Warren Road over an existing gravel driveway, then  
17 over a new gravel access driveway, end quote.

18 Is there an existing gravel driveway crossing  
19 the wetlands on this property?

20 THE WITNESS (Gustafson): Dean Gustafson from  
21 All-Points. No.

22 ATTORNEY SHERWOOD: So, that's an error in the public  
23 notice? That's a question.

24 THE WITNESS (Gustafson): If that's what the public  
25 notice states -- stated then it's -- it's not

1                   That particular point isn't accurate at the  
2                   wetland crossing.

3                   ATTORNEY SHERWOOD: In the narrative which described  
4                   the first wetlands crossing, it indicated at page  
5                   18 -- it said, to minimize wetlands impacts the  
6                   narrowest portion of wetland one was selected for  
7                   this crossing. And that turned out not to be the  
8                   narrowest point, because the second revision to  
9                   the site plan relocated the crossing and resulted  
10                   in less wetlands impact still. Is that correct?

11                   ATTORNEY BALDWIN: Mr. Morissette, again, we're talking  
12                   about a driveway access way to the cell site that  
13                   is no longer, as Mr. Paul put it, in play.

14                   Perhaps we could focus on the environmental  
15                   effects associated with the proposed driveway as  
16                   outlined in our late-file exhibit.

17                   ATTORNEY SHERWOOD: Mr. Morissette, one of the  
18                   Council's responsibilities without any  
19                   environmental intervention is to consider  
20                   alternatives to the proposal. And as an  
21                   environmental intervenor, I believe it's our  
22                   responsibility to ask the Council to consider  
23                   alternatives to the current proposal which are --  
24                   which would result in less impact.

25                   So, I think that particularly in light of the

fact that the Applicant proposed the second iteration voluntarily and submitted site plans, that it certainly is worthy of the Council's consideration.

5 THE VICE CHAIR: I'm not sure I agree with that,  
6 Attorney Sherwood. I agree with the analysis that  
7 alternatives should be evaluated, but the  
8 alternatives that were originally proposed are no  
9 longer viable solutions. So, spending time asking  
10 questions about them I don't think are worthy of  
11 the time that we're here today.

12                   Attorney Bachman, do you have any comments on  
13                   that?

14 ATTORNEY BACHMAN: Thank you, Vice Chair Morissette.

15 I understand that Attorney Sherwood is a CEPA  
16 intervenor and it is his responsibility to explore  
17 alternatives, but the alternatives must be  
18 feasible.

19                   And based on what the Applicant stated  
20                   earlier, that there is only one access road on the  
21                   table at this point, and that's how we will  
22                   proceed. The other two are not viable, as you  
23                   stated.

24 THE VICE CHAIR: Yes. So, with that, the objection is  
25 sustained. Please continue. Attorney Sherwood.

1 ATTORNEY SHERWOOD: Thank you, Mr. Morissette.

2 The access road, what is the access road  
3 width in the new proposal?

4 THE WITNESS (Johnston): Joe Johnston with Airosmith.

5 The access road width remains the same as  
6 original, a 12-foot road with a 30-foot easement.

7 ATTORNEY SHERWOOD: Would it be possible to -- well,  
8 the easement is 30 feet. How wide is the  
9 travelway of the access road?

10 THE WITNESS (Johnston): Joe Johnston with Airosmith.

11 Can you define travelway?

12 ATTORNEY SHERWOOD: Well, the gravel part that the  
13 vehicles will be traveling on.

14 THE WITNESS (Johnston): This is Joe Johnston with  
15 Airosmith. They are twelve feet.

16 ATTORNEY SHERWOOD: Would it be possible to make that  
17 narrower, at least in the area of the wetlands  
18 crossing? Do you need the full twelve feet?

19 THE WITNESS (Paul): This is Brian Paul.

20 For construction vehicle purposes, twelve  
21 feet is generally the minimum that we like to see,  
22 only because some of the vehicles we -- we would  
23 use to access the site, such as concrete trucks,  
24 cranes, things of that nature, are wider than the  
25 typical vehicle, as you well know. So, twelve

1           feet is -- is how we design the road.

2           I'm going to say no, but we have seen roads  
3           in other instances, post-construction, get reduced  
4           down to ten feet. But I would say ten feet after  
5           the site is built is probably the bare minimum we  
6           could live with, with regard to having any type of  
7           future carrier activity at the site allowed for,  
8           again, should they need to get any type of a  
9           larger vehicle up the road like a crane or a  
10           concrete truck, or as you mentioned earlier, even  
11           a fire truck; and some of the radii, that would  
12           be required to be twelve feet wide, simply for  
13           those larger vehicles to be able to turn without  
14           impacting some of those swales on the side of the  
15           road.

16           ATTORNEY SHERWOOD: Thank you, Mr. Paul.

17           Mr. Johnston, would it be possible to move  
18           the access road farther to the south, say, to use  
19           the existing residential driveway so that the  
20           crossing, the wetlands crossing would not be  
21           necessary at all?

22           THE WITNESS (Johnston): Joe Johnston at Airosmith.

23           It is something that could be looked at. It  
24           will significantly increase the area of  
25           disturbance and the quantity of trees that are

1                   affected there.

2   ATTORNEY SHERWOOD:  Have you looked at that  
3                   alternative?

4   THE WITNESS (Johnston):  Joe Johnston, with Airosmith.

5                   We've discussed the alternative, but did not  
6                   design an option with that alternative to reduce  
7                   area of disturbance and quantity of trees  
8                   affected.

9   THE WITNESS (Paul):  I'll just add to that.  This is  
10                   Brian Paul.

11                   Again, having discovered the existing curb  
12                   cut, it seemed to make the most sense to  
13                   investigate whether or not we could make a road  
14                   work from that, and that's -- that's what we  
15                   proceeded with here.  So, that's how we ended up  
16                   on -- on the current plan.

17                   Also noting that, as Mr. Johnston indicated  
18                   earlier, the first 300 or so feet of that road  
19                   has -- proposed road has very little impact to cut  
20                   and fill, tree-clearing, and so forth.  So,  
21                   that's -- that was another reason we chose that  
22                   path, this path.

23   ATTORNEY SHERWOOD:  Well, based on your plan, which is  
24                   Z-2 that's in Late-Filed 1, it looks to me like  
25                   not much clearing would be required if you use the

1 existing driveway, and you wouldn't require an  
2 encroachment permit because the driveway is  
3 existing and in use.

4 And it would allow -- it would allow the  
5 avoidance of the wetlands crossing altogether if  
6 you just looped around the wetland and came back  
7 into the road to the west of the wetland, as you  
8 show in your plan.

9 Have you -- Mr. Johnston, have you looked at  
10 the possibility of accessing the site through 290  
11 Woodville Road? In other words, to the extreme  
12 northwest corner of that property, where this  
13 watercourse seems to become simply a drainage  
14 ditch, have you looked at that at all?

15 THE WITNESS (Johnston): This is Joe Johnston with  
16 Airosmith.

17 We have not looked at that as an option, no.  
18 ATTORNEY SHERWOOD: Mr. Gustafson, in your Exhibit 2 to  
19 the response to the first set of interrogatories,  
20 you say, quote, the proposed access road to the  
21 facility crosses at the historic dug swale.

22 APT recommends an evaluation of the  
23 facility's impact to wetland one be conducted once  
24 project site plans that include development  
25 details of the proposed narrow wetlands crossing

1                   are available for review.

2                   Now that you've apparently decided on a  
3                   different location, are you intending to conduct  
4                   an evaluation of the facility's impact to the  
5                   wetland and offer it to the Council?

6   THE WITNESS (Gustafson): So, under the Applicant --  
7                   under the Applicant's application, attachment  
8                   eleven, we provided a wetland assessment report  
9                   that evaluated the proposed project impacts to  
10                  wetland resources with the original access road  
11                  design. We can certainly provide an update to  
12                  that report.

13                  My conclusions would be somewhat similar to  
14                  those conclusions that we're impacting a  
15                  relatively narrow portion of this isolated wetland  
16                  feature. The impacts, although the numbers change  
17                  slightly from location to location, the effective  
18                  disturbance to the function of the values of that  
19                  portion of the wetland system are similar. Those  
20                  locations are -- generally provide conveyance of  
21                  surface water, and that's their principal  
22                  function, which will be retained with the proposed  
23                  crossing designs in either location.

24                  So, our conclusions would be somewhat  
25                  similar, and we would -- and we're providing a

1                   commensurate mitigation plan to compensate for the  
2                   project's unavoidable impacts and encroachments to  
3                   and proximity to wetland resources with a fairly  
4                   comprehensive wetland assessment plan that  
5                   enhances 9,000 square feet of that wetland system.

6   ATTORNEY SHERWOOD:  Would you agree that you're  
7                   disturbing or fragmenting over ten acres if this  
8                   project is implemented?  Over 10 acres of land?

9   THE WITNESS (Gustafson):  Can you clarify what you mean  
10                  by fragmenting land?

11   ATTORNEY SHERWOOD:  Well, the National Diversity  
12                  Database website gives guidance with respect to  
13                  when biological surveys are required.

14                  This is the Connecticut DEEP website for the  
15                  NDDB, and it says, quote, comprehensive biological  
16                  surveys and site habitat characterization are  
17                  highly recommended for all projects for listed  
18                  plants and animals if conducting significant  
19                  ground disturbance, converting natural lands to  
20                  development, or otherwise disturbing or  
21                  fragmenting over ten acres.  Biological surveys  
22                  should be considered on all potential state-listed  
23                  species that may occur and not necessarily be  
24                  limited to those documented in the site  
25                  assessment.

1                   So, my question is, do you think that based  
2                   on that language that a biological survey of this  
3                   site is warranted?

4    THE WITNESS (Gustafson):  Dean Gustafson from  
5                   All-Points.

6                   The simple answer to your question is no, we  
7                   are not fragmenting ten or more acres of land.  
8                   We're -- our limited disturbance is a little less  
9                   than one, one and a half acres.  So, per the  
10                  guidance from the Natural Diversity Database, we  
11                  are not fragmenting ten or more acres of land.

12   ATTORNEY SHERWOOD:  I asked you, Mr. Gustafson, at the  
13                  commencement of the public hearing with respect to  
14                  whether or not the wood turtle is a candidate for  
15                  federal listing, and we filed as an administrative  
16                  notice item the ECOS printout for the wood turtle.

17                  Have you had a chance to look at that?

18   THE WITNESS (Gustafson):  Dean Gustafson from  
19                  All-Points.  Yes.

20   ATTORNEY SHERWOOD:  Do you continue to maintain that  
21                  the wood turtle is not a candidate?

22   THE WITNESS (Gustafson):  The wood turtle is not an  
23                  officially listed candidate species by U.S. Fish  
24                  and Wildlife.

25   ATTORNEY SHERWOOD:  As a late-file exhibit, you

1 submitted Mr. Quinn's frog/turtle habitat survey.  
2 And Mr. Quinn characterizes the wetlands as a  
3 perennial stream within a forest, and he -- that's  
4 Exhibit 3 in the late-file exhibits and he has a  
5 photograph which shows that.

6 You characterized the watercourse on the  
7 property as an intermittent watercourse in your  
8 responses to the Council's interrogatories. You  
9 attach your wetlands analysis -- that's Exhibit  
10 2 -- to the responses, to set one of the  
11 responses. And Dr. Klemens indicates that he  
12 believes that the wetlands may contain a vernal  
13 pool.

14 Would it be fair to say that there's at least  
15 some disagreement over how to characterize this  
16 wetlands?

17 THE WITNESS (Gustafson): So, Dean Gustafson, from  
18 All-Points.

19 So, I don't believe it was -- if it -- I  
20 don't believe that was the intent of the  
21 frog/turtle habitat form to indicate that the  
22 wetland feature, the intermittent stream feature  
23 on the subject property is classified as  
24 perennial. And if that's a notation within the  
25 actual form, that if that is the case, then

1 additional information is required as part of the  
2 frog/turtle analysis.

3 We have clear documentation in our wetland  
4 delineation report and -- and supplemental  
5 photographs that have been provided in the record  
6 that show this, this is a seasonal intermittent  
7 stream feature. It is isolated. There's no  
8 dispute that it's an isolated feature, and as  
9 such, it wouldn't be classified as a perennial  
10 stream.

11 With respect to potential for vernal pool  
12 habitat, our conclusions and our testimony is that  
13 the wetland does not support the potential for  
14 vernal pool habitat. And I will point out that  
15 Dr. Quinn's phase-one frog/turtle habitat survey  
16 data form, which was completed at the end of March  
17 when the vernal pool and active breeding season  
18 would be beginning, there was no notation in his  
19 form that there were any herpetofauna identified  
20 on the subject property.

21 And so, if there was vernal pool habitat, he  
22 would have made note of it in that form and  
23 indicated what amphibians or reptiles were  
24 observed as part of his overall survey.

25 ATTORNEY SHERWOOD: So, he -- his notation that the

1           stream was perennial was gratuitous, but his  
2           failure to indicate the presence of any amphibians  
3           was intentional?

4    THE WITNESS (Gustafson): That's correct. I -- I  
5           actually believe the form has that notation as  
6           part of its standard format. And as you can see  
7           in notation one the asterisk, it denotes the  
8           reference to supplement information provides more  
9           details on that particular question should it  
10           exist.

11   ATTORNEY SHERWOOD: Thank you, Mr. Gustafson.

12           I have one more question, and that's for  
13           Mr. Landino on the visual assessment.

14           Mr. Landino, you -- the purpose of the map, of the  
15           visual assessment maps is to show the significant  
16           historical and cultural features in the area and  
17           how they would be impacted visually by the tower.

18           Is that a fair statement?

19    THE WITNESS (Landino): Rick Landino, All-Points Tech.

20           Which map are you referring to?

21    ATTORNEY SHERWOOD: The visual assessment maps.

22    ATTORNEY BALDWIN: You're talking about attachment nine  
23           to the application?

24    ATTORNEY SHERWOOD: And attachment one to the -- set  
25           two of the interrogatories, of the responses to

## 1 the interrogatories?

Because I note that you -- Steep Rock has property adjacent to Rabbit Hill Road, which is not shown on your plan. It's 85 acres. It's a fairly large piece of property. And Romford Road, which is listed as a town of Washington scenic road, it's the southerly continuation of Route 341 after it intersects with 202 -- is also not shown on your revised visual assessment map.

10 ATTORNEY BALDWIN: I'm sorry. Mr. Sherwood, could you  
11 repeat the question?

12 ATTORNEY SHERWOOD: Yes. I guess my question is, why  
13 haven't you shown -- if your intention is to show  
14 significant cultural and historical features, why  
15 haven't you shown the entirety of the Steep Rock  
16 Association Preserve property?

17                   And why haven't you shown Romford Road, which  
18                   is a town of Washington scenic road, which looks  
19                   to me like it would definitely be affected by --  
20                   visually by the erection of that tower at the  
21                   proposed location, because it's -- as I said, it's  
22                   the continuation of Route 341 southerly after its  
23                   intersection with Route 202?

24 THE WITNESS (Landino): Sorry. I'm sorry. This is  
25 Rick Landino.

1                   I'm just looking for Romford Road.

2   ATTORNEY SHERWOOD: Romford Road, it's difficult to see  
3                   in your visual assessment. It is the road which  
4                   can -- it's the continuation of 341 after it  
5                   intersects with 202. And it can -- I mean, if you  
6                   look on a Google map, you can clearly see it.

7   THE WITNESS (Landino): Our team used a database for  
8                   historic -- historic properties and historic  
9                   roads, and it -- and then that's the -- that's  
10                  what the GIS team used to put that on the map.  
11                  So, I'll have to check.

12                  What is the historic registry for that road?

13   ATTORNEY SHERWOOD: The Town of Washington has a scenic  
14                  roads webpage, which is our administrative notice  
15                  item number ten. And Steep Rock Association  
16                  would, I'm sure, be pleased to provide you with a  
17                  copy of their map of -- their trail map for the  
18                  Steep Rock Preserve.

19   THE WITNESS (Landino): So that map, that map is  
20                  showing national registered -- I think historic  
21                  properties on the national registry.

22   ATTORNEY SHERWOOD: No, I'm not speaking about historic  
23                  properties. Steep Rock Association owns and  
24                  manages the Macricostas Preserve, and there's  
25                  about a hundred acres of that preserve which are

1 not shown on your visual assessment. That's  
2 number one.

3 And number two, Romford Road is the town of  
4 Washington scenic road, and that's not shown on  
5 your visual assessment. We will provide you, if  
6 you want, with a copy of the -- it's a trail map  
7 for Macricostas Preserve which shows the land that  
8 Steep Rock Association, which is a land  
9 conservation trust, owns.

10 And you can check our administrative notice  
11 item number ten for the location, for the  
12 designation of the location of Romford Road as a  
13 town of Washington scenic road.

14 ATTORNEY BALDWIN: Vice Chairman Morissette, why don't  
15 we take that as a homework assignment and check on  
16 the status of Romford Road, and also check on the  
17 additional property associated with the preserve  
18 that Attorney Sherwood was speaking of, owned by  
19 the Steep Rock Association, or is controlled by  
20 the Steep Rock Association?

21 ATTORNEY SHERWOOD: Mr. Vice Chairman, that concludes  
22 my questions. I thank the Siting Council for its  
23 time and the Applicant.

24 THE VICE CHAIR: Thank you, Attorney Sherwood.

25 We will continue the cross-examination of the

1                   Applicant by Washington Montessori Association,  
2                   Inc, by Attorney Mortelliti.

3                   Attorney Mortelliti, good afternoon.

4   ATTORNEY MORTELLITI: Good afternoon, Chairman  
5                   Morissette. How are you?

6   THE VICE CHAIR: Good, thank you. How are you?

7   ATTORNEY MORTELLITI: Good, thank you.

8                   Okay. So if there's any issues with my  
9                   volume just let me know, Mr. Chair, or any members  
10                  of the panel. My computer does tend to get a  
11                  little bit wonky sometimes.

12                  THE VICE CHAIR: Yeah, we can hear you. We're hearing  
13                  you well so far. Thank you.

14                  ATTORNEY MORTELLITI: All right. Thank you.

15                  All right. I'd like to ask some questions to  
16                  All-Points Technology.

17                  Based on the documents provided by APT, it's  
18                  true that the Washington Montessori School will  
19                  have views of the cell tower. Correct?

20                  THE WITNESS (Landino): Rick Landino with All-Points  
21                  Tech. Yes, that is correct.

22                  ATTORNEY MORTELLITI: Okay. And especially the eastern  
23                  portions of the parcel will be able to see part of  
24                  the cell tower. Is that correct?

25                  THE WITNESS (Landino): Rick Landino.

1                   I missed the first part of your statement.

2   ATTORNEY MORTELLITI:  Sure, the eastern portion of the  
3                   Montessori school property especially will have  
4                   views of the tower.  Is that correct?

5   THE WITNESS (Landino):  Correct.

6   ATTORNEY MORTELLITI:  Okay.  All right.

7                   And I believe your report indicates that the  
8                   top portion of the tower will be especially  
9                   visible.  Is that correct?

10   THE WITNESS (Landino):  Correct.

11   ATTORNEY MORTELLITI:  Okay.  Now when you say the top  
12                   portion, what are you referring to, exactly?

13   THE WITNESS (Landino):  On the Montessori school  
14                   property, if you look at the viewshed map, you can  
15                   see a mix of year-round and seasonal visibility  
16                   over at that property.

17                   If you look on the -- on the right side of  
18                   the projection, on the eastern side of the  
19                   projection, that's where the tower will begin to  
20                   stick out above the trees.  As you move further  
21                   west, you will see more of the top of that tower.

22   ATTORNEY MORTELLITI:  Thank you.

23                   Now, you just said that there will be some  
24                   year-round visibility.  Correct?

25   THE WITNESS (Landino):  Correct.

1 ATTORNEY MORTELLITI: Okay. And again, just for  
2 clarity, where exactly on the property is there  
3 year-round visibility?

4 THE WITNESS (Landino): You will have visibility on the  
5 north -- here you're -- I'm sorry.

6 You're asking for year-round visibility?

7 ATTORNEY MORTELLITI: Correct, yes. Thank you.

8 THE WITNESS (Landino): On the northwestern portion of  
9 that field, both the central and western portion  
10 of that field on the north, north side. Over the  
11 central portion, over -- over the buildings in  
12 that area, and there's a field on the south,  
13 central and western portion of that field.

14 ATTORNEY MORTELLITI: Okay. Sure. So, you're  
15 referring to the field that's behind the school,  
16 and then the field in front of the school.

17 Correct?

18 THE WITNESS (Landino): Correct.

19 ATTORNEY MORTELLITI: Okay. Thank you.

20 Now, there was -- I believe there are, in  
21 your interrogatory responses to the Siting  
22 Council -- well, in the Applicant's interrogatory  
23 response to the Siting Council, there was  
24 testimony that there will be -- that there will be  
25 views from the non -- from the wooded and

1 non-wooded areas of the Montessori school.

2                   Correct?

3 THE WITNESS (Landino): Correct.

4 ATTORNEY MORTELLITI: Okay. All right. And when you  
5                   refer to wooded, I assume you're referring to the  
6                   wooded portion of the property that directly abuts  
7                   the property known as 17 Warren Road?

8 THE WITNESS (Landino): The wooded -- the wooded  
9                   property of?

10 ATTORNEY MORTELLITI: Of the Montessori school that's  
11                   directly across from 17 Warren.

12 THE WITNESS (Landino): I couldn't hear you.  
13                   I'm sorry.

14 ATTORNEY MORTELLITI: Sorry. I was referring to the  
15                   wooded property where the trail systems are  
16                   visible?

17 THE WITNESS (Landino): Correct.

18 ATTORNEY MORTELLITI: Okay. All right. Now, I do have  
19                   some questions with respect to the balloon test  
20                   that was conducted. Did All-Points Technology or  
21                   any of its entities conduct a balloon drive test  
22                   on the Montessori school property?

23 THE WITNESS (Landino): On -- on the back portion of  
24                   the property? No.

25 ATTORNEY MORTELLITI: All right. How about the front

1 portion?

2 THE WITNESS (Landino): We drove. We drove that area.

3 ATTORNEY MORTELLITI: Okay. But was the test actually  
4 conducted on the property?

5 ATTORNEY BALDWIN: I think that was in the response we  
6 gave in your interrogatories to the Applicant.

7 So, I think we'd rely on the response in that  
8 interrogatory.

9 ATTORNEY MORTELLITI: Okay. Did All-Points Technology  
10 at any point in time approach the school to  
11 request entry to the property for the balloon  
12 test?

13 THE WITNESS (Landino): Rick Landino. No.

14 ATTORNEY MORTELLITI: Okay. Why was that?

15 THE WITNESS (Landino): Why? Why did we not address --

16 ATTORNEY BALDWIN: I'm sorry. Attorney Mortelliti,  
17 you're fading. You fade in and out with volume  
18 when --

19 ATTORNEY MORTELLITI: My apologies, Attorney Baldwin.  
20 I'll try to be more clear. My simple question is,  
21 why was the school not approached by All-Points  
22 Technology for purposes of the balloon test?

23 THE WITNESS (Landino): The balloon test didn't -- it  
24 didn't affect the school. We -- we drove that  
25 portion to assess visibility, and we captured it

1           in our viewshed analysis.

2 ATTORNEY MORTELLITI: Okay. Thank you.

3           Mr. Morissette, it's my position,  
4 respectfully, that it would be helpful for the  
5 Council to understand visually how the balloon  
6 test would -- how the balloon test, you know, is  
7 and works relative to the school property.

8           I would ask that that test be performed as a  
9 late-filed exhibit subject to the Council's final  
10 decision.

11 ATTORNEY BALDWIN: Vice Chair Morissette, I'll object  
12 to the request. It is atypical, and I can't  
13 remember the Siting Council ever requiring such a  
14 secondary balloon flight as a late-file exhibit in  
15 my experience.

16           We stand by the information contained in the  
17 visual report. The balloon test was done in order  
18 to create that report, as stated in our  
19 interrogatory responses. We don't go on private  
20 property in order to assess individual views. We  
21 keep it to public rights-of-way and other public  
22 properties, which was done in this case.

23 THE VICE CHAIR: Thank you, Attorney Baldwin.

24 ATTORNEY MORTELLITI: I would just say in response,  
25 Mr. Morissette, that the Montessori school has

1           certainly authorized me to notify Cellco and  
2           All-Points, or any other agent that we would be  
3           receptive to anyone coming on the property for the  
4           test.

5           We do think it's highly relevant to  
6           understand visually what the impact is, given the  
7           fact that the Montessori school is an abutting  
8           property. So, it may not be typical for private  
9           property to be accessed, but there's express  
10           authorization by the school for this purpose.

11           And I would say it's relevant to deciding the  
12           visual impacts on this case, and especially the  
13           impacts on the school as an abutting property,  
14           which implicates General Statute 16-50p, "P" as in  
15           Paul. That's all.

16           THE VICE CHAIR: Very good. Thank you, Attorney  
17           Mortelliti.

18           Attorney Bachman, any comments on this  
19           matter?

20           ATTORNEY BACHMAN: Thank you, Vice Chair Morissette.

21           As our environmental criteria under the  
22           statute dictates, it's not visibility that's  
23           required to be evaluated. It's impacts to scenic  
24           resources, which necessarily does include  
25           visibility, but we certainly don't require visual

1                   analyses from every property within the radius,  
2                   and there's a reason for that.

3                   Attorney Baldwin stated it clearly; those are  
4                   private properties. If we got a visual assessment  
5                   from the Montessori school, then why don't we get  
6                   a visual assessment from the SRA's properties  
7                   throughout the area?

8                   Certainly, this is a requirement to file an  
9                   application with the Siting Council. We have a  
10                  visual assessment that was conducted. We have the  
11                  results, and that is what is in the record. And I  
12                  could be mistaken, but I believe it does include  
13                  the areas owned by the Montessori school.

14                  THE VICE CHAIR: Thank you. Thank you, Attorney  
15                  Bachman.

16                  Given the situation, we would be opening up  
17                  late-filed exhibits for all property owners and  
18                  having specific balloon flights on properties in  
19                  the area for all our dockets, and that certainly  
20                  is somewhere where we do not want to go.

21                  And given the comments by Attorney Bachman,  
22                  the objection is sustained. Thank you.

23                  ATTORNEY MORTELLITI: Thank you.

24                  Okay. I do have some questions specifically  
25                  for Ms. Glidden -- if she's available?

1 THE WITNESS (Glidden): Yes.

2 ATTORNEY MORTELLITI: Good afternoon, Ms. Glidden.

3 THE WITNESS (Glidden): Good afternoon.

4 ATTORNEY MORTELLITI: All right. And again, let me  
5 know if you can't hear me clearly for any reason.

6 So, I want to go back to your prior testimony  
7 from our last hearing. You testified at one point  
8 that the Montessori school offered an adjacent  
9 property as a potential tower location.

10 Do you recall that testimony?

11 THE WITNESS (Glidden): Yes.

12 ATTORNEY MORTELLITI: Okay. I'd like you to turn, if  
13 you could, to the Applicant's interrogatory  
14 responses to the Siting Council, interrogatory  
15 number 5. This was filed back on November 26th of  
16 2025. Just let me know when you get there.

17 THE WITNESS (Glidden): Yes, thank you.

18 ATTORNEY MORTELLITI: Okay. Thank you.

19 Do you see the language in the second  
20 paragraph of that response where it starts saying,  
21 it should also be pointed out?

22 THE WITNESS (Glidden): Yes.

23 ATTORNEY MORTELLITI: Okay. All right. That, that  
24 sentence indicates that, at least according to the  
25 Montessori school, the board of the school did not

1 consider leasing any property to the Applicant.

2 Is that correct?

3 THE WITNESS (Glidden): Correct.

4 ATTORNEY MORTELLITI: Okay. All right. In light of  
5 that representation in the record, are you willing  
6 to amend your prior testimony that the school did  
7 offer locations for the cell tower?

8 ATTORNEY BALDWIN: I'll object to the question, Vice  
9 Chair Morissette. I think the responses that are  
10 in the record, including the Montessori school's  
11 responses to the Siting Council's questions  
12 regarding whatever discussions occurred between  
13 the Applicant and the Montessori school regarding  
14 alternatives from that property speaks for itself.

15 I don't think there's any need to ask  
16 Ms. Glidden to amend her response.

17 THE VICE CHAIR: (Inaudible.)

18 ATTORNEY MORTELLITI: Mr. Morissette, you're muted.

19 THE VICE CHAIR: Sorry about that.

20 The responses we have already in the record  
21 clarify that situation quite clearly, in my  
22 opinion. So, I don't see it relevant that the  
23 Applicant needs to amend her statement when it's  
24 already been clarified.

25 ATTORNEY MORTELLITI: Fair enough. Thank you. I'll

1 move on.

2 THE VICE CHAIR: Thank you.

3 ATTORNEY MORTELLITI: Ms. Glidden, also in your prior  
4 testimony, I believe it was you who testified that  
5 the Applicant would report extensive tank leaks to  
6 DEEP. Do you recall making that statement?

7 THE WITNESS (Glidden): I'm sorry. Can you repeat  
8 that?

9 ATTORNEY MORTELLITI: Sure. I believe it was you at  
10 the prior hearing who testified that the Applicant  
11 would report extensive tank leaks to DEEP.

12 Do you recall making that statement?

13 THE WITNESS (Glidden): Yes. Yes, I do.

14 ATTORNEY MORTELLITI: Okay. All right. And with  
15 regard to leaks that maybe aren't considered  
16 extensive per se, is it the same reporting  
17 requirement, or at least the same reporting  
18 procedure for the Applicant?

19 THE WITNESS (Glidden): Yes.

20 ATTORNEY MORTELLITI: Okay. All right. And what is  
21 the exact procedure for reporting these leaks?

22 THE WITNESS (Glidden): I'm sorry. Repeat that?

23 ATTORNEY MORTELLITI: Yeah. What is the exact  
24 procedure for reporting any tank leaks?

25 A VOICE: The exact procedure for reporting tank leaks.

1 THE WITNESS (Glidden): As I understand it, it would be  
2 to report it to -- to DEEP.

3 ATTORNEY MORTELLITI: And is that done within a certain  
4 timeframe? Do you know what the -- I'm asking  
5 more temporally, more temporally speaking, what's  
6 the response time?

7 What's the (unintelligible) for that?

8 ATTORNEY BALDWIN: I'm sorry, Attorney Mortelliti, you  
9 get very muffled when you get close to your  
10 computer. Sorry. I'm just having trouble.

11 ATTORNEY MORTELLITI: Sorry. My apologies.

12 I'm just asking more from a timing  
13 perspective, Ms. Glidden, what's the response  
14 timeline reporting to DEEP?

15 THE WITNESS (Glidden): Whatever the response time is,  
16 we would do it in -- within what is required of  
17 the law.

18 ATTORNEY MORTELLITI: Okay. Thank you.

19 Okay. I have a question for the panel at  
20 large regarding some alternate sites, some -- for  
21 example, the potential tower site at 22 Couch  
22 Road. Correct?

23 A VOICE: (Unintelligible.)

24 ATTORNEY MORTELLITI: Sorry, I'm looking at page 2 of  
25 the site search summary.

1 ATTORNEY BALDWIN: And the site number three?

2 ATTORNEY MORTELLITI: No, sorry. Site number four.

3 ATTORNEY BALDWIN: Four? Okay.

4 ATTORNEY MORTELLITI: So, my question is just that that

5 was examined as an alternate site. Correct?

6 THE WITNESS (Glidden): Yes.

7 ATTORNEY MORTELLITI: Okay.

8 THE WITNESS (Glidden): For the record, this is Liz

9 Glidden. Yes.

10 ATTORNEY MORTELLITI: Okay. Thank you, Ms. Glidden.

11 And that site was studied by Cellco's RF

12 engineers? And is -- oh, I'm sorry. Go ahead.

13 THE WITNESS (Glidden): Well, they -- yes, it was.

14 ATTORNEY MORTELLITI: Okay. All right. Now, it was a

15 potential candidate site. Correct?

16 THE WITNESS (Glidden): A potential candidate site?

17 ATTORNEY MORTELLITI: Yes.

18 THE WITNESS (Paul): This is Brian Paul with Vertical

19 Bridge.

20 It doesn't appear as though it was ever

21 perceived as a candidate. We never had any

22 contact or interaction with this property owner

23 beyond an initial expression of interest. There

24 were never any terms or agreements discussed.

25 ATTORNEY MORTELLITI: Okay. Sure. So, let me try to

1           be more clear. If we look at this property, item  
2           number four, there's language saying that this  
3           candidate was selected as a potential candidate.

4           Do you see that language under number four?

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

6           Everything listed on the site search summary  
7           was considered a potential candidate.

8   ATTORNEY MORTELLITI: Okay.

9   THE WITNESS (Paul): That's why they're on the list.

10   ATTORNEY MORTELLITI: All right.

11   THE WITNESS (Paul): They're on that.

12   ATTORNEY MORTELLITI: Thank you, Mr. Paul. Who -- who  
13           would -- from Cellco would reach out to the owner?

14   THE WITNESS (Glidden): This is Liz Glidden.

15           One of our site acquisition specialists would  
16           reach out usually by sending a letter.

17   ATTORNEY MORTELLITI: Okay. In this case, do you know  
18           how many letters and/or e-mails or phone calls  
19           were made to the owner of 22 Couch Road?

20   THE WITNESS (Glidden): I -- I do not in this  
21           particular case, but typically two attempts are  
22           made to reach a property owner at a minimum.

23   ATTORNEY MORTELLITI: Okay. Any idea what the spacing  
24           is with respect to those two attempts in terms of  
25           days elapsing between the two attempts?

1 THE WITNESS (Glidden): In this -- this is Liz Glidden.

2 In this particular case, I don't. It  
3 wouldn't be uncommon to wait a month or two in the  
4 event that the property owner is out of town or  
5 unavailable.

6 ATTORNEY MORTELLITI: I want to now look very quickly  
7 at site number five -- I'm sorry. Site number --  
8 I apologize. I believe it was identified as 22  
9 Rabbit Hill Road. I think that was addressed  
10 at -- under Attorney Sherwood's cross-examination.

11 Is anyone familiar with 22 Rabbit Hill Road?

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

14 We showed two on Rabbit Hill Road, and they  
15 both appear to be owned by the same person, though  
16 I'm not sure which.

17 ATTORNEY MORTELLITI: Okay. I guess -- I guess we can  
18 collectively look at items five and six -- thank  
19 you --

20 THE WITNESS (Paul): Okay.

21 ATTORNEY MORTELLITI: -- on that one.

22 What is the reason for the site being  
23 rejected by Cellco's RF engineer?

24 THE WITNESS (Vellante): Keith Vellante with C Squared.  
25 We're -- just to -- just to let you

1 understand, we're referring to candidates five and  
2 six on attachment eight.

3 ATTORNEY MORTELLITI: Yes, Mister --

4 THE WITNESS (Vellante): This is Rabbit Hill Road,  
5 Warren?

6 ATTORNEY MORTELLITI: Yeah, that's correct. Thank you.

7 THE WITNESS (Vellante): Yeah. My understanding of  
8 that evaluation was that the -- the property was  
9 purchased by the Department of Agriculture,  
10 restricting ability. And therefore, they were  
11 eliminated by RF engineers.

12 ATTORNEY MORTELLITI: Okay. Thank you.

13 Now my question for the panel would be, what  
14 is the cell tower's proximity to the Washington  
15 Montessori School trail systems located in the  
16 eastern portion of the school property?

17 Is there a metric on that?

18 ATTORNEY BALDWIN: Vice Chair Morissette, again, I  
19 think that's a direct question from the  
20 interrogatories which we received from the  
21 Montessori school. And I would just refer  
22 Attorney Mortelliti to that response.

23 THE VICE CHAIR: Attorney Mortelliti, you can look up  
24 the response if that's -- if you could do that?

25 ATTORNEY MORTELLITI: Yeah. Bear with me one second.

1 THE VICE CHAIR: Okay.

2 ATTORNEY BALDWIN: And again, Attorney Mortelliti, I  
3 think our response said something to the effect  
4 that it wasn't clear from the information that the  
5 Washington Montessori School provided as to  
6 exactly where those trails were located.

7 There was a trail map that you attached that  
8 didn't show the trails, so it was hard to figure  
9 out where exactly they were in relation to the  
10 property.

11 ATTORNEY MORTELLITI: All right. Okay. I will address  
12 that, Attorney Baldwin. I will direct the panel  
13 to Exhibit Number 3 under the Washington  
14 Montessori School's pre-filed testimony, which  
15 does provide an illustration of the property under  
16 the Washington Town's GIS map.

17 It's true that there's no metric in that  
18 document as to the distance between the proposed  
19 tower site and the trails, but I do think,  
20 Mr. Morissette, that detail is relevant when the  
21 Siting Council is considering this project  
22 relative to the abutting school property and the  
23 separating distances between land uses on the  
24 Washington Montessori School and 17 Warren road.

25 So, I do think we should figure that number

1 out.

2 THE VICE CHAIR: Let me -- Attorney Baldwin, do you  
3 think that given the information that has been  
4 filed and is on the record, that during the break  
5 an estimate of that distance could be determined?

6 ATTORNEY BALDWIN: Well, I think it might be more  
7 appropriate for the Washington Montessori School  
8 to identify what that distance is, Vice Chair  
9 Morissette.

10 I'm looking at the GIS map that I think is  
11 attached to Ms. Dorton's testimony, and that  
12 there's a very faint line that looks like it could  
13 be a trail in that area. I suppose we could try  
14 to scale that off if it would be helpful as the  
15 closest point to the property line, but the only  
16 caveat I'll offer is that it will be our best  
17 guess based on the information contained in that  
18 exhibit.

19 THE VICE CHAIR: Very good. If you could do that?

20 I think it is also appropriate for the  
21 Montessori school to also provide a distance of  
22 the trails to the property line. And perhaps the  
23 Applicant could provide the distance from the  
24 property line to the cell tower. So, if we have  
25 both pieces of information we could determine what

1           that distance is. So, I think that would be  
2           helpful.

3           So, Attorney Baldwin, if you could take a  
4           look at it during the break and see what you can  
5           come up with, that would be helpful. Thank you.

6 ATTORNEY BALDWIN: We'll do that. Thank you.

7 ATTORNEY MORTELLITI: Thank you, Mr. Morissette.

8           So, my follow-up question then to the panel  
9           would be, was it aware of the school's utilization  
10           of the trail systems in the wooded area directly  
11           abutting 17 Warren Road?

12 ATTORNEY BALDWIN: I'm sorry. Attorney Mortelliti, you  
13           broke up again.

14 ATTORNEY MORTELLITI: I apologize, Attorney Baldwin.

15           My follow-up question is, was Cellco aware of  
16           the Washington Montessori School's trail system  
17           that's in the eastern portion of the property  
18           directly abutting 17 Warren Road?

19 ATTORNEY BALDWIN: Again, I think that's a question  
20           that's been asked and answered in your  
21           interrogatory.

22 ATTORNEY MORTELLITI: Okay. All right. Fair enough.

23           My question then would be, why was there no  
24           knowledge of this land use during the due  
25           diligence portion of the application?

1 THE WITNESS (Glidden): Hi. This is Liz Glidden.

2 It's very hard to see the trails from the  
3 aerial photos that are within the GIS. While we  
4 knew that there was a school there, we did not  
5 know of the property, all the property uses.

6 ATTORNEY MORTELLITI: Fair enough, Ms. Glidden. Thank  
7 you. But the Applicant could have independently  
8 examined the property in its entirety. Right?  
9 Through its own research, its own due diligence?  
10 It doesn't have to rely on the school itself to  
11 provide evidence of its land uses. Correct?

12 ATTORNEY BALDWIN: Are you implying that somehow those  
13 trails were part of our land-use approval in that  
14 town?

15 ATTORNEY MORTELLITI: No, that's not the question,  
16 Attorney Baldwin. My simple question is, isn't it  
17 the Applicant's burden and obligation to  
18 understand all activity on an abutting property  
19 when it's proposing a cell tower that may impact  
20 that property?

21 THE WITNESS (Glidden): This is -- oh.

22 A VOICE: Go ahead.

23 THE WITNESS (Glidden): This is Liz Glidden.

24 We would assume that -- that uses that are  
25 permitted on the property would be reflected in

1                   the land records. And to a certain extent, we  
2                   cannot project all the uses that are being used on  
3                   abutting properties.

4                   ATTORNEY MORTELLITI: Thank you, Ms. Glidden.

5                   THE VICE CHAIR: Attorney Mortelliti, do you have any  
6                   more questions? It's about time for a break.

7                   ATTORNEY MORTELLITI: I do, Mr. Morissette. I can  
8                   refrain from further questioning until after the  
9                   break.

10                  THE VICE CHAIR: Okay. We're going to take a break.  
11                  We will reconvene at 3:45. Very good.

12                  Thank you, everyone.

13

14                  (Pause: 3:32 p.m. to 3:45 p.m.)

15

16                  THE VICE CHAIR: Okay. We're back.

17                  Is the Court Reporter back with us?

18                  THE REPORTER: I am, and we are on the record, Vice  
19                  Chair.

20                  THE VICE CHAIR: Very good. Thank you.

21                  Okay. Attorney Mortelliti, please continue.

22                  ATTORNEY MORTELLITI: Thank you, Mr. Morissette.

23                  I have a question for the panel. The  
24                  separating distance between the cell tower and the  
25                  Washington Montessori School property line is 104

1           feet. Is that correct?

2   THE WITNESS (Johnston): Joe Johnston at Airosmith.

3           That is correct.

4   ATTORNEY MORTELLITI: Okay. Thank you.

5           And the cell tower height itself is 140 feet.

6           Is that correct?

7   THE WITNESS (Johnston): Joe Johnston at Airosmith.

8           That is correct.

9   ATTORNEY MORTELLITI: Okay. Thank you, Mr. Johnston.

10           So, is it safe to say that if the tower were,  
11           for whatever reason, to fall, that given its  
12           height relative to the distance from the property  
13           line it could potentially fall on the Montessori  
14           school property?

15   THE WITNESS (Johnston): This is Joe Johnston at  
16           Airosmith.

17           No, because we would purposely design it with  
18           a fall zone to prevent it from falling over the  
19           property line.

20   ATTORNEY MORTELLITI: You said a fall zone?

21   THE WITNESS (Johnston): Yeah, you could design a weak  
22           point on the tower to ensure that if it was to  
23           collapse, it would collapse on the property.

24   ATTORNEY MORTELLITI: Okay. And then that's been  
25           designed on this particular tower?

1 THE WITNESS (Johnston): This is Joe Johnston with  
2 Airosmith.

3 It's not designed yet, but that's how it will  
4 be designed.

5 ATTORNEY MORTELLITI: When do you plan on introducing  
6 images, metrics, information on that design  
7 itself?

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

10 We don't typically get into the design  
11 characteristics of the tower specifically, whether  
12 it's the tower itself or its foundation, until the  
13 site is approved by the Siting Council.

14 ATTORNEY MORTELLITI: So, would that be an item for the  
15 D and M plan?

16 THE WITNESS (Paul): I'm sorry?

17 ATTORNEY MORTELLITI: Would that be an item for the D  
18 and M plan? Is that your testimony?

19 THE WITNESS (Paul): Unfortunately, no, it doesn't  
20 typically -- again, Brian Paul here.

21 No, it's not included in the D and M plan,  
22 but we could supplement a fall zone letter stating  
23 that it would be certified for a certain height if  
24 that were required.

25 ATTORNEY MORTELLITI: Has Cellco ever produced such a

1           letter during siting council proceedings such as  
2           this one?

3   ATTORNEY BALDWIN: I'm sorry. Attorney Mortelliti,  
4           could you -- I'm having trouble hearing you again.

5   ATTORNEY MORTELLITI: Sorry. Sorry, Attorney Baldwin.

6           Has such a letter ever been produced in  
7           siting council proceedings such as this one?

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

9           We -- we have done it at the request of an  
10          intervener or the Siting Council. It -- it's a  
11          letter produced by the engineer of record for the  
12          tower manufacturer.

13   ATTORNEY MORTELLITI: Thank you. I appreciate that.

14           Mr. Morissette, in light of that  
15          representation, I would ask that this letter be  
16          prepared as a late-filed exhibit so that it's  
17          clear to the Council that if the cell tower as  
18          proposed is constructed, there is clarity -- for  
19          all parties and interveners about its design and  
20          how that would play out in the event of a fall.

21   THE VICE CHAIR: Thank you, Attorney Mortelliti.

22           But this is typical with some towers.  
23          Typically we order a yield point as part of the  
24          conditions and they are required to design and  
25          provide documentation that that yield point has

1           been incorporated into design either by the D and  
2           M plan or by written letter.

3           So, it is taken care of.

4   ATTORNEY MORTELLITI: Okay. Thank you, Mr. Morissette.

5   ATTORNEY BALDWIN: Attorney Mortelliti, since you had a  
6           pause, if we could go back to the question  
7           regarding the trails on the Washington Montessori  
8           School property?

9           I'd ask Mr. Gustafson to respond to that  
10           question, or attempt to respond to that question.

11   THE WITNESS (Gustafson): Sure, I'd be happy to.

12           So, we did do some research to determine if  
13           there's any publicly available campus maps that  
14           show the trail system on the Montessori school.  
15           And out of the -- it doesn't appear that the  
16           Montessori school produces that map publicly. We  
17           also checked the town records. We didn't see any  
18           publicly available trail maps.

19           That being said, the tower is located  
20           approximately 900 feet east of the eastern edge of  
21           the access drive. And from reviewing aerial  
22           photography, it does appear that there is a trail  
23           system that extends eastward for a couple hundred  
24           feet. It may extend further, but it's not visible  
25           in the aerial photography.

1                   So, the -- that eastern limit of the visible  
2                   trail system in the aerial photograph is  
3                   approximately seven -- 750 feet away from the  
4                   trail from my, excuse me, from the proposed tower  
5                   site.

6   ATTORNEY MORTELLITI: Thank you for that.

7                   And just for clarifying, what was the  
8                   methodology or approach you used to make that  
9                   calculation?

10   THE WITNESS (Gustafson): It's through aerial photog --  
11                   photography interpretation. So, we looked at some  
12                   aerial photographs from 2024 down to about 2018.

13   ATTORNEY MORTELLITI: Okay. And that that creates a  
14                   measurement of sorts? I'm trying to -- I'm trying  
15                   to understand the actual process for calculating  
16                   that distance.

17   THE WITNESS (Gustafson): Yes, it -- yeah. We employed  
18                   Google Earth Pro. So, you can take distances  
19                   based on points on the aerial photograph and we  
20                   used the coordinates of the tower system to make  
21                   those measurements.

22   ATTORNEY MORTELLITI: Okay. Do you typically engage in  
23                   that process for trying to figure out separating  
24                   distances between structures, items, et cetera,  
25                   and the tower site?

1 THE WITNESS (Gustafson): That's a pretty typical  
2 methodology that's used. You know, if it's closer  
3 to the actual site and it's picked up by survey,  
4 then we will rely on actual survey data, but  
5 otherwise we would rely on publicly available data  
6 sources.

7 ATTORNEY MORTELLITI: Okay. And again, just to clarify  
8 for the record, you're saying 700 to 750 feet?

9 THE WITNESS (Gustafson): That's correct.

10 ATTORNEY MORTELLITI: Okay. Thank you.

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

12 ATTORNEY MORTELLITI: A question for the panel. There  
13 was -- there was evidence that the cell tower  
14 would, of course, extend above the treeline at 17  
15 Warren road. What is the exact -- what is the  
16 exact measurement as far as height above the  
17 treeline?

18 Or, you know, or the, you know, or --  
19 actually, question withdrawn.

20 What is the -- because the treeline, the  
21 treeline varies, I suspect. So, what is the --  
22 what is the approximate height above the treeline  
23 on 17 Warren road?

24 THE WITNESS (Paul): This is Brian Paul with Vertical  
25 Bridge.

1                   Just for clarification, are you asking how  
2                   tall the tower is compared to the average tree  
3                   canopy height?

4   ATTORNEY MORTELLITI: Yes, that's correct.

5   THE WITNESS (Paul): Okay.

6   THE WITNESS (Landino): This is Rick Landino.

7                   You were asking the height of the tower at 17  
8                   Warren road?

9   ATTORNEY MORTELLITI: That's correct, yes. Yes. In  
10                  other words, how many feet above the -- okay?

11                  Above the canopy line is the top of the tower?

12   THE WITNESS (Landino): From 17 Warren road, it's --  
13                  it's predicted to be seasonal visibility only.

14   ATTORNEY MORTELLITI: I'm sorry. I thought you cut out  
15                  there.

16   THE WITNESS (Paul): How much of the tower can you see  
17                  above the tree? How much taller is the tower than  
18                  the trees on the properties? That's the average  
19                  (unintelligible).

20   THE WITNESS (Landino): Oh.

21   THE WITNESS (Paul): The tower height in  
22                  (unintelligible).

23   THE WITNESS (Landino): Oh, okay.

24   ATTORNEY BALDWIN: (Unintelligible).

25   THE WITNESS (Landino): I'm sorry. I'm not

1 understanding.

2 ATTORNEY BALDWIN: Just so we understand it, Attorney  
3 Mortelliti, you're looking for the height of the  
4 tower above the treeline at the compound. Because  
5 as you -- as you understand, the view of the tower  
6 above the tree canopy from those areas where it is  
7 visible above the tree canopy will vary based on  
8 where you are. But at -- so, what's the tree  
9 height at the compound area versus the tower?

10 ATTORNEY MORTELLITI: That's correct.

11 ATTORNEY BALDWIN: Okay.

12 THE WITNESS (Landino): So, it's about -- I'm guessing  
13 about 70, about 70 feet.

14 ATTORNEY MORTELLITI: Okay. That's an estimate?

15 THE WITNESS (Landino): Yes.

16 ATTORNEY MORTELLITI: All right. Would you be able to  
17 provide a more accurate number? Not at the  
18 moment, but you know, at the subsequent hearing?

19 THE WITNESS (Gustafson): Yeah, I'll get back to you.

20 ATTORNEY MORTELLITI: Okay. Thank you.

21 I appreciate that.

22 THE VICE CHAIR: Attorney Mortelliti, we're not going  
23 to accept late files at this time.

24 ATTORNEY MORTELLITI: Maybe not a late file,  
25 Mr. Morissette, but could it just be a

1 representation on the record as to what that  
2 number is?

3 THE VICE CHAIR: If the panel can answer that before we  
4 leave this afternoon, then we will accept that.

5 ATTORNEY BALDWIN: Vice Chair Morissette, let me ask  
6 Mr. Landino to modify his response so that we can  
7 put the issue to rest.

8 THE VICE CHAIR: Very good. Thank you.

9 Okay. Attorney Mortelliti, please continue.

10 ATTORNEY MORTELLITI: Thank you, Mr. Morissette.

11 ATTORNEY BALDWIN: Excuse me. I'm sorry. We can do  
12 that now, vice Chair Morissette.

13 THE VICE CHAIR: Very good. Please do.

14 ATTORNEY BALDWIN: So, what are the height of the trees  
15 at the compound, at the same elevation as the  
16 compound, versus the tower height?

17 And what is that difference?

18 THE WITNESS (Landino): I need -- I just need a minute  
19 to find out. I'm sorry. Sorry.

20 ATTORNEY BALDWIN: Well, I thought we could get it  
21 quickly --

22 THE WITNESS (Landino): Sorry.

23 ATTORNEY BALDWIN: -- Vice Chair Morissette. I guess I  
24 was wrong. We'll come back to that.

25 THE VICE CHAIR: Very good. Let's continue.

1 ATTORNEY MORTELLITI: Thank you. And I appreciate you  
2 guys looking at that.

3 My next question would be to the panel, again  
4 understanding that you're doing some due diligence  
5 here, but has Cellco done any investigation into  
6 the extent to which it can lower the tower height  
7 and still substantially provide the coverage it's  
8 looking to provide at the tower site itself?

9 THE WITNESS (Vellante): Keith Vellante with C Squared.

10 Yeah. So, that that was -- that was  
11 responded to in the first set of interrogatories.  
12 The height is a critical element to the -- to the  
13 coverage that can be provided from a location, but  
14 certainly with respect to the surrounding  
15 topography, which in this area varies quite a bit.

16 So, in particular, the handoff to the east  
17 with the Litchfield southwest would be more  
18 challenging with the -- with the diminishment of  
19 height and open up a potential gap there as well  
20 as to the northwest along route 341. That would  
21 be from Verizon's perspective.

22 The tower is designed for multiple  
23 co-locators, so a reduction in height would --  
24 would impact lower operators as well.

25 ATTORNEY MORTELLITI: Thank you, Mr. Vellante.

1            Could you just -- which interrogatory are you  
2            looking from? Which response?

3   ATTORNEY BALDWIN: I'm sorry. It's interrogatory 28,  
4            the original responses to the Siting Council.

5   ATTORNEY MORTELLITI: From November 26th? Okay. I see  
6            it. Thank you.

7            So, Mr. Vellante, so I see -- I see the  
8            response here. This tower is being constructed at  
9            least in part due to desires for emergency  
10            response services in Washington. Is that a fair  
11            statement?

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

13            Yes, we've been contacted with regard to  
14            emergency services being installed on the tower.

15   ATTORNEY MORTELLITI: Okay. And emergency services, is  
16            that the driving factor behind the desire to  
17            construct the cell tower?

18   THE WITNESS (Paul): From Vertical Bridge's standpoint,  
19            the first priority is Cellco's desire to have  
20            service in the area.

21   ATTORNEY MORTELLITI: Okay. So, it's a combination of  
22            service and benefits for emergency responders?

23   THE WITNESS (Paul): Yeah. Brian Paul with Vertical  
24            Bridge.

25            Yeah. I mean, you're -- you're -- it's a

1 fine line. Right? So, obviously Cellco's  
2 customers in the area who needed emergency  
3 services could dial 911 as they would have service  
4 there.

5 Additionally, an organization such as  
6 Litchfield dispatch who's contacted us regarding  
7 the site would be able to install equipment on the  
8 tower, therefore enhancing their coverage in the  
9 area and being able to respond to such  
10 emergencies, hopefully in a faster amount of time.

11 ATTORNEY MORTELLITI: Okay. Thank you.

12 But isn't it true that there could be some  
13 reduction in tower height and still provide  
14 improved coverage in the area?

15 ATTORNEY BALDWIN: Vice Chair Morissette, I'll object  
16 to the question and then stand by our response  
17 given in interrogatory 28 to the Council, set one.

18 THE VICE CHAIR: Yes.

19 ATTORNEY MORTELLITI: So, Mr. Morissette, the response  
20 says that antennas at a centerline height of 125  
21 feet at the proposed tower location is the minimum  
22 necessary to satisfy Cellco's coverage objectives  
23 and provide improved coverage. That's true, but  
24 my question there is, is that based on -- is that  
25 representation based on Cellco's preference for

1 coverage? Or is that a representation that  
2 there's no possible way to reduce the tower height  
3 at all?

4 I think there's a distinction there between  
5 the Applicant objective and what's actually  
6 feasible as far as a lower tower height to balance  
7 the interests of abutting properties.

8 THE VICE CHAIR: Thank you.

9 Attorney Baldwin, please have your Witness  
10 answer the question.

11 ATTORNEY BALDWIN: Mr. Vellante?

12 THE WITNESS (Vellante): I would stand by my -- my  
13 prior response that a reduction in height would  
14 open up -- open up the risk for gaps along Route  
15 202 to the east and the handoff with Litchfield  
16 southwest, and to the northwest along Route 41 --  
17 341, rather.

18 Certainly, reducing the tower height would  
19 provide some coverage. It just would not meet  
20 the -- the objectives of Verizon.

21 THE WITNESS (Paul): This is Brian Paul with Vertical  
22 Bridge.

23 I'll also add that by reducing the overall  
24 height and creating those coverage gaps, you know,  
25 it makes it more likely that in the future we'd be

1 revisiting this for another tower in another  
2 location nearby.

3 ATTORNEY MORTELLITI: Thank you.

4 Has the Applicant considered alternative  
5 locations on 17 Warren Road itself for the cell  
6 tower site? And if so, why are those alternate  
7 locations not viable?

8 ATTORNEY BALDWIN: Vice Chair Morissette, that sounds  
9 eerily familiar as well. I think we've asked and  
10 answered that question for Attorney Mortelliti in  
11 his interrogatory.

12 THE VICE CHAIR: Attorney Baldwin, is it possible to  
13 point to that interrogatory response?

14 ATTORNEY BALDWIN: Yes, sir.

15 In question number 20, the January 6th  
16 report -- no, I stand corrected. Let me locate  
17 that for you, Vice Chair Morissette.

18 THE VICE CHAIR: Very good. Thank you, Attorney  
19 Baldwin.

20 ATTORNEY BALDWIN: You can proceed while I do that,  
21 Attorney Mortelliti.

22 ATTORNEY MORTELLITI: I don't want to distract people  
23 with further questions while they're looking, but  
24 I'll continue.

25 Okay. I want to direct the panel to its

1 response to siting council interrogatory number  
2 seven, which is found on page 5 of the  
3 interrogatory responses. And this is for -- I  
4 believe this is for the first set of  
5 interrogatories.

6 Just let me know when you're there.

7 ATTORNEY BALDWIN: Okay.

8 ATTORNEY MORTELLITI: Okay. So, the panel sees the  
9 language in the response saying it may be  
10 theoretically and technically possible to install  
11 a large number of small cells.

12 Did you see that language in the response?

13 THE WITNESS (Vellante): Keith Vellante, C Squared.

14 Yes.

15 ATTORNEY MORTELLITI: Okay. Thank you, Mr. Vellante.

16 Mr. Vellante, the response goes on to say  
17 that the approach is not technically or  
18 economically feasible. Do you see that language?  
19 It's the next sentence.

20 THE WITNESS (Vellante): Yes.

21 ATTORNEY MORTELLITI: Okay. All right.

22 Why is it not economically feasible?

23 THE WITNESS (Vellante): Economically, I -- I wouldn't  
24 have the expertise to comment on that. I can only  
25 comment on the technical limitations of a

1                   small-cell design.

2   ATTORNEY MORTELLITI: Okay. Before -- before you go on  
3                   with responding -- sorry. Does the panel, anyone  
4                   on the panel, can they opine on the economic  
5                   feasibility or lack thereof?

6   THE WITNESS (Glidden): This is Liz Glidden with  
7                   Verizon Wireless.

8                   I think the issue with small cells is that  
9                   they do not work given the topography. Small  
10                  cells themselves are approximately \$70,000 apiece.  
11                  It would require several of them and for the, you  
12                  know, they are located within the public  
13                  right-of-way on existing telephone poles.

14                  And the process for that would be to find  
15                  poles that are within the scope of our agreement  
16                  with Eversource Energy, and that would be -- that  
17                  would eliminate poles with transformers, risers,  
18                  poles that are junction poles, and it would  
19                  preclude us putting any small-cell antennas above  
20                  primary power. All of the utility poles in the  
21                  area contain primary power. Most of them are  
22                  junction poles or have transformers located on  
23                  them.

24                  So, while it is not economically feasible,  
25                  there are greater reasons why the small-cell

1 dynamic would not work.

2 ATTORNEY MORTELLITI: Okay. Thank you, Ms. Glidden. I  
3 appreciate the thorough response.

4 I want to break your response down into  
5 parts, if I may? So, I just want to go back to  
6 the -- again, to the economics themselves.

7 You were saying that a small cell is about  
8 \$70,000 apiece. Right?

9 THE WITNESS (Glidden): That is correct. This is Liz  
10 Glidden. That's correct.

11 ATTORNEY MORTELLITI: Thank you, Ms. Glidden.

12 Okay. So -- and you said there would be  
13 several needed for this, for this area?

14 THE WITNESS (Glidden): We don't know exactly how many  
15 would be needed, but it would -- typically more  
16 than one is needed.

17 ATTORNEY MORTELLITI: Okay. So, is it your testimony  
18 that \$70,000 expenditures are cost-prohibitive for  
19 Verizon and/or Cellco?

20 THE WITNESS (Glidden): Well -- this is Liz Glidden.  
21 I would argue that no, \$70,000 is not  
22 cost-prohibitive, as the cost of a cell tower  
23 would be exceedingly more than that.

24 ATTORNEY MORTELLITI: All right. Thank you.

25 Well, then you also gave testimony on the

1 different kinds of poles. Right? I mean, you  
2 gave a pretty thorough explanation on -- so, I  
3 want to sort of follow up with that point. It's  
4 my understanding that there are, as you said,  
5 certain pole limitations. Right?

6 Whether those poles are encumbered, whether  
7 there are structural limitations on poles in the  
8 area. Has Cellco done an analysis of the existing  
9 utility poles in the vicinity of the project, and  
10 what limitations are on those poles?

11 THE WITNESS (Glidden): This is Liz Glidden.

12 We have not done, like, an engineered  
13 in-the-field examination, but I have looked on GIS  
14 to look at the poles in the vicinity, and I found  
15 them to be encumbered with primary power junction  
16 poles for transformers.

17 ATTORNEY MORTELLITI: Okay. How many of those poles  
18 were encumbered?

19 THE WITNESS (Glidden): I can't say.

20 ATTORNEY MORTELLITI: Do those poles have -- well, some  
21 of those poles were encumbered by other equipment  
22 on the towers?

23 THE WITNESS (Glidden): This is Liz Glidden.

24 What do you mean by other equipment?

25 ATTORNEY MORTELLITI: I'm sorry. Let me rephrase my

1 question. So, I'll try to approach the question  
2 this way.

3 If you look at the Applicant's response to  
4 siting council interrogatory number seven, which  
5 is on page 6 of the response, and that is on --  
6 that's with respect to your first set of  
7 interrogatory responses.

8 A VOICE: Do you know what he meant?

9

10 (Pause.)

11

12 ATTORNEY MORTELLITI: Again, just to be clear, it's  
13 page 6 of the Applicant's first set of  
14 interrogatory responses.

15 ATTORNEY BALDWIN: Is there a question, Attorney  
16 Mortelliti?

17 ATTORNEY MORTELLITI: Yeah, I just want to make sure  
18 that everyone was there before I start asking the  
19 question.

20 Okay. So, assuming everyone is there, absent  
21 any objection -- so how many of the existing poles  
22 near the subject property are encumbered by other  
23 equipment? There's discussion in the  
24 interrogatory on that detail. I want to -- I'd  
25 like to know how many poles exactly are

1                   encumbered.

2   ATTORNEY BALDWIN: Vice Chair Morissette, I think I'll  
3                   object to the question. Our response says, first  
4                   and foremost, that it's not an alternative  
5                   technological design for the reasons we state in  
6                   the response to the interrogatory.

7                   And then Ms. Glidden just stated that she  
8                   hasn't done an extensive analysis of the existing  
9                   poles in the area, but knows from what she did  
10                  look at there are a number of poles that would be  
11                  encumbered. So --

12   THE VICE CHAIR: The objection is sustained. The  
13                  question has been asked and answered.

14                  So, please continue.

15   ATTORNEY MORTELLITI: Fair enough, Mr. Morissette.

16                  What I don't think I heard from the panel was  
17                  testimony on the structural limitations themselves  
18                  where there was -- I understand that they can't  
19                  comment on encumbrances, but I didn't hear a  
20                  response on the structural limitations. So, I  
21                  would ask that question be answered.

22   ATTORNEY BALDWIN: Excuse me. The structural  
23                  limitations of the utility poles?

24   ATTORNEY MORTELLITI: That's correct, yes. The poles  
25                  in the region which are referenced in the

1 interrogatory response.

2 THE WITNESS (Glidden): This is Liz Glidden.

3                   We wouldn't have that information at this  
4 point. Typically, the process for that would be  
5 once if a pole or a series of poles is identified,  
6 we would apply to the utility company who would  
7 then do survey work as part of our license  
8 application to review the structural integrity of  
9 the pole and whether or not it could accommodate  
10 small-cell equipment.

11                           And then based on that, we would be moving  
12 forward.

13 ATTORNEY MORTELLITI: So, Mr. Morissette, the reason  
14 for this line of questioning is that we're  
15 examining the question of alternatives. And what  
16 I'm hearing from the Applicant is that they can't  
17 look at small-cell technology due to limitations  
18 on poles.

19                   But in the same breath, Mr. Morissette, I'm  
20 hearing the Applicant say that they haven't done  
21 an analysis that's comprehensive on the existing  
22 poles and what -- and I think that's highly  
23 relevant to understanding whether small-cell  
24 technology and the existing infrastructure is a  
25 viable, prudent and feasible alternative.

1                   So, that that's basically the line of  
2                   questioning. I do think it's relevant to  
3                   understanding.

4                   ATTORNEY BALDWIN: Vice Chair Morissette, I disagree,  
5                   because the principal reason why the Applicant has  
6                   responded the way it has is because the  
7                   technology, the alternative technology -- and  
8                   Mr. Vellante can expand on this -- is not a  
9                   feasible alternative to the coverage provided by a  
10                   tower site. So, it doesn't matter what the poles  
11                   can or cannot handle from a structural  
12                   perspective.

13                   But maybe to try and be more responsive to  
14                   Attorney Mortelliti's question, maybe Mr. Vellante  
15                   can speak a little bit more about that.

16                   THE VICE CHAIR: Please do.

17                   THE WITNESS (Vellante): Sure. Happy to. Keith  
18                   Vellante with C Squared.

19                   Yeah, the overarching reason that small cells  
20                   do not work in an application such as this is  
21                   primarily they do not serve as an alternative  
22                   solution. As we've -- we've mentioned in the  
23                   prior meeting and in interrogatory responses,  
24                   small cells are deployed to complement a macro  
25                   network of sites. They do not replace the need or

1 the ability to serve broad areas of coverage such  
2 as the need is with the proposed facility.

3 I apologize. I intended to start off with  
4 that, but the questioning turned towards the  
5 economy of it. But the primary reason is that  
6 it's just not a viable alternative to the proposed  
7 macro site.

8 THE VICE CHAIR: Maybe it would be helpful to further  
9 expand on that for Attorney Mortelliti as to why  
10 it's not viable.

11 THE WITNESS (Vellante): Sure. So, the small cells are  
12 inherently -- they are subject to the same  
13 physical limitations of -- of RF propagation. One  
14 of the primary design elements of a site such as  
15 the proposed facility is to elevate the antennas  
16 to a point where they have a clear view of the  
17 area that they're intended to serve. The reason  
18 for that being topography and trees and other  
19 land -- land cover will attenuate the signals and  
20 block the signals, and really define the area  
21 served by a given tower facility.

22 If you do not have that clear view, such as  
23 the cases of small cells, these are -- generally,  
24 the antennas are 25, 30, 35 feet above ground,  
25 well below the surrounding tree cover. And what

1           that imposes is effectively coverage up and down  
2           the roads where you have a clear pathway. As soon  
3           as you turn off the road at any distance away, the  
4           trees eat up the coverage and you quickly fall  
5           into unreliable coverage areas.

6           So, to serve the roadways where we're talking  
7           here and the distances that we're -- we're showing  
8           as covered by the proposed site, small cells just  
9           aren't able to be an alternative solution to that.

10          ATTORNEY MORTELLITI: Okay. Thank you, Mr. Vellante,  
11           for the response.

12          Okay. I'd like to turn to another matter,  
13          and I would direct this at the -- I would direct  
14          this question at the panel. In the interrogatory  
15          responses there's a statement that a typical cell  
16          tower construction, in the event of an approval  
17          from the Siting Council, would be between the  
18          hours of seven o'clock to five o'clock, Monday  
19          through Saturday.

20          I'm not sure who at the panel could answer  
21          that question, but is that still correct as far as  
22          typical construction hours?

23          THE WITNESS (Paul): Yeah. This is Brian Paul with  
24          Vertical Bridge.

25          That's an accurate assessment, yes.

1 ATTORNEY MORTELLITI: Okay. Thank you, Mr. Paul.

2 So, that speaks to typical construction  
3 hours. What, in your judgment, would be atypical  
4 construction hours?

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

6 I don't foresee any situation outside of that  
7 window where construction activity would need to  
8 take place. The only time I could think of is if  
9 there was something going on at the site, such as  
10 pouring concrete, and it's going to rain  
11 overnight, for instance, and we needed to stay  
12 later to cover things up and make sure that the  
13 concrete didn't get destroyed overnight by the  
14 rain. We might stay on site to be able to secure  
15 equipment and make sure something like that  
16 happened. It would be a rare occasion where that  
17 happened, but it could.

18 ATTORNEY MORTELLITI: Okay. Sure. Is there any  
19 understanding or general estimate from you,  
20 Mr. Paul, or any members of the panel on what the  
21 construction window would be in the event of an  
22 approval from the Siting Council?

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

24 You're asking time of year? Months?

25 ATTORNEY MORTELLITI: Sorry. Let me -- let me specify.

1           In the event of an approval, what would be -- how  
2           long would it be from day one of tower  
3           construction to the final day?

4    THE WITNESS (Paul): That's -- this is Brian Paul.

5           Again, that's a little bit of an unknown from  
6           a couple of different aspects. Right?

7           Construction is always subjective to weather.  
8           Right? So, if we get a stretch of bad weather  
9           where things can't take place, preferably we'd  
10           love to see the project take place during a window  
11           of time when -- when weather is better than worse.  
12           Right? Summer is better than winter, but we also  
13           know there are certain environmental restrictions  
14           that prevent us from clearing trees, for instance,  
15           a certain time of year and so on.

16           But I'll add that typically -- and again,  
17           there are certain situations where it takes longer  
18           from beginning to end of a tower project of this  
19           magnitude. I would expect it to take between 90  
20           and 120 days for the majority of the work to take  
21           place with some of the ongoing work happening on  
22           the tower to turn up the actual physical site,  
23           make it operational. It may take place beyond  
24           that window.

25    ATTORNEY MORTELLITI: Okay. Thank you. And I

1 understand that's a general estimate. So, I  
2 appreciate the response.

3 Those may not be consecutive days, though.  
4 Right? That would be just total days of on-site  
5 construction?

6 THE WITNESS (Paul): Yeah. Again, Brian, Paul.

7 That's right. That's, you know, working five  
8 to six days per week, assuming we have good  
9 weather for four to five of those days each week  
10 for workable weather. And again, we've got some  
11 extensive civil work to do here, as Mr. Johnston  
12 pointed out earlier with regard to cut, fill,  
13 grading, reseeding, trenching, so on and so forth.  
14 That type of work is often even more subjective to  
15 the elements. Right?

16 So -- but on a calendar, I would say 90 to  
17 120 days, barring any material shortage or things  
18 like that. I think we're past that in our -- in  
19 our history. Right? There shouldn't be any  
20 material shortages or things like that. So, 90 to  
21 120 days is typical.

22 ATTORNEY MORTELLITI: Thank you. Appreciate that.

23 Okay. I do want to get into a subject that  
24 was discussed and partially responded to by Cellco  
25 in my interrogatories, and that's the issue of the

1                   fire management systems. I would direct the panel  
2                   to the Applicant's response to the siting council  
3                   interrogatory number 47 on page 23 of the  
4                   response.

5    THE WITNESS (Paul): Is this the original submission?  
6    ATTORNEY MORTELLITI: I believe that's -- yes. I'm  
7                   confirming right now. That's the -- yes, that's  
8                   the original submission.

9    THE WITNESS (Paul): Forty-seven?

10   ATTORNEY MORTELLITI: I'm sorry. It's --

11   THE WITNESS (Paul): Forty-seven (unintelligible) --

12   ATTORNEY MORTELLITI: Yeah, that's not the right one.  
13                   Sorry.

14   THE WITNESS (Paul): Forty-eight.

15   ATTORNEY MORTELLITI: Forty-eight, Yeah. Thank you,  
16                   48. Thank you.

17                   So, the response indicates that, at least as  
18                   of right now, there's no affirmative fire  
19                   management systems in place. Correct?

20   THE WITNESS (Paul): This is Brian Paul with Vertical  
21                   Bridge.

22                   We don't typically install any type of fire  
23                   management system for the tower itself. There's  
24                   nothing combustible on the tower. No tower I've  
25                   built in the last 37 years has had any type of

1                   fire suppression put on it.

2   ATTORNEY MORTELLITI:  There's a generator associated  
3                   with the tower.  Correct?

4   THE WITNESS (Paul):  I'm sorry.  You're breaking up.

5   ATTORNEY MORTELLITI:  There's a generator associated  
6                   with the tower?

7   THE WITNESS (Paul):  There is a generator associated  
8                   with Cellco's equipment.

9   ATTORNEY MORTELLITI:  Okay.  And that generator doesn't  
10                  present any risk in your judgment?

11   THE WITNESS (Paul):  I was referring only to the tower  
12                  itself.

13   ATTORNEY MORTELLITI:  Okay.

14   THE WITNESS (Paul):  As I believe the question does as  
15                  well.

16   ATTORNEY MORTELLITI:  Is there -- okay.  So, is there  
17                  any fire management system relative to the  
18                  generator?

19   THE WITNESS (Paul):  This is Brian Paul with Vertical  
20                  Bridge.

21                  I'll defer to Cellco if they want to answer  
22                  this any further.  But again, I think we talked  
23                  about this in some of the interrogatories and some  
24                  of the previous questions.  Any time that a fire  
25                  would take place on the site, it's -- the site is

1                   alarmed. Every piece of equipment has alarms on  
2                   it that tell us, or tell Cellco when it's  
3                   malfunctioning right down to the diesel generator  
4                   fuel tank, which has an overfill alarm on it as  
5                   well.

6                   So, all the equipment is monitored by  
7                   Cellco's switch location, their main switch  
8                   operations central, if you want to call it that.  
9                   Any time anything malfunctions, overheats,  
10                  anything like that happens on the site, they'll  
11                  deploy a technician to the site immediately to  
12                  determine what the issue is and address the  
13                  situation as it's developing.

14                  ATTORNEY MORTELLITI: So, step one would be in the  
15                  event of any issue, such as a fire, there would be  
16                  a technician sent to the property.

17                  What's the response time, the estimated  
18                  response time for that technician?

19                  ATTORNEY BALDWIN: Vice Chair Morissette, these are all  
20                  questions that we responded to in the  
21                  interrogatories for the Washington Montessori  
22                  School. I think we would continue to stand by  
23                  those responses.

24                  THE VICE CHAIR: Attorney Mortelliti, could you get to  
25                  where you're going with these questions?

1 ATTORNEY MORTELLITI: Yeah, I understand.

2 Mr. Morissette. My concern is I'm not entirely  
3 satisfied with the detail in the response from the  
4 Applicant. They say that there would be -- they  
5 identified technicians responding, but I think  
6 it's important to understand what the total time  
7 is that would elapse when dealing with this issue.

8 Of course, there's a standard and expectation  
9 that there would be some response, but I want to  
10 understand what the process is, particularly when  
11 we have an abutting property and a trail system  
12 adjacent to the subject, to the subject property  
13 where we have school operations, school children,  
14 and, you know, going about their day.

15 So, I do want to understand from a timing  
16 perspective what really happens in the event of a  
17 fire issue and how that's going to affect abutting  
18 property owners such as my client. And then  
19 whether there's -- and then based on the response,  
20 I think it's appropriate to understand whether  
21 there needs to be any amendments or changes to  
22 that response plan.

23 THE VICE CHAIR: Well, I certainly appreciate that you  
24 need to understand the steps of the appropriate  
25 response plan. And Attorney Baldwin, if those

1           steps are clearly articulated in the response, can  
2           you identify which response that is?

3           ATTORNEY BALDWIN: I can, Vice Chair Morissette.

4                   The two questions that Attorney Mortelliti  
5           just recently asked are questions 16 and 17. They  
6           go on question 18 as well. And question 19, to  
7           which we responded with respect to what happens  
8           and the timing of the response, and what Vertical  
9           Bridge and Verizon would do if such an instance of  
10           a fire were to occur at the property.

11                   I did also want to respond, Vice Chair  
12           Morissette, to your question earlier regarding  
13           alternative locations on the subject parcel. We  
14           addressed that in question eight for the Siting  
15           Council's interrogatories, but also question 13 in  
16           our response to the Washington Montessori School.

17                   Sorry for the delay in getting that one to  
18           you.

19           THE VICE CHAIR: Thank you.

20           ATTORNEY BALDWIN: So again, back to the questions at  
21           hand. I think our responses to the Washington  
22           Montessori School's questions 16 through 19  
23           address, to the extent we can, issues related to  
24           emergency response. And I think we've done an  
25           appropriate job identifying what we can at this

1                   point as a response to in the unlikely event of a  
2                   fire.

3   THE VICE CHAIR: So, therefore, the testimony stands on  
4                   its own and there's nothing else to add, Attorney  
5                   Baldwin?

6   ATTORNEY BALDWIN: Yes.

7   THE VICE CHAIR: Does anybody on the panel have any  
8                   further responses for Attorney Mortelliti?

9   ATTORNEY BALDWIN: Again, I haven't heard anything that  
10                  goes beyond those responses, Vice Chair  
11                  Morissette. If there is a follow-up question to  
12                  any of those, we're happy to try and answer that,  
13                  but I've heard nothing other than a reiteration of  
14                  those questions.

15   THE VICE CHAIR: Thank you, Attorney Baldwin.

16                  Attorney Mortelliti, if there's specific  
17                  questions you want to ask relating to it that is  
18                  not a follow-up to what is already written, please  
19                  continue.

20   ATTORNEY MORTELLITI: Thank you, Mr. Morissette.

21                  I'm trying to find a way to better refine my  
22                  question along with the response.

23   THE VICE CHAIR: Thank you.

24   ATTORNEY MORTELLITI: Bear with me, please. Thank you.

25   THE VICE CHAIR: In the meantime, Attorney Baldwin, do

1           you have a response to the question about the  
2           treeline?

3   ATTORNEY BALDWIN:  We do.  Thank you.  Mr. Landino?

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

5           The average tree height in that area is 73  
6           feet.  Therefore, the tower will be 67 feet above  
7           that.

8   THE VICE CHAIR:  I'm sorry, you broke up a little bit.

9           Could you repeat that?

10   THE WITNESS (Landino):  Average tree height in that  
11       area is 73 feet.  Therefore, the tower will be 67  
12       feet above that.

13   THE VICE CHAIR:  Very good.  Thank you.

14   ATTORNEY BALDWIN:  Thank you.

15   ATTORNEY MORTELLITI:  I do have one additional question  
16       on the issue of responses in the event of fires or  
17       similar situations, and I'm making sure that this  
18       wasn't -- I don't believe this was answered in the  
19       interrogatory responses.

20           It's a fair statement that, again, in the  
21       event of a fire incident, there would be  
22       notification by Cellco technicians or Cellco  
23       personnel to the Town of Washington.  Correct?

24   THE WITNESS (Paul):  Yeah.  This is Brian Paul.

25           That's -- I think that's essentially what

1           we're saying, is that if we know of an event,  
2           we'll certainly follow any emergency protocol,  
3           whether it's fire, police, DEP, whatever the  
4           situation calls for.

5           ATTORNEY MORTELLITI: With the expectation that local  
6           officials will handle the incident upon  
7           notification from Cellco?

8           THE WITNESS (Paul): Well, I think as we've stated in  
9           the interrogatory, it depends on the impact of the  
10           situation. If it's, you know, a townwide issue --  
11           right?

12           A high-wind event rolls through and knocks  
13           down some wires or something to that effect, and  
14           there's -- it's affecting more than just the site,  
15           certainly those folks will be involved. If it's  
16           something that Cellco feels their technician can  
17           resolve, then that technician would go to the site  
18           and solve the issue.

19           But as Attorney Baldwin said, if it's in the  
20           event of -- an unfortunate event of a fire, that's  
21           certainly beyond the control of a cell tech, and  
22           we'd notify the proper authority.

23           ATTORNEY MORTELLITI: All right. Thank you.

24           I do have a few questions specific to the  
25           on-site -- to the proposed on-site generator. I'm

1                   going to -- before I ask, I'm going to -- so, what  
2                   is the anticipated -- I don't believe this was  
3                   answered in the interrogatory responses. What is  
4                   the anticipated decibel level during generator  
5                   testing?

6    THE WITNESS (Johnston): This is Joe Johnston with  
7                   Airosmith.

8                   I'm not sure about during generator testing,  
9                   but the maximum decibel level that the generator  
10                  could ever produce is 64 dB.

11                  ATTORNEY MORTELLITI: Sixty-four?

12                  THE WITNESS (Johnston): Yeah.

13                  ATTORNEY MORTELLITI: Okay. Thank you.

14                  Is that 64-decibel-level measurement -- does  
15                  that comply with state noise standards?

16                  THE WITNESS (Johnston): Yes, the ordinance is -- well,  
17                  it's 65 dB at 200 feet or less, and we are under  
18                  65.

19                  ATTORNEY MORTELLITI: Just to be clear, you said you're  
20                  under 65?

21                  THE WITNESS (Johnston): Correct, we're at 64.

22                  ATTORNEY MORTELLITI: Six-zero? Is that what you said?

23                  THE WITNESS (Paul): Six-four.

24                  THE WITNESS (Johnston): Six-four.

25                  ATTORNEY MORTELLITI: Six-four? Six-four. Okay. And

1           when you said ordinance, what are you referring to  
2           by ordinance?

3    THE WITNESS (Johnston): That there's a town noise  
4           ordinance. I don't recall the label of it, but it  
5           limits -- it allows 65 dB within 200 feet or less  
6           of the property.

7    ATTORNEY MORTELLITI: Thank you. I appreciate that  
8           answer.

9           So, the Applicant is giving credence to the  
10          noise ordinance -- right? But it's not giving  
11          credence to other municipal ordinances?

12          ATTORNEY BALDWIN: I think -- subject to the question,  
13           Vice Chair Morissette, I think as we've stated in  
14           our interrogatory responses, the emergency backup  
15           generator is not subject to local noise  
16           restrictions, noise ordinances.

17           However, I think the testimony you heard was  
18           that, regardless, the generator would comply with  
19           the local ordinances, which was your question.

20          THE VICE CHAIR: The objection is sustained.

21           Please continue.

22          ATTORNEY MORTELLITI: Okay. In the event, regardless  
23           of the likelihood of some sort of malfunction with  
24           regard to the generator, is the notification  
25           procedure analogous to the procedure for, you

1 know, fire issues, for example?

2 THE WITNESS (Glidden): This is Liz Glidden with  
3 Verizon Wireless.

4 Yes, it is. So, there would be -- all of the  
5 equipment is alarmed. An alarm would be sent to  
6 the switch and immediately a cell tech would be  
7 contacted.

8 ATTORNEY MORTELLITI: Thank you.

9 Mr. Morissette, just making sure I've gone  
10 through my list of questions here. Just bear with  
11 me.

12

13 (Pause.)

14

15 ATTORNEY MORTELLITI: I have one more for the panel.  
16 Has the Applicant identified in any of its mapping  
17 or documents to the Council the exact staging  
18 areas for the power? I understand that there's  
19 two staging areas. Have the exact locations and  
20 exact dimensions of those areas been specified in  
21 any submissions to the Council?

22 THE WITNESS (Johnston): This is Joe Johnston at  
23 Airosmith.

24 On C-3, there is a proposed material storage  
25 lay-down area shown with bold lines along the flat

1 portion of the access road.

2 ATTORNEY MORTELLITI: Thank you. And you said C-3.

3 Is that what I heard?

4 THE WITNESS (Vellante): Of the late-filing.

5 ATTORNEY MORTELLITI: On the late-filing? Okay. Thank  
6 you.

7 Okay. Mr. Morissette, that concludes my  
8 questioning at this time. Thank you, and thank  
9 you, members of the panel.

10 THE VICE CHAIR: Thank you, Attorney Mortelliti.

11 At this time, we will commence with  
12 cross-examination by Attorney Coppola. However,  
13 Attorney Coppola, I have a hard stop at about five  
14 of five, so please keep that in mind.

15 Attorney Sherwood, one item I'd like to  
16 address is the late file relating to Romford Road.  
17 After further consideration, considering that it's  
18 part of the administrative notices that the scenic  
19 road is identified as a scenic road by the Town of  
20 Washington, and the question is more appropriate  
21 for the Town of Washington rather than the  
22 Applicant, I am not going to allow the late file.  
23 So therefore, we have no late files going into the  
24 questioning by Attorney Coppola.

25 So, good afternoon, Attorney Coppola.

1 ATTORNEY COPPOLA: Good afternoon, Vice Chairman  
2 Morissette.

3 Just so, I believe you mentioned that you had  
4 a hard stop at five of five. Is that correct?

5 THE VICE CHAIR: That is correct. Thank you.

6 ATTORNEY COPPOLA: All right. So, just before I get  
7 started with some questions, I just wanted to  
8 clarify with regard to late-file exhibits.

9                    Will there be -- obviously the plans have  
10                    changed. For example, we have a traffic engineer  
11                    expert, Garrett Bolella, who has provided an  
12                    initial report based on the initial plans. He has  
13                    not had an opportunity yet to be able to provide  
14                    his additional expert opinion pertaining to the  
15                    revised plans.

16                   Will there be an opportunity for the  
17                   interveners to be able to file, provide, submit  
18                   late-file exhibits with, for example, in our case  
19                   with regard to Mr. Bolella, an updated report?

20 THE VICE CHAIR: As far as the Applicant is concerned,  
21 I am trying to stay away from late-file exhibits  
22 from the Applicant. But if your party has not  
23 testified yet and will the other parties have the  
24 opportunity to cross-examine? I would say yes.

25 | But I'm going to ask Attorney -- Attorney

1                   Bachman, excuse me -- I must be getting tired.

2   ATTORNEY COPPOLA: I was going to say, we could stop --  
3                   we could stop at, yes, but that's fine if you want  
4                   to ask a question.

5   THE VICE CHAIR: I'll ask Attorney Bachman to opine on  
6                   it as well. Attorney Bachman?

7   ATTORNEY BACHMAN: Thank you, Vice Chair Morissette.

8                   Considering this is the continued hearing  
9                   from the first hearing, and we'll have a second  
10                  hearing, we are trying to stay away from  
11                  late-filed exhibits and restart cross-examination.

12                  However, you know, given Attorney Coppola's  
13                  statement that, yes, things did change and they  
14                  were submitted in advance of this hearing that  
15                  impact reports and opinions of their experts, we  
16                  shall give another opportunity for additional  
17                  interrogatories and pre-filed testimony before the  
18                  next continued evidentiary session.

19   ATTORNEY COPPOLA: Thank you.

20   THE VICE CHAIR: Thank you, Attorney Bachman.

21   ATTORNEY COPPOLA: And also, just one more thing before  
22                  we -- before I go to the questions. I know I  
23                  don't have a lot of time today. I know that  
24                  Attorney Mortelliti had made the request that the  
25                  Applicant conduct an additional visual assessment

1 from the Montessori school property.

2 I just want to put on the record that with  
3 regard to the intervening parties whom we filed  
4 intervention pleadings for and who have been  
5 approved as parties in this matter, that I  
6 verified in advance of this hearing with each and  
7 every one of them that if Verizon was able to do  
8 an additional visual assessment, that all of them  
9 would be willing to provide access to their  
10 property at any time on a 24/7 basis.

11 And to the extent that Verizon requested, for  
12 example, a hold-harmless agreement, we would be  
13 more than happy as well to effectuate getting a  
14 hold-harmless agreement immediately executed by  
15 any one of those property owners.

16 I understand the position that has been taken  
17 about whether they are required or not to conduct  
18 an additional visual assessment from other  
19 properties, but to the extent that it could be  
20 helpful, we are offering the opportunity. We hope  
21 that the Applicant takes us up on that  
22 opportunity, and counsel could certainly let me  
23 know if they decide to take advantage of that  
24 opportunity to get a more accurate visual  
25 assessment of the properties.

1 THE VICE CHAIR: Thank you, Attorney Coppola.

2 ATTORNEY COPPOLA: Thank you.

3 THE VICE CHAIR: So noted.

4 ATTORNEY COPPOLA: So, I just wanted -- I'll just ask  
5 about at this time the impact on historic  
6 resources in the short amount of time I have, and  
7 I will, I guess, reserve my opportunity for  
8 questions on other subjects during the  
9 continued -- or continuance of this hearing.

10 I'd ask the Verizon panel to reference  
11 attachment twelve to their initial filing, which  
12 was their preliminary historic resources  
13 determination. This document was prepared by  
14 Michael Libertine. Has Mr. Libertine been  
15 disclosed as an expert witness in this proceeding?

16 ATTORNEY BALDWIN: Mr. Libertine is not on the witness  
17 panel. He is not available this afternoon. I was  
18 going to recommend perhaps, Attorney Coppola and  
19 Vice Chair Morissette, we can make him available  
20 at the next hearing.

21 Perhaps we should wait until Mr. Libertine is  
22 on the panel and sworn in to address Attorney  
23 Coppola's questions regarding historic resources.

24 THE VICE CHAIR: Thank you, Attorney Baldwin.

25 And certainly, I think that's a good idea

1           since we will be having a continuation.

2   ATTORNEY COPPOLA: That makes sense. So, can I just  
3           ask for a point of clarification then?

4           Attorney Baldwin, do you anticipate that  
5           Mr. Libertine will be available at the continued  
6           hearing?

7   ATTORNEY BALDWIN: Yes.

8   ATTORNEY COPPOLA: And I believe you stated that he has  
9           not been disclosed as an expert witness in this  
10          proceeding, but do you plan on disclosing him as  
11          an expert in this proceeding?

12   ATTORNEY BALDWIN: Formalities aside, we will add him  
13          to the witness list and provide a copy of his  
14          resume as a part of the record.

15   ATTORNEY COPPOLA: Thank you. I can move on to another  
16          area of questioning and circle back to questions  
17          with regard to historic resources at the continued  
18          hearing if you'd like, Vice Chairman.

19           Or I could -- or we could stop at this time.

20   THE VICE CHAIR: Actually, I think we're going to stop  
21          at this time, but thank you for your  
22          consideration. So, we will call it a day.

23           Therefore, the Council announces that it will  
24          continue the evidentiary session of this public  
25          hearing on Tuesday, February 24, 2026, at 2 p.m.

1                   via Zoom remote conferencing.

2                   A copy of the agenda for the continued  
3                   evidentiary hearing session will be available on  
4                   the Council's website along with a record of this  
5                   matter, the public hearing notice, instructions  
6                   for public access to this evidentiary hearing  
7                   session, and the Council's citizens' guide to the  
8                   Siting Council's procedures.

9                   Please note that anyone who has not become a  
10                  party or intervener, but who desires to make his  
11                  or her views known by the Council, may file  
12                  written statements with the Council until the  
13                  comment period closes.

14                  Copies of the transcript of this hearing will  
15                  be filed with the Washington Town Clerk's office.

16                  I hereby declare this hearing adjourned, and  
17                  thank you everyone for your participation.

18                  Have a good evening.

19  
20                  (End: 4:45 p.m.)

21  
22  
23  
24  
25

1

CERTIFICATE

2

3 I hereby certify that the foregoing 122 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 CONTINUED EVIDENTIARY  
8 HEARING In Re: DOCKET NO. 543, THE TOWERS, LLC,  
9 APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL  
10 COMPATIBILITY AND PUBLIC NEED FOR THE  
11 CONSTRUCTION, MAINTENANCE, AND OPERATION OF A  
12 TELECOMMUNICATIONS FACILITY AND ASSOCIATED  
13 EQUIPMENT LOCATED AT 17 WARREN ROAD, WASHINGTON  
14 (NEW PRESTON), CONNECTICUT, which was held before  
15 JOHN MORISSETTE, THE VICE CHAIR, on January 13,  
16 2026.

17



18

19

20 Robert G. Dixon, CVR-M 857

21

Notary Public

22

23 My Commission Expires: 6/30/2030

24

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