

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 Council Members:

3 JOHN MORISSETTE (Hearing Officer)

4

5 BRIAN GOLEMBIEWSKI,

6 DEEP Designee

7

8 QUAT NGUYEN,

9 PURA Designee

10

11 CHANCE CARTER

12 KHRISTINE HALL

13 DR. SCOTT WILLIAMS

14 BILL SYME

15

16 Council Staff:

17 MELANIE BACHMAN, ESQ.,

18 Executive Director and Staff Attorney

19

20 ROBERT MERCIER,

21 Siting Analyst

22

23 LISA FONTAINE,

24 Administrative Support

25

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

2 F o r T H E T O W E R S , L L C (A p p l i c a n t) :

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

4 2 8 0 T r u m b u l l S t r e e t

5 H a r t f o r d , C o n n e c t i c u t 0 6 1 0 3 - 3 5 9 7

6 B y : K E N N E T H C . B A L D W I N , E S Q .

7 K B a l d w i n @ r c . c o m

8 8 6 0 . 2 7 5 . 8 2 0 0

9

10 F o r T H E T O W N O F W A R R E N :

11 G R E G O R Y M . L a C A V A ,

12 F i r s t S e l e c t m a n

13

14 F o r S T E E P R O C K A S S O C I A T I O N , I N C . :

15 M O R I A R T Y , P A E T Z O L D & S H E R W O O D

16 2 2 3 0 M a i n S t r e e t

17 G l a s t o n b u r y , C o n n e c t i c u t 0 6 0 3 3

18 B y : D A V I D F . S H E R W O O D , E S Q .

19 8 6 0 . 6 5 7 . 1 0 1 0

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

2 F o r W A S H I N G T O N M O N T E S S O R I A S S O C I A T I O N , I N C . :

3 C R A M E R & A N D E R S O N , L L P

4 51 Main Street

5 New Milford, Connecticut 06776

6 By: J O S E P H P . M O R T E L L I T I , E S Q .

7 J M o r t e l l i t i @ c r a m e r a n d e r s o n . c o m

8 860.355.2631

9

10 F o r T H E A R E A R E S I D E N T S G R O U P :

11 B E R C H E M M O S E S P . C .

12 1221 Post Road East

13 Westport, Connecticut 06880

14 By: M A R I O F . C O P P O L A , E S Q .

15 M C o p p o l a @ b e r c h e m m o s e s . c o m

16 203.227.9545

17

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(Begin: 2:00 p.m.)

THE VICE CHAIR: Good afternoon, ladies and gentlemen.

This continued evidentiary hearing session is called to order this Tuesday, January 13, 2026, at 2 p.m. My name is John Morissette, Vice Chair of the Connecticut Siting Council.

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

A copy of the prepared agenda is available on the Council's website, along with a record of this matter, the public hearing notice, instructions for public access to this public hearing, and the Council's citizens' guide to the Siting Council's procedures.

Other members of the Council are Mr. Golembiewski, Mr. Nguyen, Mr. Carter, Ms. Hall, Dr. Williams and Mr. Syme.

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

This evidentiary session is a continuation of the public hearing held on December 4, 2025. It is held pursuant to the provisions of Title 16 of

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.

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

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.

22 Attorney Baldwin, please begin identifying
23 the new exhibits you have filed in this matter and
24 verifying the exhibits by the appropriate sworn
25 witnesses. Good afternoon.

1 Attorney Baldwin?

2

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

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 D E A N G U S T A F S O N,

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

19 recalled as witnesses, having been previously
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.

6 With respect to the tree-clearing, you
7 indicate, or the site plan indicates that
8 approximately 120 trees over 6 inches diameter
9 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.

25 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 Airosmith.

9 Based on, you know, experience at similar
10 sites in the past, it may be likely, but it's hard
11 to speculate prior to getting a geotech.

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 intervener, 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

1 fact that the Applicant proposed the second
2 iteration voluntarily and submitted site plans,
3 that it certainly is worthy of the Council's
4 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 intervener 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 radiuses, 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 NDDDB, 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?

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

CERTIFICATE

I hereby certify that the foregoing 122 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting of The Connecticut Siting Council CONTINUED EVIDENTIARY HEARING In Re: 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, which was held before JOHN MORISSETTE, THE VICE CHAIR, on January 13, 2026.



Robert G. Dixon, CVR-M 857

Notary Public

My Commission Expires: 6/30/2030

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