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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.

Continued Public Hearing held on Tuesday, February 24, 2026, beginning at 2 p.m., via Zoom.

H e l d B e f o r e :

JOHN MORISSETTE, Vice Chair

Reporter: Lisa L. Warner, CSR #061

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

Council Members:

BRIAN GOLEMBIEWSKI

Designee for Commissioner Katie Dykes,
Department of Energy and
Environmental Protection

QUAT NGUYEN

Designee for Chairman Elect Thomas Wiehl,
Public Utilities Regulatory Authority

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DR. SCOTT C. WILLIAMS

DANIEL P. LYNCH, JR.

Council Staff:

MELANIE BACHMAN, ESQ.
Executive Director

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BY: KENNETH C. BALDWIN, ESQ.

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

For Intervenor Steep Rock Association, Inc.:

MORIARTY, PAETZOLD & SHERWOOD

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P.O. Box 1420

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Phone: 860.657.1010

BY: DAVID F. SHERWOOD, ESQ.

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For Intervenor Washington Montessori

Association, Inc.:

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Phone: 203.744.1234

BY: JOSEPH P. MORTELLITI, ESQ.

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For Intervenors Area Residents Group:

BERCHEM MOSES PC

1221 Post Road East, Suite 301

Westport, Connecticut 06880

Phone: 203.227.9545

BY: MARIO F. COPPOLA, ESQ.

mcoppola@berchemmoses.com

1 (The hearing commenced at 2 p.m.)

2 THE VICE CHAIR: This continued
3 evidentiary hearing session is called to order
4 this Tuesday, February 24, 2026, at 2 p.m. My
5 name is John Morissette, Vice Chair of the
6 Connecticut Siting Council.

7 If you haven't done so already, I ask
8 that everyone please mute their computer audio
9 and/or telephones now. A copy of the prepared
10 agenda is available on the Council's website along
11 with the record of this matter, the public hearing
12 notice, instructions for public access to this
13 public hearing, and the Council's Citizens Guide
14 to Siting Council Procedures.

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

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

21 This evidentiary session is a
22 continuation of the public hearing held on
23 December 4, 2025 and January 13, 2026. It is held
24 pursuant to the provisions of Title 16 of the
25 Connecticut General Statutes and of the Uniform

1 Administrative Procedure Act upon The Towers, LLC
2 for a Certificate of Environmental Compatibility
3 and Public Need for the construction, maintenance
4 and operation of a telecommunications facility and
5 associated equipment located at 17 Warren Road in
6 Washington, Connecticut.

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

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

13 We will now move on to the continued
14 appearance by the applicant. In accordance with
15 the Council's January 14, 2026 continued
16 evidentiary hearing memorandum, we will continue
17 with the appearance of the applicant, The Towers,
18 LLC, to verify the new exhibits marked as Roman
19 Numerals II, Items B-12 and 13 on the hearing
20 program.

21 First, please present any new witnesses
22 for purposes of taking the oath. Attorney Bachman
23 will administer the oath.

24 Attorney Baldwin, good afternoon.

25 ATTORNEY BALDWIN: Good afternoon, Vice

1 Chair Morissette. First, can you hear me?

2 THE VICE CHAIR: Yes, I can hear you
3 fine. Thank you.

4 ATTORNEY BALDWIN: Thank you. We have
5 two new witnesses to add to our panel this
6 afternoon. They include Mike Libertine, who is
7 the vice president of All-Points Technology, and
8 Phillip Kendall, who is a professional engineer
9 and the New England Highway Practice Lead for
10 Hardesty & Hanover, who have joined the panel, and
11 I offer them to be sworn.

12 THE VICE CHAIR: Thank you, Attorney
13 Baldwin.

14 Attorney Bachman, could you please
15 swear the witnesses in.

16 ATTORNEY BACHMAN: Thank you, Vice
17 Chair Morissette.

18 If the witnesses could please raise
19 their right hand.

20 M I C H A E L L I B E R T I N E ,

21 P H I L L I P K E N D A L L ,

22 having been first duly sworn by Attorney
23 Bachman, testified as follows:

24 B R I A N P A U L ,

25 K E I T H V E L L A N T E ,

1 E L I Z A B E T H G L I D D E N,
2 J O S E P H J O H N S T O N,
3 J A S O N M A R G E L O T,
4 D E A N G U S T A F S O N,
5 R I C K L A N D I N O,

6 having been previously duly sworn, continued
7 to testify as follows:

8 ATTORNEY BACHMAN: Thank you.

9 ATTORNEY BALDWIN: Vice Chair
10 Morissette, as you've stated, there are two new
11 exhibits that I'll ask our witnesses to verify.
12 They are shown on the hearing program as Exhibits
13 12 and 13 for the applicant. First is a resume of
14 Mike Libertine with All-Points Technology, and the
15 second is the applicant's responses to the Area
16 Residents Group interrogatories, Set Two, dated
17 February 10th, which includes the resume of
18 Phillip Kendall.

19 DIRECT EXAMINATION

20 ATTORNEY BALDWIN: With respect to the
21 item listed as Applicant's Exhibit 12, resume of
22 Mike Libertine, I'll ask Mr. Libertine did you
23 prepare or assist in the preparation of your
24 resume identified in the hearing program today?

25 THE WITNESS (Libertine): This is Mike

1 Libertine. Yes.

2 ATTORNEY BALDWIN: And is the
3 information contained in that exhibit true and
4 accurate to the best of your knowledge?

5 THE WITNESS (Libertine): Yes, it is.

6 ATTORNEY BALDWIN: Do you have any
7 clarifications or modifications to offer to that
8 exhibit?

9 THE WITNESS (Libertine): No, I do not.

10 ATTORNEY BALDWIN: And do you adopt the
11 information in that exhibit as your testimony in
12 this proceeding?

13 THE WITNESS (Libertine): Yes.

14 ATTORNEY BALDWIN: Thank you.

15 With respect to Exhibit 13, I'd like to
16 ask Mr. Kendall and Joe Johnston, who is already
17 sworn as a witness, did you prepare or assist in
18 the preparation of the applicant's responses to
19 the Area Residents Group Interrogatories, Set Two,
20 dated February 10, 2026? Mr. Johnston?

21 THE WITNESS (Johnston): Yes.

22 ATTORNEY BALDWIN: Mr. Kendall?

23 THE WITNESS (Kendall): Phil Kendall.
24 Yes.

25 ATTORNEY BALDWIN: Do you have any

1 corrections, modifications or clarifications to
2 offer to any of the information contained in that
3 exhibit? Mr. Johnston?

4 THE WITNESS (Johnston): Nope.

5 ATTORNEY BALDWIN: Mr. Kendall?

6 THE WITNESS (Kendall): Phil Kendall.
7 No.

8 ATTORNEY BALDWIN: And is the
9 information contained in that exhibit true and
10 accurate to the best of your knowledge?
11 Mr. Johnston?

12 THE WITNESS (Johnston): Yes, it is.

13 ATTORNEY BALDWIN: Mr. Kendall?

14 THE WITNESS (Kendall): Phil Kendall.
15 Yes.

16 ATTORNEY BALDWIN: And do you adopt the
17 information contained in that exhibit as your
18 testimony in this proceeding? Mr. Johnston?

19 THE WITNESS (Johnston): Yes.

20 ATTORNEY BALDWIN: Mr. Kendall?

21 THE WITNESS (Kendall): Phil Kendall.
22 Yes.

23 ATTORNEY BALDWIN: Thank you.

24 Vice Chair Morissette, we offer them as
25 full exhibits.

1 THE VICE CHAIR: Thank you, Attorney
2 Baldwin.

3 Does any party or intervenor object to
4 the admission of the applicant's new exhibits?

5 First Selectperson Brinton, good
6 afternoon.

7 (No response.)

8 THE VICE CHAIR: First Selectperson
9 Brinton, are you with us this afternoon?

10 (No response.)

11 THE VICE CHAIR: First Selectperson
12 LaCava, good afternoon.

13 (No response.)

14 THE VICE CHAIR: Very good.

15 Attorney Sherwood, good afternoon.

16 ATTORNEY SHERWOOD: Good afternoon, Mr.
17 Morissette. No objection.

18 THE VICE CHAIR: Thank you.

19 Attorney Mortelliti, good afternoon.

20 ATTORNEY MORTELLITI: Good afternoon,
21 Vice Chair Morissette. No objections at this
22 time. Thank you.

23 THE VICE CHAIR: Thank you.

24 Attorney Coppola, good afternoon.

25 ATTORNEY COPPOLA: Good afternoon, Vice

1 Chairman Morissette. Also, no objections.

2 THE VICE CHAIR: Very good. Thank you.
3 The exhibits are hereby admitted.

4 (Applicant's Exhibits II-B-12 and
5 II-B-13: Received in evidence - described in
6 index.)

7 THE VICE CHAIR: We will continue with
8 cross-examination of the applicant by Area
9 Residents Group. Attorney Coppola, please
10 continue.

11 ATTORNEY COPPOLA: Thank you.
12 Actually, I don't know if I really even got
13 started so --

14 THE VICE CHAIR: Very good.

15 ATTORNEY COPPOLA: I believe that Mr.
16 Libertine was not available at the close of the
17 last hearing when I was starting my
18 cross-examination, and he's here today, so I think
19 that's where we left off. So I'd like to ask some
20 questions first of Mr. Libertine.

21 THE VICE CHAIR: Very good.

22 CROSS-EXAMINATION

23 ATTORNEY COPPOLA: Mr. Libertine, have
24 you been disclosed as an expert witness in this
25 proceeding?

1 THE WITNESS (Libertine): I believe I
2 have now. This is Mike Libertine. I believe so.

3 ATTORNEY COPPOLA: Do you have any
4 expertise in historic preservation?

5 THE WITNESS (Libertine): I have
6 experience. I don't know what expertise you would
7 be referring to. If you're asking me if I meet
8 the definition of the Secretary of the Interior's
9 criteria for archaeological and historic
10 resources, no, I do not.

11 ATTORNEY COPPOLA: Do you have
12 expertise within the area of historic
13 preservation?

14 THE WITNESS (Libertine): I wouldn't
15 say expertise, but I do have extensive experience
16 working on these type of projects.

17 ATTORNEY COPPOLA: Do you have
18 experience -- I think you just testified you don't
19 have expertise with regard to historic
20 preservation. Do you have any professional
21 experience with regard to historic preservation?

22 THE WITNESS (Libertine): I do in the
23 context of working on several hundred dockets that
24 involved assessing or evaluating potentially
25 eligible and listed resources as they relate to

1 visual impacts, yes.

2 ATTORNEY COPPOLA: How does that relate
3 to historic preservation?

4 THE WITNESS (Libertine): Well, I guess
5 it doesn't. If you're asking me about
6 preservation projects, no, I do not have that
7 experience or that expertise.

8 ATTORNEY COPPOLA: Do you have any
9 educational training in the area of historic
10 preservation?

11 THE WITNESS (Libertine): No, I do not.

12 ATTORNEY COPPOLA: Do you have any
13 educational training in any other areas concerning
14 historic resources?

15 THE WITNESS (Libertine): I have no
16 formal training, no.

17 ATTORNEY COPPOLA: Do you have any
18 experience in yourself preparing historic resource
19 inventories?

20 THE WITNESS (Libertine): No.

21 ATTORNEY COPPOLA: I'm looking at your
22 resume. Well, let me strike that question.

23 On the website for your company,
24 All-Points Technology Corporation, are you listed
25 as a licensed environmental professional?

1 THE WITNESS (Libertine): I am.

2 ATTORNEY COPPOLA: And is that also in
3 the business known as an LEP?

4 THE WITNESS (Libertine): Correct.

5 ATTORNEY COPPOLA: And in order to
6 become an LEP, do you have to have any
7 professional training within the area of historic
8 preservation?

9 THE WITNESS (Libertine): No, it does
10 not relate to that at all.

11 ATTORNEY COPPOLA: So, is it fair to
12 say that becoming approved as an LEP and
13 conducting work as an LEP doesn't necessarily
14 involve historic resources?

15 THE WITNESS (Libertine): That's a fair
16 statement.

17 ATTORNEY COPPOLA: Does your work as an
18 LEP provide you with the required expertise to
19 evaluate the impact of certain activities such as
20 a proposed cell tower with regard to historic
21 resources?

22 THE WITNESS (Libertine): Well, if
23 we're talking about an LEP's role, no.

24 ATTORNEY COPPOLA: And with regard to
25 this application, you performed services

1 associated with trying to determine whether there
2 was any critical impacts on any historic resources
3 as a result of the application; is that correct?

4 THE WITNESS (Libertine): Well, I'd
5 qualify that we are focused on aesthetic and
6 visibility issues associated with listed
7 resources, yes.

8 ATTORNEY COPPOLA: When you say "listed
9 resources," you're referencing historic listed
10 resources, correct?

11 THE WITNESS (Libertine): That's
12 correct.

13 ATTORNEY COPPOLA: Maybe I could ask it
14 a little bit more colloquially. When it comes
15 to -- on the applicant's team here when it comes
16 to any issues pertaining to any impact on historic
17 resources, are you the person on the team that was
18 designated with addressing those issues on behalf
19 of the applicant?

20 THE WITNESS (Libertine): Only in the
21 sense that it's limited to the visual impacts, not
22 direct impacts. It would be indirect impacts.

23 ATTORNEY COPPOLA: Whatever the review
24 was, I guess my question is, is there someone else
25 -- let me ask it this way: Is there somebody else

1 on the applicant's team that I should ask
2 questions to regarding any impacts on historic
3 resources or are you the person on the team that's
4 most appropriate to answer those questions?

5 THE WITNESS (Libertine): At this time,
6 I would say I'm the most appropriate person. If I
7 could just maybe help put this into a little bit
8 better perspective. The carriers, including
9 Verizon, AT&T and all of the carriers, typically
10 do not undergo a full NEPA compliance process
11 including the Section 106 review until they have
12 had an either informal or formal approval for
13 siting. That's just their particular process.

14 So what we do as part of the Siting
15 Council's review is to identify those historic
16 resources in the APE, in this case a half a mile,
17 and whether or not there's a visual impact on
18 those resources. That's our role.

19 ATTORNEY COPPOLA: With regard to that
20 role, isn't the applicant required to identify
21 historic properties that may meet listing criteria
22 in consultation with SHPO?

23 THE WITNESS (Libertine): Not
24 necessarily, certainly not at this stage. We are
25 meeting the guidelines which are to review the

1 SHPO's files for listed historic resources on the
2 National Register. Those that are listed as
3 eligible, so what we need to do there is take a
4 look at the State Register sites and also any file
5 information that suggests or documents that a site
6 or sites have gone through a formal inventory
7 that's been adopted by the SHPO. Those are the
8 publicly-available resources that we have to rely
9 on when we're doing this preliminary assessment.
10 Again, this is not for Section 106 compliance.
11 This is strictly to understand what, if any,
12 potential visible -- visibility may occur to those
13 listed resources.

14 ATTORNEY COPPOLA: If that's the case,
15 then is it correct to say that you didn't as part
16 of this preliminary assessment try to identify
17 historic properties that may meet listing criteria
18 in consultation with SHPO?

19 THE WITNESS (Libertine): That's
20 correct, we're not held to that standard at this
21 point in the process.

22 ATTORNEY COPPOLA: And by the way, I've
23 said the acronym SHPO a few times. Could you
24 please just clarify for the record what that
25 acronym stands for?

1 THE WITNESS (Libertine): Sure. Again,
2 Mike Libertine. It's the State Historic
3 Preservation Office.

4 ATTORNEY COPPOLA: Thank you. So based
5 on your responses, is it fair to say that your
6 definition of whether something qualifies as a
7 historic property for your analysis at this point
8 was limited to properties listed on the National
9 Register of Historic Places or the State Register
10 of Historic Places?

11 THE WITNESS (Libertine): And/or any
12 file information that exists that would document
13 that there's been a formal survey that has been
14 adopted by the SHPO who has also concurred that
15 sites are eligible for listing on the National
16 Register, that's correct.

17 ATTORNEY COPPOLA: I'd like you to
18 please reference the applicant's response dated
19 January 6, 2026 to the Area Residents Group,
20 Interrogatory Number 2.

21 THE WITNESS (Libertine): Yes, sir,
22 uh-huh.

23 ATTORNEY COPPOLA: Do you have that,
24 sir?

25 THE WITNESS (Libertine): I do, yes.

1 ATTORNEY COPPOLA: Could you please
2 describe with greater specificity what SHPO files
3 were reviewed to determine if any sites eligible
4 for listing are located proximate to the project
5 site?

6 THE WITNESS (Libertine): Certainly.
7 We work with another consultant who maintains a
8 weekly update of the SHPO's files rather than
9 going to the state's offices which is not always
10 accessible. And so that information is culled and
11 reviewed. It's actually inventoried on a routine
12 basis. We also go to the National Register
13 website and review that and also the State
14 Register as well.

15 ATTORNEY COPPOLA: You referenced that
16 you review the files of another consultant; is
17 that correct?

18 THE WITNESS (Libertine): I didn't
19 review the files. Those files come directly or
20 that inventory comes directly from the State
21 Historic Preservation Office. They have access to
22 it. So if there are any updates, they update it
23 periodically which is essentially, if not weekly,
24 then it's monthly.

25 ATTORNEY COPPOLA: But you referenced

1 another consultant. Who was that?

2 THE WITNESS (Libertine): Heritage
3 Consultants of Newington, Connecticut. They
4 provided the resource screen that is -- I don't
5 have the actual reference, but it is part of our
6 historic, preliminary historic resource screen
7 which is on the record.

8 ATTORNEY COPPOLA: So is it fair to say
9 that with regard to the SHPO files that you
10 reviewed, they were actually records that you
11 obtained not directly from SHPO but rather from
12 Heritage which was another consultant?

13 THE WITNESS (Libertine): That's
14 correct, but that comes directly from the SHPO
15 files. The source is the same.

16 ATTORNEY COPPOLA: Well, but you didn't
17 get it. But is it fair to say -- I just want to
18 make sure I understand this point. Regardless of
19 where Heritage obtained their records, the bottom
20 line is you actually didn't review records
21 directly that were provided directly to you from
22 SHPO, but rather, you reviewed records that were
23 in the possession of Heritage which is another
24 consultant; is that correct?

25 THE WITNESS (Libertine): That's

1 correct. It's publicly-available information, but
2 I would say that it's fair to say that it's very
3 rare to be able to get access to the SHPO files
4 directly.

5 ATTORNEY COPPOLA: The SHPO files are
6 public records, correct?

7 THE WITNESS (Libertine): That is
8 correct.

9 ATTORNEY COPPOLA: And therefore the
10 public has a right to review those records that
11 SHPO has, correct?

12 THE WITNESS (Libertine): They do, and
13 it's not all in a timely fashion, so this is why
14 we do it in the manner that we do.

15 ATTORNEY COPPOLA: But nonetheless, if
16 you wanted to, you could have reviewed records
17 that were provided directly from you from SHPO; is
18 that correct?

19 THE WITNESS (Libertine): Certainly.

20 ATTORNEY COPPOLA: And in this case you
21 chose not to do that, but rather, you reviewed
22 records that were provided to you by another
23 consultant, Heritage, correct?

24 THE WITNESS (Libertine): That is
25 correct.

1 ATTORNEY COPPOLA: I want to stick with
2 the applicant's response to Interrogatory Number
3 2. Your preliminary review assessed impacts
4 within a half mile distance to the project site;
5 is that correct?

6 THE WITNESS (Libertine): Correct.

7 ATTORNEY COPPOLA: And that half-mile
8 radius is based on Federal Communications
9 Commission's guidance; is that correct?

10 THE WITNESS (Libertine): That is
11 correct.

12 ATTORNEY COPPOLA: And do you
13 understand this guidance to be a rule or a
14 guideline subject to enlargement if you determine
15 that there are existing conditions concerning the
16 siting of the tower or characteristics of the
17 subject property that would merit expanding the
18 area of review?

19 THE WITNESS (Libertine): As part of
20 the Section 106 consultation, certainly the SHPO
21 can consider other historic resources beyond that
22 half mile, sure.

23 ATTORNEY COPPOLA: How about you, I
24 mean, in your -- and I'm not saying you have to.
25 I'm not saying you have to. I'm not suggesting

1 you have to, but you had the opportunity, if you
2 wanted to, to be able to consider properties of
3 potentially historic significance that were beyond
4 a one-half mile radius if you chose to; is that
5 correct?

6 THE WITNESS (Libertine): And we did
7 choose to. We certainly show the Rye House which
8 is well over a half mile away from the site.
9 Anything that is a historic resource that's listed
10 we put on the viewshed maps so that we have an
11 understanding of where those resources are and to
12 the best of our abilities go and assess whether
13 there is some type of a view line from those
14 locations. So yeah, I agree with you. And I've
15 been involved in several dockets where once the
16 Section 106 consultation has been initiated that
17 the area has been expanded.

18 ATTORNEY COPPOLA: And so if that's the
19 case then, before the Section 106 consultation it
20 would be appropriate for you to consider historic
21 properties that are beyond one-half mile radius of
22 the subject property during this assessment
23 associated with this application at this time,
24 correct?

25 THE WITNESS (Libertine): That's

1 correct, and we did.

2 ATTORNEY COPPOLA: With regard to this
3 application, did you have any communications with
4 anyone in the SHPO office?

5 THE WITNESS (Libertine): I did not.

6 ATTORNEY COPPOLA: With regard to this
7 application, did you discuss with anybody at
8 Heritage whether you should consider doing
9 research beyond the half-mile radius area of the
10 subject property?

11 THE WITNESS (Libertine): We relied on
12 the files and their database and the National
13 Register, so we did look beyond half a mile, and
14 those resources are on the viewshed maps.

15 ATTORNEY COPPOLA: My question is, did
16 you discuss, did you communicate with anybody at
17 Heritage about looking for information outside of
18 a half-mile radius pertaining to any historic
19 resources?

20 THE WITNESS (Libertine): Well, we had
21 conversation, but did we specifically ask? We
22 didn't need to. We had the information provided
23 to us.

24 ATTORNEY COPPOLA: I want to ask you
25 about your response to Interrogatory Number 6.

1 THE WITNESS (Libertine): Uh-huh.

2 ATTORNEY COPPOLA: I'll give you an
3 opportunity to take a look at that.

4 THE WITNESS (Libertine): I'm there.

5 ATTORNEY COPPOLA: And your response
6 references the Cunningham report, correct?

7 THE WITNESS (Libertine): That's
8 correct.

9 ATTORNEY COPPOLA: And that's the
10 survey prepared in 2000 by Cunningham Preservation
11 Associates, LLC, correct?

12 THE WITNESS (Libertine): Correct.

13 ATTORNEY COPPOLA: In your opinion, is
14 the Cunningham report a final assessment of
15 eligibility for historic properties in the region?

16 THE WITNESS (Libertine): Well, no,
17 it's not final because it's not been in any way
18 formalized beyond. It was an inventory that was
19 prepared for, I'm guessing, I can only surmise
20 that it was going to be submitted to SHPO for some
21 form of review and maybe some formal request for
22 listing which is part of the process.

23 ATTORNEY COPPOLA: And --

24 THE WITNESS (Libertine): Not
25 considered final, no.

1 ATTORNEY COPPOLA: Sorry, I didn't mean
2 to interrupt. I thought you were done. And that
3 survey was prepared in the year 2000; is that
4 correct?

5 THE WITNESS (Libertine): I believe so.
6 Actually, yes, 2000, yeah.

7 ATTORNEY COPPOLA: So that was about 26
8 years ago?

9 THE WITNESS (Libertine): Uh-huh.

10 ATTORNEY COPPOLA: Is it your
11 understanding that the omission of historic
12 properties from inventory lists is often the
13 result of the funding process of state grants,
14 federal grants that are awarded to consultants
15 based on unit costs for a preset number of
16 inventoried properties?

17 THE WITNESS (Libertine): I am. It's
18 not an inexpensive endeavor.

19 ATTORNEY COPPOLA: So isn't it the case
20 that the exclusion of properties may be based on
21 survey costs and not necessarily a property's
22 historic significance?

23 THE WITNESS (Libertine): Sure, that
24 could certainly be the case on any inventory.

25 ATTORNEY COPPOLA: Did the applicant

1 conduct any independent research into the historic
2 significance of the property at 7 Warren Road in
3 New Preston?

4 THE WITNESS (Libertine): Any
5 independent review, no, we did not.

6 ATTORNEY COPPOLA: Are you familiar
7 with the property at 7 Warren Road in New Preston?

8 THE WITNESS (Libertine): I'm familiar
9 with its location.

10 ATTORNEY COPPOLA: Is it within a half
11 mile of the subject property?

12 THE WITNESS (Libertine): It is.

13 ATTORNEY COPPOLA: As you sit here
14 today, could you comment on the property at 7
15 Warren Road's architecture and historic
16 associations with its builder and later occupants?

17 THE WITNESS (Libertine): I can only
18 rely on the prefile testimony of Mr. Haynes as it
19 relates to the information that was contained in
20 that inventory. I personally cannot attest to its
21 significance.

22 ATTORNEY COPPOLA: So you had an
23 opportunity to review Mr. Haynes's report; is that
24 correct?

25 THE WITNESS (Libertine): I did, and

1 that's why I cited that particular inventory
2 because that's what he relied on for his
3 information.

4 ATTORNEY COPPOLA: And do you have a
5 copy of Mr. Haynes's report?

6 THE WITNESS (Libertine): I do.

7 ATTORNEY COPPOLA: If you'd take a look
8 at page 3 of his report, please, concerning 7
9 Warren Road.

10 THE WITNESS (Libertine): Yes.

11 ATTORNEY COPPOLA: By the way, I think
12 the Vice Chairman, as do I, appreciate how quick
13 you are to reference materials and be able to
14 provide responses, so I just wanted to say thank
15 you.

16 THE WITNESS (Libertine): You're very
17 welcome.

18 ATTORNEY COPPOLA: It's very helpful.
19 We'll see if all the other witnesses are as good
20 as you are.

21 So, if you take a look at page 3, did
22 Mr. Haynes conclude that the 7 Warren Road
23 property would be eligible for consideration or
24 listing on the State Historic Register of Historic
25 Places based on its close association and

1 importance to the development of Woodville, its
2 good condition and strong architectural integrity?

3 THE WITNESS (Libertine): Uh-huh.

4 ATTORNEY COPPOLA: Do you agree with
5 his opinion?

6 THE WITNESS (Libertine): Well, again,
7 I'm not really qualified to say whether something
8 is eligible. I would say that I would rely on his
9 expertise that that's certainly an opinion that
10 can be substantiated for inclusion on this type of
11 an inventory, but beyond that I can't really say.

12 ATTORNEY COPPOLA: Fair enough. In the
13 same section of the report on page 3, did
14 Mr. Haynes conclude that the tower will visually
15 intrude on the setting of this important place at
16 7 Warren Road year round, and being in full view
17 of the front windows and yard will negatively
18 impact its outward views reducing its value?

19 THE WITNESS (Libertine): That's his
20 conclusion under the impact on the resources, yes.

21 ATTORNEY COPPOLA: Do you agree with
22 his conclusion that the tower could negatively
23 impact or reduce the value of the historic
24 significance of this property at 7 Warren Road?

25 THE WITNESS (Libertine): I do not

1 agree with that opinion. And again, it's just my
2 opinion. My experience on these type of projects
3 where we're looking at the historical significance
4 is that it's in this case where he cites strong
5 architectural integrity, my experience suggests
6 that a listing, if it were to be listed, would be
7 based primarily on the architectural components.
8 And so having a view from a property that might be
9 listed on the Historic National Register doesn't
10 necessarily mean that there's going to be some
11 type of an adverse impact.

12 So I would say that I would qualify my
13 answer in saying that I don't agree with it, but
14 that's relying on the fact that, again, just my
15 opinion that I would think the architectural
16 elements of this house are what would be the
17 primary factors in any type of potential listing
18 on the register, if it were to go that far.

19 ATTORNEY COPPOLA: And if it went to a
20 listing on the register, do you think that the
21 consideration of its viewshed would be under
22 consideration?

23 THE WITNESS (Libertine): It is
24 possible that that would be a component.

25 ATTORNEY COPPOLA: And if you have a

1 tower that's directly visible from the property,
2 then that would impact the viewshed of it; is that
3 correct?

4 THE WITNESS (Libertine): It would have
5 some effect on it, certainly.

6 ATTORNEY COPPOLA: Is it fair to say
7 that it would -- it's maybe unknown at this time,
8 but potentially if the viewshed is a factor that
9 you consider in determining eligibility on a
10 register that it's possible that the impact of the
11 tower here within the viewshed of the property at
12 7 Warren Road could certainly impact its inclusion
13 on a State or National Register of Historic
14 Places?

15 THE WITNESS (Libertine): No, I don't
16 think it would necessarily preclude it. I guess
17 it's a possibility, but in my experience, that
18 would not necessarily be an overriding factor.

19 ATTORNEY COPPOLA: Let me ask you this.
20 Maybe I should ask it a different way. Maybe I
21 could have asked it better the first time.

22 Let's assume that the property at 7
23 Warren Road was being considered for inclusion on
24 a State or National Register, would the viewshed
25 of the subject property be assessed as part of the

1 process to determine inclusion on one of those
2 registers?

3 THE WITNESS (Libertine): In all
4 likelihood, yes, the SHPO would likely ask for an
5 assessment.

6 ATTORNEY COPPOLA: So then if that's
7 the case, is it fair to say that the viewshed
8 concerning 7 Warren Road is a factor that would be
9 looked at with regard to eligibility on a National
10 or State Register and that if the tower is
11 constructed as proposed it could impact that
12 viewshed?

13 THE WITNESS (Libertine): I think I
14 heard two questions. So the first question was --

15 ATTORNEY COPPOLA: If you want, I can
16 try to do a better job asking the question.

17 THE WITNESS (Libertine): No, no. It's
18 just that I want to make sure I answer it
19 accurately because the fact is that there's a
20 likelihood that the SHPO would take into
21 consideration multiple factors, and one of them
22 could be the viewshed. Now, whether or not they
23 weigh that as heavily or at all really depends on
24 a lot of other factors that certainly go beyond my
25 expertise.

1 My experience is that if there were to
2 be a concern over visibility, then there are some
3 options. So it would not preclude a listing
4 necessarily. There are several avenues. In fact,
5 one of those avenues I just completed on a project
6 in Rhode Island today through a memorandum of
7 agreement with the SHPO in that state and the FCC.

8 So I just want to make sure I'm
9 answering it as accurately as I possibly can for
10 you. It's a delicate dance. I can't speak for
11 the SHPO and what they're going to do or what
12 their particular interest would be on any singular
13 property, but if you're asking me will the
14 viewshed be a consideration, in most likelihood
15 yes it will be part of that overall consideration
16 for listing.

17 Did I answer your question?

18 ATTORNEY COPPOLA: Thank you. Yes, I
19 think you did.

20 Has the applicant conducted any
21 independent research into the institutional and
22 historic significance of the property at 260
23 Litchfield Turnpike in New Preston?

24 THE WITNESS (Libertine): No, we did
25 not.

1 ATTORNEY COPPOLA: Do you know where
2 that property is located?

3 THE WITNESS (Libertine): I do.

4 ATTORNEY COPPOLA: Is it within a half
5 mile of the subject property?

6 THE WITNESS (Libertine): 260, yes, it
7 is.

8 ATTORNEY COPPOLA: Can you comment on
9 the significance of the property at 260 Litchfield
10 Turnpike as the institutional center of the
11 hamlet?

12 THE WITNESS (Libertine): Once again,
13 that's not my area of expertise. I can only rely
14 on what has been documented in the inventory.

15 ATTORNEY COPPOLA: And I believe you
16 testified you've had an opportunity to review the
17 report from Mr. Haynes?

18 THE WITNESS (Libertine): Yes.

19 ATTORNEY COPPOLA: If you could please
20 take a look at page 4 of his report.

21 THE WITNESS (Libertine): I am there.

22 ATTORNEY COPPOLA: And did you render
23 the opinion that this property at 260 Litchfield
24 Turnpike would be eligible for listing on the
25 State Register of Historic Places as contributing

1 to a historic district based on its status as an
2 institutional building associated with the
3 Woodville community, satisfactory condition and
4 recognizable meetinghouse morphology?

5 THE WITNESS (Libertine): That's what's
6 stated. And this gets into a little bit of a
7 different realm because a contributing resource
8 suggests that the request might be for a larger
9 area rather than just a single property or a
10 single structure. But regardless, Mr. Haynes's
11 opinion is that this would be eligible.

12 ATTORNEY COPPOLA: Do you agree with
13 his opinion?

14 THE WITNESS (Libertine): I can't agree
15 or disagree just because if a property -- it's not
16 up to me to say whether something is eligible.
17 It's a formal process. And I certainly respect
18 Mr. Haynes's opinion. I've worked on a project
19 with Mr. Haynes in the past, so I know that he has
20 expertise in this area. So I can say that if he's
21 saying that he believes it's eligible, then
22 there's nothing I can say to argue with that, but
23 again, the eligibility issue goes beyond someone's
24 opinion and beyond just having an inventory
25 created. That's all.

1 ATTORNEY COPPOLA: I think this may be
2 my last question for you unless there's any
3 follow-ups on it. With respect to the visual
4 assessment, was the view from Mount Tom
5 established 5 feet above the ground or 5 feet
6 above the historic Mount Tom Tower?

7 THE WITNESS (Libertine): It was taken
8 5 feet above the top of the tower, and the
9 photograph is from that location.

10 ATTORNEY COPPOLA: I have no further
11 questions for Mr. Libertine at this time. I do
12 have questions for others on the panel. But thank
13 you very much, sir.

14 THE WITNESS (Libertine): You bet.

15 ATTORNEY COPPOLA: And so, Vice
16 Chairman Morissette, I'm going to ask some
17 questions about environmental and wetlands related
18 issues. I just wanted to give a heads up to
19 Attorney Baldwin just so he could decide who's the
20 most appropriate person on his panel to answer
21 some of those questions.

22 THE VICE CHAIR: Very good. Thank you.
23 Please continue.

24 ATTORNEY COPPOLA: And maybe we could
25 ask Mr. Baldwin who would be most appropriate to

1 start with to ask questions.

2 ATTORNEY BALDWIN: Why don't -- Vice
3 Chair Morissette, I think if Attorney Coppola
4 would just ask his questions, we've got a panel
5 that can probably address it. It's likely going
6 to be Mr. Gustafson, but we have experts in a
7 number of different areas. It just depends on the
8 nature of the question. So why don't we have him
9 just ask the question and then we'll have the
10 appropriate witness respond.

11 ATTORNEY COPPOLA: Okay. We can
12 proceed in that manner.

13 In light of the revised access road,
14 and that's LFE-1, does the applicant plan on
15 submitting a revised or updated wetland
16 assessment?

17 THE WITNESS (Gustafson): This is Dean
18 Gustafson from All-Points. So we have through our
19 Late-File exhibits in response to interrogatories,
20 we've addressed that revised and updated access
21 crossing. And our assessment is that it will not
22 result in a likely adverse environmental effect to
23 that narrow wetland intermittent stream crossing
24 area. And we have evaluated the limited impacts.
25 We're looking at providing appropriate restoration

1 of that area with the temporary impacts associated
2 with the crossing.

3 We've employed best management
4 practices for that crossing by utilizing a 4-foot
5 wide concrete box structure, embedding that 12
6 inches into the ground, restoring the natural
7 stream bed material within the culvert crossing,
8 restoring temporary disturbance associated with
9 that crossing, and we're also proposing
10 enhancement of a 9,000 square foot wetland area to
11 mitigate for those unavoidable impacts.

12 ATTORNEY COPPOLA: I appreciate all the
13 information; however, I don't think it was
14 responsive to the question. The question was I
15 think pretty simple. I just wanted to know, do
16 you plan on submitting a revised or updated
17 wetland assessment as part of this application?

18 THE WITNESS (Gustafson): Sorry I
19 misinterpreted your question. But yeah, the
20 direct response is no, there's no current plans of
21 updating that wetland assessment document.

22 ATTORNEY COPPOLA: So even with the
23 revised access road, the applicant is relying on
24 the wetland assessment that was filed initially
25 with the application, and there will be no

1 additional updated wetland assessment filed; is
2 that correct?

3 THE WITNESS (Gustafson): To the actual
4 report, that's correct. As I mentioned, there's
5 been additional materials submitted in a Late-File
6 exhibit that does address the new crossing and the
7 wetland impacts associated with it.

8 ATTORNEY COPPOLA: The revised plans
9 appear to increase direct wetland impacts; is that
10 correct?

11 THE WITNESS (Gustafson): It does
12 increase slightly from the previously proposed
13 crossing, that's correct.

14 ATTORNEY COPPOLA: Could you please
15 quantify for me the increase in disturbance of any
16 direct wetland impacts?

17 THE WITNESS (Gustafson): Sure. So
18 we've gone through a couple of iterations on
19 design. So, the actual original crossing had a
20 permanent impact of 758 square feet, temporary 255
21 square feet, and that was associated with the
22 original access road crossing along the north
23 property boundary.

24 We revised that slightly and avoided
25 some additional wetland impacts and provided an

1 updated impact that reduced the impacts to
2 permanent of 228 square feet, temporary 26 square
3 feet, and that was at the same general location
4 along the north property boundary.

5 And then the most recent submittal
6 which was associated with the revised access drive
7 has a date of December 30, 2025, we have 267
8 square feet of permanent impact and 170 square
9 feet of temporary impact.

10 ATTORNEY COPPOLA: So, could you
11 quantify for me how much of an increase there was
12 for the direct wetland impact permanently and
13 temporarily? I tried to do the math quickly, but
14 I want to make sure it's accurate.

15 THE WITNESS (Gustafson): So from the
16 original design it's reduced the permanent impact
17 by approximately 490 square feet. And from the
18 more or the recent, essentially we had three
19 versions of the crossing. So for comparing the
20 second version versus the most recent version, we
21 have an increase of 39 square feet of permanent
22 impact.

23 ATTORNEY COPPOLA: So I just want to
24 make sure I understand this correct. So, as a
25 result of the revised plans, there is an increase

1 of 39 square feet in direct wetlands impact,
2 correct?

3 THE WITNESS (Gustafson): That's
4 correct. With the way you have to calculate is,
5 you know, you look at your permanent impact to the
6 wetland resource. One thing to keep in mind is
7 that with this most latest revised access drive
8 design we're employing a 4-foot wide box culvert,
9 and we're restoring the stream material within
10 that box culvert. We still consider that a
11 permanent impact, but we are essentially still
12 maintaining and restoring the natural function of
13 that stream corridor with the proposed crossing.
14 But yes, we are increasing the permanent impacts
15 by approximately 39 square feet.

16 ATTORNEY COPPOLA: And the revised
17 plans also appear to increase direct impacts to
18 core forest; is that correct?

19 THE WITNESS (Gustafson): That's
20 correct.

21 ATTORNEY COPPOLA: Could you please
22 similarly quantify for me the increase in
23 disturbance of core forest as a result of the
24 revised plans?

25 THE WITNESS (Gustafson): That would

1 take a little bit of calculations to run a
2 comparative analysis. But, you know, I agree that
3 the latest access drive takes a little bit more
4 circuitous route through the forested area than
5 the previous application, but I can opine on what
6 the core forest impacts are to the current design,
7 if you like.

8 ATTORNEY COPPOLA: No. I'm interested
9 in trying to quantify the increase in the direct
10 impacts to core forest as a result of the revised
11 plans. Quite frankly, I was incapable of figuring
12 out the, quantifying exactly myself which is why
13 I'm asking you. Is it possible for you to give us
14 an estimate based on the best of your ability as
15 you sit here today as to what the increase is with
16 regard to the direct impact to core forest as a
17 result of the revised plans?

18 ATTORNEY BALDWIN: Vice Chair
19 Morissette, if I could just ask a question. We
20 talked at the last hearing, I believe it was a
21 question directly from the Vice Chair, about
22 whether the proposed access road shown in
23 Late-File Exhibit 1 was the proposed access road,
24 and the applicant indicated that it was, that the
25 prior iterations of the access road were no longer

1 on the table I think was the terminology we used.
2 So I'm not quite sure why going through this
3 exercise of determining how it's changed from that
4 initial plan that is no longer on the table is
5 relevant.

6 ATTORNEY COPPOLA: It's relevant to
7 understand how the impact, the direct impact to
8 core forest has been increased, how that
9 disturbance has been increased. It was proposed
10 one way, and now it's proposed a different way. I
11 mean, let me put it this way: If it was the
12 converse, if the plans, if revised plans actually
13 minimized or decreased the direct impact to core
14 forest or decreased the direct impact to wetlands,
15 then the applicant would say, hey, the new plan
16 decreases the impact on wetlands, it decreased the
17 impact on core forest. Conversely, if it
18 increases the impact, it's relevant to at least
19 ask about.

20 THE VICE CHAIR: Very good. Thank you.

21 Thank you, Attorney Baldwin. I'm going
22 to let the witness answer the question because I
23 am also interested in understanding what the
24 increase to the impact of core forest is as well.

25 So if we could, Mr. Gustafson,

1 calculate that. I don't know if we can continue
2 and you can calculate it on the side, but let's
3 continue with the questioning and see if we can
4 come up with that response at some point before
5 Attorney Coppola's questioning is over.

6 Please continue.

7 THE WITNESS (Gustafson): Thank you,
8 Mr. Vice Chairman. I'm happy to. So I can go
9 into a little bit of a discussion on the
10 comparative analysis. I would request, if you
11 want actual numbers, I can do it as a homework
12 assignment as additional witnesses are being
13 questioned throughout the rest of the hearing and
14 I can provide the actual numbers or an estimate of
15 the numbers at a later date during this hearing.

16 THE VICE CHAIR: Let me stop you there.
17 I'm not interested in the exact number. An
18 estimate is fine with me.

19 THE WITNESS (Gustafson): Yes.

20 THE VICE CHAIR: If we can come up with
21 that sooner rather than later. I do not want to
22 take any Late-Files. So if you could come up with
23 that, an estimate, ballpark, and that would give
24 us a general sense of what the magnitude of the
25 change is. Thank you.

1 THE WITNESS (Gustafson): You're
2 welcome. Just to clarify, my request for a
3 homework assignment isn't for a Late-File. It's
4 for just as other witnesses are being questioned I
5 can run through some numbers and provide that
6 later at the hearing, at this hearing.

7 THE VICE CHAIR: That would be fine as
8 well. Thank you.

9 THE WITNESS (Gustafson): Okay.

10 ATTORNEY COPPOLA: So Mr. Vice Chair, I
11 would just ask with regard to that point if it's
12 possible if Mr. Gustafson could try to find, when
13 I go to other witnesses on the panel, if he could
14 try to find the answer, or I should say his best
15 estimate, if I could have the opportunity to have
16 him provide us with that estimate before I'm done
17 with my opportunity of cross-examination, I'd
18 appreciate it, Mr. Vice Chairman.

19 THE VICE CHAIR: Very good. Let's see
20 if we can make that happen. Thank you.

21 THE WITNESS (Gustafson): Sure. So the
22 original access road would avoid direct impacts to
23 the small patch core forest that's present on the
24 subject property.

25 ATTORNEY COPPOLA: Excuse me, I don't

1 think we have a question -- respectfully, I don't
2 think we have a question pending at this point.

3 THE VICE CHAIR: No, we do not.

4 ATTORNEY COPPOLA: If I may, just to
5 move on, I want to refer to the applicant's
6 consultant to the wetland assessment report which
7 I believe that was attachment 11.

8 THE WITNESS (Gustafson): Yes, I have
9 it.

10 ATTORNEY COPPOLA: Why was October 23,
11 2024 selected as the date of your field inspection
12 for the subject property?

13 THE WITNESS (Gustafson): That was
14 based on a request from Vertical Bridge. Once
15 they assigned the work order to us, it was the
16 next available schedule date we had for field
17 activities.

18 ATTORNEY COPPOLA: But the actual date
19 of your report was May 19, 2025, right?

20 THE WITNESS (Gustafson): That's
21 correct. So as far as the date of our
22 investigation, you know, we're not going to
23 provide a wetland assessment document until we
24 have full design plans to evaluate the project's
25 impacts.

1 ATTORNEY COPPOLA: But the report
2 didn't get issued until May 19th of 2025, correct?

3 THE WITNESS (Gustafson): That's
4 correct.

5 ATTORNEY COPPOLA: So, you would have
6 had an opportunity to have visited the property at
7 some point after October 23rd before issuing the
8 report, correct?

9 THE WITNESS (Gustafson): Sure, there's
10 that potential.

11 ATTORNEY COPPOLA: Sure. If you wanted
12 to, you could have gone to see the property in
13 April, for example, correct?

14 THE WITNESS (Gustafson): That's
15 correct.

16 ATTORNEY COPPOLA: And wouldn't
17 springtime be a much better time to evaluate the
18 property with regard to wetlands impact than in
19 the end of October?

20 THE WITNESS (Gustafson): So we were
21 comfortable based on the level of documentation
22 that we secured during the October 23, 2024
23 investigation that we had enough information to be
24 able to assess the project's wetland resource
25 impacts.

1 ATTORNEY COPPOLA: But your response
2 isn't responsive to my question. My question is,
3 wouldn't it have been better to have evaluated the
4 property in the spring than at the end of October
5 for purposes of wetland assessment?

6 THE WITNESS (Gustafson): It depends
7 really. I don't agree with your preposition that
8 all wetlands should be evaluated in the spring to
9 determine project impacts.

10 ATTORNEY COPPOLA: But that wasn't
11 actually the question. The question wasn't about
12 whether -- the question was, is it better as a
13 matter -- generally is it better to assess
14 wetlands in the spring than in the end of October?

15 THE WITNESS (Gustafson): It really
16 depends on site conditions, on how much data you
17 can gather, and if you have an opinion with
18 respect to an inability to assess wetland function
19 and values at the time of the wetland
20 investigation or if a later date would be more
21 appropriate.

22 ATTORNEY COPPOLA: Again, you're not
23 being responsive to the question. The question is
24 a pretty simple one. The question is, when you're
25 evaluating wetlands, are you better off doing so,

1 in general, is it better off that you do so in
2 late October or in the spring?

3 ATTORNEY BALDWIN: Mr. Morissette, I
4 object. The question has been asked and answered
5 now three times.

6 ATTORNEY COPPOLA: It hasn't been
7 answered.

8 ATTORNEY BALDWIN: Mr. Gustafson said
9 it depends, and I think we stand by that response.
10 It may not be the answer Mr. Coppola wants, but
11 it's --

12 THE VICE CHAIR: The objection is
13 sustained. Please continue. He's answered it
14 three times, I agree. Please continue.

15 ATTORNEY COPPOLA: Mr. Gustafson, have
16 you conducted any follow-up site visits or wetland
17 assessments since October 2024?

18 THE WITNESS (Gustafson): We're talking
19 about on the subject property?

20 ATTORNEY COPPOLA: Yes.

21 THE WITNESS (Gustafson): So we did do
22 a more recent investigation of the property at the
23 request of responding to an interrogatory with
24 respect to an alternate access route on an
25 adjacent parcel that abuts the subject parcel to

1 the north.

2 ATTORNEY COPPOLA: And when was that?

3 THE WITNESS (Gustafson): If you give
4 me a moment, I will confirm that date. It was on
5 November 14, 2025.

6 ATTORNEY COPPOLA: Is late October
7 considered the best time of year to assess vernal
8 pools and their upland habitat?

9 THE WITNESS (Gustafson): No.

10 ATTORNEY COPPOLA: And why is that?

11 THE WITNESS (Gustafson): Because
12 you're not within the active breeding season for
13 vernal pools which is typically March, April, May.

14 ATTORNEY COPPOLA: So therefore,
15 wouldn't it be most logical to assess the wetland
16 area in March, April or May?

17 THE WITNESS (Gustafson): If you
18 suspected that a potential vernal pool habitat was
19 present within the identified wetland, yes, but
20 that was not the case for this site.

21 ATTORNEY COPPOLA: Is late October the
22 best time of the year to document the presence of
23 vernal pool obligate and facultative species?

24 ATTORNEY BALDWIN: Objection. Mr.
25 Morissette, again, I think the question has been

1 asked and answered.

2 ATTORNEY COPPOLA: Actually, if I could
3 just respond before the objection is ruled on.
4 It's a completely different, it's a different
5 question.

6 THE VICE CHAIR: It's sustained.

7 ATTORNEY COPPOLA: Sustained?

8 THE VICE CHAIR: The objection,
9 Attorney Baldwin's objection is sustained. Please
10 continue.

11 ATTORNEY COPPOLA: Can you please
12 explain the methodology for determining on October
13 23, 2024 that there are no vernal pools on the
14 site?

15 THE WITNESS (Gustafson): Sure. So we
16 look at physical characteristics within the
17 wetland system to determine if there are areas
18 that sustain inundation.

19 ATTORNEY COPPOLA: And so would you
20 please identify all the indicators that one would
21 look for?

22 THE WITNESS (Gustafson): One would
23 look at the microtopography of the wetland system,
24 see if there are any topographic depressions that
25 would essentially pool water. We would also look

1 at physical evidence within the vegetative
2 structure to determine if there are areas of water
3 stained leaves, if there are water markings on
4 tree trunks that indicate inundation, if there are
5 areas, depressional areas that are generally void
6 of herbaceous vegetation that seem to indicate
7 there's a potential presence of vernal pool
8 habitat.

9 ATTORNEY COPPOLA: You just mentioned
10 numerous indicators. In general, is it best to
11 evaluate those numerous indicators in late October
12 or in March, April or May?

13 THE WITNESS (Gustafson): So as long as
14 the ground is clear, it's not covered in snow and
15 ice, you can make those physical determinations of
16 potential vernal pool presence any time of year.

17 ATTORNEY COPPOLA: I believe you
18 responded you could look at it any time of year if
19 there's not a presence of ice or snow, but my
20 question was whether it was more beneficial to do
21 so in general in October or in March, April, May.

22 ATTORNEY BALDWIN: Objection. Vice
23 Chair Morissette, again, asked and answered.

24 ATTORNEY COPPOLA: It wasn't asked and
25 answered. It's not accurate. If we were in court

1 and I said, you know, strike the answer as being
2 nonresponsive, it would get stricken as being
3 nonresponsive. It's not responsive to the
4 question.

5 THE VICE CHAIR: In general terms, Mr.
6 Gustafson, could you answer the question?

7 THE WITNESS (Gustafson): I'd be happy
8 to, Mr. Vice Chairman. So ideally, yes, you would
9 want to perform an inspection during the peak
10 amphibian breeding time March, April, May.

11 ATTORNEY COPPOLA: So it's fair to say
12 that in order to best evaluate the numerous
13 indicators that you referenced in your testimony,
14 it would be better to do so in March, April, May
15 versus in October, correct?

16 THE WITNESS (Gustafson): Again, if you
17 suspected there was a potential vernal pool
18 habitat, yes, correct.

19 ATTORNEY COPPOLA: And let's assume you
20 don't know whether there's a vernal pool habitat
21 or not, you just have to schedule a time, would
22 you generally want to do it in October or in
23 March, April or May?

24 THE WITNESS (Gustafson): Can you
25 rephrase the question, please.

1 ATTORNEY COPPOLA: In general, if you
2 were going to inspect a wetlands area to evaluate
3 the numerous indicators that you referenced in
4 your testimony, would you prefer to do so in
5 October or in March, April or May?

6 THE WITNESS (Gustafson): It would be
7 in March, April or May.

8 ATTORNEY COPPOLA: Thank you. Are you
9 familiar with Best Development Practices:
10 Conserving pool-breeding amphibians in residential
11 and commercial developments in northeastern United
12 States, Technical Paper #5, by Calhoun and
13 Klemens?

14 THE WITNESS (Gustafson): Yes, I am.

15 ATTORNEY COPPOLA: It put me to sleep
16 last night. Has All-Points cited to it in other
17 wetlands assessments submitted on behalf of the
18 same applicant?

19 THE WITNESS (Gustafson): Yes.

20 ATTORNEY COPPOLA: So therefore -- let
21 me strike that question.

22 Are you aware that the author of that
23 technical paper, Dr. Michael Klemens, has reviewed
24 your wetlands assessment and was critical of the
25 lack of site-specific field data?

1 THE WITNESS (Gustafson): Yes, I am.

2 ATTORNEY COPPOLA: I want to refer you
3 to Exhibit 2 which was attached to the applicant's
4 responses to the Council interrogatories dated
5 November 26, 2025. It appears that an evaluation
6 of the wetland on 290 Woodland Road, which is an
7 abutting property, was conducted in November 2025;
8 is that correct?

9 THE WITNESS (Gustafson): Let me take a
10 look at that reference.

11 ATTORNEY COPPOLA: I don't expect you
12 to necessarily be as quick as Mr. Libertine with
13 finding documents.

14 THE WITNESS (Gustafson): That appears
15 to be correct.

16 ATTORNEY COPPOLA: Is November the best
17 time of year to evaluate a site for potential
18 vernal pool habitat?

19 ATTORNEY BALDWIN: Mr. Morissette, I'm
20 going to try again. I know this question has been
21 asked before. And the responses to the
22 interrogatories speak for themselves. I'll also
23 point out Dr. Klemens is a witness that will be
24 presented by another intervenor. His report is in
25 the record. That information speaks for itself.

1 So I think we can move on, can't we?

2 ATTORNEY COPPOLA: Mr. Vice Chairman,
3 the question actually hasn't been answered. I
4 actually have the questions written out. I didn't
5 ask this question, so that's not accurate. It's a
6 different question. I'm referencing a response by
7 the applicant to an interrogatory and an
8 evaluation done of a certain property, and I'm
9 asking about the relevance as to the time of year
10 that the evaluation was done.

11 THE VICE CHAIR: I'm going to overrule
12 it, and please continue, Attorney Coppola, but get
13 to your point, please, you're dragging this out
14 very much in asking your line of questioning.

15 ATTORNEY COPPOLA: I'm going as fast as
16 I can. I think we're pretty well prepared in
17 trying to make sure that we're making the points
18 that we need to make and no more than that. I'd
19 also ask that the respondent please respond to
20 questions directly. That would also allow me to
21 be more time efficient in my inquiry.

22 So the question was, is November the
23 best time of year to evaluate a site for potential
24 vernal pool habitat?

25 THE WITNESS (Gustafson): It is not the

1 best time of year.

2 ATTORNEY COPPOLA: And what is the best
3 time of year to evaluate a site for potential
4 vernal pool habitat?

5 THE WITNESS (Gustafson): The best time
6 of year would be March, April, May.

7 ATTORNEY COPPOLA: And in this
8 application you could have done that evaluation in
9 March, April, May, correct?

10 THE WITNESS (Gustafson): There is that
11 potential, yes, but we felt that there was no
12 potential vernal pool habitat so there was no
13 rationale for requiring an inspection to verify
14 something we already knew.

15 ATTORNEY COPPOLA: But regardless of
16 why you didn't do it, you had the opportunity to
17 evaluate the site for potential vernal pool
18 habitat in March, April or May and you chose not
19 to, correct?

20 THE WITNESS (Gustafson): Correct.

21 ATTORNEY COPPOLA: I want to stick with
22 Exhibit 2. There's a small off-site wetland
23 identified as Wetland 2. Do you see that?

24 THE WITNESS (Gustafson): Yes.

25 ATTORNEY COPPOLA: Why wasn't that --

1 well, let me ask you this: Was that wetland
2 evaluated?

3 THE WITNESS (Gustafson): No, it's not
4 on the subject property, and we don't have access
5 to the private property.

6 ATTORNEY COPPOLA: And who owns that
7 private property?

8 THE WITNESS (Gustafson): I believe
9 it's the Montessori, the Washington Montessori
10 School.

11 ATTORNEY COPPOLA: Did you attempt to
12 obtain access to the property to evaluate that
13 wetland?

14 THE WITNESS (Gustafson): No.

15 ATTORNEY COPPOLA: And why did you not
16 attempt to obtain access to evaluate the wetland?

17 THE WITNESS (Gustafson): It's over 500
18 feet away from the project area.

19 ATTORNEY COPPOLA: Let's assume there's
20 a wetland there. Is that relevant?

21 THE WITNESS (Gustafson): In this
22 particular case, no. The project site is located
23 on a ridge line, and all the water sheds away from
24 that proximate wetland area on an adjoining
25 parcel.

1 ATTORNEY COPPOLA: Let's assume there's
2 a nice juicy wetland there. That doesn't have an
3 effect on this application and your analysis
4 pertaining to it?

5 THE WITNESS (Gustafson): We have no
6 site drainage going in that direction, so there
7 would be no potential effect.

8 ATTORNEY COPPOLA: In response to the
9 Area Residents Interrogatory Number 16, did the
10 applicant admit that it is unknown if this wetland
11 supports vernal pool habitat?

12 ATTORNEY BALDWIN: Vice Chair
13 Morissette, could we get a clarification? Are we
14 still talking about the wetland on the Washington
15 Montessori School property?

16 ATTORNEY COPPOLA: Fair point, Vice
17 Chairman. I could clarify that. The answer is
18 yes, and I can ask the question again, if that's
19 helpful.

20 In response to the Area Residents
21 Interrogatory Number 16, did the applicant
22 acknowledge that it is unknown if this Wetland
23 Number 2 on the Montessori School property
24 supports vernal pool habitat?

25 THE WITNESS (Gustafson): That was the

1 response to that Interrogatory Number 16.

2 ATTORNEY COPPOLA: You're going to
3 probably anticipate my next question. Let's
4 assume this Wetland 2 on the Montessori property
5 does in fact support a very healthy vernal pool
6 habitat, let's just make that assumption. Does
7 that have an effect on your opinion as to whether
8 the existence of that Wetland 2 is relevant as to
9 this application?

10 THE WITNESS (Gustafson): It could
11 potentially. It would have to be related to how
12 productive that pool is, where the optimal
13 terrestrial habitat is located in proximity to
14 that pool, where we think there is principal
15 migratory vectors of the herpetofauna leading in
16 and out of that vernal pool. So there's a lot of
17 variables that it depends on, but yes, it could
18 potentially have a bearing on our assessment, but
19 there's a lot of variables involved.

20 ATTORNEY COPPOLA: Okay. So following
21 your response, so if in fact Wetland 2 did have a
22 very healthy vernal pool habitat with some of the
23 descriptions that you just referenced in your last
24 response, then it would be relevant to consider as
25 part of this application, correct?

1 THE WITNESS (Gustafson): Correct.

2 ATTORNEY COPPOLA: And so, if it would
3 be relevant to consider this Wetland 2 pertaining
4 to this application because you don't know whether
5 there is a vernal pool habitat there, you can make
6 assumptions but you don't know, would you like the
7 opportunity to go onto the Montessori School
8 property to be able to evaluate it?

9 THE WITNESS (Gustafson): I don't think
10 that it would be germane to have any additional
11 data. And the reason why I'm drawing that
12 conclusion is that we have a very robust Wetland
13 Protection Plan that we've implemented during
14 construction that will cordon off the entire
15 project area with silt fence, essentially an
16 isolation barrier, that would prevent any injury
17 or mortality to migratory herpetofauna that may
18 potentially be using this off-site wetland that
19 may potentially be a vernal pool habitat, and so
20 the project wouldn't have any adverse effect
21 because of those protection measures.

22 ATTORNEY COPPOLA: Attorney Mortelliti
23 represents the Montessori School. He's a really
24 nice guy. I'm sure he'd be more than happy to
25 check with his client to confirm, to go onto the

1 property to evaluate the site. Let's assume he
2 does that for you. Is there any reason why it
3 would be a problem for you to go onto the site and
4 evaluate the wetland?

5 ATTORNEY BALDWIN: Vice Chair
6 Morissette, I think it's speculation on
7 speculation now, as Mr. Gustafson just responded.
8 It's not relevant --

9 ATTORNEY COPPOLA: This --

10 ATTORNEY BALDWIN: It's not relevant at
11 this point whether Attorney Mortelliti's client
12 would be willing to let us go onto the property.
13 The evidence in the record is as it is. We need
14 to proceed.

15 ATTORNEY COPPOLA: Vice Chairman, it's
16 absolutely relevant. This is an expert witness
17 providing expert testimony, okay. And he has
18 confirmed that in fact if there is a healthy
19 vernal pool habitat there, it's relevant to the
20 consideration of this application. He testified
21 to that. So the next logical question is, would
22 you like to go see it because otherwise he doesn't
23 know. He's admitted he doesn't know.

24 ATTORNEY BALDWIN: He also testified,
25 Mr. Morissette, that the impacts, there would be

1 no impacts from the proposed development either
2 during construction or operation, so I think we've
3 taken that one to the end.

4 ATTORNEY COPPOLA: Well, that's not
5 accurate. He said that was based on his
6 understanding that there wasn't a vernal pool
7 habitat there.

8 THE VICE CHAIR: The witness testified
9 --

10 ATTORNEY COPPOLA: Then he's admitted
11 that --

12 THE VICE CHAIR: Excuse me, Attorney
13 Coppola, I'm talking. According to the witness,
14 he has testified that with the 530 feet distance
15 between the two areas and the protection plan that
16 he's satisfied. That is his testimony, so
17 therefore I'm going to sustain the objection.
18 Please continue.

19 ATTORNEY COPPOLA: You've confirmed
20 you're familiar with the Best Development
21 Practices document by Calhoun and Klemens,
22 correct?

23 THE WITNESS (Gustafson): Correct.

24 ATTORNEY COPPOLA: So are you familiar
25 with the concept of a vernal pool's critical

1 terrestrial habitat?

2 THE WITNESS (Gustafson): I am, yes.

3 ATTORNEY COPPOLA: Is that habitat the
4 area within 100 to 750 feet of a vernal pool's
5 edge?

6 THE WITNESS (Gustafson): That is
7 correct.

8 ATTORNEY COPPOLA: And that's the area
9 needed to support upland populations of amphibians
10 that breed in a vernal pool, correct?

11 THE WITNESS (Gustafson): According to
12 that document, that's correct.

13 ATTORNEY COPPOLA: And so I'm just
14 doing the math here, 100 to 750 feet, and this
15 wetland you've identified as being at 530 feet,
16 correct?

17 THE WITNESS (Gustafson): Correct.

18 ATTORNEY COPPOLA: So, according to the
19 Technical Paper #5 by Calhoun and Klemens, this
20 wetland is within the habitat area of a vernal
21 pool, of a vernal pool's edge which is the area
22 needed to support upland populations of amphibians
23 that breed in vernal pools, correct?

24 THE WITNESS (Gustafson): Correct.

25 ATTORNEY COPPOLA: And even though this

1 wetland is within the area referenced by the
2 Technical Paper #5 by Calhoun and Klemens that you
3 in fact yourself referenced, is it your position
4 that there's no need to evaluate whether that
5 wetland in fact has a or supports a vernal pool
6 habitat?

7 THE WITNESS (Gustafson): Yes.

8 ATTORNEY COPPOLA: Please explain that
9 to me. Please explain how you come to that
10 conclusion.

11 THE WITNESS (Gustafson): Well, I
12 already have to a certain degree. I've already
13 referenced the Wetland Protection Plan that will
14 be implemented during construction. We are in the
15 outer limits or more than 530 feet away from that
16 potential wetland, potential vernal pool. It is a
17 very small area of activity within that, the
18 additional 750-foot critical terrestrial habitat
19 zone associated with that possible wetland
20 potential vernal pool area.

21 So, even if you make certain
22 assumptions that this is the highest quality
23 vernal pool in the Town of Washington, which I can
24 tell you right now it is not, even if it exists,
25 and that it would have the highest rating for

1 conservation, this project will have a de minimis
2 effect on the critical terrestrial habitat
3 associated with that feature.

4 ATTORNEY COPPOLA: You just provided
5 testimony regarding the condition of this Wetland
6 Number 2 as to whether or not it's a viable vernal
7 pool; is that correct?

8 THE WITNESS (Gustafson): No. I don't
9 know how you draw that conclusion.

10 ATTORNEY COPPOLA: You just said that
11 if this was the best vernal pool area in the town,
12 and then you went on to answer the question, and
13 you said, you know, I know it's not. Am I missing
14 something? Do you have a -- what is your -- do
15 you have a better understanding of this Wetland 2
16 than maybe I understand or that's been
17 articulated?

18 THE WITNESS (Gustafson): Now I get
19 where you're coming from. So, I don't have a
20 better understanding of the wetland, but I
21 understand the development footprint and
22 disturbance associated with the Montessori School.
23 And if that wetland is actually a vernal pool,
24 then a significant part of the critical
25 terrestrial habitat would have already been

1 removed by the school development which would
2 degrade its tier rating under the BDP.

3 ATTORNEY COPPOLA: My last question as
4 to this area. But the bottom line is, you haven't
5 had an opportunity to evaluate the wetland and
6 without doing so you don't know to what extent it
7 supports a vernal pool habitat, correct?

8 THE WITNESS (Gustafson): Those are
9 correct statements.

10 ATTORNEY COPPOLA: Thank you. How many
11 alternative sites explored by the applicant
12 contain core forests?

13 THE WITNESS (Gustafson): I cannot
14 answer that question. I have not evaluated the
15 alternate sites with respect to core forest areas.

16 ATTORNEY COPPOLA: Is anyone on the
17 panel able to answer whether any of the alternate
18 sites explored by the applicant contain core
19 forest?

20 THE WITNESS (Glidden): Hi. For the
21 record, this is Liz Glidden with Verizon. There
22 were 42 sites examined, and I don't know whether
23 or not any of those had core forest. That isn't
24 something that we reviewed.

25 ATTORNEY COPPOLA: Does anyone on the

1 panel know whether any of the alternative sites
2 explored by the applicant would require the
3 disturbance or disruption of core forest?

4 ATTORNEY BALDWIN: I think the response
5 from Ms. Glidden and Mr. Gustafson was no.

6 ATTORNEY COPPOLA: Thank you. I assume
7 that was the case. I just wanted to clarify that
8 as well.

9 Mr. Gustafson, did you review Dr.
10 Klemens's prefile testimony dated November 19,
11 2025?

12 THE WITNESS (Gustafson): Yes, I have.

13 ATTORNEY COPPOLA: Do you agree with
14 his conclusion that much more biodiversity
15 information on the site is needed and a hard look
16 at the access road and its potential impact to
17 nearby wetland vernal pool as well as a detailed
18 analysis of the impacts of this tower at this
19 location upon the ecological integrity of the much
20 greater forested biodiverse landscape where it is
21 proposed to be sited?

22 THE WITNESS (Gustafson): I do not
23 agree with that opinion.

24 ATTORNEY COPPOLA: Why is that?

25 THE WITNESS (Gustafson): The materials

1 that have been submitted as part of this
2 application document the various ecological
3 features and the project's potential impacts and
4 how we're mitigating for unavoidable impacts.

5 ATTORNEY COPPOLA: Do you agree with
6 Dr. Klemens's opinion that the site has
7 vegetational signatures that suggest seasonal
8 inundation?

9 THE WITNESS (Gustafson): I do not
10 agree with that statement.

11 ATTORNEY COPPOLA: And why is that?

12 THE WITNESS (Gustafson): Because based
13 on our observations of the site, the areas of
14 inundation are confined to the intermittent stream
15 channel which would not -- which by definition
16 would not be classified as a vernal pool habitat.

17 ATTORNEY COPPOLA: And the only time
18 you actually evaluated the site though was in late
19 October or mid November, correct?

20 THE WITNESS (Gustafson): That is
21 correct. We as part of the Bog Turtle survey,
22 another consultant reviewed the site in March of
23 last year and came away with the same
24 observations.

25 ATTORNEY COPPOLA: But you didn't

1 happen to go out there in March when he did that
2 evaluation, correct?

3 THE WITNESS (Gustafson): Correct.

4 ATTORNEY COPPOLA: Do you agree with
5 Dr. Klemens's conclusion that the ponding portion
6 of Wetland 1 likely is a vernal pool?

7 THE WITNESS (Gustafson): I don't agree
8 with that statement.

9 ATTORNEY COPPOLA: And why do you not
10 agree with that statement?

11 THE WITNESS (Gustafson): Because the
12 only area of inundation within that wetland that
13 would have any type of ponding water would have a
14 flow characteristic to it as part of the
15 intermittent watercourse channel feature.

16 ATTORNEY COPPOLA: In order to best
17 evaluate whether there was a ponding portion of
18 that wetland, would it be better to evaluate the
19 site in late October or in March, April or May?

20 THE WITNESS (Gustafson): It would be
21 better in March April or May.

22 ATTORNEY COPPOLA: And you did not have
23 an opportunity though to review this Wetland 1 or
24 evaluate it in a more optimal time such as March,
25 April or May, correct?

1 THE WITNESS (Gustafson): Correct.

2 ATTORNEY COPPOLA: Do you agree with
3 Dr. Klemens's statement that October is a time of
4 year when vernal pools are not ponded and
5 detection relies on various cryptic signatures
6 visible in the dry wetland?

7 THE WITNESS (Gustafson): That is a
8 generally correct statement, there are vernal
9 pools that start to fill in the fall, but more
10 typically vernal pools will fill after the spring
11 freshet in March, February/March.

12 ATTORNEY COPPOLA: If that's the case,
13 then why evaluate the site in October/November --
14 let me strike that question.

15 I have no further questions of Mr.
16 Gustafson at this time, Vice Chairman, but I'd
17 like to move on to another member of the panel.
18 Although I do know that you referenced wanting to
19 take a break at 3:30, I don't know if you'd like
20 to do that now or if you'd like me to get started.

21 THE VICE CHAIR: If you could get
22 started, Attorney Coppola, and we'll take a break
23 a little after 3:30.

24 ATTORNEY COPPOLA: Okay. I'd like to
25 ask some questions pertaining to the DOT issues

1 and sight lines. I want to confirm first, has the
2 applicant not submitted any new plans or drawings
3 to the Siting Council since the drawing that was
4 LFE-1?

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

7 ATTORNEY COPPOLA: Mr. Johnston, if you
8 could refer to that LFE-1, record sheets SD01 and
9 SD02. Is it correct that those plans graphically
10 illustrate the available sight distance from the
11 proposed access road to be 500 feet to both the
12 north on the left and south on the right on State
13 Route 341?

14 THE WITNESS (Johnston): That is what
15 the sheets are doing, that's correct. There was
16 corrections on how they were doing it discussed
17 during the last hearing, however.

18 ATTORNEY COPPOLA: Can you clarify what
19 changed between LFE-1 and the applicant's response
20 to our interrogatories, Set Two, which does not
21 include any new sight distance exhibits?

22 THE WITNESS (Johnston): Phil, do you
23 want to tackle that?

24 THE WITNESS (Kendall): Phil Kendall.
25 The changes were the placement of the location of

1 the eye where it's being evaluated from which was
2 changed from the edge of road to being 15 feet
3 from the edge of travelway.

4 ATTORNEY COPPOLA: I'd like you to
5 please refer to the applicant's responses to the
6 Area Residents Group second interrogatories,
7 Response Number 5. Mr. Kendall, do you have that?

8 THE WITNESS (Kendall): I do.

9 ATTORNEY COPPOLA: Is it stated at this
10 time neither the existing driveway opening or the
11 improved opening meet the required ISD for the
12 85th percentile speed for passenger or single-unit
13 vehicles?

14 THE WITNESS (Kendall): Phil Kendall.
15 That is what it states, correct.

16 ATTORNEY COPPOLA: And does it also
17 state that it is your intent to request a design
18 exception from the CT DOT to reflect the unique
19 operational usage of this site access driveway?

20 THE WITNESS (Kendall): Phil Kendall.
21 That is correct.

22 ATTORNEY COPPOLA: Could you confirm
23 the specifics of the design exceptions you are
24 requesting from Connecticut DOT?

25 THE WITNESS (Kendall): Phil Kendall.

1 The site is not meeting the -- the design requires
2 for the 85 percentile sight line. However, the
3 posted speed is much less than the 85 percentile.
4 So with those two being such a disparity, a
5 conversation needs to be held with Connecticut
6 DOT.

7 ATTORNEY COPPOLA: Why should
8 Connecticut DOT grant your design exception?

9 THE WITNESS (Kendall): Phil Kendall.
10 It would be a conversation with Connecticut DOT
11 based on the use of this drive and the limited
12 use, I should clarify, the limited use of this
13 drive and that there's other driveways along this
14 road that have limited sight distance.

15 ATTORNEY COPPOLA: But those other
16 driveways have been there for a really long time,
17 right?

18 THE WITNESS (Kendall): Phil Kendall.
19 I'm not sure how long those have been there.

20 ATTORNEY COPPOLA: And is the reason
21 why there is consideration of the 85th percentile
22 because people generally, especially in these more
23 rural areas, do not follow speed limits?

24 THE WITNESS (Kendall): Phil Kendall.
25 I can't speak to drivers' behavior.

1 ATTORNEY COPPOLA: But don't you have
2 an understanding as to why there's requirements
3 pertaining to the 85th percentile speed?

4 THE WITNESS (Kendall): Phil Kendall.
5 That is the guidance in the Connecticut DOT
6 Highway Design Manual.

7 ATTORNEY COPPOLA: So why are they
8 considered the 85th percentile speed?

9 THE WITNESS (Kendall): Phil Kendall.
10 Because there is a variance in drivers' behavior.

11 ATTORNEY COPPOLA: Is that variance in
12 drivers' behavior that most drivers don't abide by
13 the speed limit in this area?

14 THE WITNESS (Kendall): Phil Kendall
15 again. I cannot speak to drivers' behavior in
16 this area or any other area. I used the data
17 provided.

18 ATTORNEY COPPOLA: But the data
19 provided actually does in fact provide reference
20 as to what drivers' habits are in that area,
21 correct?

22 THE WITNESS (Kendall): Phil Kendall.
23 According to the latest records in the DOT
24 counter, they are showing that the 85th percentile
25 is higher than the posted speed, that is correct.

1 ATTORNEY COPPOLA: Does Connecticut
2 Highway Design Manual Section 6-5.04 set forth the
3 procedure for obtaining a design exception from
4 CTDOT?

5 THE WITNESS (Kendall): I believe that
6 is the correct section, yes.

7 ATTORNEY COPPOLA: And so for this
8 design exception that you're going to need to
9 obtain, you're going to need to comply with the
10 procedure for exceptions set forth in Section
11 6-5.04 of the Connecticut DOT Highway Design
12 Manual, correct?

13 THE WITNESS (Kendall): Phil Kendall.
14 I would have to look at the exact reference to the
15 section of the manual, but yes, there is a section
16 of the manual referring to the process of design
17 exceptions.

18 ATTORNEY COPPOLA: Does that Section
19 6-5.04 provide that the designer, that would be
20 the applicant here, should provide sufficient
21 information to demonstrate the consequences of
22 using a design value that does not meet the
23 minimum criteria impacts on safety and traffic
24 operations?

25 THE WITNESS (Kendall): That is

1 correct. Phil Kendall. That is correct, that's
2 for the controlling criteria. Intersection sight
3 distance is not a controlling criteria.

4 ATTORNEY COPPOLA: So if that's the
5 case then, what is the information, the sufficient
6 information that the applicant has to demonstrate
7 that even though you don't meet the criteria here,
8 there won't be unreasonable impacts on safety and
9 traffic operations?

10 THE WITNESS (Kendall): Phil Kendall.
11 The site, the drive entrance to Warren Road is
12 located at a point where clearing within the
13 right-of-way looking left can provide a
14 significant distance for a sight distance above
15 the distance for a passenger vehicle which would
16 be the typical vehicle being used on this site for
17 a 35-mile-an-hour design speed. And looking to
18 the right, there's the intersection which does not
19 allow for a full distance because of the
20 intersection to the right because you can't
21 account for where the vehicles are coming from
22 because they're coming to a stop and turning one
23 way or the other.

24 And then there's also the historic barn
25 or existing barn, I shouldn't call it historic, I

1 apologize for that clarification, but there's an
2 existing barn right there within the sight line
3 looking back towards --

4 THE VICE CHAIR: Attorney Coppola, I'm
5 sorry, I'm going to have to interrupt you. I
6 think it's time to take a 15-minute break. Sorry
7 for the interruption. We will return at 3:45, and
8 you can continue with your cross-examination.

9 (Whereupon, a recess was taken from
10 3:30 p.m. until 3:45 p.m.)

11 THE VICE CHAIR: We are back on the
12 record. Mr. Gustafson, do you have a response to
13 the open question?

14 THE WITNESS (Gustafson): Mr. Vice
15 Chairman, I apologize, we're getting close to
16 having those numbers ready but probably need about
17 another ten minutes.

18 THE VICE CHAIR: Very good. Thank you.

19 THE WITNESS (Gustafson): You're
20 welcome. Thank you.

21 THE VICE CHAIR: Okay. We'll continue
22 with cross-examination by Attorney Coppola.

23 Attorney Coppola.

24 ATTORNEY COPPOLA: What are the
25 potential impacts to safety and traffic operations

1 based on an available intersection sight distance
2 of approximately 460 feet to the left which is the
3 north and 324 feet to the right which is the
4 south?

5 THE WITNESS (Kendall): Phil Kendall.
6 It should be noted that this driveway will have
7 very limited use, roughly one vehicle
8 approximately once every two months or so for site
9 just maintenance or check-in, much, much less than
10 a residential driveway and any other drive. So
11 from the safety perspective, I say very limited
12 because of the sight distance that will be
13 provided or can be provided.

14 ATTORNEY COPPOLA: Right before the
15 break, I believe that you testified that per the
16 Connecticut -- because I was asking you about the
17 Connecticut Highway Design Manual Section 6-5.0.

18 THE WITNESS (Kendall): Yes.

19 ATTORNEY COPPOLA: And that you stated
20 that Section 6-5.0 is not a controlling design
21 criteria; is that correct?

22 THE WITNESS (Kendall): Phil Kendall.
23 I did not finish my statement. I realized that in
24 the break. The intersection sight distance is not
25 a controlling criteria per FHWA, but it is added

1 in Connecticut's preference to have that as one of
2 their controlling criterias as an add-on as a
3 controlling criteria.

4 ATTORNEY COPPOLA: So is it fair to say
5 then that your prior statement before the break
6 about Section 6-5.0 of the DOT Highway Design
7 Manual wasn't accurate because in fact it does
8 provide that controlling design criteria, bullet
9 number 15 specifically states that section Sight
10 Distance and references another section of the
11 manual?

12 THE WITNESS (Kendall): Phil Kendall.
13 I clarify in correcting my statement that I was
14 not completely -- did not complete my statement
15 saying that what I was stating was that it's not
16 part of the federal highway controlling criteria,
17 but it is part of Connecticut DOT's controlling
18 criteria per Section 6-5.0.

19 ATTORNEY COPPOLA: And per Section
20 6-5.0 where it talks about the controlling design
21 criteria, does it specifically reference
22 intersection sight distance?

23 THE WITNESS (Kendall): Phil Kendall.
24 You are correct.

25 ATTORNEY COPPOLA: I believe right

1 before the break you stated that the intersection
2 sight distance only needed to be sufficient for a
3 passenger car; is that correct?

4 THE WITNESS (Kendall): Phil Kendall.
5 I said that I believe that is accurate because of
6 the vehicles that will be using this site on a
7 regular basis.

8 ATTORNEY COPPOLA: However, in response
9 to interrogatories in this application, you noted
10 that single-unit trucks would also be utilizing
11 the site, correct?

12 THE WITNESS (Kendall): Phil Kendall.
13 You are correct, that was noted in there, but it
14 also includes that additional traffic measures,
15 traffic measures will be in place when the
16 tractor-trailers will be entering and leaving the
17 site.

18 ATTORNEY COPPOLA: Based on what we
19 have now for design, does the intersection sight
20 distance as designed provide sufficient passage
21 for single-unit trucks?

22 THE WITNESS (Kendall): Phil Kendall.
23 As I noted, it -- a moment, please. I'm just
24 trying to formulate my words here. Based off of
25 the 85th percentile, it does not meet.

1 ATTORNEY COPPOLA: Okay. And so right
2 now we have a project where we know that there
3 will be at various times single-unit trucks and
4 the project as designed does not have -- does not
5 provide for sufficient passage based on the 85th
6 percentile numbers for intersection sight distance
7 for a single-unit truck, correct?

8 THE WITNESS (Kendall): Phil Kendall.
9 A design exception is going to be requested by
10 Connecticut DOT for the available sight,
11 intersection sight distance, and the primary
12 vehicles that will be using the site are pickup
13 trucks or sport utility vehicles, not single-unit
14 vehicles which is what an SU vehicle is according
15 to the -- in the regulations.

16 ATTORNEY COPPOLA: As we sit here
17 today, we don't know if Connecticut DOT is going
18 to grant the exception that you're going to need
19 to request, correct?

20 THE WITNESS (Kendall): Phil Kendall.
21 I cannot speak for Connecticut DOT.

22 ATTORNEY COPPOLA: Since you can't
23 speak for Connecticut DOT, just so I can get a
24 response to the question, as you sit here today,
25 you don't know if they're going to grant the

1 exception; is that correct?

2 THE WITNESS (Kendall): Phil Kendall.
3 Again, I cannot speak for Connecticut DOT.

4 ATTORNEY COPPOLA: Do you know whether
5 or not CTDOT will grant the exception?

6 THE WITNESS (Kendall): Phil Kendall.
7 I do not know.

8 ATTORNEY COPPOLA: Prior to the break,
9 did you note several times that there may be
10 sufficient intersection sight distance for the
11 posted speed limit of 35 miles an hour?

12 THE WITNESS (Kendall): Phil Kendall.
13 I did say that referring, looking to the left as
14 you're exiting the driveway.

15 ATTORNEY COPPOLA: And with regard to
16 having sufficient intersection sight distance for
17 the posted speed limit of 35 miles an hour, is
18 that considering just a passenger vehicle or a
19 single-unit box truck?

20 THE WITNESS (Kendall): Phil Kendall.
21 It was considering for the passenger vehicle since
22 that is the primary vehicles that will be
23 utilizing the site.

24 ATTORNEY COPPOLA: And as the project
25 is designed right now, does it not provide

1 sufficient intersection sight distance for the
2 posted speed limit of 35 miles an hour for a
3 single-unit box truck?

4 THE WITNESS (Kendall): This is Phil
5 Kendall. Available sight distance for 35 mile an
6 hour or it meets looking to the left for a
7 passenger vehicle.

8 ATTORNEY COPPOLA: Vice Chairman, I'm
9 going to have to ask the question because I didn't
10 get a response to my question. I specifically
11 asked about a single-unit box truck, and I didn't
12 get a response regarding it. So I'm going to ask,
13 maybe if it could be helpful, just a clarification
14 then. The question, maybe I can do a better job
15 asking it.

16 THE VICE CHAIR: Try again, please.

17 ATTORNEY COPPOLA: So, as the project
18 is designed right now, does it not provide
19 sufficient intersection sight distance for the
20 posted speed limit of 35 miles an hour for a
21 single-unit box truck?

22 THE WITNESS (Kendall): Phil Kendall.
23 It does not provide enough distance, intersection
24 sight distance for a single-unit vehicle looking
25 left.

1 ATTORNEY COPPOLA: And it doesn't
2 provide sufficient intersection sight distance for
3 a single box unit at the posted speed limit of 35
4 miles an hour, correct?

5 THE WITNESS (Kendall): Phil Kendall.
6 That is correct, it does not meet the intersection
7 sight distance requirements for a single-unit
8 vehicle at the posted speed limit.

9 ATTORNEY COPPOLA: And if it doesn't
10 meet the intersection sight distance limits for
11 the posted speed limit of 35 miles an hour, then
12 the design is sufficiently deficient with regard
13 to providing sufficient intersection sight
14 distance when someone is traveling at the 85th
15 percentile speed, correct?

16 THE WITNESS (Kendall): Phil Kendall.
17 Could you rephrase, please?

18 ATTORNEY COPPOLA: Yeah. Let me try to
19 do a better job asking the question. You just
20 testified that it was insufficient for a
21 single-unit box truck at the posted speed limit of
22 35 miles an hour, correct?

23 THE WITNESS (Kendall): Phil Kendall.
24 That is correct.

25 ATTORNEY COPPOLA: And so if the design

1 is insufficient with regard to the speed limit of
2 35 miles an hour for a single-unit box truck, then
3 the design is more sufficiently deficient with
4 regard to the speed at the 85th percentile; is
5 that correct?

6 THE WITNESS (Kendall): Phil Kendall.
7 I'm processing your question. The vehicles that
8 are going to be using this driveway are pickup
9 trucks, not single-unit trucks, which is what
10 you're asking, but it's going to be the
11 determination of Connecticut DOT to grant the
12 design exception.

13 ATTORNEY COPPOLA: Does the Connecticut
14 DOT Highway Design Manual explicitly state that
15 the designer's goal should be to identify and seek
16 approval of design exceptions prior to obtaining
17 design approval?

18 THE WITNESS (Kendall): Phil Kendall.
19 I'm not familiar with that exact language.

20 ATTORNEY COPPOLA: Okay. If you don't
21 know, you don't know.

22 THE WITNESS (Kendall): Well -- Phil
23 Kendall -- could you ask the question again,
24 please?

25 ATTORNEY COPPOLA: Sure. Does the

1 Connecticut DOT Highway Design Manual explicitly
2 state that the designer's goal should be to
3 identify and seek approval of design exceptions
4 prior to obtaining design approval?

5 THE WITNESS (Kendall): Phil Kendall.
6 I'm not familiar with that exact language, but the
7 intent is to get approval of design exceptions as
8 part of the design process.

9 ATTORNEY COPPOLA: And by the way, I'll
10 move on but just for your reference, in Section
11 6-5.04 of the Design Control Manual it states,
12 first paragraph, last sentence, first paragraph,
13 The designer's goal should be to identify and seek
14 approval of design exceptions prior to obtaining
15 design approval.

16 THE WITNESS (Kendall): Yeah.

17 ATTORNEY COPPOLA: That's what I was --
18 just for your reference, that's what I was
19 referencing.

20 THE WITNESS (Kendall): I see that
21 sentence, yes.

22 ATTORNEY COPPOLA: As intersection
23 sight distance is a controlling design criteria,
24 has the applicant and/or applicant's traffic
25 consultant initiated the design exception process

1 with Connecticut DOT?

2 THE WITNESS (Johnston): This is Joe
3 Johnston with Airosmith. No, we have not.

4 ATTORNEY COPPOLA: Have you prepared
5 and provided a written summary of the requested
6 design exception to the controlling intersection
7 sight distance design criteria to the Connecticut
8 DOT division chief for review?

9 THE WITNESS (Johnston): This is Joe
10 Johnston with Airosmith. No, we have not at this
11 time.

12 ATTORNEY COPPOLA: Has the applicant
13 done the work to be able to proceed at this time
14 with initiating the design exception process with
15 Connecticut DOT?

16 THE WITNESS (Paul): This is Brian Paul
17 with Vertical Bridge. We wouldn't initiate that
18 process until we knew whether or not the
19 Connecticut Siting Council was approving of the
20 site.

21 ATTORNEY COPPOLA: But the question was
22 is the work done. Regardless of whether you
23 choose to submit it now or not, is the work done?

24 THE WITNESS (Paul): Again, Brian Paul.
25 The work wouldn't start on a task of that nature

1 until we know the site is approved.

2 ATTORNEY COPPOLA: So if that's the
3 case, the work hasn't been done yet; is that
4 correct?

5 THE WITNESS (Paul): There is no reason
6 to. We don't have the site. The site is not
7 approved. It's a proposal at this point.

8 ATTORNEY COPPOLA: I understand it's a
9 proposal. Just the simple question was, I'm just
10 trying to get confirmation, the work hasn't been
11 done yet; is that correct?

12 THE WITNESS (Paul): That's a correct
13 statement. But again, I'll reiterate that there's
14 no reason to start the work until we know the site
15 is going to be approved or is approved.

16 ATTORNEY COPPOLA: Has there been any
17 discussions with the Connecticut DOT Office of
18 Engineering to discuss your proposed design
19 exceptions?

20 THE WITNESS (Johnston): This is Joe
21 Johnston at Airosmith. No, there has not yet
22 because we're pending approval and zoning.

23 ATTORNEY COPPOLA: And so since you
24 haven't done the work yet, you don't know -- as
25 you sit here today, you don't know whether you're

1 going to be able to design a solution here; is
2 that correct?

3 THE WITNESS (Johnston): This is Joe
4 Johnston with Airosmith. We have a solution. We
5 can't definitively say that Connecticut DOT will
6 approve the variance, but we are designing a
7 limited use driveway, not a Connecticut DOT
8 highway, so it is likely.

9 ATTORNEY COPPOLA: Have you had an
10 opportunity to review the report provided by
11 Garrett Bolella that was dated February 2, 2025?

12 THE WITNESS (Johnston): This is Joe
13 Johnston at Airosmith. Yes, we have.

14 ATTORNEY COPPOLA: On page 3 he
15 references the 85th percentile speeds for the
16 subject area as eastbound 63.8 miles per hour and
17 westbound 59.1 miles per hour. Do you have any
18 disagreement about the 85th percentile speeds that
19 he's referenced in his report?

20 THE WITNESS (Johnston): This is Joe
21 Johnston at Airosmith. Nope, no disagreement.

22 ATTORNEY COPPOLA: Do you agree with
23 the statement in his report I believe also on page
24 3 that the 85th percentile speed eastbound is 28.8
25 miles per hour above the posted speed limit?

1 THE WITNESS (Johnston): This is Joe
2 Johnston with Airosmith. There's no reason to not
3 believe it.

4 ATTORNEY COPPOLA: Actually maybe a
5 better way to ask it, do you agree with his math
6 that the 85th percentile speed westbound is 24.1
7 miles per hour above the posted speed limit?

8 THE WITNESS (Johnston): I have not
9 evaluated his math.

10 ATTORNEY COPPOLA: As you sit here,
11 does it seem about right?

12 THE WITNESS (Johnston): Joe Johnston
13 with Airosmith. It seems generally correct.

14 ATTORNEY COPPOLA: So with the 85
15 percentile speed eastbound being almost 30 miles
16 per hour above the posted speed limit and the 85th
17 percentile speed westbound being almost 25 miles
18 per hour above the posted speed limit, do you have
19 concerns about the safety of the proposed access
20 driveway with actual speeds that are so far above
21 the posted speed limit?

22 THE WITNESS (Johnston): This is Joe
23 Johnston with Airosmith. Considering the limited
24 use of this driveway and its location to existing
25 residential driveways, my concern is not high.

1 ATTORNEY COPPOLA: Even if it's just
2 limited use, I mean, you only need one incident to
3 have a really bad accident, right?

4 THE WITNESS (Johnston): That is true.

5 ATTORNEY COPPOLA: If you look at page
6 3 of Mr. Bolella's report, it also states that
7 based on the 85th percentile, eastbound speed of
8 vehicles on State Route 341 at the site frontage,
9 an intersection sight distance of 895 and 1,080
10 feet is required for single-unit trucks and
11 tractor semi-trailers respectively. Do you agree
12 with his conclusion?

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

15 ATTORNEY COPPOLA: Do drawings SD01,
16 and that happens to be the sight distance plan
17 northbound, and SD02 which is the sight distances
18 southbound, show an available intersection sight
19 distance of just about 500 feet?

20 THE WITNESS (Johnston): This is Joe
21 Johnston with Airosmith. Yes, they do show that.

22 ATTORNEY COPPOLA: So you have
23 Mr. Bolella concluding that based on the 85th
24 percentile speed on State Route 341, there should
25 be an intersection sight distance of 895 to 1,080

1 feet per single-unit trucks and tractor
2 semi-trailers, and yet the drawings as proposed so
3 far show an available intersection sight distance
4 of just 500 feet, correct?

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

7 ATTORNEY COPPOLA: So based on the 85th
8 percentile speed on State Route 341, the available
9 sight distance, the available intersection sight
10 distance is deficient as it's currently designed,
11 correct?

12 THE WITNESS (Johnston): This is Joe
13 Johnston at Airosmith. That is correct. That is
14 why, if given approval, we would apply for a
15 variance.

16 ATTORNEY COPPOLA: Is it your general
17 understanding that the requirements for
18 intersection sight distance are in place for
19 purposes of safe travel?

20 THE WITNESS (Johnston): This is Joe
21 Johnston with Airosmith. That is accurate.

22 ATTORNEY COPPOLA: I have no further
23 questions regarding this area, Mr. Vice Chairman.
24 I'm just going to move on to my last area of
25 questioning which is project alternatives, small

1 cells.

2 THE VICE CHAIR: Very good.

3 ATTORNEY COPPOLA: If I may proceed?

4 THE VICE CHAIR: Proceed. Thank you.

5 ATTORNEY COPPOLA: And I guess I would
6 ask Mr. Baldwin to designate the appropriate
7 person on his panel.

8 THE VICE CHAIR: Attorney Baldwin?

9 ATTORNEY BALDWIN: Our witness is on
10 the screen, Keith Vellante.

11 ATTORNEY COPPOLA: There he is. Okay.
12 Thank you.

13 Mr. Vellante, could you please describe
14 your experience with small cells?

15 THE WITNESS (Vellante): Sure. Keith
16 Vellante with C Squared. My experience with small
17 cells related to Verizon is to support the zoning
18 and permitting through local authorities for
19 deployment of small cells in certain areas.

20 ATTORNEY COPPOLA: And could you tell
21 me the rough number of small cell versus macrocell
22 installations in your experience?

23 THE WITNESS (Vellante): That I've
24 worked on?

25 ATTORNEY COPPOLA: Yes.

1 THE WITNESS (Vellante): It would be a
2 very rough estimate, probably 1,000 macro sites
3 and 50 small cells.

4 ATTORNEY COPPOLA: Have you reviewed
5 Michael Lawton's prefile testimony dated November
6 21, 2025?

7 THE WITNESS (Vellante): Bear with me.
8 Let me make sure that's the correct report. Yes,
9 I have that on my screen.

10 ATTORNEY COPPOLA: By the way, just for
11 reference, he is at Isotrope. Do you agree with
12 his conclusion that Verizon's needs can be more
13 effectively and efficiently addressed with small
14 cells in this particular instance?

15 THE WITNESS (Vellante): No, I do not.

16 ATTORNEY COPPOLA: Why not?

17 THE WITNESS (Vellante): Well, for a
18 variety of reasons. Small cells are inherently
19 limited in the coverage that they can provide
20 simply because the antennas are generally at a low
21 height, well below the surrounding tree cover or
22 other obstructions, therefore the coverage range
23 is more or less limited to the open cleared areas
24 up and down a roadway. The coverage quickly falls
25 off as you turn off a road or get behind any sort

1 of obstructions away from the small cells.

2 Small cells, in my experience, are
3 deployed as a complement to the larger macro
4 network of sites. They are not a replacement for
5 the broad area of coverage that is needed for most
6 macro site proposals as similar to the proposed
7 application here.

8 Another reason for not considering them
9 an alternative is they generally lack the ability
10 to deploy backup power which is another concern
11 with providing wireless service.

12 ATTORNEY COPPOLA: Do you agree with
13 Mr. Lawton's statement that Verizon has used small
14 cells for similar rural residential uses before?

15 THE WITNESS (Vellante): I agree that
16 they have been deployed in other areas. I'm not
17 aware of a similar circumstance as this.

18 ATTORNEY COPPOLA: I believe you just
19 stated that they've been deployed before, but I
20 was specifically asking about his statement that
21 they've been deployed for similar rural
22 residential areas such as the subject area. Is
23 that your understanding as well?

24 THE WITNESS (Vellante): I guess I'm
25 unclear on the definition of rural residential

1 areas in deployment of small cells as related to
2 the coverage needs for this proposed tower.

3 ATTORNEY COPPOLA: I'm not asking
4 whether you agree that small cells should be
5 deployed here. I'm just asking in your experience
6 has Verizon used small cells in similar areas,
7 similar rural residential areas?

8 THE WITNESS (Vellante): I'm sure
9 they've used them in rural areas. None come to
10 mind in a rural residential area --

11 ATTORNEY COPPOLA: Do you --

12 THE WITNESS (Vellante): -- but I can't
13 say affirmatively yes or no whether they've been
14 deployed.

15 ATTORNEY COPPOLA: Sorry, I thought you
16 were finished with your answer.

17 Do you agree with Mr. Lawton's cost
18 estimate for ten small cells that's set forth in
19 his report?

20 THE WITNESS (Glidden): This is Liz
21 Glidden with Verizon. Yes.

22 ATTORNEY BALDWIN: Could you rephrase
23 the question, please?

24 (Pause.)

25 THE WITNESS (Glidden): This is Liz

1 Glidden. I misunderstood the question. I thought
2 you were talking about our interrogatories. I do
3 not agree with it.

4 ATTORNEY COPPOLA: Fair enough. You
5 have good counsel next to you to make sure you
6 don't say the wrong thing. That's fine. So you
7 don't agree -- just to be clear for the record, so
8 you don't agree with Mr. Lawton's cost estimate
9 for ten small cells; is that correct?

10 THE WITNESS (Glidden): That is
11 correct.

12 ATTORNEY COPPOLA: Does your cost
13 estimate for small cells account for the fact that
14 Verizon has reached an agreement to purchase
15 Frontier?

16 THE WITNESS (Glidden): It does not.
17 This is Liz Glidden. It does not.

18 ATTORNEY COPPOLA: Is it your
19 understanding that Frontier owns the fiber running
20 on the poles along Route 202 in Washington?

21 THE WITNESS (Glidden): This is Liz
22 Glidden. That is correct.

23 ATTORNEY COPPOLA: So wouldn't that
24 make attachment for small cells and fiber backhaul
25 easier and more cost effective if you could use

1 the infrastructure that Frontier, which is now
2 Verizon, has in place there along Route 202 in
3 Washington?

4 THE WITNESS (Glidden): This is Liz
5 Glidden. There would still be a cost involved.
6 And I guess I would reference VzT, which is
7 another organization that we work with, and in
8 Massachusetts they own the fiber, and we still go
9 through the same process as though they are a
10 separate entity and pay them, pay them their
11 make-ready costs, pay the fiber costs, the
12 backhaul costs. So I imagine that will be the
13 same arrangement that we have with Frontier.

14 ATTORNEY COPPOLA: Verizon is going to
15 own Frontier, correct?

16 THE WITNESS (Glidden): That's my
17 understanding.

18 ATTORNEY COPPOLA: So is it possible
19 that that will not be the arrangement and in fact
20 there would be substantial cost savings to Verizon
21 if it had decided to proceed with using the fiber
22 running on the poles along Route 202 in Washington
23 that's owned by Frontier?

24 THE WITNESS (Glidden): This is Liz
25 Glidden. I don't know how that arrangement is

1 going to work out, but as I said in my previous
2 history with VzT, that has not been the case.

3 ATTORNEY COPPOLA: But as you sit here
4 today, you're not sure, is that a fair statement?

5 THE WITNESS (Glidden): Can you repeat
6 that?

7 ATTORNEY COPPOLA: As you sit here
8 today, you don't know whether or not there could
9 be cost savings or a cost effective way for
10 Verizon to go about using that fiber running on
11 the poles along Route 202 in Washington, correct?

12 THE WITNESS (Glidden): This is Liz
13 Glidden. That's a true statement. However, the
14 fiber is only a small portion of what goes into
15 the costs for the small cell.

16 ATTORNEY COPPOLA: And is part of the
17 cost just even being able to site it? I mean,
18 this is already existing there on the poles. I
19 mean, I understand it's not just the fiber, but
20 there's infrastructure there, correct?

21 THE WITNESS (Glidden): This is Liz
22 Glidden. There is power there. The other costs
23 that go into it are make-ready work, the shifting
24 of the comm space, any permitting that needs to be
25 done, we have fees that need to be paid to

1 Eversource, we have pole attachment rents that we
2 have to pay, there's equipment costs that are
3 involved with it, to name a few.

4 ATTORNEY COPPOLA: Your total estimated
5 project cost for the cell tower is 640,000; is
6 that correct?

7 THE WITNESS (Paul): This is Brian Paul
8 with Vertical Bridge. That's an estimate based on
9 costs as of today which keep increasing, I might
10 add.

11 ATTORNEY COPPOLA: Is this the lowest
12 cost alternative?

13 THE WITNESS (Paul): This is Brian Paul
14 with Vertical Bridge. Compared to what?

15 ATTORNEY COPPOLA: A more cost
16 effective -- I mean, is this the -- I asked is
17 this the lowest cost alternative, so I guess
18 you're asking in comparison to what, to another
19 alternative that is viable but costs less.

20 THE WITNESS (Paul): Yeah, I think this
21 is the most bang for anyone's buck, right? We
22 know what small cells cost, we have a good idea of
23 how much it would take to complement the coverage
24 of the macrocell should that be a requirement, but
25 this is definitely the most cost effective way to

1 cover the amount of terrain, especially in such a
2 remote area of the state.

3 ATTORNEY COPPOLA: Did you calculate
4 the total cost of a small cell alternative?

5 THE WITNESS (Paul): Yes, we did. We
6 gave the individual costs per small cell.

7 ATTORNEY COPPOLA: And I believe that
8 was approximately 75,000 to 80,000; is that
9 correct?

10 THE WITNESS (Glidden): This is Liz
11 Glidden. Yes, that's correct.

12 ATTORNEY COPPOLA: For your reference,
13 I think that was Interrogatory Response Number 7
14 to the Council's interrogatory.

15 So therefore, what would be the total
16 cost estimate for a small cell alternative?

17 THE WITNESS (Vellante): This is Keith
18 Vellante with C Squared. So we took a cursory
19 review of all the areas that the macro site would
20 cover in the area, that includes Route 202, Route
21 341, some of the other roads such as Old Mount Tom
22 Road, Couch Road, Valley Road and so forth, in
23 order to reduce the coverage just along those
24 roads. We came up with a range of roughly 46 to
25 59 total small cells.

1 ATTORNEY COPPOLA: In response to the
2 Area Residents Interrogatory Number 10, the
3 applicant stated the cost estimate is based on
4 that experience and includes all equipment costs,
5 regulatory costs associated with the pole
6 attachment process through PURA, consultant and
7 legal fees, make-ready work required by the pole
8 owners and license fees paid to the pole owners.
9 The interrogatory requested a line item breakdown
10 of the small cell cost estimate. That request was
11 not objected to, but the breakdown was not
12 provided. Is there such a breakdown that is in
13 existence in any of your records? Is anybody able
14 to answer that question?

15 THE WITNESS (Vellante): I'm sorry,
16 maybe I misunderstood. The question was for a
17 cost breakdown, is that what the question was?

18 ATTORNEY COPPOLA: Yes. The
19 Interrogatory 10 specifically requested a
20 breakdown of -- a line item breakdown for the
21 small cell cost estimate. The request wasn't
22 objected to, but the response wasn't provided. Do
23 you have any record or written communications
24 which provide any breakdown pertaining to the
25 small cell estimate?

1 THE WITNESS (Vellante): Keith
2 Vellante, C Squared. I do not have a cost
3 breakdown or an estimate.

4 ATTORNEY COPPOLA: Does anybody have a
5 breakdown of how the applicant came up with its
6 small cell cost estimate?

7 THE WITNESS (Glidden): This is Liz
8 Glidden. It's based on experience of doing small
9 cells. It's an average I guess I would say. The
10 pole costs, the rent that we pay is a standard
11 fee, I don't have that number available right now,
12 and legal costs, regulatory. Regulatory is going
13 to be on a case-by-case basis, so it's going to be
14 a range. I don't know what that range is.

15 ATTORNEY COPPOLA: But if no one at
16 Verizon knows how they came up with the number,
17 you know, what the breakdown was, then how could
18 we have any confidence that the number is correct
19 if no one could say how the number was reached?

20 ATTORNEY BALDWIN: The number is
21 reached, as Ms. Glidden stated, based on
22 experience that Verizon has had installing small
23 cells in Connecticut, and that's what I think we
24 said in the interrogatory response, Mr. Vice
25 Chair.

1 ATTORNEY COPPOLA: But the experience
2 is that the cost of 75,000 to 80,000 per small
3 cell unit is not a single cost item, correct?

4 THE VICE CHAIR: This testimony is what
5 her testimony is, is that it's based on her
6 experience, and I think that's as much as you're
7 going to get.

8 ATTORNEY COPPOLA: Vice Chairman, I
9 just want to understand. I just want to make sure
10 I understand it correct. In order to get to the
11 75,000, \$80,000 cost estimate number, you have to
12 add up various estimates of costs to get to that
13 number, it's not just a single cost; is that
14 correct?

15 THE VICE CHAIR: Ms. Glidden has
16 already testified that it's based on experience of
17 past cells. So that's her testimony. She's going
18 to answer it the same way if you keep asking the
19 same question, so please move on.

20 ATTORNEY COPPOLA: Mr. Vice Chair, I
21 was just trying to get clarification if the 75,000
22 to \$80,000 number was a single number or whether
23 there were various costs that added up to that
24 estimate. That's what I was just trying to get
25 clarification on.

1 THE VICE CHAIR: I think she's stating
2 it's a single number based on experience. That's
3 not my testimony, but it's hers.

4 ATTORNEY COPPOLA: That's actually not
5 what I think she -- that's why I'm asking the
6 question. I thought I understood that the
7 testimony is that there's various costs which add
8 up to the 75,000, 80,000. That's what I was
9 trying to get clarification on.

10 THE VICE CHAIR: Ms. Glidden, could you
11 say it again?

12 THE WITNESS (Glidden): This is Liz
13 Glidden. It's on a case-by-case basis. Each site
14 is different. It's based on experience. There
15 are a number of different factors that go into the
16 cost of each small cell.

17 ATTORNEY COPPOLA: So it's not just a
18 single -- so the 75,000 to 80,000 is not just a
19 single cost, there's various costs that are
20 estimated to add up to 75,000 to 80,000; is that
21 correct? That's what I'm just trying to figure
22 out.

23 ATTORNEY BALDWIN: I think the
24 interrogatory response, Vice Chair Morissette,
25 talks about that. It talks about the cost

1 estimate is based on experience and includes
2 equipment costs, regulatory costs, associated pole
3 attachment process with the Public Utility
4 Authority, legal fees, consultant fees, pole owner
5 and license fees. Those are all of the elements
6 that go into that. And I think Ms. Glidden said
7 she doesn't have a breakdown as to specifically
8 how much of that \$75,000 relates to those specific
9 components, but I think the response to the
10 Interrogatory Number 10 to the Area Residents
11 Group is responsive.

12 ATTORNEY COPPOLA: That's responsive
13 from my perspective, so thank you. That's what I
14 was trying to get clarification on.

15 So the estimate here was 75,000 to
16 80,000 for each small cell installation. Is that
17 cost different if you were providing a cost
18 estimate for a small cell installation in, let's
19 say, Florida?

20 ATTORNEY BALDWIN: Objection. None of
21 the witnesses here work on small cells in Florida,
22 and I think it's irrelevant what those costs are.
23 They've testified as to what the costs are here in
24 Connecticut.

25 ATTORNEY COPPOLA: Well, I wouldn't say

1 it's irrelevant, but let me ask this question
2 instead. This may be helpful. Is the 75,000 to
3 \$80,000 estimate for each small cell installation
4 the same estimate for any application that Verizon
5 has or is it specific to an application in
6 Connecticut?

7 ATTORNEY BALDWIN: Again, Vice Chair
8 Morissette, Ms. Glidden works on applications in
9 Connecticut, and I think we've stated that this is
10 a Connecticut cost estimate that we provided.

11 THE VICE CHAIR: Is that your
12 testimony, Ms. Glidden?

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

15 ATTORNEY COPPOLA: Ms. Glidden, do you
16 have any experience in providing cost estimates
17 for applications outside of Connecticut?

18 THE WITNESS (Glidden): This is Liz
19 Glidden. I do not.

20 ATTORNEY COPPOLA: Does anyone else on
21 your panel have experience in providing cost
22 estimates for any applications outside of
23 Connecticut?

24 THE WITNESS (Glidden): This is Liz
25 Glidden. I don't think anyone else on the panel

1 has that experience.

2 ATTORNEY COPPOLA: In the application
3 materials the applicant has estimated the cost of
4 a macrocell as 300,000; is that correct?

5 THE WITNESS (Paul): Can you repeat
6 that, please?

7 ATTORNEY COPPOLA: In the application
8 materials I believe it states that there's an
9 estimated cost for a macrocell at 300,000; is that
10 correct?

11 THE WITNESS (Glidden): This is Liz
12 Glidden. I believe that was for Verizon's
13 equipment only.

14 ATTORNEY COPPOLA: Does the application
15 state that the estimate of 300,000 for the
16 macrocell was limited to just Verizon's equipment?

17 THE WITNESS (Glidden): This is Liz
18 Glidden. Yes, it does.

19 ATTORNEY COPPOLA: Within the 300,000
20 cost estimate the application also states that
21 there's an estimate of 15,000 for six radio unit
22 remote radio heads and a cabinet on the ground; is
23 that correct?

24 ATTORNEY BALDWIN: Do you have a
25 reference in the application? I'm looking at page

1 20 of the application, Attorney Coppola. There's
2 a reference to 115,000. Could you clarify?

3 ATTORNEY COPPOLA: I think that was it.
4 Do you know what page that was on where it
5 references 115,000?

6 ATTORNEY BALDWIN: Page 20 of the
7 application is the overall cost estimate for the
8 proposed tower site.

9 ATTORNEY COPPOLA: With regard, on that
10 page does it confirm whether the -- does it
11 confirm what the basis was for the \$115,000 cost
12 estimate?

13 THE WITNESS (Glidden): This is Liz
14 Glidden. It would be very much like the small
15 cells in that it is experience based.

16 ATTORNEY COPPOLA: Are there
17 requirements for reporting costs or lifecycle
18 costs to the Council for telecommunications
19 facilities?

20 THE WITNESS (Glidden): This is Liz
21 Glidden. I don't know the answer to that.

22 ATTORNEY COPPOLA: Maybe I could just
23 give a helpful reference. For public utility
24 applications there is --

25 ATTORNEY BALDWIN: You can move to your

1 next question, that's fine. I appreciate the
2 help, but you can go on to your next question.

3 ATTORNEY COPPOLA: Well, it seems like
4 the panel didn't understand the question. That's
5 why I'm asking. I was trying to provide a
6 reference. Was the question understood?

7 THE WITNESS (Glidden): This is Liz
8 Glidden. Yes, I understood your question, and I
9 don't know the answer to it.

10 ATTORNEY COPPOLA: Does anyone on the
11 panel know whether there are requirements for
12 reporting costs to the Council for
13 telecommunications facilities?

14 ATTORNEY BALDWIN: Are you talking
15 about lifecycle costs to the Council or to the
16 Public Utility Authority?

17 ATTORNEY COPPOLA: To the Council.

18 ATTORNEY BALDWIN: I think Ms. Glidden
19 has answered that question. She doesn't know.

20 ATTORNEY COPPOLA: That's why I asked
21 the question does anyone else on the panel know.

22 THE WITNESS (Glidden): I don't believe
23 anyone else on the panel knows. This is Liz
24 Glidden.

25 ATTORNEY COPPOLA: How many small cells

1 would be required to achieve the same coverage as
2 the macrocell tower?

3 THE WITNESS (Vellante): This is Keith
4 Vellante with C Squared. As I referenced earlier,
5 we did a cursory analysis just along the roadways
6 of coverage, and it's important to keep in mind
7 that any coverage setback from the roads would not
8 be included. In most cases with a small cell
9 coverage area our estimate for coverage along the
10 roadways to match the macro site coverage would be
11 approximately 46 to 59.

12 ATTORNEY COPPOLA: Is a copy of that
13 cursory analysis provided in the record of this
14 application?

15 THE WITNESS (Vellante): No. It was an
16 internal review. It's based on -- it started
17 with, referring back to the Isotrope report,
18 looking at the 10 small cell design that they put
19 together as a proof of concept along Route 202.
20 From that, according to the distance and coverage
21 purported by a 10 small cell design that would be
22 covered by Isotrope's design is roughly 1,100 feet
23 radius per small cell. So using that, we did our
24 own analysis. We came up with, based on our
25 modeling, with a higher number than the 10 along

1 Route 202. We came up with approximately 13 to
2 15. So that is how we arrived at our estimate of
3 46 to 59.

4 THE VICE CHAIR: Attorney Coppola,
5 you're starting to repeat yourself. You're asking
6 questions for the second time, and Mr. Vellante
7 has kindly answered it twice. Could we please
8 move on?

9 ATTORNEY COPPOLA: Yes.

10 THE VICE CHAIR: Thank you.

11 ATTORNEY COPPOLA: Has the applicant
12 done any technical analysis of this area and its
13 viability for coverage by small cells?

14 THE WITNESS (Vellante): Keith Vellante
15 with C Squared. No more than what was referenced
16 in my prior answer regarding the internal
17 analysis.

18 ATTORNEY COPPOLA: If you just, if the
19 analysis is limited to just a cursory analysis of
20 which there's no record to substantiate it -- I'm
21 sorry, yeah, there's no record to substantiate it
22 in the record of this appeal or the record of this
23 application, how could you reach the conclusion
24 regarding the ineffectiveness of small cells?

25 ATTORNEY BALDWIN: Mr. Morissette,

1 Mr. Vellante is testifying to his findings and his
2 determination. It is a part of the record
3 therefore. If Attorney Coppola has questions to
4 ask about the analysis, he should do so, but it is
5 a part of the record.

6 THE VICE CHAIR: Attorney Coppola?

7 ATTORNEY COPPOLA: Mr. Vice Chairman,
8 if there's an analysis done by an expert witness,
9 a document, a record, it should be in the record
10 of the application. I'm confused by Attorney
11 Baldwin's statement. Is there an actual record of
12 this cursory analysis pertaining to small cell
13 installations, is it in the record of this
14 application?

15 ATTORNEY BALDWIN: It is now based on
16 Mr. Vellante's testimony.

17 THE VICE CHAIR: Okay. I'm going to
18 sustain the objection. Mr. Vellante's testimony
19 is what his testimony is. If you have further
20 questions associated with it, please continue.

21 ATTORNEY COPPOLA: Mr. Vice Chairman,
22 I'd like to make a request that if there is a
23 record that this expert witness is relying upon
24 for the purpose of his testimony that that record
25 be submitted to the Council and included in the

1 record of this application. Otherwise, the
2 parties, the intervenors in this application are
3 deprived of their due process right to ask
4 questions of an expert witness who has relied upon
5 a record that's not before anyone to be able to
6 inquire about.

7 THE VICE CHAIR: Attorney Baldwin.

8 ATTORNEY BALDWIN: Again, Mr. Vice
9 Chair, the applicant has proposed the development
10 of a tower site, not a small cell installation.
11 The applicant has answered every question posed by
12 the Council and by the intervenors about the use
13 of small cells. Mr. Vellante in an effort to try
14 and understand what Isotrope was talking about
15 with respect to its small cell conceptual design,
16 as stated in their report, has responded to every
17 question that Attorney Coppola has presented as it
18 relates to small cells.

19 If he has additional questions as it
20 relates to small cells and the number of small
21 cells as Mr. Vellante said would be required to
22 service the area roadways, he can ask those
23 questions. But I submit, and Mr. Vellante's
24 testimony constitutes a record, constitutes
25 evidence, and it can be cross-examined on his

1 opinion as to how many small cells would need to
2 cover these roads. He just went through the
3 analysis of how he figured out what those numbers
4 were.

5 THE VICE CHAIR: Thank you, Attorney
6 Baldwin.

7 Attorney Bachman, any comments on this?

8 ATTORNEY BACHMAN: Thank you, Vice
9 Chair Morissette. I tend to agree. We have an
10 expert witness who's answering questions on
11 cross-examination about information that's
12 relevant to the record. However, we also have a
13 witness from one of the parties or intervenors who
14 also is an expert and may testify to how small
15 cells might work to meet Verizon's goal, but
16 certainly Verizon can't answer questions about the
17 other expert's testimony until it's actually in
18 the record. Thank you.

19 THE VICE CHAIR: Thank you, Attorney
20 Bachman.

21 So Attorney Coppola, your request is
22 denied. We're going to rely on the testimony of
23 Mr. Vellante and the testimony of Isotrope. And
24 if you have any additional questions, please
25 continue.

1 ATTORNEY COPPOLA: Mr. Vice Chairman,
2 just one thing. In response to the statement made
3 by Attorney Bachman which was that it's not
4 relevant at this time because the parties' expert
5 has not yet, the testimony of that expert has not
6 yet been put into the record, and so I would just
7 like to amend my request that when the Isotrope
8 report and testimony has been provided into the
9 record then at that time the record that's been
10 requested here, which is the cursory analysis
11 conducted by Mr. Vellante concerning the viability
12 of coverage by small cells, be produced in the
13 record of this application.

14 THE VICE CHAIR: Well, Mr. Vellante has
15 provided you on the record his cursory analysis
16 that he has testified to, so therefore your
17 request is going to be denied. Please continue.

18 ATTORNEY COPPOLA: Mr. Vellante, is the
19 proposed tower needed for coverage only?

20 THE WITNESS (Vellante): The primary
21 objective for this tower is for coverage. It will
22 also support capacity in the area, but the driving
23 need is to serve a coverage gap in the area.

24 ATTORNEY COPPOLA: Why hasn't Verizon
25 shown plots to demonstrate outdoor coverage?

1 THE WITNESS (Vellante): I don't know
2 the answer to that. Their target objective is not
3 outdoor coverage. That may be one reason, but
4 that's just me speculating. I did not personally
5 prepare the plots.

6 ATTORNEY COPPOLA: Why hasn't Verizon
7 included 3.5 gigahertz plots?

8 THE WITNESS (Vellante): I do not know
9 the answer as to why those are not included.

10 ATTORNEY COPPOLA: In response to the
11 Group Residents interrogatories, the applicant
12 provided plots showing coverage before and after
13 at 700 megahertz, 850 megahertz, 1900 megahertz,
14 2100 megahertz and one labeled 5G which appears to
15 be a duplicate of the 700 megahertz plot. Is that
16 correct?

17 THE WITNESS (Vellante): I'm aware of
18 those plots and the different frequency bands.
19 The plot, the 5G plot that you're referencing is
20 something that's still under review with Verizon.
21 We've reviewed the other plots and we feel those
22 are consistent with what we would expect for
23 coverage at those frequencies.

24 ATTORNEY COPPOLA: Referencing --

25 THE WITNESS (Vellante): But I do

1 agree, those plots do look similar to a lower band
2 coverage.

3 ATTORNEY COPPOLA: Referencing the 850
4 and 700 megahertz plots, can you explain how the
5 850 megahertz with new site plot shows better
6 coverage to the northwest of the site on Route 341
7 than on the 700 megahertz plot?

8 THE WITNESS (Vellante): Bear with me,
9 I'm just looking at those plots and reviewing
10 those individual ones. In short, I cannot
11 explain. I can't provide a detailed explanation
12 as to why there's a difference. There's a lot
13 that goes into the modeling of the plots, and
14 having not prepared them personally, I don't know
15 that I could or I can't provide a response to that
16 question at this time.

17 ATTORNEY COPPOLA: Cell tower designs
18 sometimes use a yield point to ensure that the
19 cell tower's fall radius stays on the subject
20 parcel. Is there a yield point in this tower
21 design?

22 THE WITNESS (Johnston): This is Joe
23 Johnston at Airosmith. The tower is not yet
24 designed because we don't have zoning approval,
25 but there will be a yield point designed in it to

1 keep it on the parcel.

2 ATTORNEY COPPOLA: At this time, do you
3 have an estimate as to what the yield point is?

4 THE WITNESS (Johnston): I don't
5 recall. Not at this time.

6 THE WITNESS (Paul): This is Brian Paul
7 with Vertical Bridge. We can typically design a
8 yield point I don't want to say at any elevation
9 we want to, but typically the yield point is 50
10 percent of the overall tower height. So in this
11 case, it would keep the fall zone within the
12 boundaries of this property.

13 ATTORNEY COPPOLA: How does the
14 applicant and local first responders receive
15 alerts of a fire at the tower?

16 THE WITNESS (Paul): This is Brian Paul
17 with Vertical Bridge. I think it depends on the
18 situation. Because it's an unmanned facility and
19 if there were a fire on the property, like any
20 other emergency, it's likely someone who'd call
21 911. If it were at the site specifically, we
22 found in my 37-year history of building towers
23 that most incidents, we'll call them, on towers or
24 fires on towers are started by someone working on
25 the tower, therefore that person who started the

1 fire would best be served to call 911 themselves
2 and dispatch emergency services. Fires, there's
3 nothing on a tower that's combustible. Fires
4 don't just start on towers for no reason. They're
5 generally caused by the activity of a person doing
6 work on that facility. And again, they would, we
7 would hope, right, that that person would then
8 call for emergency services.

9 ATTORNEY COPPOLA: My father used to
10 say "Hope is not a plan." Are there alarms on the
11 tower?

12 THE WITNESS (Paul): This is Brian
13 Paul. There are no alarms on the tower. There's
14 no reason for an alarm on the tower.

15 ATTORNEY COPPOLA: How quickly are
16 emergency responders notified of any incident at
17 the tower site?

18 THE WITNESS (Paul): This is Brian Paul
19 with Vertical Bridge. I think that's probably a
20 question for the first selectman. I don't know
21 the response times in town.

22 ATTORNEY COPPOLA: I just have another
23 question or two of Mr. Vellante and then I'm done,
24 Mr. Vice Chairman.

25 Mr. Vellante, you described a cursory

1 analysis plan that you put together concerning the
2 viability for coverage by small cells; is that
3 correct?

4 THE WITNESS (Vellante): Yes, a cursory
5 analysis to determine how many small cells would
6 be required just to provide coverage in similar
7 nature to what the proposed tower site covers.

8 ATTORNEY COPPOLA: And since the
9 applicant is unwilling to produce that cursory
10 analysis in the record here, I just want to make
11 sure I understand or get the best understanding I
12 can of what it would look like. Could you just
13 give a description of what the actual document
14 looks like?

15 THE WITNESS (Vellante): Well, there's
16 no document, per se. It's more of a, just an
17 internal analysis looking at the topography of the
18 area, the roads that would be covered with the
19 proposed tower site, and then trying to get a
20 sense of how many small cells would be required to
21 cover each of those roadways, bearing in mind the
22 topographical features of an area and then the
23 curvature of the roadways and so forth, to come up
24 with a general estimate. Whereas the Isotrope
25 report is limited to Route 202, but the proposed

1 site covers much more than just Route 202, so the
2 endeavor was to try to get an estimate to match as
3 closely as we could the coverage along those
4 roadways.

5 But I do, would like to reiterate small
6 cell coverage along roadways are very limited to
7 the open areas up and down the roadways. They do
8 not cover far off the road of when there's tree
9 cover in the way simply because the antennas are
10 so low. So there would be, a small cell design
11 limited to Route 202, per se, would not cover
12 something like the Washington Montessori School.
13 The campus of that is roughly 50 feet above the
14 roadway of Route 202, so a small cell located on
15 Route 202 with a 30-foot antenna height would do
16 very little to provide service in the school.
17 That would be one example of the limitation.

18 ATTORNEY COPPOLA: Did your analysis
19 concerning the viability of coverage by small
20 cells, which has not been produced in this record,
21 did it show where coverage would be provided by
22 the small cells as depicted on your analysis?

23 THE WITNESS (Vellante): Could you ask
24 that again, please? I'm sorry, I misunderstood.

25 ATTORNEY COPPOLA: I'm trying to

1 understand what the analysis looked like. Was
2 there an actual map that existed in this analysis?

3 THE WITNESS (Vellante): Yes. As part
4 of the review, we looked at the topography of the
5 coverage area of the macro site and then did a,
6 let's call it a paper design, if you will, to see
7 where these sites would generally be located and
8 then ran a quick coverage model to try to validate
9 those coverage, those coverage areas. In our
10 experience modeling small cells, it is very
11 limiting because of the very nuanced impacts of
12 tree cover immediately around each individual
13 small cell location.

14 ATTORNEY COPPOLA: So the analysis
15 concerning the viability for coverage by small
16 cells, which has not been produced in the record
17 here, had coverage modeling; is that correct?

18 THE WITNESS (Vellante): Yes.

19 ATTORNEY COPPOLA: And what did the
20 coverage modeling on this analysis that wasn't
21 produced show?

22 THE WITNESS (Vellante): Similar areas
23 of the coverage levels with all the small cells
24 turned on, if you will, to more or less, you know,
25 affirm the ballpark figures that we came up with

1 as an estimate.

2 ATTORNEY COPPOLA: If I happened to
3 have the benefit of seeing this analysis in front
4 of me next to the analysis done by the expert at
5 Isotrope, would I have a better understanding of
6 how you reached conclusions that were concerning
7 small cell installation that were vastly different
8 from that of the expert at Isotrope?

9 THE WITNESS (Vellante): Well, I'm not
10 sure I could speak for how you would interpret
11 them. I think the key difference is the design in
12 the Isotrope report is limited to Route 202. As I
13 mentioned earlier, that design, Isotrope design
14 consists of I believe 10 small cells in the
15 report. When we looked at it a little closer, we
16 came up with a higher number of about 13 to 15.
17 But again, these are just ballpark numbers, so I
18 think the Isotrope coverage areas are more
19 generous than what our analysis shows and what our
20 experience is based on understanding what these
21 sites cover, and then just from that we
22 extrapolated out to figure out how many total
23 small cells would be required.

24 The other key distinction I'd like to
25 make is Route 202 has a long stretch that's a

1 straight line, so that's much different than roads
2 such as 341 and Valley Road which meander through
3 the area through valleys. It's a little
4 different, so it's not as simple as taking a --
5 you know, a small cell covers X distance and just
6 applying it everywhere, it is dependent upon a
7 number of factors.

8 ATTORNEY COPPOLA: And you had the
9 benefit of reviewing the report by Mr. Lawton and
10 Isotrope; is that correct?

11 THE WITNESS (Vellante): Yes.

12 ATTORNEY COPPOLA: And if you take a
13 look at page 6 of that report, it provides a
14 potential hypothetical small cell design, correct?

15 THE WITNESS (Vellante): Yes.

16 ATTORNEY COPPOLA: And I believe it's
17 your testimony that you actually did a similar
18 small cell design that contradicts the small cell
19 design provided on page 6 of the Isotrope report;
20 is that correct?

21 THE WITNESS (Vellante): Well, we did a
22 similar analysis and came up with a different
23 result. It's a hypothetical design, so I think as
24 soon as we start introducing different assumptions
25 we'll inherently get to a different answer. I

1 don't think it's dramatically different. I think
2 our small cell count to cover that same stretch is
3 a bit higher than what Isotrope is coming up with.

4 ATTORNEY COPPOLA: How could I compare
5 your small cell design versus Mr. Lawton,
6 Isotrope's small cell design if I can't see yours
7 but I can see theirs?

8 THE WITNESS (Vellante): Well, it would
9 be very similar. It would just be roughly 13
10 nodes rather than 10 along that same stretch.

11 ATTORNEY COPPOLA: How do I know if
12 it's similar if I can't see yours? I'm confused
13 about that.

14 THE WITNESS (Vellante): Visually I
15 suppose you wouldn't.

16 ATTORNEY COPPOLA: So without seeing
17 yours, I have no idea visually if it's comparable
18 to the small cell design set forth on page 6 of
19 the Isotrope report, correct?

20 THE WITNESS (Vellante): Correct.

21 ATTORNEY COPPOLA: And if you look at
22 page 6 of the Isotrope report, you see a certain
23 coverage area delineated for the small cell design
24 in blue and in green, correct?

25 THE WITNESS (Vellante): Yes.

1 ATTORNEY COPPOLA: And your small cell
2 design presumably on your analysis similarly shows
3 areas where the small cell design exists, correct?

4 THE WITNESS (Vellante): Where the
5 small cell -- could you please clarify the last
6 part where you said the small cell design exists?

7 ATTORNEY COPPOLA: Sure. Maybe I could
8 more artfully ask the question. If you see page 6
9 of the Isotrope report, you see delineated either
10 in blue or green where the actual design is of the
11 small cell coverage areas, correct?

12 THE WITNESS (Vellante): Yes.

13 ATTORNEY COPPOLA: And in order for me
14 to know whether yours is similar, I can't do that
15 without seeing your actual design, correct?

16 THE WITNESS (Vellante): Correct.

17 ATTORNEY COPPOLA: Okay. And I'm not a
18 mind reader, so without -- I mean, how else would
19 I know, right? Let me strike that question. You
20 don't have to respond to whether I'm a mind reader
21 or not. I'll tell you I'm not.

22 So I have no further questions at this
23 time, Mr. Vice Chairman. I have no further
24 questions, just one statement. I'd like to
25 reiterate my, based on the questioning, the

1 questions and responses with Mr. Vellante in the
2 last five minutes, I'd reiterate my request that
3 Verizon produce at some point, whether it be now
4 or whether it be after Mr. Lawton's report is
5 submitted in the record, the analysis that was put
6 together by Mr. Vellante to substantiate his
7 analysis of the viability of the small cell,
8 potential small cell design. Thank you.

9 THE VICE CHAIR: Thank you, Attorney
10 Coppola.

11 We have one open item from Mr.
12 Gustafson. Mr. Gustafson, were you able to do
13 your calculation?

14 THE WITNESS (Gustafson): Yes, I was.
15 Thank you for your patience. The project, I'll go
16 through kind of the project impacts from the
17 currently proposed driveway design and then the
18 original access design. The current project will
19 result in approximately 1.4 acres of forest
20 clearing. The previous design resulted in
21 approximately 0.7 acres of forest clearing.

22 The majority of the site is encumbered
23 by edge forest and not core forest. There is a
24 small subcomponent of core forest that is on the
25 subject property. And so the current design would

1 impact approximately 0.12 acre of this small patch
2 core forest. It's approximately, in total it's
3 approximately less than 4 acres in size. The
4 original design would result in approximately 0.16
5 acres of core, small patch core forest impacts.
6 So the current design would result in
7 approximately 3 percent of impact to the patch
8 core forest. The original design would result in
9 approximately 4 percent impact to the small core
10 forest.

11 THE VICE CHAIR: Very good. Thank you,
12 Mr. Gustafson.

13 THE WITNESS (Gustafson): You're most
14 welcome.

15 THE VICE CHAIR: Okay. With that, we
16 are going to conclude our hearing for today. The
17 Council announces that it will continue the
18 evidentiary session of this public hearing on
19 April 14, 2026, at 2 p.m., via Zoom remote
20 conferencing. A copy of the agenda for the
21 continued evidentiary hearing session will be
22 available on the Council's website, along with the
23 record of this matter, the public hearing notice,
24 instructions for public access to the evidentiary
25 hearing session, and the Council's Citizens Guide

1 to Siting Council Procedures.

2 Please note that anyone who has not
3 become a party or intervenor but who desires to
4 make his or her views known to the Council may
5 file written statements with the Council until the
6 comment period closes.

7 Copies of the transcript of this
8 hearing will be filed with the Washington Town
9 Clerk's Office.

10 I hereby declare this hearing
11 adjourned. And thank you everyone for your
12 participation. Have a good evening.

13 (Whereupon, the hearing adjourned at
14 4:58 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 131 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Connecticut Siting Council Continued Public 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, VICE CHAIR, via Zoom, on February 24, 2026.



Lisa L. Warner, CSR 061
Notary Public
My commission expires:
May 31, 2028

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I N D E X

WITNESSES:

- BRIAN PAUL (Previously sworn)
- KEITH VELLANTE (Previously sworn)
- ELIZABETH GLIDDEN (Previously sworn)
- JOSEPH JOHNSTON (Previously sworn)
- JASON MARGELOT (Previously sworn)
- DEAN GUSTAFSON (Previously sworn)
- RICK LANDINO (Previously sworn)
- MICHAEL LIBERTINE (Sworn on page 6)
- PHILLIP KENDALL (Sworn on page 6)

EXAMINERS:

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Attorney Baldwin (Direct)	7
Attorney Coppola (Cross)	11

APPLICANT'S EXHIBITS
(Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
II-B-12	Resume of Michael Libertine, L.E.P., Vice President, All-Points Technology Corporation	11
II-B-13	Responses to Area Residents Group Interrogatories, Set Two, dated February 10, 2026	11

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