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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.

Zoom Remote Council Continued Evidentiary Hearing (Teleconference), on Tuesday, April 28, 2026, beginning at 2 p.m.

H e l d B e f o r e :

JOHN MORISSETTE, THE VICE CHAIR

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

2 Councilmembers:

3 JOHN MORISSETTE (The Vice Chair)

4

5 BRIAN GOLEMBIEWSKI,

6 DEEP Designee

7

8 KHRISTINE HALL

9 CHANCE CARTER

10 DR. SCOTT WILLIAMS

11

12 Council Staff:

13 MELANIE BACHMAN, ESQ.,

14 Executive Director and Staff Attorney

15

16 ROBERT MERCIER,

17 Siting Analyst

18

19 LISA FONTAINE,

20 Administrative Support

21

22

23

24

25

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

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

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

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

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

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

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

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

9

10 F o r T H E T O W N O F W A R R E N (P a r t y) :

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

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

13

14 F o r A R E A R E S I D E N T S G R O U P (I n t e r v e n o r) :

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

16 1 2 2 1 P o s t R o a d E

17 W e s t p o r t , C o n n e c t i c u t 0 6 8 8 0

18 B y : M A R I O F . C O P P O L A , E S Q .

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

20 2 0 3 . 2 2 7 . 9 5 4 5

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

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

3 (I n t e r v e n o r) :

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

5 4 6 W e s t S t r e e t

6 L i t c h f i e l d , C o n n e c t i c u t 0 6 7 5 9 - 0 2 7 8

7 B y : J O S E P H P . M O R T E L L I T I , E S Q .

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

9 8 6 0 . 5 6 7 . 8 7 1 8

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11 F o r S T E E P R O C K A S S O C I A T I O N , I N C . (I n t e r v e n o r) :

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

13 2 2 3 0 M a i n S t r e e t

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

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

16 D F S h e r w o o d @ g m a i l . c o m

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(Begin: 2:00 p.m.)

1
2
3 THE VICE CHAIR: Good afternoon, ladies and gentlemen.

4 This continued evidentiary hearing session is
5 called to order this Tuesday, April 28, 2026, at 2
6 p.m. My name is John Morissette, Vice Chair of
7 the Connecticut Siting Council.

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

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

17 Other members of the Council are Ms. Hall,
18 Mr. Carter, Dr. Williams, Mr. Golembiewski,
19 Mr. Syme, and Mr. Lynch. Members of the staff are
20 Executive Director Melanie Bachman, Siting Analyst
21 Robert Mercier, and Administrative Support Lisa
22 Fontaine.

23 This evidentiary session is a continuation of
24 the public hearing held on December 4, 2025;
25 January 13, 2026; February 24, 2026; and April 14,

1 2026. It is held pursuant to provisions of Title
2 16 of the Connecticut General Statutes and of the
3 Uniform Administrative Procedure Act upon the
4 Towers, LLC, for a certificate of environmental
5 compatibility and public need for the
6 construction, maintenance, and operation of a
7 telecommunications facility and associated
8 equipment located at 17 Warren Road in Washington,
9 Connecticut.

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

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

15 We have one motion to take care of, Area
16 Residents Group, Steep Rock Association, and the
17 Washington Montessori Association, Inc, joint
18 motion for reconsideration of the Council's denial
19 of the April 13, 2026, joint motion for an order
20 to compel production of documents, dated April 24,
21 2026. Attorney Bachman may wish to comment.

22 Attorney Bachman, good afternoon.

23 ATTORNEY BACHMAN: Good afternoon, Vice Chair
24 Morissette, and thank you.

25 The request is for reconsideration of the

1 Council's denial on April 14th of an order to
2 compel the Applicant to produce documents prepared
3 or relied upon pertaining to the visibility of --
4 or viability of small cells as an alternative to
5 the proposed facility. On April 27th, the
6 Applicant objected to the joint motion for
7 reconsideration, and this morning the intervener
8 submitted a reply.

9 This is the fifth evidentiary hearing session
10 for this application. SRA cross-examined the
11 Applicant during the hearings held on December 4th
12 and January 13th. WMA and ARG cross-examined the
13 Applicant during the hearings held on December
14 4th, January 13th, and February 26th.

15 In the joint motion, the interveners cite the
16 Rules of Superior Court, the Uniform
17 Administrative Procedure Act, and the Council's
18 rules of practice to support their denial of due
19 process claim.

20 Three points; one, the Rules of Superior
21 Court do not apply to administrative proceedings;
22 two, Section 4178 of the Uniform Administrative
23 Procedure Act states, the Council shall, as a
24 matter of policy, provide for the exclusion of
25 irrelevant, immaterial, and unduly repetitious

1 evidence; third, Section 16-50j(25) of the
2 Council's rules for practice states, the purpose
3 of a hearing is to provide all parties and
4 interveners with an opportunity to present
5 evidence and cross-examine such issues as the
6 Council permits.

7 The Council is the adjudicatory agency with
8 the exclusive jurisdiction over the facility
9 application, and the Council makes the final
10 determination as to the relevance and evidence in
11 its proceedings. Therefore, staff again
12 recommends the joint motion for reconsideration be
13 denied.

14 Thank you, Vice Chair Morissette.

15 THE VICE CHAIR: Thank you, Attorney Bachman.

16 With that, is there a motion?

17 MS. HALL: I'll make a motion to deny the motion to
18 reconsider.

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

20 Is there a second?

21 MR. CARTER: I'll second.

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

23 We have a motion by Ms. Hall to deny the
24 motion to reconsider, and we have a second by
25 Mr. Carter. We'll now move on to discussion.

1 Ms. Hall, any discussion?

2 MS. HALL: I would just note in my own personal opinion
3 that nothing has changed since two weeks ago when
4 we denied the original motion.

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

6 Mr. Carter, any discussion?

7 MR. CARTER: Thank you. I have no comment.

8 THE VICE CHAIR: Thank you.

9 Dr. Williams, any discussion?

10 DR. WILLIAMS: I have nothing at this time. Thank you.

11 THE VICE CHAIR: Thank you.

12 Mr. Golembiewski, any discussion?

13 MR. GOLEMBIEWSKI: Just that I support Ms. Bachman and
14 Ms. Hall's comments. Thank you.

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

16 Mr. Syme?

17

18 (No response.)

19

20 THE VICE CHAIR: Mr. Lynch?

21

22 (No response.)

23

24 THE VICE CHAIR: And I have no discussion.

25 With that, we'll move to the vote. Ms. Hall,

1 how do you vote?

2 MS. HALL: Vote to approve the motion to deny.

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

4 MR. CARTER: I vote to approve the motion to deny.

5 Thank you.

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

7 DR. WILLIAMS: Vote to approve.

8 THE VICE CHAIR: Thank you. Mr. Golembiewski?

9 MR. GOLEMBIEWSKI: I vote to approve the motion to
10 deny. Thank you.

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

12

13 (No response.)

14

15 THE VICE CHAIR: Mr. Lynch?

16

17 (No response.)

18

19 THE VICE CHAIR: And I also vote to approve the motion
20 to deny. We have five for denying the motion.
21 Therefore, the motion for reconsideration is
22 denied.

23 Before we commence with the hearing, I did
24 want to just state that, as Attorney Bachman had
25 stated, that this is the fifth hearing that we are

1 holding here this afternoon, and I want to state
2 that it is my intent to make this the final
3 hearing and close the record for this proceeding.
4 So therefore, I would appreciate everyone's
5 cooperation to make that happen, and I thank you
6 in advance.

7 We will now continue with the appearance by
8 Steep Rock Association, Inc. In accordance with
9 the Council's April 15, 2026, continued
10 evidentiary hearing memorandum, we will continue
11 with the appearance of Steep Rock Association to
12 finish cross-examination of the remaining
13 witnesses, Michael Klemens, Albert Manville, and
14 Brian Hagenbuch by the Area Residents Group.

15 Attorney Coppola, good afternoon.

16 ATTORNEY COPPOLA: Good afternoon, Mr. Vice Chairman
17 and Councilmembers. And with that request that
18 you made to try to get today's hearing -- to get
19 the entirety of the application process concluded
20 in today's hearing, I will do my best to expedite
21 our cross-examination of these witnesses.

22 THE VICE CHAIR: Very good, thank you.

23 ATTORNEY COPPOLA: Mr. Vice Chairman, I would like to
24 proceed with the cross-examination of Dr. Michael
25 Klemens, please.

1 THE VICE CHAIR: Certainly, please proceed.

2 ATTORNEY COPPOLA: I'm just trying to find him here on
3 the screen.

4 There he is. Okay, thank you.

5 M I C H A E L W. K L E M E N S,
6 recalled as a witness, having been previously
7 duly sworn, was examined and testified under
8 oath as follows:

9
10 ATTORNEY COPPOLA: Dr. Klemens, could you please
11 describe your qualifications?

12 THE WITNESS (Klemens): My qualifications, yes. I have
13 a master's in zoology and a PhD in ecology and
14 conservation biology. I have been on the staff of
15 the American Museum of Natural History in New York
16 City since 1979. I am a former member of the
17 Connecticut Siting Council, the Connecticut
18 Council on Environmental Quality, and DEEP's
19 non-game advisory committee.

20 And I have also served, until November of
21 last year, as a local elected official, 19 years
22 as chair -- 19 years, excuse me, as the Salisbury
23 P and Z, the last 15 as chair. I'm also the
24 principal of Michael W. Klemens, LLC, which
25 provides environmental land-use planning to

1 municipalities, NGOs, and commercial interests.

2 I have close to a hundred publications and
3 books on herpetology, land-use planning, effects
4 of climate change and habitat fragmentation. And
5 noteworthy and particularly relevant to this
6 matter, I am the co-author of -- rather, I am the
7 author of Amphibians and Reptiles of Connecticut,
8 1993. I am the co-author of Conservation of
9 Amphibians and Reptiles, 2021. Both of these are
10 DEEP publications.

11 I'm an author of Calhoun and Klemens, the
12 Best Development Practices for Vernal Pools, which
13 is in the record; also co-author of Nature in
14 Fragments: The Legacy of Sprawl, which is a
15 Columbia University press; and lastly, Turtle
16 Conservation, which is published by the
17 Smithsonian Press.

18 THE VICE CHAIR: Thank you, Dr. Klemens.

19 Attorney Coppola, we are very familiar with
20 Dr. Klemens' resume. And in fact, it's already on
21 the record, so there's no need to continue asking
22 questions about his expertise. Thank you.

23 ATTORNEY COPPOLA: Thank you. And I actually had no
24 further questions about his -- for his expertise.

25 So, thank you.

1 Could you please tell me your familiarity
2 with the ecology of this area of Northwestern
3 Connecticut?

4 THE WITNESS (Klemens): Absolutely. I first started
5 studying -- or fieldwork in Northwestern
6 Connecticut when I was a grad student at UConn in
7 the Department of Systematics and Evolution in
8 1975. And since that time, I've spent thousands
9 of hours in the field studying amphibians and
10 reptiles, bog turtles, polyploid salamanders, as
11 well as the distribution of amphibians and
12 reptiles in general, as well as other in flora and
13 fauna.

14 I've been a resident of the Northwest Corner
15 since 2005, and I've worked for many of the towns
16 as a consultant in the Northwest Corner, including
17 the Town of Washington.

18 Northwest Connecticut is often referred to as
19 the crown jewel of Connecticut biodiversity. That
20 is really a factor of its biogeographical position
21 relative to important postglacial faunal dispersal
22 routes, such as the Hudson River Valley and the
23 Prairie Peninsula, and its relatively low level of
24 habitat fragmentation when compared to the rest of
25 the state.

1 Coupled with its topographic and elevation
2 diversity, it has a lot of diverse elevations that
3 raise -- or rise, rather, from as low as 400 feet
4 to over 2,000 feet, and that's very profound for
5 Connecticut.

6 ATTORNEY COPPOLA: Based on your pre-filed testimony
7 and report, it appears that you have concerns
8 about this particular proposal. Is that correct?

9 THE WITNESS (Klemens): Yeah, I do.

10 ATTORNEY COPPOLA: What are your specific or special
11 concerns regarding this project?

12 THE WITNESS (Klemens): Well, the project lies within
13 the towns of Warren and Washington, which are an
14 extremely rich and diverse part of Northwest
15 Connecticut.

16 I introduced it -- so, I guess it's
17 administratively noticed, my 2021 jointly authored
18 book, and on page 248 there's a map that shows the
19 wildlife urban interface. And on that map, what I
20 think is most remarkable is that the majority of
21 this area, or a large portion of it, is green.
22 It's wildland. That stands in marked contrast to
23 the rest of the state.

24 So, this is a very important part of the
25 state. The topographic relief is high, and I'm

1 going to try to explain this in a simplistic way
2 that basically when you've got a lot of
3 topographic relief, in a square mile you have a
4 lot more surface area than you do, let's say, in a
5 flat area like Enfield or -- or some of the flat
6 towns in the center part of the state.

7 If you were to take the -- that area and
8 flatten it with a rolling pin, you would have a
9 huge amount of superficial area that gives rise to
10 a huge amount and diversity of habitats.

11 Habitats, in turn, provide fauna and flora
12 habitat, and coupled with the un-fragmented nature
13 of this area, it makes it really important and
14 that's really why I became involved in this
15 particular proposal, because it's not like so many
16 of the docketed that are -- the Siting Council
17 reviews in the parts of the state that are much
18 more densely developed.

19 If you look at that WUI map, the wildlife
20 urban interface map again, you'll see that a large
21 amount of the dock of the -- the towers that are
22 erected by the Council are in the areas that are
23 indicated in carmine and yellow, which are densely
24 developed, or in the orange interface area.

25 There's not often that there is a tower that

1 is placed in what's basically such a pristine
2 area, and that is what led me to become concerned
3 with this particular application.

4 ATTORNEY COPPOLA: Did you have an opportunity to
5 review different iterations of the project that
6 have been filed in this record?

7 THE WITNESS (Klemens): Yes, I have.

8 ATTORNEY COPPOLA: And so, are you familiar with the
9 most recent plan that was submitted as part of the
10 Applicant's late-filed exhibits on December 30,
11 2025?

12 THE WITNESS (Klemens): Yes, I am.

13 ATTORNEY COPPOLA: In your professional opinion, is the
14 Applicant's current proposal, particularly the
15 siting of the access way, an improvement over the
16 prior proposals?

17 THE WITNESS (Klemens): Quite to the contrary. Of the
18 three different proposals -- and I understand that
19 the other two are no longer quote, unquote,
20 alternatives -- this one is undoubtedly the worst.

21 It creates a huge amount of habitat
22 destruction. The access road curves around the
23 wetland, goes up the hillside. There's a huge
24 amount of cuts and fills, and that habitat is lost
25 even if the Applicant, as they say, are going to

1 reseed and replant it.

2 That's really a land stabilization matter.
3 It really is not replacing the -- the forest, the
4 soil horizons, the duff. It is just -- it is
5 taking a large chunk of that hillside and
6 irreparably harming it, much more than the other
7 two alternatives that did cross the wetland and
8 went up the hill.

9 But this is by far the worst in terms of
10 biological impacts.

11 ATTORNEY COPPOLA: So, is it fair to say that while the
12 Applicant tried to, in the new plan, improve
13 issues pertaining to the access way, they -- as a
14 result of doing so, it's had a much more negative
15 impact on the ecology of the site?

16 THE WITNESS (Klemens): That is correct.

17 ATTORNEY COPPOLA: In your professional opinion as an
18 ecologist, a biologist, and also a former member
19 of the Siting Council, do you think that the
20 Applicant has fulfilled its obligations under the
21 dual requirements of public need and environmental
22 compatibility with regard to the proposal, this
23 latest proposal?

24 THE WITNESS (Klemens): Unequivocally, no. They have
25 not met, in my opinion, the standards to achieve a

1 certificate of environmental compatibility.

2 ATTORNEY COPPOLA: And could you explain why?

3 THE WITNESS (Klemens): Basically there has been really
4 no real de novo fieldwork done on this site. They
5 have relied basically, as I've said in my
6 pre-filed testimony, on desktop reviews.

7 They have made rather glib statements such as
8 Mr. Gustafson said last time, oh, we looked at the
9 pool. It's not a pool.

10 Again, although I did not know we were
11 supposed to be still introducing new information
12 into the record, that doesn't meet the evidentiary
13 standard biologically for determining if it's a
14 vernal pool or not.

15 As I said earlier in my pre-file, the actual
16 conclusive determination of absence, it requires
17 quite a bit of work, not just walking by a wetland
18 and saying, it's not a vernal pool.

19 ATTORNEY COPPOLA: So, in your opinion, if the
20 Applicant actually did want to truly find out what
21 existed there in the area with regard to a vernal
22 pool or wetlands, that it would have -- that the
23 Applicant could have done more fieldwork to
24 achieve that?

25 THE WITNESS (Klemens): Absolutely. Absolutely, they

1 could have, and in the past they have.

2 **ATTORNEY COPPOLA:** And is there any reason that you
3 could think of that the Applicant would have been
4 prevented from doing the necessary fieldwork that
5 it chose not to do here with regard to wetlands
6 and vernal pools?

7 **THE WITNESS (Klemens):** There's no reason that I can
8 see.

9 **ATTORNEY COPPOLA:** In your November 19, 2025, letter
10 that you submitted to the Council, you stated that
11 the desktop reviews prepared by the Applicant were
12 an inadequate environmental review, and you just
13 provided some testimony about the need to do more
14 fieldwork.

15 Under any circumstances -- under any
16 circumstances do you think a desktop review is
17 appropriate for this type of application?

18 **THE WITNESS (Klemens):** Desktop reviews are appropriate
19 as a first cut. It's sort of, we take a first
20 look, a desktop review, but it's not the end.
21 It's the first thing you do. Unfortunately, in
22 this application it is the first and only thing
23 they have done.

24 And basically, desktop reviews are followed
25 by fieldwork. And frankly, the National Diversity

1 Database, in their letter to the Applicant, stated
2 that that fieldwork -- that the desktop reviews,
3 the preliminary reviews are not a substitute for
4 fieldwork. They have chosen not to do the
5 fieldwork. The fieldwork should have been done.

6 We would have rather had a discussion rather
7 than what they didn't do about the implications of
8 what they found. We can't have that discussion
9 because there is no de novo fieldwork, field data
10 in the record, and that's unfortunate.

11 ATTORNEY COPPOLA: In reading your letter of November
12 19, 2025, you also stated that on-site biological
13 surveys were necessary and not conducted here.

14 Could you please explain what an on-site
15 biological survey is?

16 THE WITNESS (Klemens): Well, it really depends on --
17 on the target species. What the Applicant has
18 done is they've gone through a U.S Fish and
19 Wildlife process, which is for a few federally
20 listed species. One of them, the bog turtle,
21 doesn't even occur. It's sort of the nature of
22 how the service does it; they do it by county.

23 In my book, 2021 book, it is well known that
24 bog turtles don't occur west of the -- or east of
25 the Housatonic, excuse me, east of the Housatonic

1 River. So, basically it's a paper pushing
2 exercise, which will always come up to the
3 negative on bog turtles, for instance.

4 But just looking at bats and a few other
5 species doesn't begin to encompass the large range
6 of species that were targeted or discussed in the
7 NDDDB letter, nor species that were introduced into
8 the record as occurring on the Macricostas
9 Preserve and other nearby habitats, nor species
10 that are shown in my 2021 book, Conservation of
11 Amphibians and Reptiles in Connecticut.

12 So basically, there's ample species that
13 should have been looked for. They just weren't
14 looked for. I don't know why. You'd have to ask
15 the Applicant why.

16 ATTORNEY COPPOLA: Are you familiar with the old
17 saying, see no evil, hear no evil?

18 THE WITNESS (Klemens): Yeah. That's -- yeah.

19 ATTORNEY COPPOLA: So, with regard to vernal pools, I
20 think there was -- well, let me retract that
21 statement, that question.

22 Are vernal pools prevalent in the town of
23 Washington?

24 THE WITNESS (Klemens): Yes. As I've discussed in my
25 letters and other testimony and publications, the

1 town of Washington is very, very topographically
2 diverse. It has a huge amount of -- of hills and
3 valleys, very rugged topography. That type of
4 topography gives rise to a lot of small, isolated
5 wetlands pockets.

6 So, yes, as far as the town of Washington is
7 concerned and parts of adjacent Warren, it has a
8 very, very high concentration of vernal pools.
9 I've studied many of those pools in the town of
10 Washington in the past.

11 ATTORNEY COPPOLA: Can you describe why vernal pools
12 are important parts of the ecology of the forest
13 biome?

14 THE WITNESS (Klemens): Absolutely. Vernal pools are
15 just not wetlands, though people are tempted to
16 treat them as wetlands. Vernal pools are -- the
17 closest thing I can say colloquially, it's like
18 the -- the estuaries in the salt marsh. They are
19 really the lungs, the -- the energy cycling areas
20 of the forest biome.

21 They really -- basically, the vernal pools
22 are small. They fill up with detritus, the leaf
23 material. They dry out, which breaks down the
24 leaf material. They fill up with water. That
25 water creates a biological soup, rich in

1 nutrients, basically the solar energy that is
2 actually in the leaves.

3 That solar energy is absorbed, eaten by wood
4 frog tadpoles, and that is dispersed back out into
5 the forest ecosystem, easily a thousand, two
6 thousand feet from the pool by the wood frog
7 froglets, most of which end up back in the food
8 chain.

9 So, there they are really essential to the
10 functioning of the forest biome, and that actually
11 was upheld in a Supreme Court decision -- or maybe
12 an appellate court, I'm not sure. Maybe I
13 misstated that.

14 Riversound versus Old Saybrook, the Court
15 basically found that, in fact, wood frogs'
16 survival in vernal pools were inextricably linked
17 to the health of the forest and to water quality
18 by this whole nutrient cycling function they have.

19 That was in 2010, that court decision, and
20 that has stood.

21 ATTORNEY COPPOLA: Well, I'm going to ask you a few --
22 I want to ask you about guidelines set forth in
23 your book, because then I'm going to ask some
24 follow-up questions just so folks understand --
25 and the Vice Chair knows why I'm asking you the

1 first question.

2 Could you explain the guidelines of Calhoun
3 and Klemens, 2002, for responsibly developing in
4 vernal pool sheds?

5 THE WITNESS (Klemens): On page 9 of the Vernal Pool
6 Manual, there's an assessment tool. That
7 assessment tool develops a tier rating of an
8 individual pool that is based on two distinct
9 suites of factors. The first is the biological
10 information.

11 The first three questions are, are there
12 state-listed species in the vernal pool? Are
13 there two or more vernal pool obligate species
14 breeding in the pool? And lastly, are there 25 or
15 more egg masses? That's your productivity matrix.

16 The second matrix deals with the landscape
17 condition. It talks about the condition of the
18 first 100 feet around the vernal pool, known as
19 the vernal pool envelope, and the area of 100 to
20 750 feet from the vernal pool, which is the
21 critical terrestrial habitat.

22 Based on that assessment, which is supposed
23 to give some priority to the pool, the next step
24 is, how do you responsibly develop within that
25 pool shed? The best development practice manual

1 is to guide development and to conserve pools
2 simultaneously.

3 So, those standards deal with the amount of
4 development that can be tolerated within the
5 envelope that's the first 100 feet. Within the
6 critical terrestrial habitat, which is the 100 to
7 750 feet where ostensibly --

8 THE VICE CHAIR: Excuse me, Doctor? Dr. Klemens, I'm
9 going to interrupt you there.

10 Attorney Coppola, how does this relate to the
11 actual Applicant's proposal? Could you get to the
12 questions that relate to the --

13 ATTORNEY COPPOLA: Yes, I'm going to get to my
14 questions about the proposal now.

15 Thank you. I didn't expect -- I appreciate
16 the answer. I didn't expect such a long answer.

17 THE VICE CHAIR: Yes, we appreciate the answer as well.

18 Thank you, Dr. Klemens, but we really want to
19 hear about the impacts or potential testimony
20 about the project at hand. Thank you.

21 ATTORNEY COPPOLA: So my follow-up --

22 THE WITNESS (Klemens): And to that --

23 ATTORNEY COPPOLA: My follow-up questions are -- and I
24 don't know if you need to look at a copy of the
25 plan as I ask this question, but let us know if

1 you need a few minutes to pull something up.

2 Assuming the intermittent watercourse ponded
3 area between Route 341 and the toe of the slope of
4 the hill proposed for the location of the tower
5 has vernal pool functions, could you explain how
6 the proposed access road would create an
7 unreasonable impact?

8 THE WITNESS (Klemens): The access road will cross
9 through the envelope, which generally is
10 discouraged, and we've said we should avoid that
11 kind of impact.

12 But by far the biggest impact this
13 application would have, this existing access road,
14 would be a huge amount of destruction of the
15 critical terrestrial habitat. It's not just the
16 road itself. It's the cuts and fills, the
17 clearing, the disturbance that would be a major
18 impact and would exceed the standards in Calhoun
19 and Klemens if that road was built.

20 The configuration of that road crosses the
21 wetland now and wraps around the vernal pool and
22 goes up the slope. I can't think of -- of a worse
23 way to put a road around a vernal pool than what
24 the Applicant is proposing here.

25 ATTORNEY COPPOLA: You're certainly an expert in

1 impacts on vernal pools. Correct?

2 THE WITNESS (Klemens): I would say that would be a
3 fair statement to make.

4 ATTORNEY COPPOLA: During the most recent hearing on
5 April 14th of this year, Mr. Gustafson made a
6 passing comment that he visited the site on April
7 10, 2026, and that the site does not function as a
8 vernal pool.

9 In your expert opinion, is that comment
10 sufficient, or do you have any concerns about
11 his -- or any concerns about that comment that he
12 made?

13 THE WITNESS (Klemens): Well, I've got concerns on two
14 levels. First, it was my understanding, and we
15 were -- received memos from the Executive Director
16 stating that no new information was to be entered
17 in the record. There was another field
18 investigation and that was new information. But
19 leaving that aside, the real thing is we don't
20 know how he reached that determination.

21 Did he set minnow traps in the pool? Did he
22 go out at night? Did he do audio surveys? Just
23 to merely walk onto a site and say, it's not,
24 doesn't meet the evidentiary standard that anyone
25 should accept. You would need to know why he's

1 reached that conclusion.

2 Twice they've stated for the record, it's not
3 a vernal pool. Not once have they provided a
4 shred of evidence as to how they got that, except
5 that we're just supposed to accept what is told to
6 us that it's not.

7 I'm dealing with this on many other
8 applications. There is -- to prove an absence, to
9 say something is not often requires a lot more due
10 diligence than proving a presence. You have to
11 have a certain amount of effort. You have to
12 visit the site a certain amount of times. You
13 have to exhaust every possibility to determine
14 what might be there. And that, at least in the
15 record, I see none of that.

16 ATTORNEY COPPOLA: But if someone is not required to
17 conduct the requisite field study of the property
18 with regard to vernal pools, then I guess they
19 could get away with doing that. Correct?

20 THE WITNESS (Klemens): I really don't understand your
21 question. My sense was that, providing an
22 application and answering the questions posed by
23 the DEEP, the NDDDB, and I would hope by the
24 interveners.

25 So, I don't quite understand your question.

1 ATTORNEY COPPOLA: We've heard from Mr. Gustafson that
2 wood turtles are not a candidate for federal
3 listing under the Endangered Species Act.

4 Do you agree with his statement?

5 THE WITNESS (Klemens): Absolutely not.

6 ATTORNEY COPPOLA: Why?

7 THE WITNESS (Klemens): Well, just two weeks ago I was
8 asked to sign with a bunch of other scientists a
9 petition to the Fish and Wildlife Service moving
10 the wood turtle, candidate wood turtle, from its
11 candidate status to an active listing review. You
12 don't do an active listing review unless you're a
13 candidate. So, the wood turtle is a candidate
14 species.

15 There is now -- the Center for Biodiversity
16 Conservation is now actually petitioning the
17 service for a listing, and I was one of, I think,
18 20 or 30 scientists who signed that petition
19 urging the service to look at it.

20 Even though I question whether this is the
21 best time politically to do it, I felt it was, you
22 know, I felt that if they were going to go
23 forward, a lot of scientists felt they should sign
24 it. The wood turtle needs it.

25 ATTORNEY COPPOLA: And I'm sure he appreciates it.

1 In your professional opinion, is wood turtle
2 use of the subject property a potential
3 environmental issue?

4 THE WITNESS (Klemens): Yes, it is. I understand that
5 there's state highways between the Shepaug River,
6 which is a known wood turtle concentration and
7 use. And yes, there can be take of wood turtles
8 crossing roads, but it doesn't mean they will not
9 enter the site, potentially use the low-lying
10 wetlands, the lower slopes.

11 And I found some of the statements made of
12 what they were going to do to protect the site
13 from wood turtle use -- the exclusion, for
14 example, would basically turn the wood turtles
15 away from the site back onto the highway.

16 The idea that they would find a wood turtle
17 and then call up Mr. Gustafson or his associates
18 to come out there and remove the wood turtle -- I
19 don't know if you know how quickly wood turtles
20 can move. They're very fast-moving. They're not
21 going to sit by the silt fence waiting for
22 Mr. Gustafson or his associates to show up.

23 So, what he offered as -- as mitigation was
24 totally unrealistic, but I am concerned that what
25 they're going to do is exclude the wood turtles

1 from use of that site during construction. And
2 the idea is they really should have access to the
3 site, but simultaneously be protected against
4 take.

5 ATTORNEY COPPOLA: Lastly, in your professional
6 opinion, is the lack of de novo biological data
7 collected by the Applicant reasonably likely to
8 cause unreasonable harm to the public trust and
9 the national -- and the natural resources of the
10 state?

11 THE WITNESS (Klemens): By virtue of not knowing what
12 is there, not doing a proper environmental review,
13 not following what the NDDB said about doing
14 surveys -- which they say are needed for any kind
15 of review like this -- this is in my opinion,
16 yeah.

17 No, I think it's -- the likelihood is,
18 because we don't know. And therefore, there is
19 likelihood, because without the information there
20 is a reasonable likelihood that some of these
21 species do occur there and a reasonable likelihood
22 that there is a vernal pool, and a reasonable
23 likelihood that this application, as so
24 constructed and executed, will be reasonably
25 likely to cause unreasonable harm to the public

1 trust and the natural resources of the state.

2 All of this could have been avoided had the
3 work been done. We would not be having a
4 conversation such as this, but this is the pathway
5 that the Applicant chose to take.

6 ATTORNEY COPPOLA: I have no further questions at this
7 time of this witness, Mr. Vice Chairman.

8 Thank you, Dr. Klemens.

9 THE WITNESS (Klemens): Thank you.

10 THE VICE CHAIR: Attorney Coppola, who's next?

11 ATTORNEY COPPOLA: Dr. Albert Manville.

12 THE VICE CHAIR: Thank you. Please proceed.

13 ATTORNEY COPPOLA: Trying to see if I -- oh, okay.

14 There. That's him? Okay.

15 A L B E R T M. M A N V I L L E,

16 recalled as a witness, having been previously
17 duly sworn, was examined and testified under
18 oath as follows:

19

20 ATTORNEY COPPOLA: Hello, Dr. Manville. You can trust
21 that I've read your testimony and resume. And so,
22 I just want to ask you a couple questions about
23 your -- based on your background.

24 From your resume, it showed you were a
25 supervisory branch chief and senior wildlife

1 biologist for the Division of Migratory Bird
2 Management for the U.S. Fish and Wildlife Service.

3 During that professional work, did you deal
4 with the issue of cell towers and their impact on
5 migratory birds?

6 THE WITNESS (Manville): Yes, extensively. Part of my
7 job was to assess the impacts of structural things
8 on migratory birds, including collisions at
9 communication towers. So, I co-founded and
10 chaired the communication tower working group,
11 working with industry, including AT&T,
12 consultants, FCC, FEA, FAA, DOT, et cetera, to try
13 to resolve some of these issues of take.

14 Take is the unpermitted killing, injury, or
15 crippling loss of a protected migratory bird.
16 There are over a thousand species of birds
17 protected by the Migratory Bird Treaty Act. So,
18 our focus was trying to minimize or avoid,
19 ideally, these impacts.

20 And so, in 2000 I co-authored the
21 communication tower guidelines for Fish and
22 Wildlife Service with Robert Willis, my colleague.
23 In 2013, I updated the guidelines and -- and
24 republished them.

25 And then in 2021, after I had retired, Fish

1 and Wildlife Service republished my guidelines,
2 adding more lighting impacts that my colleague,
3 Dr. Joelle Gehring, had discovered during her
4 studies at the Michigan State Police tall tower
5 study. I was her, interestingly, her project
6 officer for U.S. Fish and Wildlife Service for
7 that study, and -- and so I assessed her research
8 efforts and provided her paycheck, et cetera. So,
9 I was deeply involved with these issues.

10 And the frustrating thing to me is that
11 Verizon -- and I have advised Verizon both as a
12 staff member of Fish and Wildlife Service and as
13 chair of the Communication Tower Working Group,
14 that yes, these towers cause problems. We
15 provided evidence to the FCC upon their request in
16 2007 that small towers --

17 THE VICE CHAIR: Excuse me, Mr. Manville? Excuse me?

18 THE WITNESS (Manville): Yeah?

19 THE VICE CHAIR: Attorney Coppola, let's try to stay on
20 topic as to what the impact of the particular
21 tower is in this application.

22 ATTORNEY COPPOLA: That's --

23 THE VICE CHAIR: We thank you for your global
24 information, but let's stick to the application,
25 please.

1 THE WITNESS (Manville): That's exactly what I was
2 trying to get to, Vice Chair Morissette.

3 So, in the 2007 study, William Evans, a
4 colleague, provided me evidence, strong evidence,
5 of birds being killed at un-guyed, unlit
6 communication towers, monopole towers, some less
7 in height than this proposed tower. Some were
8 only at a hundred feet. Thousands of birds were
9 killed, and he documented that, and I provided
10 this evidence to fish -- or to the FCC, Federal
11 Communications Commission, in 2007. So that, that
12 was very telling to me.

13 And the frustration here is that Verizon
14 knows that we have these guidelines, and they are
15 supposed to contact Fish and Wildlife Service
16 Migratory Bird Division, whether it's in Region 5
17 in New Hampshire or in the Washington office, and
18 find out what they need to do, including
19 monitoring that Dr. Klemens had mentioned earlier,
20 which they did not do.

21 So, they essentially, other than not using
22 guy wires and lighting for this monopole tower,
23 which is not -- not required, they blew the
24 guidelines off. And this is, to me, very
25 troubling, because these guidelines are what are

1 used to, as conservation measures, to advise
2 Verizon and other companies and entities that if
3 they fail to use them, and they end up
4 accidentally or incidentally unintentionally
5 taking migratory birds, they are in criminal
6 violation of the law and can be prosecuted.

7 And having worked very extensively for 17
8 years with our law enforcement office and its
9 special agents, I know this very well because
10 we've fined a number of companies, including a
11 communication tower company in New England before
12 I retired. So, this is -- this is a very
13 troubling issue.

14 And the letter, that February 8th or whatever
15 it was, the letter of 2024 from the field
16 supervisor, the appearance is that Verizon has, at
17 least in my appearance -- or my impression is that
18 they've used this letter -- letter as, okay.
19 We've done our due diligence and contacted Fish
20 and Wildlife Service. We're good to go.

21 Well, this letter is about T and E species.
22 It's based on an IPaC assessment determination
23 tool, which a staff member that I hired, Megan
24 Sadulasky, who was in my branch when I was branch
25 chief, developed. And she acknowledged that, yes,

1 this needs to be updated and it needs to be much
2 more robust.

3 And then Joelle's issue, Joel Gehring's
4 issue, the lighting issue, is only a small part of
5 the guidelines that we recommend that, in this
6 case, Verizon use -- which they have ignored.

7 ATTORNEY COPPOLA: Dr. Manville, I wanted to -- I just
8 want to ask you some specific questions about this
9 application and try to keep you focused on
10 answering those specific questions so we can move
11 along.

12 You mentioned in your testimony that you were
13 a co-author of the U.S. Fish and Wildlife
14 Service's communication tower guidance. I think
15 you mentioned a few years, 2000, 2013, and 2021.

16 Correct?

17 THE WITNESS (Manville): Yes. I co-authored it in
18 2000, authored it in 2013, and then they used my
19 earlier guidance and updated it with lighting in
20 2021.

21 ATTORNEY COPPOLA: Okay. So, when I -- if I reference
22 the tower guidance document, the U.S. Fish and
23 Wildlife's tower guidance document, you would
24 understand I'm referring to that document.

25 Correct?

1 THE WITNESS (Manville): Yes, item 14 in the
2 administrative agenda for today's meeting.

3 ATTORNEY COPPOLA: Thank you. All right. So, does
4 that guidance document that you co-authored
5 recommend that entities not place their towers in
6 areas of known bird concentrations?

7 THE WITNESS (Manville): Most definitely, and we go
8 into great detail of issues that we want the
9 company or the entity to avoid undertaking that
10 will very likely kill or maim or injure migratory
11 birds.

12 And there, again, that -- there's a whole
13 paragraph about what -- and I can read it to you
14 if you want, if you don't have it handy.

15 Or if we don't have time, that's fine. I
16 understand that, but --

17 ATTORNEY COPPOLA: I think we could -- thank you. Just
18 for the sake of time, what -- do you know
19 specifically what page it's on?

20 THE WITNESS (Manville): No, I don't. It's item 14.
21 And I have it here and just some comments I put
22 together.

23 And it basically says -- recommends that
24 entities such as Cellco not place their towers on
25 or near wetlands, other known bird concentration

1 areas, state or federal refuges, staging areas,
2 rookeries or important bird areas; or in known
3 migratory bird movement routes, daily movement
4 flyways, areas of breeding concentration, in
5 habitat of threatened or endangered species, or
6 key habitats for birds of conservation concern.

7 So, this is lifted right out of the
8 guidelines, and every one of these issues is
9 pertinent to this discussion and Verizon's failure
10 to acknowledge them.

11 ATTORNEY COPPOLA: So, is the proposed tower here
12 within an area known for bird concentrations?

13 THE WITNESS (Manville): I would say yes. Perhaps not
14 right there, but the -- at the Macricostas
15 Preserve, for example, the birds will daily move
16 from the wetlands to over -- overwinter, or
17 overnighting habitats, roost habitats or whatever.
18 And if that tower is in fog, they may not see it.

19 There are attraction capabilities of the
20 tower. We heard about the heat issues in the last
21 hearing from Michael Lawton, and -- and those can
22 result in takes. So, the movement alone between
23 them is -- is troubling.

24 During the spring and fall migrations, where
25 we're in the hawk watch flyway in this area here,

1 hawks, golden eagles, bald eagles will roost at
2 night and they may come down and literally collide
3 with the tower, particularly in inclement, foggy
4 conditions. Those would be takes. And so, the
5 idea here is to avoid those.

6 You don't build it here, period. There are
7 just too many issues, too many impacting issues
8 that can be avoided by -- by not building it and
9 selecting another location, if that's the option
10 that Verizon wishes to choose.

11 ATTORNEY COPPOLA: Dr. Manville, I just want to confirm
12 potential issues of concern. And so, does the
13 guidance document recommend that entities not
14 place their tower within areas of migratory bird
15 routes and daily movement flyways?

16 THE WITNESS (Manville): Most definitely. That's just
17 what I read, as these are some of the conditions.
18 Exactly.

19 ATTORNEY COPPOLA: And did you just testify -- I just
20 want to make sure I understood your testimony,
21 that the proposed tower was within an area of
22 migratory bird movement routes?

23 THE WITNESS (Manville): Yes.

24 ATTORNEY COPPOLA: And did you also testify that the
25 proposed tower was within an area of daily

1 movement flyways?

2 THE WITNESS (Manville): Correct.

3 ATTORNEY COPPOLA: The guidance document also
4 recommends that entities not place their tower at
5 areas of breeding concentration. Correct?

6 THE WITNESS (Manville): Correct. And that's just a --
7 that's a breeding concentration for -- for many
8 different species from songbirds.

9 And of course, the concern with the tower and
10 the heat there are that birds like osprey, which
11 tend to like to nest in what we would consider
12 inopportune locations -- but they can successfully
13 do it -- might nest in the tower and we want to
14 try to avoid that.

15 ATTORNEY COPPOLA: And I think you touched on this, but
16 did you hear the testimony from Michael Lawton at
17 the last hearing on April 14th about heat being
18 produced at the antenna arrays?

19 THE WITNESS (Manville): I did, and that --

20 ATTORNEY COPPOLA: Or parts of the antenna arrays?

21 THE WITNESS (Manville): Yes, I did. And that's a
22 concern and it's one I -- I have -- I raised when
23 I was with Fish and Wildlife Service, and one as a
24 consultant I've also raised. And we've actually
25 seen osprey nests in -- in towers.

1 So, it's not an unknown entity, unknown
2 challenge to say the least.

3 ATTORNEY COPPOLA: But it's particularly a challenge --
4 is it particularly a concern here with this tower?

5 THE WITNESS (Manville): I would say quite possibly,
6 yes.

7 ATTORNEY COPPOLA: And the guidance document also
8 recommends that entities not place their tower
9 within an area that is the habitat of a threatened
10 or endangered species. Correct?

11 THE WITNESS (Manville): Correct.

12 ATTORNEY COPPOLA: Is the proposed tower within an area
13 that is a habitat for a threatened or endangered
14 species?

15 THE WITNESS (Manville): As far as I know, yes, both
16 for birds and for bats.

17 ATTORNEY COPPOLA: What are -- it's in the guidance
18 document, and I just wanted to get clarity from
19 you on what this means.

20 What are birds of conservation concern?

21 THE WITNESS (Manville): These are birds listed by Fish
22 and Wildlife Service, and there are about 350 of
23 them, whatever the current count is, that are --
24 whose populations are declining, some
25 precipitously, but who are not quite yet ready for

1 listing under the Endangered Species Act. So,
2 they are sort of pre-candidates, if you will.

3 And the idea here is, okay. Let's do
4 everything we can to avoid those birds getting
5 into conditions where we'll have to list them or
6 where -- because we're in the sixth major
7 extinction -- they'll go extinct.

8 And so, these are -- these are species that
9 we look at and they're of considerable concern to
10 the Division of Migratory Bird Management, amongst
11 others.

12 ATTORNEY COPPOLA: And the proposed -- is the proposed
13 tower within any key habitats for birds of
14 conservation concern, just to be clear?

15 THE WITNESS (Manville): From what I understand, yes.

16 ATTORNEY COPPOLA: Thank you.

17 And I'm not looking for a really long answer,
18 just -- just so we're clear. With this
19 application, did Verizon comply with the
20 recommendations set forth in the most recent
21 version of the U.S. Fish and Wildlife's tower
22 guidance?

23 THE WITNESS (Manville): No, it absolutely failed to
24 comply with any of the provisions of that
25 guideline, including the issues we just discussed,

1 as well as monitoring requests, which they've not
2 done.

3 ATTORNEY COPPOLA: What are the primary wildlife
4 concerns that you have regarding Verizon's tower
5 that will extend around 40 feet above the
6 treetops?

7 THE WITNESS (Manville): My primary concern is impacts
8 from collisions, particularly during inclement
9 weather events like we had in Southern New York
10 and Northern Pennsylvania in around 2005 that Bill
11 Evans documented.

12 If we -- during these daily or seasonal
13 movements, the birds come through this area and
14 they can't see the tower or they're attracted to
15 it but can't see it. Then there is a collision
16 potential and, of course, those are takings under
17 the Migratory Bird Treaty Act, which are illegal
18 because we don't -- Fish and Wildlife Service does
19 not permit them.

20 We have a lot of -- a number of state-listed
21 and federally listed, or proposed-for-listing
22 species. That tells me, well, maybe this is not
23 the best place to be putting that tower given the
24 potential risks of these species, that they're
25 already in trouble. And if we don't address them,

1 they may go extinct in the near future.

2 And the fact that -- that the -- the
3 Applicants failed, they ignored and failed to
4 comply, other than with lighting and guidewire
5 provisions, for the use of our guidelines -- or
6 Fish and Wildlife Service's guidelines, I should
7 say.

8 ATTORNEY COPPOLA: So, bottom line, to avoid these
9 negative impacts that you've talked about, what in
10 your professional opinion should the Siting
11 Council do with this application?

12 THE WITNESS (Manville): In my professional opinion, I
13 think they should reject it and they should look
14 more closely at the small-cell options that we've
15 been discussing over the last several Council
16 meetings.

17 ATTORNEY COPPOLA: I have no further questions of this
18 witness, Mr. Vice Chairman.

19 THE VICE CHAIR: Attorney Coppola, please continue with
20 the next witness.

21 THE WITNESS (Manville): I believe this will be my last
22 witness on cross-examination of this panel,
23 Mr. Vice Chairman, and that's Dr. Brian Hagenbuch.

24 THE VICE CHAIR: Please continue.

25 ATTORNEY COPPOLA: And I'm just trying to find him.

1 Maybe he could raise his hand, because I don't
2 know -- I've never met him, and I don't know what
3 he looks like.

4 Thank you, sir.

5 B R I A N E. H A G E N B U C H,
6 recalled as a witness, having been previously
7 duly sworn, was examined and testified under
8 oath as follows:

9
10 ATTORNEY COPPOLA: You could also trust that we've --
11 I've had an opportunity, as has the Council, to
12 review your pre-filed testimony and see your
13 resume and bio.

14 Could you please describe the purpose of the
15 Steep Rock Association?

16 THE WITNESS (Hagenbuch): Yes. Good afternoon,
17 everybody.

18 For some reason, I haven't been able to
19 change my name from Steep Rock. I do have a real
20 name. It's Dr. Brian Hagenbach. I have been with
21 Steep Rock since March of 2020.

22 I've got two degrees in entomology and a PhD
23 in environmental studies from Antioch University.
24 Most of my focus has been on conservation of
25 biology and disturbance ecology; how ecosystems

1 respond to both human and natural disturbances
2 over time. Prior to coming to Steep Rock, I spent
3 almost 30 years in academia, both as a professor
4 of biology and environmental science, and then as
5 a dean of science, technology, and -- and health.

6 Steep Rock Association is a private
7 nonprofit. We are nationally accredited, and we
8 are a land trust based in Washington, Connecticut
9 founded in 1925. We're the second oldest and
10 largest community-based land trust in the state,
11 and we protect or manage about 6,000 acres of
12 land, about 3200 acres in fee preserves, and
13 another 2800 acres in conservation easements. We
14 also have over 50 miles of hiking trails in our
15 four preserves that are open to the public.

16 Our preserves also are home to 43 state and
17 federally listed and threatened, endangered or
18 special concern species. And we also prioritize
19 connecting our community to the natural world
20 through outreach, education, research, and passive
21 recreation.

22 Some of our other activities involve Judea
23 Garden, where we raise about 4,000 pounds of
24 organic vegetables each season, distribute it all
25 to food banks and social service agencies. And we

1 have an extensive volunteer program where we have
2 about 350 volunteers logging nearly 5,000 hours of
3 effort on our trails in Judea Garden, and they
4 serve as community scientists or they also assist
5 in many of our events and at the office.

6 So, we -- we are -- we are basically a large
7 part of our community, and our focus is all on
8 preserving and protecting this community as a
9 whole.

10 And so, by testifying today, I want to
11 introduce some more local knowledge of the
12 biodiversity of Macricostas Preserve, some of the
13 potential impact of this proposed project on it,
14 and introduce you to kind of what we see here with
15 the potential impact, not just biologically and
16 ecologically, but to our community overall.

17 ATTORNEY COPPOLA: Dr. Hagenbuch, I just ask
18 respectfully that you answer my questions that I
19 ask, please.

20 THE WITNESS (Hagenbuch): Yes, sir. Yes.

21 THE VICE CHAIR: Yes, please, to the cross-examination.
22 This is not an opportunity to testify. And please
23 discuss -- or hopefully your questions, Attorney
24 Coppola, will be in relation to the proposed site.

25 Thank you.

1 ATTORNEY COPPOLA: Yes, of course, Mr. Vice Chairman.

2 You mentioned the Mac-roh-stass [phonetic]
3 Preserve. Did I pronounce that correctly?

4 THE WITNESS (Hagenbuch): Mac-reh-coss-tuss [phonetic].

5 ATTORNEY COPPOLA: I'm sure I'll continue to butcher
6 the name, but I'll do my best.

7 And how big is that preserve?

8 THE WITNESS (Hagenbuch): Our Macricostas Preserve
9 right now is about 633 acres. Within the next
10 year, we expect to add about another 200 acres to
11 it. So essentially, you could walk from Lake
12 Waramaug all the way to Rabbit Hill Road in Warren
13 and never leave our property or cross a road. So,
14 we'll have the entire ridgetop.

15 ATTORNEY COPPOLA: And I'm going to refer to the
16 property as the preserve, if that's okay?

17 THE WITNESS (Hagenbuch): Yeah, sure. That's fine.

18 ATTORNEY COPPOLA: I know that's more than one preserve
19 property, but it will make it easier for me.

20 So, are you actively adding lands to the
21 preserve in the area that's close to the cell
22 tower site?

23 THE WITNESS (Hagenbuch): Yes, we are. Our -- our
24 overall long-term plan for Macricostas Preserve is
25 about a thousand acres. Like I said, we're going

1 to add another 200 acres or so in the next year or
2 so.

3 I'm also negotiating with a landowner that
4 lives about a half mile from the proposed site to
5 put a conservation easement on their property.

6 ATTORNEY COPPOLA: Will the proposed tower have any
7 direct or indirect impacts on the preserve?

8 THE WITNESS (Hagenbuch): I believe they will, both
9 from a biological standpoint and an ecological
10 standpoint. We -- let's -- let's put this into
11 perspective.

12 You know, Connecticut is the third largest
13 state. We've got the fourth highest population
14 density in the country. We're actually number one
15 in -- in hiking for both trail visit, trail
16 density and visitation.

17 We get --

18 THE VICE CHAIR: Mr. Hagenbuch, we need to stay on
19 topic here on how this project impacts your
20 facilities on lands that are -- whatever.

21 So, please stay on topic.

22 THE WITNESS (Hagenbuch): We're looking at --

23 ATTORNEY COPPOLA: Thank you.

24 Thank you, Mr. Vice Chairman.

25 THE WITNESS (Hagenbuch): We're looking at impacts to

1 biological diversity. I'm also looking at impacts
2 to the aesthetics of our preserves because a lot
3 of people come to our preserves for the viewsheds,
4 for the hiking. And what they want to see is
5 undisturbed natural viewsheds, and when you put a
6 cell tower 40 to 50 feet over the treeline, then
7 it's -- it's a visible distraction.

8 And so, not only is that a visible
9 distraction, but it could be a deterrent from
10 people coming to our preserves. If they are not
11 coming to our preserves, there is a potential
12 economic impact, not just to Steep Rock through
13 our donations, but also to our community.

14 Because as people come and visit our
15 preserves, they're also going into town. They're
16 going to our art shows and our exhibits, our
17 restaurants, filling up with gas, and our boutique
18 shops. And so, we are also a primary economic
19 force in this area because we draw people into it.

20 And so, we can look at this both ecologically
21 and economically.

22 ATTORNEY COPPOLA: On the ecology part of it --

23 THE WITNESS (Hagenbuch): Yeah?

24 ATTORNEY COPPOLA: Is there invasive species and

25 biodiversity on the Steep Rock properties that are

1 in the vicinity of the property that is the
2 subject of the application that you believe, in
3 your professional opinion, will be negatively
4 impacted by the proposed tower?

5 THE WITNESS (Hagenbuch): Yes, we've done extensive
6 work -- and it's one of our major expenses, is
7 control of invasive species. About 15 percent of
8 the land in our preserves is significantly
9 impacted by invasives, especially a problem in
10 Macricostas Preserve.

11 We've had multi-year control efforts on reed
12 canary grass, invasive shrubs like honeysuckle,
13 autumn olive, and multiflora rose. We're also
14 combating relative newcomers like wild parsnip
15 along our trails, which has photophytoprotermatitis
16 properties if they are handled.

17 So, not only are we looking at established --

18 THE VICE CHAIR: I'm sorry, Mr. Hagenbuch --

19 THE WITNESS (Hagenbuch): -- but we're also looking at
20 new --

21 THE VICE CHAIR: Excuse me?

22 THE WITNESS (Hagenbuch): -- new species.

23 THE VICE CHAIR: Excuse me.

24 THE WITNESS (Hagenbuch): Sorry about that.

25 THE VICE CHAIR: I don't see the relevance of invasive

1 species on the preserve as it relates to this
2 project.

3 ATTORNEY COPPOLA: If I may move on to the next
4 question, please, Mr. Vice Chairman?

5 THE VICE CHAIR: Thank you.

6 ATTORNEY COPPOLA: Dr. Hagenbuch, is there an inventory
7 of wildlife and plant species on the Steep Rock
8 Preserve or preserves within the area of the
9 subject application?

10 THE WITNESS (Hagenbuch): (Inaudible.)

11 ATTORNEY COPPOLA: You know, sir, you're on mute.

12 THE WITNESS (Hagenbuch): Sorry about that.

13 ATTORNEY COPPOLA: Sir, we couldn't hear your response.
14 You were on mute.

15 THE WITNESS (Hagenbuch): Yeah, sorry about that.

16 I don't know how that happened.

17 Macricostas --

18 ATTORNEY COPPOLA: I do. Excuse me. You can continue.

19 THE WITNESS (Hagenbuch): Macricostas has the highest
20 level of biodiversity of all our preserves. As
21 Dr. Klemens had mentioned, this is a biodiversity
22 hotspot for Connecticut.

23 We have a mix of meadow, farmland, woodland
24 ridges, wetlands, several critical habitats that
25 are in greatest conservation need -- include a

1 circumneutral spring fen, dry acidic forests, some
2 acidic rocky outcrops on the summits. It's very
3 similar, actually, to the -- the site of the
4 proposed cell tower.

5 We also have a number of wet meadows and
6 vernal pools. We have over 50 vernal pools on our
7 properties that are monitored every year for the
8 last 10 years, which are great climate resilience
9 indicators. And about --

10 THE VICE CHAIR: Again, I'm going to interrupt --

11 THE WITNESS (Hagenbuch): -- 30 state-listed species.

12 THE VICE CHAIR: Again I'm going to interrupt.

13 How is that relevant to this project? It's
14 wonderful information that you're providing, but
15 it's irrelevant to our project, as far as I can
16 tell.

17 THE WITNESS (Hagenbuch): Well, Mr. Vice Chairman, I do
18 have to ask a foundational question before I could
19 ask a followup. I mean, I have -- I have a pretty
20 good outline of questions and I'm going to -- I'm
21 almost done.

22 But I can't -- I've never met this gentleman
23 before. I have no idea how long his response will
24 be to some of my questions. So, I'm asking a
25 foundational question and then asking my next

1 question. Otherwise, my next question makes no
2 sense.

3 THE VICE CHAIR: Understood, but we don't need to have
4 a complete review of the preserve. Let's move on.
5 Thank you.

6 ATTORNEY COPPOLA: And I can appreciate your
7 perspective.

8 So, that -- so, my next question is, will any
9 of the -- could you tell me, briefly, will any of
10 the inventory be negatively impacted by the tower?

11 THE WITNESS (Hagenbuch): (Inaudible.)

12 ATTORNEY COPPOLA: Sir, you're on mute again.

13 THE WITNESS (Hagenbuch): I believe it will. Like I
14 said, we have state-listed species.

15 Our preserve is within a mile and a half of
16 this proposed -- proposed site. The habitats have
17 not changed that significantly between our
18 preserve and this proposed site. So, by
19 extension, I can extrapolate and determine that
20 there will be. There's about 15 or 16 listed
21 species that may well be situated on that site, or
22 they're using the forest where the proposed cell
23 tower will be located.

24 If we look at this from -- from a landscape
25 level, and you've got Lake Waramaug, you've got

1 Shepaug Reservoir, Mount Tom Pond, Meeker Swamp,
2 and draw a circle around it, especially for
3 migratory waterfowl, this siting, this proposed
4 site is -- is within that circle.

5 So, any waterfowl or eagles or raptors that
6 are moving across this landscape could potentially
7 go right through this site because they're
8 connecting the dots. And that's one of the things
9 we focus on, connectivity of wildlife, whether
10 it's terrestrial or aquatic or avian.

11 ATTORNEY COPPOLA: And so, in your professional
12 opinion, is there a lot of important wildlife that
13 is going to be endangered by the tower?

14 THE WITNESS (Hagenbuch): I believe so. From the four
15 species of bats that are listed that we have found
16 in Macricostas Preserve to the least bittern and
17 some of the other waterfowl that we found in
18 Meeker Swamp, to the raptors such as the -- the
19 bald eagles and some of the hawks. Yeah, I -- I
20 thoroughly believe it. Not just that, but also
21 some of the aquatic species.

22 And I'm also concerned that any kind of
23 disruption of that habitat could introduce
24 invasives that could float downstream through the
25 streams into Bee Brook, into Meeker Swamp and

1 become established in our preserves.

2 ATTORNEY COPPOLA: And certain of the species that you
3 talked about are endangered, are considered to be
4 registered as endangered or threatened.

5 Is that correct?

6 THE WITNESS (Hagenbuch): Yes.

7 ATTORNEY COPPOLA: So, the bottom line is, the reason
8 I'm asking about the inventory is that you
9 actually know that there are endangered and
10 threatened species on your -- on the Steep Rock
11 Preserve properties that are within the vicinity
12 of the subject application. Is that correct?

13 THE WITNESS (Hagenbuch): That's correct.

14 ATTORNEY COPPOLA: And here, I'm going to connect the
15 dots now. And as a result of this application, is
16 it your professional opinion that some of those
17 endangered or threatened -- some of those species
18 which have been determined to be endangered or
19 threatened will be further endangered and
20 threatened as a result of having this proposed
21 tower where it's being located? Is that accurate?

22 THE WITNESS (Hagenbuch): Yeah, I believe so. There's
23 a stream going off to the west of the site that is
24 habitat for the Louisiana waterthrush.

25 The -- the ridge top, the dry ridge top

1 forest there is great for the nightjars like the
2 common nighthawk. All of these are species of
3 concern.

4 ATTORNEY COPPOLA: The application -- does the
5 application propose to remove core forest area?

6 THE WITNESS (Hagenbuch): Yes.

7 ATTORNEY COPPOLA: Very, very briefly, can you tell me,
8 based on your professional experience, what is the
9 significance of core forest?

10 THE WITNESS (Hagenbuch): Well, core forests are ideal
11 wildlife habitat and they're also really important
12 migration corridors that provide safe harborage of
13 species so that they can move in between them,
14 yeah.

15 We had -- we participated in a study of
16 bobcat in the late -- in 2018, 2019, that we
17 tagged one bobcat, and its home range covered
18 about 8,000 acres that went from Macricostas
19 Preserve over to Hidden Valley, extended up into
20 Warren, Goshen, and Litchfield. That was just one
21 bobcat. And so, what we look at from a landscape
22 scale is connectivity between these types of
23 habitats.

24 When I -- when I looked at the -- the latest
25 proposed access point from -- from Route 341 up to

1 the -- up to the tower site, I would agree with
2 Dr. Klemens that this is the worst possible
3 opportunity.

4 I think it was Exhibit 2 in the late
5 application that they had a map that showed about
6 four acres of core forest on this site's
7 application. And by putting the access road and
8 looping it up around that four acres of core
9 forest, you've basically eliminated the core
10 forest component.

11 Because now you've created a gap and you'll
12 have about 250 or 300 feet from that gap to get to
13 core forest. Well, it's -- it's all going to be
14 gone. It's just going to be a mixed forest.

15 This is significant ecologically because
16 while you have a gap, you're going to introduce
17 more gap species, birds and such, into that area,
18 which -- which is going to drive out some of the
19 interior core forest species, but also make some
20 of those species vulnerable to predation,
21 parasitism, and other types of negative impacts.

22 ATTORNEY COPPOLA: Last question. In your professional
23 opinion, do you believe that there are
24 alternatives which would have significantly less
25 of an environmental impact?

1 THE WITNESS (Hagenbuch): In my professional opinion --
2 I'm not an expert on cell towers or those
3 alternatives, but I think the best and only option
4 here is to find a suitable alternative that
5 integrates in the natural landscape, doesn't
6 impede viewsheds, poses no threat to biological
7 diversity, and preserves our high-quality water
8 resources and does not fragment our core forests,
9 especially along the edges.

10 What we don't have is the data and the
11 current studies on these impacts. I haven't heard
12 any type of studies, and I would concur with
13 Dr. Klemens, that I haven't heard any of these
14 over the course of these hearings.

15 So, it doesn't convince me that the Applicant
16 has done a thorough study or analysis on-site of
17 the impacts to diversity, water quality, or the
18 protection of some of these listed species, or
19 even the visual aesthetics of the human enjoyment
20 of our viewsheds, given the -- really, the -- the
21 failure to comply with -- with our request for at
22 least a visual assessment from our preserves, both
23 the ridgetops and the Macricostas Hayfield, where
24 I believe the tower will definitely be visible
25 from and impact our visitors' quality of

1 experience in our preserve.

2 Remember, Steep Rock properties are protected
3 in perpetuity. They will be forever preserved and
4 undeveloped. And so, from my standpoint as an
5 executive director, I've got to think of all of
6 those potential impacts into the future, and they
7 will far outlive any type of cell tower.

8 And we want people to be coming back, because
9 this is where we can give a very urban population
10 access to nature and kind of create that
11 conservation ethic.

12 So, I'm really concerned that the blight of a
13 cell tower hovering over our forest canopy will
14 diminish that human experience. And so, we stand
15 opposed to the siting of the cell tower.

16 ATTORNEY COPPOLA: Thank you, sir.

17 I have no further questions of this panel,
18 Mr. Vice Chairman. Thank you.

19 THE VICE CHAIR: And thank you, Attorney Coppola, for
20 your cooperation in this matter.

21 Okay. We're going to move on to the
22 appearance by Washington Montessori Association,
23 Inc. Will the intervener and CEPA intervener
24 present its witness panel for purposes of taking
25 the oath? We will have Attorney Bachman

1 administer the oath.

2 Good afternoon, Attorney Mortelliti.

3 ATTORNEY MORTELLITI: Yes. Good afternoon, Vice
4 Chairman Morissette. Can you hear me okay?

5 THE VICE CHAIR: Yes, I can. Thank you.

6 ATTORNEY MORTELLITI: All right, great. Let me know if
7 that becomes a problem.

8 So, Mr. Vice Chair, the association's witness
9 panel today will be Kerry Dorton, the head of
10 school for the Washington Montessori School.
11 She's also a principal of the association.

12 And our second witness will be Steven
13 Trinkaus, who's a licensed professional engineer.
14 So, I do offer them both to be sworn in at this
15 time by Attorney Bachman.

16 THE VICE CHAIR: Thank you.

17 Attorney Bachman, please swear in the
18 Witnesses.

19 ATTORNEY BACHMAN: Thank you, Vice Chair Morissette.

20 If the witnesses could please raise your
21 right hand?

22

23

24

25

1 K E R R Y D O R T O N,
2 S T E V E N D. T R I N K A U S,
3 called as witnesses, being sworn by
4 THE EXECUTIVE DIRECTOR, were examined and
5 testified under oath as follows:
6

7 ATTORNEY BACHMAN: Thank you.

8 THE VICE CHAIR: Thank you, Attorney Bachman.

9 Attorney Mortelliti, please begin by
10 verifying all the exhibits by the appropriate
11 sworn witness.

12 ATTORNEY MORTELLITI: Yes. Thank you very much.

13 I'll note that our exhibits to offer are
14 listed in the hearing program under Roman numeral
15 six, section B, as in boy, items one through five.
16 And I'll start with Ms. Dorton.

17 Ms. Dorton, good afternoon.

18 THE WITNESS (Dorton): Hi.

19 ATTORNEY MORTELLITI: Can you hear me okay?

20 THE WITNESS (Dorton): Yes, I can.

21 ATTORNEY MORTELLITI: All right. Thank you.

22 So, Ms. Dorton, did you prepare, assist in
23 preparing, or are you familiar with the pre-filed
24 testimony that was submitted to the Siting
25 Council?

1 THE WITNESS (Dorton): Yes.

2 ATTORNEY MORTELLITI: Okay. And do you have any
3 corrections, modifications, or clarifications that
4 you wish to make to your pre-filed testimony?

5 THE WITNESS (Dorton): Just two. One is that I'm no
6 longer the interim head of school; I'm the head of
7 school.

8 And then the second is that the proposed
9 playground project is no longer just an idea; it's
10 something that we're breaking ground on in July.

11 ATTORNEY MORTELLITI: Okay. Thank you. So, subject to
12 those modifications you just offered, Ms. Dorton,
13 is the information contained in your pre-filed
14 testimony and your exhibits true and accurate to
15 the best of your knowledge?

16 THE WITNESS (Dorton): Yes, it is.

17 ATTORNEY MORTELLITI: Okay. Thank you. And do you
18 adopt the information contained in those exhibits,
19 your pre-filed testimony, again subject to the
20 modifications you just offered, to be your
21 testimony today?

22 THE WITNESS (Dorton): Yes, I do.

23 ATTORNEY MORTELLITI: Okay. Thank you very much.

24 Mr. Morissette, with that, I would ask that
25 as to the association, that those be offered as

1 full exhibits.

2 THE VICE CHAIR: Does any party or intervenor object to
3 the admission of Washington Montessori
4 Association, Inc's exhibits?

5 Attorney Baldwin?

6 ATTORNEY BALDWIN: We're just talking about
7 Ms. Dorton's testimony, I have no objection.

8 THE VICE CHAIR: Thank you.

9 Attorney Mortelliti, is Mr. Trinkaus --

10 ATTORNEY MORTELLITI: Yes, Mr. Morissette. I was going
11 to just start with Ms. Dorton because there are
12 differences between her and Mr. Trinkaus'
13 testimony. So, I was going to have him go next
14 and then ask for -- ask for that to be done
15 subsequently. Ms. Dorton is --

16 THE VICE CHAIR: Well, why don't we do that first and
17 then we'll get into the cross-examination of both
18 witnesses at the same time?

19 ATTORNEY MORTELLITI: Sure, that makes more sense.

20 Thank you.

21 Okay. Mr. Trinkaus, can you hear me okay?

22 THE WITNESS (Trinkaus): Yes, I can.

23 ATTORNEY MORTELLITI: All right. So, Mr. Trinkaus, did
24 you prepare, assist in preparing, or are you
25 familiar with the pre-filed testimony that was

1 filed with the Siting Council?

2 THE WITNESS (Trinkaus): Yes, I did.

3 ATTORNEY MORTELLITI: Okay. Now, as to your pre-filed
4 testimony, do you offer any corrections,
5 modifications or clarifications?

6 THE WITNESS (Trinkaus): Yes. I -- I do not offer any
7 modifications to the exhibits which I previously
8 submitted. I have a few comments and a
9 professional opinion on the Applicant's late-filed
10 exhibit of 12/30/'25.

11 ATTORNEY MORTELLITI: Okay. But as to what you
12 submitted previously, you don't offer those to be
13 modified at all?

14 THE WITNESS (Trinkaus): Yeah. No modifications to
15 what I previously submitted.

16 ATTORNEY MORTELLITI: Okay. Is the information
17 contained in those exhibits, to the best of your
18 knowledge, Mr. Trinkaus, true and accurate
19 subject --

20 THE WITNESS (Trinkaus): Yes, it is true and
21 accurate -- oh, excuse me.

22 It is true and accurate.

23 ATTORNEY MORTELLITI: Okay. Are you willing to modify
24 any statements made through cross-examination?

25 THE WITNESS (Trinkaus): Could you repeat the question?

1 I may have misunderstood it --

2 ATTORNEY MORTELLITI: Are you willing to modify any of
3 your pre-filed testimony if -- if asked upon
4 cross-examination?

5 THE WITNESS (Trinkaus): There will be some
6 modifications because the plan has changed.

7 ATTORNEY MORTELLITI: Okay. All right. So, subject to
8 cross-examination, Mr. Trinkaus, do you adopt the
9 information contained in your pre-filed testimony
10 as your testimony in today's proceeding?

11 THE WITNESS (Trinkaus): Yes, I do.

12 ATTORNEY MORTELLITI: Okay. So, Mr. Morissette, now
13 that I've gone through those questions with both
14 Ms. Dorton and Ms. Trinkaus, I ask for the
15 admission as full exhibits, subject to any
16 objections.

17 THE VICE CHAIR: Attorney Bachman, has Mr. Trinkaus
18 been sworn in?

19 ATTORNEY BACHMAN: Yes, he has, Mr. Morissette.

20 THE VICE CHAIR: Very good. Okay.

21 Okay. As far as Mr. Trinkaus' pre-filed
22 testimony, his pre-filed testimony stands on its
23 own. So, if he does have modification, he should
24 state them now, not during his cross-examination.

25 ATTORNEY MORTELLITI: Sure, Mr. Morissette. I don't

1 want to engage in a direct exam of Mr. Trinkaus
2 since our time has passed, but if he wants to
3 offer his comments, I'd, you know, leave it to
4 Mr. Trinkaus to comment at this point in time.

5 THE VICE CHAIR: Well, if he's modifying his pre-filed
6 testimony, but if he's providing answers,
7 responses to your questions, that's one thing.

8 But he's swearing -- he's swearing now to his
9 pre-filed testimony.

10 ATTORNEY MORTELLITI: Sure.

11 THE VICE CHAIR: We're going to move on then. So, he
12 does not have the opportunity to amend his
13 pre-filed under questions.

14 Okay. So, does any party or intervener
15 object to the admission of Washington Montessori
16 Association, Inc's exhibits?

17 Attorney Baldwin, let's try this again.

18 ATTORNEY BALDWIN: Thank you, Vice Chair Morissette.

19 I have no objection to Mr. Trinkaus'
20 pre-filed testimony, dated November 25, 2025.

21 THE VICE CHAIR: As well as Principal Dorton's.

22 ATTORNEY BALDWIN: Oh, yeah. No objection. I thought
23 I said that previously. I'm sorry.

24 THE VICE CHAIR: Yeah, you did. I just wanted to
25 confirm -- but thank you.

1 Ms. Hall?

2 MS. HALL: I have no questions. Thank you.

3 THE VICE CHAIR: Thank you.

4 We'll now continue cross-examination by

5 Mr. Carter, followed by Dr. Williams. Mr. Carter?

6 MR. CARTER: Thank you, Mr. Vice Chair.

7 I have no questions.

8 THE VICE CHAIR: Thank you.

9 We'll now continue with cross-examination by

10 Dr. Williams, followed by Mr. Golembiewski.

11 Dr. Williams?

12 DR. WILLIAMS: I have nothing at this time. Thank you.

13 THE VICE CHAIR: Thank you.

14 We'll now continue with cross-examination by

15 Mr. Golembiewski, followed by Mr. Syme or

16 Mr. Lynch. Mr. Golembiewski?

17 MR. GOLEMBIEWSKI: I have no questions. Thank you.

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

19

20 (No response.)

21

22 THE VICE CHAIR: Mr. Lynch?

23

24 (No response.)

25

1 THE VICE CHAIR: Thank you. I have no questions.

2 We will continue with cross-examination of
3 Washington Montessori Association by the
4 Applicant. Attorney Baldwin?

5 ATTORNEY BALDWIN: Thank you, Vice Chair Morissette.
6 Just a couple of quick questions for Ms. Dorton.

7 Ms. Dorton, I'm not going to rehash the
8 visual effects issue. Certainly, there's enough
9 on the record regarding visual effects of the
10 proposed tower, but you also state in your
11 testimony that, if approved, the tower would have,
12 quote, operational and educational impacts on the
13 school. Is that right?

14 THE WITNESS (Dorton): Yes.

15 ATTORNEY BALDWIN: And you speak a lot about the trail
16 system that the school has developed on its
17 property. Correct?

18 THE WITNESS (Dorton): Correct.

19 ATTORNEY BALDWIN: Is there a portion of that trail
20 system that extends to the north of your tennis
21 courts on the property?

22 THE WITNESS (Dorton): Yes.

23 ATTORNEY BALDWIN: And are you aware of the adjacent
24 property to the north, adjacent to that trail
25 system, owned and operated by one of the residents

1 and operated as Arbor Associates -- or -- I'm
2 sorry. Arbor Services tree services operation at
3 that property?

4 THE WITNESS (Dorton): Yes.

5 ATTORNEY MORTELLITI: Mr. Morissette, I'm going to
6 object to the question. I'm not sure what the
7 land activities at adjacent properties have to do
8 with the issue of this tower's impact on the
9 Montessori School property.

10 ATTORNEY BALDWIN: I -- I'm getting there.

11 THE VICE CHAIR: I'll allow a little leeway, Attorney
12 Baldwin. Please continue.

13 ATTORNEY BALDWIN: Two more questions.

14 So, are you aware that on this property there
15 are -- there's an existing tree service operation,
16 including truck parking, stockpiling of materials,
17 a 500-gallon and thousand-gallon diesel fuel
18 tanks, a 500-gallon liquefied natural gas tank,
19 all proximate to your trail system?

20 THE WITNESS (Dorton): I --

21 ATTORNEY MORTELLITI: Again, Mr. Morissette, I'm
22 objecting to this question on the same grounds of
23 my previous one.

24 ATTORNEY BALDWIN: I barely got the question out,
25 Mr. Morissette, but my point is, is that there's

1 concern about this tower site that is much further
2 away than these existing operations.

3 I'm just asking Ms. Dorton if she sees those
4 activities on the adjacent property as a potential
5 impact to the educational and operational
6 activities of the school.

7 THE VICE CHAIR: I will let the Witness answer the
8 question. We've heard lots of testimony of things
9 that are way offsite. So, this is an abutter, I
10 believe.

11 ATTORNEY BALDWIN: It is.

12 THE VICE CHAIR: So, please continue.

13 THE WITNESS (Dorton): So, you're asking me if I'm
14 aware. Is that your question?

15 ATTORNEY BALDWIN: Are you aware of that? And do you
16 believe those uses on the adjacent parcel
17 establish impacts on the educational or
18 operational activities of the school?

19 THE WITNESS (Dorton): I -- I'm not aware of -- I'm
20 aware of the Arbor Services; we have a friendly
21 neighborly relationship with them. I'm not -- and
22 I'm aware of their trucks and so forth. I'm not
23 aware of every piece of equipment that they have
24 on their property.

25 It was an existing business when the school

1 state that the school's outdoor spaces are in
2 continuous use. Would you expand on that?

3 Would you tell us a little bit about how
4 students are brought outside and when?

5 THE WITNESS (Dorton): Sure. So, the school day for
6 outside use starts around 7:45 a.m. We have a
7 running club that comes before school hours.

8 All of our classrooms open out onto the
9 outdoors. And so, students are moving in and out
10 of the outdoors all day. We have PE. We have
11 team sports that use the fields.

12 We have after school programs and we have
13 camps. So, there are days that -- that there are
14 students here until maybe 6 or 6:30, depending on
15 the weather. And a typical day would be 7:45 to
16 5:15.

17 And those, the trail systems are used year
18 round, whether it's snowshoeing in the summertime
19 or taking the toddlers on a nature hike in April.
20 So, they're used all the time, but not on
21 necessarily a set schedule, but all throughout the
22 day during the school year and summer.

23 ATTORNEY SHERWOOD: Would you describe what the
24 viewshed is in the summer and then in the winter
25 now? In other words, without the tower, what are

1 you able to see? Are you able to see off the
2 property from the trails?

3 **THE WITNESS (Dorton):** You know, if you look real hard,
4 you can. You can see -- to the north, you can see
5 some of the, like, outlines of the houses.

6 If you -- you can see the Arbor Services from
7 the outdoor running track. From the sort of
8 outdoor play area nearest the building you can't
9 see anything off the property.

10 **ATTORNEY SHERWOOD:** You indicate in your pre-filed
11 testimony that you anticipate that the cell tower
12 will be visible from the school property. From
13 where do you think it will be visible?

14 **THE WITNESS (Dorton):** Well, based on the -- the
15 picture we have of the balloon float that was
16 taken from our lower field, I know it will be
17 visible there. Based on the maps and looking at
18 the situate -- how the building is situated and
19 the site plan, I think straight out the front door
20 of the school, the tennis court, the upper field.

21 I think most places except perhaps on the
22 opposite side of the building where the building
23 would be in the way of the angle where you
24 would be --

25 **ATTORNEY SHERWOOD:** That would be the south side of the

1 building?

2 THE WITNESS (Dorton): That would be the -- no. The
3 south side of the building, I think you'll be able
4 to see it. It's more toward the -- toward the
5 west.

6 ATTORNEY SHERWOOD: You attached to -- you supplemented
7 your pre-filed testimony on February 10th and you
8 attached a photograph as Exhibit A?

9 THE WITNESS (Dorton): Correct.

10 ATTORNEY SHERWOOD: How is it that that photograph was
11 taken if you didn't know about the balloon float?

12 THE WITNESS (Dorton): Yeah. So, there were some
13 toddler teachers who were outside with their
14 children, and they noticed that something was
15 going on. They didn't know what it was, but they
16 were alarmed, because they didn't know what it
17 was.

18 So, one of them took the teacher -- or,
19 sorry. Excuse me. Took the picture and forwarded
20 it to our CFO who at the time was unaware of what
21 was going on, too. But when this all came about,
22 she remembered that she, in fact, had this picture
23 that had been sent to her.

24 So, that's where that came from.

25 ATTORNEY SHERWOOD: And would you tell us again, if you

1 haven't already, where -- where that photograph
2 was taken from?

3 THE WITNESS (Dorton): That was taken from the lower
4 soccer field. So, on the 202 side of the
5 building.

6 ATTORNEY SHERWOOD: You indicate that you're concerned
7 about the cell tower's proximity to the school
8 property and the trail systems. Would you explain
9 to the Council what exactly your concerns are
10 beyond simply the visual?

11 THE WITNESS (Dorton): Sure. I think most -- mostly I
12 would -- I would categorize our concerns as the
13 unknown when we're -- we're working with a fairly
14 sensitive population, 18 months through 14 year
15 olds. So, we can't assume safety in a lot of
16 regards. We need to do our due diligence. We
17 know the risks we have currently assumed.
18 Anything new is a new risk.

19 And hearing things during this testimony,
20 like the fact that the -- the access road won't be
21 plowed on a regular basis and the Town is going to
22 be relied on in case of an emergency is of course
23 a concern, which means that it's something that we
24 have to build into our emergency planning as well.

25 So, all of -- all of those pieces are things

1 that we need to do our own -- own risk assessment
2 and our own planning to alleviate any potential
3 new risk to the association.

4 ATTORNEY SHERWOOD: What about visual impacts? What do
5 you -- what effect do you anticipate, if any,
6 those will have on the school?

7 THE WITNESS (Dorton): I think in -- in two different
8 ways they'll have impact. I think, obviously one
9 of my responsibilities is long-term sustainability
10 of the school. I think the visual impact will
11 have impact on our enrollment.

12 And I -- so, I worry about that because we
13 have a very sort of natural presence that's part
14 of our philosophy. It's part of our long-term
15 strategic plan, is the sustainable use of the
16 land. So, it obviously adds something there that
17 is -- it impacts that and it's -- it won't be able
18 to be avoided in -- in the visual nature of
19 things.

20 And then I think the -- the other piece is
21 just in our use of the outdoor space. There's --
22 based on the picture that I have, there will not
23 be sort of a moment on most of the parts of the
24 property where that visual impact won't -- won't
25 be very present in the lives of the children and

1 families who are involved in the school.

2 So, I'm worried about it economically, I'm
3 worried about safety issues, and I'm worried about
4 just the general, I guess, for lack of a better
5 descriptor, the general look and feel of the
6 campus as a rural bucolic location.

7 ATTORNEY SHERWOOD: Do you foresee any benefits from
8 the location of the tower there?

9 THE WITNESS (Dorton): I don't. You know, I -- we
10 don't allow the use of cell phones during --
11 during school hours. We've never had cell service
12 here at the school. So, it's something that we've
13 figured out, you know, how to work around and work
14 with, because it's just never been -- never been
15 an option for us.

16 So, I don't necessarily perceive any
17 benefits, and certainly not any that outweigh the
18 negatives.

19 ATTORNEY SHERWOOD: Thank you, Ms. Dorton.

20 Mr. Vice Chairman, I have questions for
21 Mr. Trinkaus. Do you want me to continue?

22 THE VICE CHAIR: Please continue -- on second thought,
23 we're going to take a quick break. We're going to
24 take a break until 3:45, and then we'll return and
25 you can cross-examine Mr. Trinkaus.

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

2 THE VICE CHAIR: Thank you.

3

4 (Pause: 3:31 p.m. to 3:45 p.m.)

5

6 THE VICE CHAIR: Is the Court Reporter back with us?

7 THE REPORTER: I am.

8 THE VICE CHAIR: Very good. Thank you.

9 We're back on the record.

10 Okay. Attorney Sherwood, please continue.

11 ATTORNEY SHERWOOD: Thank you, Mr. Morissette. I have
12 some questions for Steve Trinkaus.

13 THE WITNESS (Trinkaus): Yeah, I'm here.

14 ATTORNEY SHERWOOD: Good afternoon, Mr. Trinkaus. I'm
15 the lawyer for Steep Rock, as you probably have
16 gathered.

17 I'm looking at your Exhibit 6 to your
18 pre-filed testimony, and you indicate that the --
19 based on the existing contours, it looks like the
20 average grade from the street to the tower site is
21 18 percent. Is that correct?

22 THE WITNESS (Trinkaus): That is correct, based on that
23 mapping.

24 ATTORNEY SHERWOOD: Is it possible to run a driveway,
25 to effectively run a driveway up a slope that

1 steep?

2 THE WITNESS (Trinkaus): Not -- not at that grade.

3 Municipal land-use regulations generally have a
4 maximum of a 12 percent grade. Some
5 municipalities allow a small section, 50 or 100
6 feet at 15 percent, but 12 is a fairly universal
7 maximum grade for the movement of vehicles up and
8 down the hill.

9 ATTORNEY SHERWOOD: So, what's the concern about grades
10 steeper than 8 or 10 percent?

11 THE WITNESS (Trinkaus): Steeper than -- well,
12 actually, steeper grades above 12 percent are --
13 particularly, in the winter icing can be a major
14 problem where the vehicles can lose traction.

15 Construction equipment, particularly, you
16 know, cement trucks or dump trucks have a high
17 center of gravity, and when they're going up a
18 very steep grade, a lot of the weight falls on the
19 rear axles of the tire, basically taking weight
20 off the front, which means the front tires are
21 not, you know, having traction on the roadway.

22 So, it's -- it's really a safety issue for
23 vehicles when you're above 12 percent.

24 ATTORNEY SHERWOOD: How about access in the winter?

25 Can the -- can a drive, a gravel driveway like

1 that be plowed intermittently, or does it have to
2 be plowed after every storm?

3 **THE WITNESS (Trinkaus):** It would have to be plowed, in
4 my professional opinion and personal experience,
5 every time, because if you don't plow when you
6 only have maybe a couple inches of snow, that will
7 turn into ice.

8 And then when you go to plow, you're not
9 going to plow the ice. You may plow the loose
10 snow above it, but now you have a sheet of ice
11 basically on the driveway.

12 You would have to -- to maintain access
13 during the winter, you would have to plow this
14 driveway every time it snowed.

15 **ATTORNEY SHERWOOD:** In order to be able to access the
16 site reliably?

17 **THE WITNESS (Trinkaus):** Correct. Another issue with a
18 steep driveway is, you know, many plow guys prefer
19 to plow downhill. You're pushing the material
20 downhill; it's easier.

21 Pushing uphill, you know, snow builds up in
22 front of the plow, so the weight of that snow
23 increases, and at some point, you know, a pickup
24 truck or, you know, even a small dump truck is not
25 going to have the horsepower to continue pushing

1 the snow uphill, where now you've got to bring in
2 a backhoe or a front end loader to basically, you
3 know, dig out the snow and dump it off, because
4 you're not able to plow it going uphill.

5 ATTORNEY SHERWOOD: The surface of the driveway is
6 proposed to be gravel.

7 THE WITNESS (Trinkaus): Yes.

8 ATTORNEY SHERWOOD: Is that appropriate for a driveway
9 this grade?

10 THE WITNESS (Trinkaus): No, it's not. It is a
11 standard engineering -- a standard that civil
12 engineers use that any driveway over 6 percent
13 should be paved. The reason is that when you get
14 over 6 percent gravel driveways, you will always
15 get what we call vehicle rutting. You know,
16 the -- the path of the tires will create kind of
17 basically two ruts on either side of the center
18 line.

19 Stormwater runoff just from rainfall will
20 begin to erode those paths because you've made a
21 path of least resistance. The gravel then erodes
22 downhill and, you know, may go into the wetlands
23 in this case or, you know, wash off the side of
24 the driveway.

25 So, steep driveways need to be paved simply

1 for a maintenance perspective.

2 ATTORNEY SHERWOOD: We're going back to what you said
3 about water. Where is the water from the driveway
4 going to go ultimately?

5 THE WITNESS (Trinkaus): It -- it will go to the
6 wetland crossing. The original plan where the
7 driveway is located along the west side of the
8 site went pretty much straight downhill and would
9 hit the wetland corridor. The driveway alignment
10 shown on the 12/23/'25 plans comes in --

11 ATTORNEY BALDWIN: Mr. Morissette, Mr. Trinkaus'
12 testimony has to be restricted to his original
13 testimony. Any -- any new testimony regarding the
14 late-file exhibits, he had his opportunity to make
15 those comments long prior to this. That
16 submission was made on December 30th, nearly four
17 months ago.

18 The Washington Montessori school had ample
19 opportunity to have Mr. Trinkaus respond to that
20 and file new testimony, which they chose not to
21 do. He shouldn't have the opportunity to change
22 his testimony now.

23 ATTORNEY SHERWOOD: Mr. Morissette?

24 THE VICE CHAIR: Yes, Attorney Sherwood?

25 ATTORNEY SHERWOOD: You've shown a little leeway to

1 Attorney Baldwin with respect to his examination
2 of Ms. Dorton, and I'd ask for the same leeway in
3 my cross-examination of Mr. Trinkaus.

4 I can, I mean, certainly ask him as a general
5 matter, with the gravel driveway and an existing
6 grade of 18 percent, where the water is going to
7 go and whether he sees any potential issues, and
8 whether water on a driveway of that, of that grade
9 is going to cause erosion and sedimentation of its
10 ultimate outflow.

11 I mean, that's certainly within the scope of
12 his Exhibit 6.

13 THE VICE CHAIR: That certainly is.

14 Attorney Bachman, any opinions on this
15 matter?

16 ATTORNEY BACHMAN: Thank you, Vice Chair Morissette.

17 Certainly, Attorney Sherwood's
18 characterization of his further cross-examination
19 is within the scope of the proceeding and on the
20 application. And if he could just continue, that
21 would be appreciated. Thank you.

22 THE VICE CHAIR: Thank you, Attorney Bachman.

23 Attorney Sherwood, if you could continue in
24 the structure in which you laid out in a
25 generalization based on his pre-filed, please do.

1 ATTORNEY SHERWOOD: Thank you, Mr. Morissette.

2 So, Mr. Trinkaus, how is stormwater -- how
3 would you treat stormwater? How would you treat
4 stormwater effectively in compliance with the 2024
5 manual on when you have a gravel driveway with a
6 slope? Let's say the slope is 18 percent, which
7 is existing, what do you do with the water?

8 How do you -- do you treat it? Do you slow
9 it down? What means are available?

10 THE WITNESS (Trinkaus): Well, you would want to -- the
11 problem with gravel driveways is, you know, you
12 don't have a standard road. A paved surface has a
13 curb on it where you can then install, you know,
14 drainage structures and piping to collect and
15 convey the water, you know, down to the bottom of
16 the hill. A gravel driveway does not have curbing
17 on it.

18 While you can put catch basins on it, the
19 water will find the path of least resistance,
20 which is going to be where the -- the tire
21 movement is, you know, going up and down, whereas
22 the catch basins are set off to the edge of the
23 driveway. So, the water does not go into the
24 catch basins. It continues running down the
25 driveway. There is no effective way to collect it

1 and treat it.

2 In this particular -- in the original
3 submittal, the driveway went, you know, straight
4 down the hill to the wetland corridor. Eroded
5 material over time would simply be discharged to
6 that wetland corridor.

7 There is no way to treat the runoff from a
8 gravel driveway on a grade that's over 12 percent.
9 It's just going to run down the hill and it's
10 going to erode the surface. And --

11 ATTORNEY SHERWOOD: Would the situation -- I'm sorry.
12 I didn't mean to interrupt you.

13 THE WITNESS (Trinkaus): No -- and at in the bottom of
14 the hill, the eroded material will then be
15 deposited at the bottom, and in this case, that
16 would be at the wetland corridor.

17 ATTORNEY SHERWOOD: Would the situation be improved if
18 the driveway were paved?

19 THE WITNESS (Trinkaus): If it was paved, it allows you
20 to have structural drainage on it. Catch basins
21 typically would be every 200 to 250 feet apart
22 with piping in between, which would allow you to
23 collect the water, bring it down to a point
24 somewhere above the wetland crossing, but then
25 would have to be directed to some type of

1 stormwater basin.

2 And there's many types stipulated within the
3 '24 Connecticut DEP manual, which then you could
4 provide treatment at the bottom of the hill.

5 ATTORNEY SHERWOOD: So, if it were paved it would be
6 possible to comply with DEEP's 2024 guidelines for
7 erosion and sedimentation control?

8 THE WITNESS (Trinkaus): Yes.

9 ATTORNEY SHERWOOD: It would be possible. I'm not
10 asking you if you've reviewed it, but
11 theoretically, it would be possible to conform to
12 those?

13 THE WITNESS (Trinkaus): It would be, yes.

14 ATTORNEY SHERWOOD: But it would not be if the driveway
15 were gravel?

16 THE WITNESS (Trinkaus): That is correct.

17 ATTORNEY SHERWOOD: And what is the result of
18 inadequate treatment of stormwater?

19 In other words, what effect is that going to
20 have on the wetlands?

21 THE WITNESS (Trinkaus): Well, in this particular case,
22 you're going to -- construction equipment are
23 going to be your primary vehicles going up and
24 down this and/or maintenance vehicles. You know,
25 all vehicles, between vehicle exhaust and our --

1 the brake system, which would get a workout coming
2 down this hill at 18 percent, you get brake dust
3 that washes, you know, that falls off your
4 vehicle. When it rains, that gets washed, washed
5 downhill.

6 You know, it's metals and you occasionally
7 get very little oil leaks. We're not talking, you
8 know -- you know, a quart of oil, but, you know,
9 drops of oil off the vehicles. But metals and
10 hydrocarbons can be toxic to many aquatic
11 organisms that live in the -- the gravel substrate
12 of the streams. So, that will be discharged into
13 that wetland corridor.

14 In addition, 40 percent of our nutrient
15 loads, nitrogen and phosphorus, come via
16 atmospheric deposition. It's happening right now
17 outside. You don't see it, but again, when it
18 rains, it gets washed off. And phosphorus in a
19 freshwater system is the limiting factor. It
20 provides, you know, food for basically, you know,
21 native and invasive vegetation within streams and
22 wetlands. And you know those invasive plants are
23 very efficient at absorbing the phosphorus and
24 growing much faster than your native species.

25 So, you adversely affect the water quality

1 within the receiving wetland and/or stream system.

2 ATTORNEY SHERWOOD: Thank you, Mr. Trinkaus.

3 I have no further questions, Mr. Morissette.

4 THE VICE CHAIR: Thank you, Attorney Sherwood.

5 We'll now continue to cross-examination of
6 Washington Montessori Association, Inc, by the
7 Area Residents Group. Attorney Coppola?

8 ATTORNEY COPPOLA: After Attorney Sherwood's
9 cross-examination, I do not have any further
10 cross-examination at this time, Mr. Vice Chairman.

11 THE VICE CHAIR: Okay. Thank you.

12 Okay. We'll now move on to the appearance by
13 Area Residents Group. Will the intervener and
14 CEPA interveners present its witness panel for
15 purposes of taking the oath, and we'll have
16 Attorney Bachman administer the oath?

17 Attorney Coppola?

18 ATTORNEY COPPOLA: So, I have a number of folks here.
19 I'm trying to locate them. I think I'll start
20 with Ms. Joslyn Pollock, please.

21 JOSLYN POLLOCK: I'm here.

22 ATTORNEY COPPOLA: Thank you. I'd ask that Attorney
23 Bachman please swear you in, and then I have a few
24 brief questions for you.

25 JOSLYN POLLOCK: Okay.

1 THE VICE CHAIR: Attorney Coppola, we're going to have
2 you swear all of them in at the same time. So,
3 please introduce them, and we'll have Attorney
4 Bachman swear them all together.

5 ATTORNEY COPPOLA: So, would you like me to ask my
6 questions first, or would you prefer if I just
7 name each person and then have her swear them all
8 in together?

9 Is that correct, Mr. Chair -- Vice Chairman?

10 THE VICE CHAIR: That, that is correct.

11 Yes, thank you.

12 ATTORNEY COPPOLA: So, Ms. Pollock has shown herself.

13 I'll ask -- next is Patricia Werner. Would
14 you please confirm you're here?

15 There she is. Take yourself off mute.

16 Thank you. Imad Afiouni, please?

17 IMAD AFIOUNI: Here.

18 ATTORNEY COPPOLA: Ms. Werner is still on mute.

19 Ms. Werner, by the way, if you look in the
20 lower left-hand corner of the screen, you'll see
21 where it says, audio.

22 Thank you. There you go.

23 PATRICIA WERNER: Okay. I'm all set.

24 ATTORNEY COPPOLA: Thank you very much.

25 Wes Haynes, please? Wes Haynes. Looking for

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

6 called as witnesses, being sworn by
7 THE EXECUTIVE DIRECTOR, were examined and
8 testified under oath as follows:

9
10 ATTORNEY BACHMAN: Thank you.

11 THE VICE CHAIR: Thank you, Attorney Bachman.

12 Attorney Coppola, please begin by verifying
13 all the exhibits by the appropriate sworn
14 witnesses.

15 ATTORNEY COPPOLA: Thank you.

16 Joslyn Pollock, please?

17 THE WITNESS (Pollock): Speaking.

18 ATTORNEY COPPOLA: Regarding your pre-filed testimony
19 that was dated December 30, 2025, and identified
20 as ARG Exhibit 9, are you familiar with this
21 document?

22 THE WITNESS (Pollock): I am.

23 ATTORNEY COPPOLA: Is the information contained therein
24 that document true and accurate to the best of
25 your knowledge?

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

2 ATTORNEY COPPOLA: Do you have any changes or revisions
3 to that document?

4 THE WITNESS (Pollock): I do not.

5 ATTORNEY COPPOLA: Do you adopt this document as your
6 testimony in this proceeding today?

7 THE WITNESS (Pollock): Absolutely.

8 ATTORNEY COPPOLA: Thank you.

9 THE VICE CHAIR: Although there's actually two, two
10 documents per; you have the intervener status as
11 Exhibit 1, and then Exhibit 9. Please do have
12 your witnesses do them at the same time, please?

13 ATTORNEY COPPOLA: Bear with me for one moment,
14 Mr. Chairman.

15

16 (Pause.)

17

18 ATTORNEY SHERWOOD: Mr. Chairman, if I may interrupt a
19 minute, please?

20 THE VICE CHAIR: Certainly.

21 ATTORNEY SHERWOOD: I got an e-mail from Mr. Coppola's
22 witness. The first e-mail -- I got two emails.
23 The first one said that he couldn't get in with
24 the Zoom instruction, so I resent them to him just
25 now. And the second one said he's waiting to be

1 admitted. I don't know -- is that possible,
2 Attorney Bachman?

3 THE VICE CHAIR: Thank you.

4 ATTORNEY BACHMAN: He's not in the waiting room,
5 Attorney Sherwood. I haven't seen him pop up.

6 We got Mr. Odom on. He was the last one in
7 the waiting room. But unless Mr. Haynes is
8 identified as Zoom user, Sunday Fisher, Ulrich
9 Vilbois -- they're supposed to identify themselves
10 before they come into the meeting. That's part of
11 the instructions.

12 ATTORNEY SHERWOOD: I'll send him the instructions
13 again. Hopefully he'll be with us shortly.

14 ATTORNEY COPPOLA: Thank you.

15 Bear with me for one moment, Mr. Vice
16 Chairman.

17

18 (Pause.)

19

20 ATTORNEY SHERWOOD: I sent him the link again,
21 Mr. Chairman. It's funny. After all the
22 discussion about qualifications, I can't think of
23 anything I'm less qualified to do than give people
24 computer advice.

25 THE VICE CHAIR: Thank you for trying.

1 ATTORNEY COPPOLA: Thank you.

2 Mr. Vice Chairman, if I may continue with
3 Ms. Pollock?

4 THE VICE CHAIR: If you could do them as a group to
5 move this along and then have them verify it at
6 the end?

7 ATTORNEY COPPOLA: I'll try to go as fast as I can.
8 We're almost done with Ms. Pollock -- if you don't
9 mind?

10 Regarding your application to intervene under
11 Connecticut General Statute 22a-19, which was
12 dated November 25, 2025, are you familiar with
13 this document?

14 THE WITNESS (Pollock): I am.

15 ATTORNEY COPPOLA: Is the information contained therein
16 true and accurate to the best of your knowledge?

17 THE WITNESS (Pollock): Yes.

18 ATTORNEY COPPOLA: Do you have any changes or revisions
19 to that document?

20 THE WITNESS (Pollock): No.

21 ATTORNEY COPPOLA: Do you adopt this document as your
22 testimony in this proceeding today?

23 THE WITNESS (Pollock): Yes, I do.

24 ATTORNEY COPPOLA: Thank you.

25 THE VICE CHAIR: Attorney Coppola, you can do that at

1 the end -- so, for all your witnesses. Just
2 verify each of the Witnesses' documents and then
3 confirm if they're true and accurate at the end,
4 please?

5 ATTORNEY COPPOLA: Okay. Let me try it that way. I'm
6 used to the rules of evidence in court -- but
7 that's fine.

8 I'd like to move forward with Ms. Werner,
9 please?

10 THE WITNESS (Werner): Yes.

11 ATTORNEY COPPOLA: Ms. Werner, regarding your
12 application to intervene under Connecticut General
13 Statute 22a-19, dated November 25, 2025, along
14 with your pre-filed testimony that was dated
15 December 30, 2025, are you familiar with these
16 documents?

17 THE WITNESS (Werner): Yes.

18 ATTORNEY COPPOLA: Is the information contained therein
19 these documents true and accurate to the best of
20 your knowledge?

21 THE WITNESS (Werner): Yes.

22 ATTORNEY COPPOLA: Do you have any changes or revisions
23 to those documents?

24 THE WITNESS (Werner): No.

25 ATTORNEY COPPOLA: Do you adopt these documents as your

1 testimony in this proceeding today?

2 THE WITNESS (Werner): Yes.

3 ATTORNEY COPPOLA: Thank you very much.

4 If I may move on to Mr. Imad Afiouni, please?

5 THE WITNESS (Afiouni): Here.

6 ATTORNEY COPPOLA: Sir, regarding your request to
7 intervene and for CEPA status under Connecticut
8 General Statute 22a-19, dated November 25, 2025,
9 as well as your pre-filed testimony, dated
10 December 30, 2025, are you familiar with these
11 documents?

12 THE WITNESS (Afiouni): I am.

13 ATTORNEY COPPOLA: Is the information contained in
14 these documents true and accurate to the best of
15 your knowledge?

16 THE WITNESS (Afiouni): Yes.

17 ATTORNEY COPPOLA: Do you have any changes or revisions
18 to those documents?

19 THE WITNESS (Afiouni): I don't have any changes.

20 ATTORNEY COPPOLA: And do you adopt these documents as
21 your testimony in this proceeding today?

22 THE WITNESS (Afiouni): Yes, I do.

23 ATTORNEY COPPOLA: Thank you, sir.

24 If I may move forward with Mr. Bolella,
25 please?

1 THE WITNESS (Bolella): Yeah.

2 ATTORNEY COPPOLA: Thank you. Mr. Bolella, regarding
3 your pre-filed testimony, dated December 30, 2025,
4 which is identified as ARG Exhibit 13, are you
5 familiar with this document?

6 THE WITNESS (Bolella): Yes.

7 ATTORNEY COPPOLA: Does this document also include two
8 attachments; Exhibit 1, a copy of your resume; and
9 Exhibit 2, your pre-file -- I'm sorry, your
10 preliminary traffic review analysis?

11 THE WITNESS (Bolella): Yes.

12 ATTORNEY COPPOLA: Regarding your supplemental
13 pre-filed testimony, dated February 10, 2026,
14 identified as ARG Exhibit 14, are you familiar
15 with this document?

16 THE WITNESS (Bolella): Yes, I am.

17 ATTORNEY COPPOLA: Does this document include an
18 attachment, which is your traffic and access
19 evaluation, dated February 2, 2025?

20 THE WITNESS (Bolella): Yes, it does.

21 ATTORNEY COPPOLA: Is the information contained in
22 these documents true and accurate to the best of
23 your knowledge?

24 THE WITNESS (Bolella): Yes.

25 ATTORNEY COPPOLA: Do you have any changes or

1 revisions --

2 THE VICE CHAIR: Mr. Bolella also has an Exhibit Number
3 15.

4 ATTORNEY COPPOLA: Thank you, Mr. Vice Chairman.

5 Yeah, and let me also please ask you,
6 Mr. Bolella, regarding your supplemental
7 pre-file -- if I may just have one moment,
8 Mr. Chairman?

9 Mr. Vice Chairman, the supplemental pre-filed
10 testimony that was submitted on April 13, 2026, on
11 this, on the system is actually the wrong
12 document. What's uploaded, there seems to be the
13 testimony from February 10th. So, just bear with
14 me for one moment, please?

15 ATTORNEY BACHMAN: Vice Chair Morissette, if I can
16 assist?

17 ATTORNEY COPPOLA: Thank you.

18 ATTORNEY BACHMAN: The pre-filed testimony of Garrett
19 Bolella that was dated February 10, 2026, was
20 resubmitted by Attorney Coppola's office on April
21 13, 2026.

22 There was no indication as to whether or not
23 there were modifications to the testimony, but in
24 an exercise of full caution and due process, we
25 added it to the exhibit list to ensure that it is,

1 in fact, the same.

2 Or if it's not, we have two.

3 ATTORNEY COPPOLA: Well, thank you for being thorough,
4 which is always, I think, the best approach and
5 also which is why I was confused now that you've
6 confirmed what happened here.

7 So, I'm going to ask anyways. Mr. Bolella,
8 regarding your supplemental pre-filed testimony
9 dated -- or submitted on April 13, 2026, are you
10 familiar with this document?

11 THE WITNESS (Bolella): Yes.

12 ATTORNEY COPPOLA: Thank you. Mr. Bolella, with regard
13 to all the documents that I just asked you about,
14 is the information contained therein those
15 documents true and accurate to the best of your
16 knowledge?

17 THE WITNESS (Bolella): Yes.

18 ATTORNEY COPPOLA: Do you have any changes or revisions
19 to those documents?

20 THE WITNESS (Bolella): No, I do not.

21 ATTORNEY COPPOLA: And do you adopt these documents as
22 part of your testimony in this proceeding today?

23 THE WITNESS (Bolella): Yes, I do.

24 ATTORNEY COPPOLA: And do you wish to adopt these
25 documents as full exhibits?

1 THE WITNESS (Bolella): Yes.

2 ATTORNEY COPPOLA: Mr. Vice Chairman, I would offer all
3 of the exhibits as full exhibits.

4 THE VICE CHAIR: Well, that actually took much too long
5 to get through that.

6 Your witness, Wes Haynes, I understand is
7 with us. If we could swear him in?

8 ATTORNEY COPPOLA: Mr. Haynes, please?

9 Thank you, sir. Regarding your pre-filed
10 testimony, dated December 30, 2025 --

11 ATTORNEY BACHMAN: Attorney Coppola, I think Mr. Haynes
12 needs to be put under oath --

13 ATTORNEY COPPOLA: Oh, thank you for reminding me.

14 ATTORNEY BACHMAN: -- since he wasn't present when
15 everyone else was put under oath.

16 ATTORNEY COPPOLA: Thank you.

17 ATTORNEY BACHMAN: Mr. Haynes, could you please raise
18 your right hand?

19 W E S H A Y N E S,

20 called as a witness, being sworn by

21 THE EXECUTIVE DIRECTOR, was examined and
22 testified under oath as follows:

23

24 ATTORNEY BACHMAN: Thank you very much.

25 THE VICE CHAIR: Attorney Coppola, please continue.

1 ATTORNEY COPPOLA: Thank you.

2 Mr. Haynes, regarding your pre-filed
3 testimony, dated December 30, 2025, identified as
4 ARG Exhibit 12, are you familiar with this
5 document?

6 THE WITNESS (Haynes): Yes, I am.

7 ATTORNEY COPPOLA: Does this document include two
8 attachments; Exhibit 1, a copy of your resume; and
9 Exhibit 2, a report addressed to me regarding this
10 siting council docket?

11 THE WITNESS (Haynes): Yes.

12 ATTORNEY COPPOLA: Is the information contained therein
13 true and accurate to the best of your knowledge?

14 THE WITNESS (Haynes): Yes.

15 ATTORNEY COPPOLA: Do you have any changes or revisions
16 to that document?

17 THE WITNESS (Haynes): Just one, that I, if --
18 subsequent research has shown that I believe that
19 the property at 7 Warren Road is eligible for the
20 National Register based on documentation of its
21 association with the Underground Railroad.

22 ATTORNEY COPPOLA: Thank you for that additional
23 information. And do you wish to have that
24 additional information supplement your testimony,
25 your pre-filed testimony in this docket?

1 THE WITNESS (Haynes): Yes.

2 ATTORNEY COPPOLA: Beyond that supplemental testimony
3 that you just provided, do you have any further
4 changes or revisions to your pre-filed testimony
5 in this docket?

6 THE WITNESS (Haynes): No.

7 ATTORNEY COPPOLA: Do you adopt this document as your
8 testimony in this proceeding today?

9 THE WITNESS (Haynes): Yes.

10 ATTORNEY COPPOLA: Thank you.

11 And I believe we just went a little bit of
12 out of order, but I think we just have to address
13 Mr. Odom, I believe.

14 Bear with me one moment, please.

15 Oh, no. Actually, I think we -- we have
16 everybody who's filed the pre-file testimony. So,
17 I have nothing -- I think we -- at this point
18 here, Mr. Vice Chairman, we present our panel.

19 THE VICE CHAIR: Thank you.

20 Does any party or intervener object to the
21 admission to the Area Residents Group's exhibit?

22 Attorney Baldwin?

23 ATTORNEY BALDWIN: Thank you, Vice Chairman Morissette.

24 I don't have an objection to the exhibits
25 that have been verified by the six witnesses

1 listed in the hearing program.

2 But there are -- Exhibits 5, 6, 7 and 8 don't
3 have a corresponding witness associated with
4 those. So, I would ask that they be excluded from
5 the witness list -- from the exhibit list.

6 THE VICE CHAIR: Thank you, Attorney Baldwin.

7 Attorney Bachman, I presume that we're going
8 to include that as -- I'll let you fill in the
9 blanks. Thank you.

10 ATTORNEY BACHMAN: Thanks, Vice Chair Morissette.

11 Those exhibits will be considered as written
12 limited appearance statements.

13 THE VICE CHAIR: Very good. Thank you.

14 ATTORNEY BACHMAN: They are not subject to
15 cross-examination. Thank you.

16 THE VICE CHAIR: Very good. Those exhibits identified
17 will be included as written statements by the
18 party and not included as testimony.

19 First Selectman Brinton, please?

20

21 (No response.)

22

23 THE VICE CHAIR: First Selectperson, LaCava, is there
24 any objection to the Area Residents Group's
25 exhibits? First Selectperson, LaCava?

1 (No response.)

2

3 THE VICE CHAIR: Attorney Sherwood?

4 ATTORNEY SHERWOOD: No objection, Mr. Morissette.

5 THE VICE CHAIR: Thank you. Attorney Mortelliti?

6 ATTORNEY MORTELLITI: No objections, Vice Chairman
7 Morissette. Thank you.

8 THE VICE CHAIR: Thank you. The exhibits are hereby
9 admitted.

10 We'll now begin with cross-examination of the
11 Area Residents Group by the Council, starting with
12 Mr. Mercier, followed by Ms. Hall.

13 Mr. Mercier?

14 MR. MERCIER: Yes, I have no questions. Thank you.

15 THE VICE CHAIR: Thank you.

16 We will continue with cross-examination by
17 Ms. Hall, followed by Mr. Carter. Ms. Hall?

18 MS. HALL: No questions. Thank you.

19 THE VICE CHAIR: Thank you.

20 We'll continue with cross-examination by
21 Mr. Carter, followed by Dr. Williams.

22 MR. CARTER: Thank you, Mr. Vice Chair.

23 I have no questions.

24 THE VICE CHAIR: Thank you.

25 We'll continue the cross-examination by

1 Dr. Williams, followed by Mr. Golembiewski.

2 Dr. Williams?

3 DR. WILLIAMS: Thank you. No questions.

4 THE VICE CHAIR: Thank you.

5 We'll continue cross-examination by

6 Mr. Golembiewski.

7 MR. GOLEMBIEWSKI: Thank you. I have no questions.

8 THE VICE CHAIR: Thank you.

9 Mr. Syme?

10

11 (No response.)

12

13 THE VICE CHAIR: Mr. Lynch?

14

15 (No response.)

16

17 THE VICE CHAIR: And I have no questions.

18 We'll continue with cross-examination of the

19 Area Residents Group by the Applicant.

20 Attorney Baldwin?

21 ATTORNEY BALDWIN: Thank you, Vice Chair Morissette.

22 Just two quick questions -- or maybe three, for

23 Ms. Pollock.

24 Ms. Pollock, you reside at 252 Woodville

25 Road. Is that correct?

1 THE WITNESS (Pollock): I do, correct.

2 ATTORNEY BALDWIN: And as discussed earlier with the
3 Washington Montessori School, you operate a
4 business out of that property called Arbor
5 Associates. Is that correct?

6 THE WITNESS (Pollock): It's Arbor Services of
7 Connecticut. Yes.

8 ATTORNEY BALDWIN: Thank you. I stand corrected.
9 Thank you.

10 THE WITNESS (Pollock): No problem.

11 ATTORNEY BALDWIN: In your testimony, you said that you
12 and your husband employ 14 individuals that come
13 to the property on a daily basis. So, 14
14 employees drive in, in the morning and then 14
15 employees presumably drive out in the afternoon?

16 THE WITNESS (Pollock): One by one, yes.

17 ATTORNEY BALDWIN: And then, I assume, throughout the
18 day they may come and go based on what jobs they
19 might be working on at a particular time?

20 THE WITNESS (Pollock): Very little. There they
21 usually leave in the morning and come back in the
22 afternoon.

23 ATTORNEY BALDWIN: But they come to the site, maybe
24 pick up a truck, drive it out to a site, a job
25 that they're working on? Is that how it works?

1 THE WITNESS (Pollock): Correct.

2 ATTORNEY BALDWIN: Okay. So, at a minimum, we're
3 talking about 28 trips in and out of your
4 driveway, to the extent you know. Does your --

5 ATTORNEY COPPOLA: Objection, Mr. Vice Chairman.

6 ATTORNEY BALDWIN: I haven't asked a question yet.

7 ATTORNEY COPPOLA: This has no relevance to this
8 application.

9 ATTORNEY BALDWIN: Again, we're getting there.

10 ATTORNEY COPPOLA: Well, we're far from it. Could we
11 please have a ruling on my objection?

12 THE VICE CHAIR: Sustained. Please continue. You're
13 on a short spring here, though, Attorney Baldwin.

14 ATTORNEY BALDWIN: Understood.

15 Ms. Pollock, to the extent that you know,
16 does the commercial driveway that uses your
17 business comply with sightline requirements for
18 the Connecticut DOT?

19 ATTORNEY COPPOLA: Objection. This is far from being
20 relevant to the subject of this application.
21 Anybody who read this agenda wouldn't anticipate
22 questions regarding the neighbors -- the
23 compliance with the neighbors' property pertaining
24 to the DOT regulations.

25 This is far -- this is far from being

1 relevant to the subject application.

2 ATTORNEY BALDWIN: Mr. Morissette, I disagree, that the
3 traffic concerns on Warren Road have been a major
4 issue in this proceeding. And I think it's wholly
5 relevant to know what the other potential impacts
6 might be of traffic on Warren Road, and that's the
7 impetus of the questions.

8 ATTORNEY BACHMAN: Thank you, Attorney Baldwin.

9 Attorney Bachman?

10 ATTORNEY BALDWIN: If she doesn't know, she doesn't
11 know.

12 ATTORNEY COPPOLA: Well, if I may also --

13 THE WITNESS (Pollock): I didn't say I didn't know.

14 THE VICE CHAIR: I'm calling on Attorney Bachman.

15 ATTORNEY COPPOLA: I'd ask Ms. Pollock to not respond,
16 please.

17 THE VICE CHAIR: I'm calling on Attorney Bachman.

18 ATTORNEY BACHMAN: Thank you, Vice Chair Morissette.

19 I agree with Attorney Baldwin. There have
20 been a lot of driveway questions, impacts on the
21 state road sightline issues. And certainly, it's
22 fair game to ask a property owner if their
23 driveway complies with state regulation.

24 Thank you.

25 THE VICE CHAIR: Thank you, Attorney Bachman.

1 And to the extent that the Witness knows or
2 not -- so, the objection is overruled.

3 Attorney Baldwin, please continue.

4 ATTORNEY BALDWIN: That that's my question, is just
5 whether she -- she has any knowledge as to whether
6 the existing commercial driveway entering her
7 property satisfies the state DOT sightline
8 standards?

9 THE WITNESS (Pollock): Yes, it does. I just want to
10 say my business was established 37 years ago.
11 I've lived here for --

12 ATTORNEY BALDWIN: Ms. Pollock, that's not the
13 question.

14 THE WITNESS (Pollock): Okay. I have permits for what
15 I am doing here from the DOT.

16 ATTORNEY BALDWIN: That's not -- that's not my concern.
17 I don't doubt you have permits. I just simply
18 asked if you knew, and you answered my question.
19 So, thank you.

20 Nothing further, Vice Chair Morissette.

21 THE VICE CHAIR: We'll now continue cross-examination
22 of the Area Residents Group by the Town of
23 Washington. First Selectperson Brinton?

24

25

(No response.)

1 THE VICE CHAIR: We'll continue with cross-examination
2 of the Area Residents Group by the Town of Warren.
3 First Selectperson LaCava?

4

5 (No response.)

6

7 THE VICE CHAIR: We'll continue with cross-examination
8 of Area Residents Group by Steep Rock Association,
9 Inc, by Attorney Sherwood. Attorney Sherwood?

10 ATTORNEY SHERWOOD: Thank you, Mr. Morissette. I have
11 some questions for Mr. Bolella.

12 Mr. Bolella, as you know, I represent Steep
13 Rock Association. I've reviewed your pre-filed
14 testimony.

15 You're a traffic engineer. Is that correct?

16 THE WITNESS (Bolella): That's correct.

17 ATTORNEY SHERWOOD: And as you, I'm sure, are aware,
18 we're concerned -- at least some of us are
19 concerned about the sightline from the access
20 driveway on the -- at the site of the proposed
21 tower to Warren Road, which is State Route 341.

22 So, would you tell us, for purposes of
23 obtaining an encroachment permit from the DOT --
24 withdrawn.

25 Is there any municipal requirement with

1 respect to encroachment permits on state highways,
2 or is the jurisdiction exclusively state
3 jurisdiction?

4 THE WITNESS (Bolella): So the jurisdiction is
5 exclusively state jurisdiction through --

6 ATTORNEY SHERWOOD: So, if you were --

7 THE WITNESS (Bolella): There -- there is an
8 encroachment permit with the District 4 office.

9 ATTORNEY SHERWOOD: So, if you were applying for an
10 encroachment permit from the site of the proposed
11 tower, and you had to determine what the sightline
12 was, at what point would you measure the sightline
13 from the property?

14 THE WITNESS (Bolella): So, per the CT DOT Highway
15 Design Manual, it's required to be 15 feet off the
16 edge of roadway, or 15 feet set back from the edge
17 of the roadway.

18 ATTORNEY SHERWOOD: So, we're talking about the edge of
19 the pavement?

20 THE WITNESS (Bolella): The edge of the pavement, yes.

21 ATTORNEY SHERWOOD: And at what speed or on what speed
22 is an intersection sight distance analysis based
23 under DOT regulations?

24 In other words -- and I don't know if you've
25 listened to the other testimony, but there's been

1 discussion or testimony with respect to assuming
2 that cars are traveling at the speed limit,
3 assuming that cars are traveling at the 85th
4 percentile speed, which is considerably greater
5 than the speed limit.

6 In your professional opinion, what -- at what
7 speed would you be assuming vehicles are traveling
8 for purposes of determining whether or not the
9 sightline was adequate from the site?

10 THE WITNESS (Bolella): So, Conn DOT standard and
11 industry best practice is to utilize the 85th
12 percentile speed, which is the widely accepted
13 operating speed of the roadway.

14 ATTORNEY SHERWOOD: Would the posted speed play any
15 role in the DOT's determination with respect to
16 whether or not to issue an encroachment permit?

17 THE WITNESS (Bolella): So, the DOT collects both the
18 posted speed and the 85th percentile speed. In
19 the absence of available 85th percentile speed or
20 speed data for the roadway, they typically assume
21 an 85th percentile speed of 10 miles per hour over
22 the speed limit, or they will typically ask the
23 applicant to collect speed.

24 And in this particular instance, there is a
25 Conn DOT traffic monitoring station that's located

1 at the Warren and the Washington town line, which
2 is immediately adjacent to the site. That has
3 data that DOT would consult when looking at the
4 appropriate intersection sight distance for the
5 proposed driveway at the site.

6 ATTORNEY SHERWOOD: In your professional opinion, would
7 it be possible to put an access driveway on the
8 proposed tower site, anywhere on the proposed
9 tower site that would meet intersection sight
10 distance requirements established by the DOT?

11 THE WITNESS (Bolella): Per the CT DOT, the highway
12 design manual, any driveway other than a
13 single-family residential dwelling unit would be
14 required to meet intersection sight distance based
15 on the 85th percentile speed. So, any commercial
16 or multi-residential driveway would have to meet
17 those ISD requirements.

18 And you know, it's my professional opinion
19 that based on the available distance provided by
20 the Applicant, that there is an adequate sight
21 distance to safely accommodate an access drive on
22 the site.

23 ATTORNEY SHERWOOD: Now, we've heard quite a bit about
24 the possibility of obtaining a design exception so
25 that the proposed access road could be located on

1 the site and an encroachment permit could be
2 obtained. How are -- and do you have any
3 familiarity with design exceptions in the context
4 of encroachment permits?

5 THE WITNESS (Bolella): I do.

6 ATTORNEY SHERWOOD: And would you explain what the
7 process is, please?

8 THE WITNESS (Bolella): So, the Applicant would have to
9 provide -- they would have to collect or provide
10 the speed data from the Warren count station and
11 provide the required intersection sight distance
12 for that location.

13 And they would have to also provide the
14 distance that they believe is available with
15 and -- with or without mitigation and show that
16 deviation from both the 85th percentile speed and
17 the posted speed limit on that road for Conn DOT
18 to make a determination whether the driveway can
19 be safely accommodated for the -- the design
20 vehicle type.

21 So, in this instance, I believe the Applicant
22 identified both passenger cars and single-unit
23 trucks would be utilizing this driveway. So, the
24 intersection sight distances would -- that they
25 can provide would have to be provided for those

1 vehicles as well.

2 ATTORNEY SHERWOOD: Would the DOT take into account
3 the -- I want to say frequency of use. The amount
4 of use of the driveway, would that be a factor
5 taken into account?

6 THE WITNESS (Bolella): It -- it may be taken into
7 account. Ultimately, the CT DOT, the district
8 office has the discretion and they are responsible
9 per the -- providing a safe driveway, not only for
10 vehicles that are exiting the site to safely turn
11 left or turn right, or merge with traffic, but
12 also for those vehicles not to affect the
13 traveling public, whether they're coming eastbound
14 or southbound, requiring them to slow down or come
15 to a complete stop when they're leaving that
16 driveway.

17 ATTORNEY SHERWOOD: In other words, cars traveling on
18 the roadway that may have -- or have a potential
19 problem with cars exiting the site?

20 THE WITNESS (Bolella): Correct. If there's not -- if
21 there isn't a clear sight triangle from the site
22 driveway to the left and right on the roadway, I
23 believe the DOT would also be concerned with the
24 stopping sight distance of drivers heading both
25 eastbound and westbound, making sure that they

1 have the appropriate distance to come to a
2 complete stop if on the -- a vehicle is exiting
3 the site unexpectedly.

4 ATTORNEY SHERWOOD: Now, you said that an applicant for
5 an exception for an encroachment permit would have
6 to provide sight distances with and without
7 mitigation. What -- would you tell us what
8 mitigation would constitute?

9 THE WITNESS (Bolella): Yeah. So, in addition to
10 providing the actual calculated values for
11 intersection sight distance, they would be
12 required to submit an engineer drawing with a
13 survey showing the calculations of clear sight
14 triangles.

15 So, one point of that triangle is measured 15
16 feet back from the edge of the pavement at the
17 location of the access drive. And then another
18 leg of the triangle is measured along the road,
19 the required intersection sight distance for the
20 speeds on that roadway. And then those two dots
21 are connected.

22 In this case, they are connected across a
23 horizontal curve in the road, which the clear
24 sight triangle will extend, not only along the
25 roadside of the state right-of-way, but it will

1 also extend over private properties to the north
2 and both the south if it is to meet those required
3 intersection sight distances.

4 **ATTORNEY SHERWOOD:** So, with respect to the sight
5 distances, I'm going to say to the left -- in
6 other words, when you're pulling out of the
7 property and heading left, would the -- if the
8 Applicant or the owner of the property applied for
9 an encroachment permit and asked for an exception
10 for sight distances, would DOT require clearing on
11 the property, which is a subject of the proposed
12 tower, in your opinion?

13 **THE WITNESS (Bolella):** Yes, to require the removal of
14 all vegetation, whether that be trees or lighter
15 vegetation, that requires clearing and grubbing.

16 But nothing can exceed a height greater than
17 two feet above the line, the driver's line of
18 sight to the left.

19 **ATTORNEY SHERWOOD:** And that would be within the sight
20 triangle as you've described it?

21 **THE WITNESS (Bolella):** Yes.

22 **ATTORNEY SHERWOOD:** And --

23 **THE WITNESS (Bolella):** And that would include any
24 necessary regrading along the site as well to make
25 sure that they have a clean line of sight to the

1 left on the roadway to see an oncoming vehicle
2 headed east down the hill.

3 ATTORNEY SHERWOOD: And taking a right out of the
4 driveway, there is what looks to be a structure, a
5 barn immediately adjacent to the driveway. Is
6 that something that would have to be removed?

7 THE WITNESS (Bolella): Yeah. Typically, you know, per
8 the CT DOT Highway Design Manual, any structure is
9 not allowed to be within the line of sight and
10 within that clear sight triangle, including any --
11 any structures like the barn.

12 ATTORNEY SHERWOOD: The property owner of the site of
13 the proposed tower also owns the property
14 immediately to the left of that property.

15 Would the DOT require clearing on that
16 property also, in your opinion?

17 THE WITNESS (Bolella): I believe it would. If the DOT
18 is going to look at the 85th percentile speeds on
19 that road, the required intersection site
20 distance, I believe, would extend beyond that
21 property into the subsequent property to the north
22 as well.

23 Based on the -- the response to the
24 interrogatives, I believe based on 65 miles per
25 hour, you know, rounding up to the nearest

1 five-mile-per-hour speed limit, for a passenger
2 car it would be required to be 720 feet to the
3 left. And for a single-unit truck, which they
4 identified using the site, it would be 910 feet to
5 the left down the roadway.

6 And that site triangle would impact the
7 property to the north and likely the property
8 beyond that as well.

9 ATTORNEY SHERWOOD: So, that site distance would be
10 effectively one leg of the triangle. Correct?

11 THE WITNESS (Bolella): Uh-huh.

12 ATTORNEY SHERWOOD: Is that a yes?

13 THE WITNESS (Bolella): That is correct. Yes.

14 Yes, that's correct.

15 ATTORNEY SHERWOOD: Thank you, Mr. Bolella.

16 I don't have any further questions of
17 Mr. Bolella, Mr. Chairman. I have a few questions
18 for Mr. Haynes. Is he with us?

19 THE VICE CHAIR: Mr. Haynes?

20 THE WITNESS (Haynes): I'm here.

21 ATTORNEY SHERWOOD: Thank you, Mr. Haynes. Mr. Haynes,
22 you meet the Secretary of the Interior's criteria
23 as an expert in historic resources. Correct?

24 THE WITNESS (Haynes): Yes, I -- I meet Section 37 --
25 67 CFR of the Secretary of the Interior's

1 standards for history and architectural history.

2 ATTORNEY SHERWOOD: And in your professional opinion,
3 would a cell tower such as the one proposed at 17
4 Warren Road cause an adverse impact on historic
5 properties within its viewshed?

6 THE WITNESS (Haynes): Yes.

7 ATTORNEY SHERWOOD: And would you explain why that's
8 your opinion? Why do you believe that?

9 THE WITNESS (Haynes): That the -- there are two types
10 of impacts, direct and indirect impacts on
11 historic resources. Indirect impacts are visual
12 impacts that don't touch the site or the
13 archeology of the site, and -- but they tend to
14 diminish the appreciation and the setting of
15 the -- of the historic resource.

16 That this would impact several houses and a
17 couple of former houses of worship directly -- no,
18 indirectly, visually at the -- in Woodville, in
19 the Woodville region.

20 ATTORNEY SHERWOOD: Are visual impacts considered in
21 evaluating the value of an historic property?

22 THE WITNESS (Haynes): Yes, they are.

23 ATTORNEY SHERWOOD: I don't know if you heard the
24 testimony of Michael Libertine. He was the
25 Applicant's consultant who prepared the visual

1 assessment.

2 He was asked about how he prepared the
3 assessment and what properties he took into
4 account. And he explained that you're required to
5 review or, according to him, he was required to
6 review the State Historic Preservation Office
7 records and the -- with respect to state-listed
8 properties and the National Register records with
9 respect to nationally listed properties and
10 districts.

11 And he testified, quote -- this is at page 19
12 of the February 24, 2026 transcript. He
13 testified, quote, we work with another consultant
14 who maintains a weekly update of SHPO's files
15 rather than going to the state offices, which is
16 not always accessible. And so, that information
17 is culled and reviewed. It's actually inventoried
18 on a routine basis. We also go to the National
19 Register website and review that and also the
20 state register as well.

21 In your professional endeavors, have you had
22 occasion to review the State Historic Preservation
23 Office files?

24 THE WITNESS (Haynes): Yes, I have.

25 ATTORNEY SHERWOOD: Have you ever had any difficulty

1 gaining access to those files?

2 THE WITNESS (Haynes): No, I haven't.

3 ATTORNEY SHERWOOD: As I'm -- or as your pre-filed
4 testimony indicates, there is an historic building
5 almost directly across from the site at 7 Warren
6 Road. Are you familiar with that property?

7 THE WITNESS (Haynes): Yes, I am.

8 ATTORNEY SHERWOOD: Would you explain to the Council
9 the significance that that property has, please?

10 THE WITNESS (Haynes): The property has architectural
11 significance as an unusual building of the -- of
12 the early Republic period in Connecticut. And it
13 has a lot of integrity from that period as well.

14 Overlaid on that, it also has historical
15 significance as for its association with the
16 Underground Railroad. The -- Woodville was on the
17 route of the Underground Railroad, what is
18 documented as such between New Milford and
19 Litchfield. And -- and this site does have
20 written documentation from an eyewitness from the
21 period that it was used as the Underground
22 Railroad.

23 Historic resources are -- are designated
24 because they tell a story and the story of the
25 Underground Railroad is very important in

1 Connecticut. So, it has the architectural
2 significance for an historic resource and it -- it
3 has a great story behind it, besides being built
4 by a pioneer of the iron industry, which was the
5 major industry in what's called today the
6 Salisbury District.

7 That was a tri-state region where iron was
8 mined and -- and turned into pig iron on very
9 primitive means. It was used during the American
10 Revolution. The family that built this house was
11 very involved with that.

12 So, historic significance as well as
13 architectural significance.

14 ATTORNEY SHERWOOD: And in your professional opinion,
15 would -- if the tower is constructed as proposed,
16 would the fact that you can see the proposed cell
17 tower from 7 Warren Road have any effect or
18 influence on the value of the property?

19 THE WITNESS (Haynes): Yes, it would, because if you
20 were to visit the site, it would be part, become
21 part of the permanent viewshed from the site
22 outward, and really kind of take you out of the
23 period of time that it's significant for and place
24 you in the -- the present.

25 The site is otherwise very rural and rustic,

1 and probably very similar to what it looked like
2 in the -- when it was built in the early 19th
3 century.

4 ATTORNEY SHERWOOD: So, there isn't anything in the
5 current viewshed comparable to the proposed
6 towers. Is that your testimony?

7 THE WITNESS (Haynes): No, this is a very scenic part
8 of -- of the state of Connecticut that's known for
9 its scenery, and there's nothing that -- that
10 would intrude upon that from the -- the site.

11 ATTORNEY SHERWOOD: In my last question I'm going to
12 read you another quote from Mr. Libertine, the
13 Applicant's consultant who did the visual
14 assessment. This is at page 30 of the 2/24/'26
15 transcript.

16 Quote, my experience on these types of
17 projects where we're looking at the historical
18 significance is that it's -- in this case, where
19 he cites strong architectural integrity -- my
20 experience suggests that a listing, if it were to
21 be listed, would be based primarily on the
22 architectural components.

23 And so, having a view from the property that
24 might be listed on the Historic National Register
25 doesn't necessarily mean that there's going to be

1 some type of an adverse impact, end quote.

2 Do you agree with that statement?

3 **THE WITNESS (Haynes):** No, I don't, because the
4 architecture is part of its time. It expresses
5 its original time. And the -- the tower will be a
6 visual intrusion upon understanding that or
7 feeling that association with its historic time.
8 And -- and it wouldn't have existed during the
9 early iron industry as well.

10 So, it's -- it's -- it is, and I disagree
11 with -- with his quote.

12 **ATTORNEY SHERWOOD:** Thank you, Mr. Haynes.

13 Mr. Morissette, I have no other questions of
14 these witnesses. Thank you.

15 **ATTORNEY BACHMAN:** We'll continue the cross-examination
16 of the Area Residents Group by the Washington
17 Montessori Association, Inc. Attorney Mortelliti?

18 **ATTORNEY MORTELLITI:** Thank you, Vice Chair Morissette.

19 I just have one quick question for Ms. Pollock.

20 Good afternoon, ma'am.

21 **THE WITNESS (Pollock):** Good afternoon.

22 **ATTORNEY MORTELLITI:** I want to first thank you. There
23 was some testimony earlier about a positive
24 relationship with the Montessori school. So,
25 thank you for the relationship.

1 My question to you is just one for my own
2 edification/clarification. Are any of the
3 structures associated with your business adjacent
4 to the school above the treeline, to the best of
5 your knowledge?

6 THE WITNESS (Pollock): Adjacent to -- and then I
7 didn't hear the last part.

8 ATTORNEY MORTELLITI: Sorry. I'll rephrase the
9 question. Are any structures associated with your
10 business above the existing treeline?

11 THE WITNESS (Pollock): Not that I'm aware of, no.

12 ATTORNEY MORTELLITI: Okay. To the best of your
13 knowledge, do you know?

14 THE WITNESS (Pollock): To the best of my knowledge?
15 No.

16 ATTORNEY MORTELLITI: Okay. And there is some -- there
17 is some buffering in terms of trees between your
18 property and the Montessori School property?

19 THE WITNESS (Pollock): Yes.

20 ATTORNEY MORTELLITI: Okay. All right. Thank you,
21 Ms. Pollock.

22 No further questions, Vice Chair Morissette.
23 Thank you.

24 THE VICE CHAIR: Thank you, Attorney Mortelliti.

25 We'll now move on to the appearance of the

1 Town of Washington. The Town of Washington did
2 not appear during the April 14, 2026, evidentiary
3 hearing session for cross-examination on its
4 exhibits when called upon.

5 Is the Town of Washington available today?
6 Selectman Brinton? Selectman Brinton?

7

8 (No response.)

9

10 THE VICE CHAIR: Okay. Hearing no response, in the
11 absence of cross-examination, the town exhibits
12 shall become municipal comments in the record for
13 this proceeding.

14 Okay. Well, thank you, everyone, all the
15 panels and the attorneys involved, for your
16 cooperation this afternoon. We therefore will
17 move to the closing.

18 Before closing this hearing, the Connecticut
19 Siting Council announces that briefs and proposed
20 findings of fact may be filed with the Council by
21 any party or intervener no later than May 28,
22 2026. The submission of briefs or proposed
23 findings of fact are not required by this Council.
24 Rather, we leave it to the choice of the parties
25 and interveners.

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Anyone who has not become a party or intervener, but who desires to make his or her views known to the Council may file written statements with the Council within 30 days of the date hereof.

The Council will issue draft findings of fact, and thereafter the parties and interveners may identify errors and/or inconsistencies between the Council's draft findings of fact and the record. However, no new information, no new evidence, no arguments, and no reply briefs without our permission will be considered by the Council.

Copies of the transcript of this hearing will be filed at the Washington Town Clerk's office.

I hereby declare this hearing adjourned, and thank you, everyone, for your participation.

And enjoy the evening. It's beautiful out.

Thank you.

(End: 4:41 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 132 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the REMOTE TELECONFERENCE MEETING of THE CONNECTICUT SITING COUNCIL CONTINUED EVIDENTIARY HEARING In Re: DOCKET NO. 543, THE TOWERS, LLC, APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY AND ASSOCIATED EQUIPMENT LOCATED AT 17 WARREN ROAD, WASHINGTON (NEW PRESTON), CONNECTICUT, which was held before JOHN MORISSETTE, THE VICE CHAIR, on April 28, 2026.



Robert G. Dixon, CVR-M 857
Notary Public
My Commission Expires: 6/30/2030

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