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STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Docket No. 543

The Towers, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility and associated equipment located at 17 Warren Road, Washington (New Preston), Connecticut.

Continued Public Hearing held on Tuesday, April 14, 2026, beginning at 2 p.m., via Zoom.

H e l d   B e f o r e :

JOHN MORISSETTE, Vice Chair

Reporter: Lisa L. Warner, CSR #061

1    A p p e a r a n c e s :

2            Council Members:

3            BRIAN GOLEMBIEWSKI  
4            Designee for Commissioner Katie Dykes,  
            Department of Energy and  
            Environmental Protection

5  
6            CHANCE CARTER

7            KHRISTINE HALL

8            BILL SYME

9            DR. SCOTT C. WILLIAMS

10           DANIEL P. LYNCH, JR.

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

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

2 THE VICE CHAIR: Good afternoon, ladies  
3 and gentlemen. This continued evidentiary hearing  
4 session is called to order this Tuesday, April 14,  
5 2026, at 2 p.m. My name is John Morissette, Vice  
6 Chair of the Connecticut Siting Council.

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

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

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

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

22 This evidentiary session is a  
23 continuation of the public hearing held on  
24 December 4, 2025, January 13, 2026, and February  
25 24, 2026. It is held pursuant to the provisions

1 of Title 16 of the Connecticut General Statutes  
2 and of the Uniform Administrative Procedure Act  
3 upon The Towers, LLC for a Certificate of  
4 Environmental Compatibility and Public Need for  
5 the construction, maintenance, and operation of a  
6 telecommunications facility and associated  
7 equipment located at 17 Warren Road in Washington,  
8 Connecticut.

9 A verbatim transcript will be made of  
10 this hearing and deposited with the Washington  
11 Town Clerk's Office for the convenience of the  
12 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  
16 before we get started. Area Residents Group,  
17 Steep Rock Association, Inc. and the Washington  
18 Montessori Association, Inc. Joint Motion for  
19 Order to Compel Production of Documents, dated  
20 April 13, 2026. Attorney Bachman may wish to  
21 comment.

22 Attorney Bachman, good afternoon.

23 ATTORNEY BACHMAN: Good afternoon, Vice  
24 Chair Morissette, and thank you. Yesterday, 48  
25 days after the February 24, 2026 continued

1 evidentiary hearing, ARG, SRA and WMA submitted a  
2 joint motion for an order from the Council to  
3 compel the applicant to produce documents prepared  
4 or relied upon by the applicant pertaining to the  
5 viability of small cells as an alternative to the  
6 proposed facility, claiming a due process  
7 violation.

8           The applicant has not had a chance to  
9 respond to this Late-Filed motion. And pursuant  
10 to Regulations of Connecticut State Agencies  
11 Section 16-50j-22a, the applicant may respond to  
12 the Late-Filed motion during the hearing. We  
13 shall allow Attorney Baldwin an opportunity to  
14 respond. Thank you, Vice Chair Morissette.

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

17           Attorney Baldwin, would you like to  
18 respond to the motion?

19           ATTORNEY BALDWIN: I would, Vice Chair  
20 Morissette. And thank you, Attorney Bachman. I  
21 think it's evident that the applicant objects to  
22 the joint motion for the order to compel the  
23 production of documents. This motion asked the  
24 Council to order the applicant to produce certain  
25 information, two items in particular, the cost

1 breakdown for small cell installations that  
2 Verizon produces here in Connecticut, and then a  
3 detailed report from its RF engineer about small  
4 cell deployment in the Washington area.

5 First of all, I find it incredibly  
6 disingenuous that the counsel representing Steep  
7 Rock Association, the Area Residents Group and  
8 Washington Montessori School filed this motion  
9 literally the afternoon prior to this hearing,  
10 more than eight weeks since the last evidentiary  
11 session. The two issues raised in the motion were  
12 initially raised by Attorney Coppola at the last  
13 evidentiary hearing on February 24, 2026, again,  
14 eight weeks ago.

15 Why did counsel for the parties and  
16 intervenors wait until yesterday to file this  
17 motion? I think the answer is obvious. They're  
18 simply trying to run out the clock and delay the  
19 Council's proceeding so that the Council doesn't  
20 have enough time to render a decision in  
21 accordance with your statutory time frames. The  
22 Council should not stand for this type of  
23 inappropriate behavior, especially from those  
24 parties and intervenors involved in this  
25 proceeding. This effort to further delay the

1 proceeding, in my view, is reason enough to deny  
2 the motion.

3 As for the two points raised by the  
4 parties and intervenors. First, the counsel for  
5 the parties and intervenors have had ample  
6 opportunity to ask the applicant to break down the  
7 costs associated with the small cell sites in  
8 Connecticut but chose not to do so until the last  
9 hearing, and then didn't choose to ask again until  
10 this order to compel filed yesterday.

11 The issue related to costs for small  
12 cell facilities has been on the table in this  
13 docket since the applicant filed its first set of  
14 interrogatory responses to the Council back in  
15 November of 2025, nearly five months ago. The  
16 cost breakdown apparently wasn't an issue of  
17 concern until the third evidentiary hearing that  
18 occurred eight weeks ago. And again, the  
19 attorneys representing the parties and intervenors  
20 waited another eight weeks to file this motion.

21 On the second point, you may recall  
22 during cross-examination last time, Mr. Vellante,  
23 our RF witness, offered his assessment, as the  
24 motion puts it, his "review" of the Isotrope  
25 preliminary partial small cell plan. Mr. Vellante

1 didn't say he prepared a report. Mr. Vellante  
2 developed an opinion based on information provided  
3 in the Isotrope report. He was available then and  
4 remains available now to answer questions about  
5 that review and what he believes may or may not be  
6 truthful about the Isotrope report in his view.

7 Finally, and this is more of a legal  
8 issue but I'll just put it out there, that  
9 Attorney Coppola's reference to a prior Orange  
10 docket from a number of years ago that many  
11 Council members may not recall is simply not the  
12 same issue as we have here. In that case Verizon  
13 was asked to disclose information regarding  
14 proprietary coverage modeling software that it  
15 used to produce a needs assessment, and it chose  
16 at that time not to provide that information,  
17 declaring that it was proprietary information.

18 There is no such claim related to this  
19 docket at all. Again, Mr. Vellante has been a  
20 witness on this panel beginning from this  
21 proceeding -- from the beginning of this  
22 proceeding and can be questioned on his opinion  
23 and on his review of the Isotrope report. There  
24 is nothing proprietary or confidential about his  
25 review, he's happy to talk about it, just as the

1 Council and we may question the Isotrope witness  
2 on his views as well.

3 For all of these reasons, Vice Chair  
4 Morissette, we ask the Council to deny this  
5 motion.

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

8 With that, is there a motion?

9 MS. HALL: I'll make a motion to deny  
10 the motion to allow further discovery in this  
11 matter.

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

13 MR. LYNCH: I'll second.

14 THE VICE CHAIR: Thank you, Mr. Lynch.  
15 We have a motion by Ms. Hall to deny the motion to  
16 compel for additional information related to small  
17 cells, and we have a second by Mr. Lynch. We'll  
18 now move to discussion.

19 Ms. Hall, any discussion?

20 MS. HALL: The timing issue is key for  
21 me. That's all I'm going to say.

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

23 Mr. Carter, any discussion?

24 MR. CARTER: Vice Chair, I have no  
25 discussion. Thank you.

1 THE VICE CHAIR: Thank you.

2 Dr. Williams any discussion?

3 DR. WILLIAMS: No discussion.

4 THE VICE CHAIR: Thank you.

5 Mr. Golembiewski, any discussion?

6 MR. GOLEMBIEWSKI: I have no

7 discussion.

8 THE VICE CHAIR: Thank you.

9 Mr. Syme?

10 (No response.)

11 THE VICE CHAIR: Mr. Lynch, any

12 discussion?

13 MR. LYNCH: No discussion.

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

15 There's Mr. Syme. Mr. Syme, good

16 afternoon.

17 MR. SYME: Good afternoon. Sorry about

18 that.

19 THE VICE CHAIR: Any discussion on the

20 motion?

21 MR. SYME: Yeah, I agree with Ms. Hall.

22 There was plenty of time for this issue to be

23 brought up before today.

24 THE VICE CHAIR: Thank you. I agree

25 with Ms. Hall and Mr. Syme. Quite frankly,

1 receiving a motion like that the day before the  
2 hearing where the Council members now have to  
3 digest it and understand it and review it is not a  
4 good situation, especially since there were 48  
5 days since the last hearing. And also considering  
6 that there's been several interrogatories asked  
7 and answered, one by the Council and one from the  
8 Area Residents Group, and also there's been  
9 cross-examination. We spent quite a bit of time  
10 on cross-examination. And in fact, this ruling  
11 has already been denied. For them to come back to  
12 us again is really -- well, let's just say it's  
13 not very good. So with that, I'm not going to  
14 support this request to compel. We will now move  
15 to the vote.

16 Ms. Hall, how do you vote?

17 MS. HALL: I vote to approve the motion  
18 to deny.

19 THE VICE CHAIR: Thank you.

20 Mr. Carter?

21 MR. CARTER: I vote to approve the  
22 motion to deny. Thank you.

23 THE VICE CHAIR: Thank you.

24 Dr. Williams?

25 DR. WILLIAMS: Vote in favor.

1 THE VICE CHAIR: Thank you.

2 Mr. Golembiewski?

3 MR. GOLEMBIEWSKI: I vote in favor.

4 Thank you.

5 THE VICE CHAIR: Thank you.

6 Mr. Syme?

7 MR. SYME: I vote in favor of the

8 motion.

9 THE VICE CHAIR: Thank you.

10 Mr. Lynch?

11 MR. LYNCH: Vote to approve the motion

12 to deny.

13 THE VICE CHAIR: Thank you. And I vote

14 to approve the motion to deny. We have a

15 unanimous decision, the motion to deny is

16 approved.

17 Moving on, the continued appearance by

18 the applicant. In accordance with the Council's

19 February 25, 2026 continued evidentiary hearing

20 memorandum, we will continue with the appearance

21 of the applicant, The Towers, LLC, to swear in the

22 new witness, Alex Tyurin.

23 Attorney Baldwin.

24 ATTORNEY BALDWIN: Thank you, Vice

25 Chair Morissette. As stated, substituting for

1 Elizabeth Glidden today is Alex Tyurin, a senior  
2 engineer specialist for the real estate and  
3 regulatory department at Verizon Wireless. And I  
4 offer him to be sworn.

5 THE VICE CHAIR: Very good. Thank you.  
6 Attorney Bachman, please begin by  
7 swearing in Alex Tyurin.

8 ATTORNEY BACHMAN: Thank you.

9 Mr. Tyurin, could you please raise your  
10 right hand.

11 A L E X T Y U R I N,

12 having been first duly sworn by Attorney  
13 Bachman, testified as follows:

14 ATTORNEY BACHMAN: Thank you.

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

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

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

19 B R I A N P A U L,

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

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

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

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

24 having been previously duly sworn, continued  
25 to testify as follows:

1 THE VICE CHAIR: We will continue with  
2 cross-examination of the applicants on Exhibits  
3 B-8 through 13, 8 through 13 only, as listed on  
4 the hearing program starting with Mr. Mercier  
5 followed by Ms. Hall.

6 Mr. Mercier, good afternoon.

7 CROSS-EXAMINATION

8 MR. MERCIER: Good afternoon. Thank  
9 you. I'm going to begin by referring to the  
10 December 30th Late-Filed exhibit that was Exhibit  
11 9 in the hearing program. Attached to that  
12 document is Exhibit 1 where it contains revised  
13 site plans which showed the new alignment of the  
14 access drive. I'm going to be referring to the  
15 site plan entitled Grading and Erosion Plan, Sheet  
16 Z-3. And the plan shows the overall site  
17 construction with some controls.

18 So I just have a couple of questions on  
19 how the actual site will be constructed if it was  
20 approved. So assuming all the approvals were in  
21 place, can you just describe how the project will  
22 initially proceed, you know, would you rough out  
23 the access road first or do other activities?

24 THE WITNESS (Paul): This is Brian Paul  
25 with Vertical Bridge. Yeah, you're spot on. The

1 road would be roughed in after we went through all  
2 the erosion control measures required as well as  
3 setting up the entrance to the property with the  
4 proper traffic control measures as well to allow  
5 for vehicle access and safety onto the main road  
6 there.

7 But yes, the project would be a  
8 rough-in of the road. The tower foundation would  
9 be the second portion of the work to be done. And  
10 then from there, we would essentially work our way  
11 back up the hill with utilities, part of that  
12 being overhead utilities, the remainder of it  
13 being underground, finalizing the road, making it  
14 permanent, as well as any of the grading required  
15 to make those improvements permanent.

16 From there, we would finish up any work  
17 within the compound area, the lease area up top,  
18 allowing for Verizon to install their equipment  
19 there and go ahead and work with Verizon to make  
20 sure that their site becomes active from there.

21 MR. MERCIER: Okay. So, when you begin  
22 roughing out the road from the main route there, I  
23 think it's Route 341, you come up to the wetlands,  
24 are you going to construct a bridge immediately,  
25 put a culvert across, or are you going to use a

1 temporary mat and proceed up the hill?

2 THE WITNESS (Paul): Again, Brian Paul,  
3 Vertical Bridge. My goal would be to put the  
4 culvert in immediately and, again, install any of  
5 the required erosion control measures in place to  
6 ensure that all the work that we do above that  
7 section is directed in the proper manner and we're  
8 not having to correct anything after the fact.  
9 And by correct I mean any, you know, limit the  
10 potential washouts and things like that, and make  
11 sure that any stormwater runoff or any water  
12 runoff is directed in the manner that we want it  
13 to be so that we're not losing any portion of the  
14 road, we're certainly not causing any damage to  
15 other parts of the property that aren't intended  
16 to be affected by the outcome of this site.

17 MR. MERCIER: For the wetland crossing  
18 I believe the site plan states there is  
19 approximately 267 square feet of direct impact and  
20 170 square feet of temporary impact. Is any  
21 permit required by the Army Corps of Engineers for  
22 that impact?

23 THE WITNESS (Gustafson): Dean  
24 Gustafson from All-Points. This feature is an  
25 isolated wetland feature, primarily functions as a

1 seasonal intermittent watercourse. It is isolated  
2 from any other wetland or watercourse resources,  
3 so as such it would be considered not waters of  
4 the United States and therefore not subject to  
5 review by the Army Corps of Engineers under the  
6 federal Wetlands and Watercourses Protection Act.

7 MR. MERCIER: Okay. When you begin the  
8 construction, are the wetlands marked in the  
9 field; and if so, who marks them?

10 THE WITNESS (Gustafson): Again, Dean  
11 Gustafson from All-Points. So one of the very  
12 first things that we'll do prior to any type of  
13 earthwork activity is to conduct a preconstruction  
14 site meeting with all the contractors to review  
15 and implement the Wetlands Protection Plan as part  
16 of this project and as noted on the project site  
17 plans. That would be to inform the contractors of  
18 the sensitivity of the site, the proximity and  
19 crossing of wetlands and other sensitive resources  
20 on the project. And at that point, we would point  
21 them to our previous wetland flagging, and we'll  
22 refresh that wetland flagging at the same time.

23 MR. MERCIER: I guess I have a similar  
24 question for up by the compound. I see the  
25 clearing limits are close to the property line for

1 the tree clearing. Is the property boundary going  
2 to be marked in the field before clearing?

3 THE WITNESS (Margelot): This is Jason  
4 Margelot of Airosmith. A surveyor will come out  
5 and mark the limits of the lease area.

6 MR. MERCIER: Sorry, I didn't catch  
7 that. Is that the limit of clearing or the limit  
8 of the lease area which is the access road?

9 THE WITNESS (Paul): This is Brian Paul  
10 of Vertical Bridge. We mark both. So we'll mark  
11 the limit of clearing including the flagging of  
12 every tree that has to be removed. And again, the  
13 leased area itself will be marked as the  
14 boundaries of the access road and the easement.

15 MR. MERCIER: Once you begin tree  
16 removal on the hillside, in the tree removal areas  
17 adjacent to the access road is the area going to  
18 be grubbed, in other words, the roots removed or  
19 just the tree stumps, will the tree stumps be left  
20 in place?

21 THE WITNESS (Paul): This is Brian Paul  
22 with Vertical Bridge. The goal would be to remove  
23 all the stumps from that area so that it can be  
24 graded properly.

25 MR. MERCIER: After that activity, how

1 is the slope, disturbed slope stabilized?

2 THE WITNESS (Paul): So again, with  
3 proper erosion control set up and the temporary  
4 building of the road to get us up there, the goal  
5 would be to ensure that everything is stabilized  
6 on a regular basis. All the erosion control is  
7 checked not only by the crews doing the work there  
8 but as part of the Wetland Protection Plan. That  
9 erosion control is checked regularly. I think  
10 Dean can probably tell us how often that's checked  
11 for accuracy and sturdiness. So if you will.

12 THE WITNESS (Gustafson): Dean  
13 Gustafson from All-Points. So as part of the  
14 Wetland Protection Plan, we'll be monitoring the  
15 site generally about once a month, but in addition  
16 to that, the project does require a permit from  
17 Connecticut Department of Energy and Environmental  
18 Protection, their stormwater general permit for  
19 construction activities. That requires additional  
20 monitoring at least on a weekly basis in addition  
21 to after a rain event. So those will be monitored  
22 more frequently under that permit, and we'll be  
23 checking generally on a monthly basis to ensure  
24 that in particular the perimeter controls are  
25 being maintained properly to cordon off the

1 project area construction activities from any  
2 migrating or wildlife and to avoid conflicts with  
3 the construction activities.

4 The additional element for permanently  
5 stabilizing these graded slopes is noted on Sheet  
6 Z-3.5, and that is associated with the native  
7 upland slope enhancement planting area where there  
8 is details on the various native plants and seed  
9 mixes that will be employed to an approximately  
10 29,000 square foot area to permanently stabilize  
11 that slope and provide enhancements to that  
12 habitat.

13 MR. MERCIER: Yes. I was just  
14 wondering, once you grade the site and before you  
15 put the seed down and plantings, I mean, if  
16 there's going to be exposed soil, are you putting  
17 down erosion control blankets or just going to do  
18 temporary seeding to stabilize those slopes?

19 THE WITNESS (Margelot): This is Jason  
20 with Airosmith. Could I take that as a homework  
21 assignment?

22 THE VICE CHAIR: As long as the answer  
23 is available after the break. We will not be  
24 taking any Late-Files today.

25 ATTORNEY BALDWIN: Yes. Thank you,

1 Vice Chair Morissette. We'll have that for you.

2 MR. MERCIER: Thank you. More  
3 questions on the swale. You've got two swales  
4 that are heading down on either side of the access  
5 drive. I didn't see any check dams in there. Are  
6 any check dams going to be installed or the swale  
7 itself is going to handle all the water and run  
8 straight, you know, along down to the bottom?

9 THE WITNESS (Margelot): This is Jason  
10 with Airosmith. The check dams are going to be  
11 installed.

12 ATTORNEY BALDWIN: Could you repeat  
13 that, Jason?

14 THE WITNESS (Margelot): This is Jason  
15 Margelot with Airosmith. The check dams will be  
16 utilized.

17 MR. MERCIER: Okay. And down at the  
18 bottom of the hill right at the wetland crossing  
19 there's something called a rock apron. Can you  
20 describe how is that different from the swale,  
21 what's its function?

22 THE WITNESS (Margelot): This is Jason  
23 Margelot with Airosmith again. It would be just a  
24 typical rock apron to slow down the water.

25 MR. MERCIER: Okay. During

1 construction the wetland area, although the DEEP  
2 Natural Diversity Data Base didn't indicate there  
3 was any species in the area, would it be possible  
4 to implement some Wood Turtle protective measures,  
5 although they were not identified in a DEEP  
6 Natural Diversity letter during construction?

7 THE WITNESS (Gustafson): Sure. Sorry  
8 to cut you off, Bob. Dean Gustafson, All-Points.  
9 So our Wetland Protection Plan, one of the key  
10 elements of that is that we're installing  
11 perimeter controls around the entire construction  
12 limit of disturbance. That consists of 20-inch  
13 tall reinforced silt fence. That effectively  
14 creates a barrier for any migrating wildlife  
15 including Wood Turtles. So that Wetland  
16 Protection Plan would be equally protective of  
17 Wood Turtle or any other amphibians, reptiles that  
18 may be migrating around the property and  
19 potentially into the construction zone.

20 We would as part of our preconstruction  
21 meeting and environmental training with the  
22 contractor we'll also make note of typical species  
23 that could be encountered including potential rare  
24 species such as Wood Turtle that are noted across  
25 the street from the project site. Just in the off

1 chance that they do encounter it, they have the  
2 information to contact us directly, provide us  
3 with information on where the species was  
4 identified, make sure it stays out of the  
5 construction zone. If it somehow gets into the  
6 construction zone, we provide them with handling  
7 instructions. And in the off chance we actually  
8 see a listed species, we would likely make a trip  
9 on site to handle that species in person.

10 MR. MERCIER: Thank you. Once the site  
11 is up and running and everything is finished,  
12 would the site be plowed if it snows or is it just  
13 plowed if there's necessary access?

14 THE WITNESS (Paul): Brian Paul with  
15 Vertical Bridge. Necessary access is typically  
16 how we handle that. We don't plow every site  
17 every time it snows. It's plowed as needed.

18 MR. MERCIER: Thank you. One of the  
19 items in the application, there was a cost  
20 estimate of site development. I think it was a  
21 \$340,000 line item. Has that line item changed  
22 due to the revision of the access drive, and if  
23 so, do you have just a rough estimate of the  
24 additional cost for site development?

25 THE WITNESS (Paul): Brian Paul with

1 Vertical Bridge again. Yes, that number has  
2 changed significantly since the redesign of the  
3 access road. The new number, while I don't have  
4 the exact sheet in front of me, we did run a new  
5 budget for this. It's closer to double that  
6 number at this point in time.

7 MR. MERCIER: Thank you. I'm going to  
8 stay with the Late-Filed exhibit, and I'm just  
9 going to move on to Exhibit 2 which is the core  
10 forest map after the site plan. I just have to  
11 get there. The map indicates there's a 4-acre  
12 core forest on the site, and at the last  
13 proceeding I believe it was a direct impact of .12  
14 acres that's shown on the diagram here at the  
15 north end where the access road intersects with  
16 the core forest. Does this 4-acre core forest  
17 have any significant ecological value or is it --  
18 that's my question.

19 THE WITNESS (Gustafson): Dean  
20 Gustafson from All-Points. So, this is a fairly  
21 small core forest patch. So because of its  
22 limited size, it provides limited function of  
23 value from a typical core forest standpoint. That  
24 being said though, you know, any area of core  
25 forest has some inherent value to it. The project

1 has done its best to avoid any significant  
2 intrusion into that core forest patch. We are  
3 only impinging some of the outer fringes of that  
4 core forest. The majority of the project  
5 activities are located within forest edge habitat  
6 which is the result of the existing residential  
7 and Montessori School developments in the  
8 surrounded forested habitat. Those activities  
9 have significantly limited the function of value  
10 of both the edge forest and the small core forest  
11 patch.

12 That being said, you know, there is  
13 some level of sensitivity that we are cognizant of  
14 with respect to this particular area because of  
15 the proximity to the Shepaug Forest block  
16 important bird habitat area, and as such is the  
17 reason why we've gone to extraordinary lengths to  
18 propose an upland forested habitat enhancement  
19 planting area that includes planting a large  
20 number of native trees, shrubs and herbaceous  
21 material as well as incorporating other wildlife  
22 habitat features such as installing three wildlife  
23 brush piles which are noted on Sheet Z-3.7. The  
24 actual enhancement planting area and details are  
25 noted on Z-3.5. We're also proposing three

1 wildlife snags which the details are provided on  
2 Sheet Z-3.6. And finally, we are also  
3 implementing an invasive species control plan.  
4 The details of that are also noted on Z-3.5.

5           The reason why we feel it's important  
6 to include these mitigation and conservation  
7 measures is to avoid and compensate for any  
8 significant impact to both the core forest patch  
9 and the edge forest habitat. And the reason why  
10 we're implementing the invasive species control  
11 plan is that currently the existing conditions,  
12 the forest habitat, aside from some of the areas  
13 close to Route 341 and the existing residents  
14 which do have some invasive woody shrubs in the  
15 understory, the majority of the understory of the  
16 forested habitat where the proposed access road  
17 and facility are are generally void of invasive  
18 species.

19           So we want to make sure the contractor  
20 is going through important precautions to avoid  
21 introduction of invasive species into the interior  
22 of this forested habitat. That includes power  
23 washing all of their equipment and materials  
24 before they arrive on site and also a two-year  
25 post-construction monitoring that will be

1 implemented to track the planting areas to make  
2 sure invasives aren't getting a foothold and if  
3 they are, you know, controlling them properly.

4 MR. MERCIER: Thank you. You mentioned  
5 edge effect. So would the construction of the  
6 compound access road and the compound create an  
7 edge effect on the remaining core forest?

8 THE WITNESS (Gustafson): Dean  
9 Gustafson, All-Points. That's a great point and a  
10 great question. So the way that forested  
11 habitats, core forested habitats and edge forest  
12 habitats are defined, edge forest is essentially  
13 300 feet away from any development activities. So  
14 the proposed development will have some secondary  
15 edge effects to the forested habitat surrounding  
16 those, but there again those will be mitigated by  
17 all of the conservation mitigation items I just  
18 referenced in my previous response to your  
19 inquiry.

20 MR. MERCIER: Okay. So that would be  
21 300 feet from the compound access road into the  
22 core forest, that section will be converted to  
23 edge forest; is that correct?

24 THE WITNESS (Gustafson): That's  
25 correct. Dean Gustafson, All-Points.

1           MR. MERCIER: So using the map scale,  
2 just roughly looking at it, so remaining non-edge  
3 core forest will be about 1 to 1.5 acres, is that  
4 a good estimate?

5           THE WITNESS (Gustafson): That is  
6 accurate, that's correct. Dean Gustafson with  
7 All-Points.

8           MR. MERCIER: Thank you. Would there  
9 be any difference in core forest value comparing  
10 the 4 acres to the 1, 1 and a half acres, you  
11 know, the significance of it?

12          THE WITNESS (Gustafson): I think  
13 because of the small size of this patch core  
14 forested habitat and it's entirely surrounded by  
15 forest edge habitat, I think effectively from an  
16 ecological standpoint and wildlife utilization  
17 standpoint there's probably little difference with  
18 the proposed development and the potential effect  
19 for edge, creating additional edge forest.

20          One of the potential concerns with, you  
21 know, perforating forested habitats is certainly,  
22 you know, dragging in invasive species and  
23 lowering the wildlife utilization function of the  
24 forested habitat. And that's another reason why  
25 we've employed these extensive mitigation and

1 conservation strategies to replant the area with a  
2 high density of native trees, shrubs and  
3 herbaceous materials and also implementing an  
4 invasive species control plan to avoid and  
5 minimize those effects.

6 My experience in projects of similar  
7 nature across the state is, you know, these kind  
8 of mitigation strategies are somewhat rarely  
9 employed. They do follow recommendations from  
10 various guidances from Connecticut Department of  
11 Energy and Environmental Protection as well as  
12 other conservation agencies. So we're employing  
13 essentially standard techniques for when  
14 development is proposed in these type of habitats.

15 MR. MERCIER: Thank you. I have a  
16 question regarding the responses, Applicant's  
17 responses to Area Residents Group Set Two  
18 Interrogatories. I think these are dated February  
19 10th. Essentially Response 5 mentioned the types  
20 of vehicles accessing the site, so I had a  
21 question just on the vehicles themselves.  
22 Basically the response stated that after the site  
23 is constructed and operational, pickup trucks and  
24 sport utility vehicles will access the site. For  
25 the purposes of a DOT encroachment permit, is a

1 pickup truck classified as a passenger vehicle or  
2 a single-unit truck?

3 THE WITNESS (Kendall): This is Phil  
4 Kendall from H&H. It's considered a passenger  
5 vehicle.

6 MR. MERCIER: Okay. Is a sports  
7 utility vehicle, is that classified as a passenger  
8 vehicle or a single-unit truck?

9 THE WITNESS (Kendall): Great question.  
10 Phil Kendall from H&H. It is considered a  
11 passenger vehicle. A single-unit truck is more  
12 like a moving truck or a U-Haul box truck.

13 MR. MERCIER: Okay. So that's not the  
14 vehicle that will be accessing the site typically?

15 THE WITNESS (Kendall): No, sir.

16 MR. MERCIER: Okay. Thank you.  
17 Regarding the parcel itself, does any third-party  
18 have a contract or a restrictive covenant  
19 protecting the right to a view or a vista across  
20 the host parcel?

21 ATTORNEY BALDWIN: Mr. Mercier, we're  
22 not aware of any such restrictions in the title of  
23 the property.

24 MR. MERCIER: Thank you. I have no  
25 other questions at this time.

1 THE VICE CHAIR: Thank you, Mr.  
2 Mercier. We'll now continue with  
3 cross-examination by Ms. Hall followed by Mr.  
4 Carter.

5 Ms. Hall.

6 MS. HALL: I want to thank Mr. Mercier  
7 for his questions. I have no questions at the  
8 moment. Thank you.

9 THE VICE CHAIR: Thank you, Ms. Hall.  
10 We'll now continue cross-examination by Mr. Carter  
11 followed by Dr. Williams.

12 Mr. Carter.

13 MR. CARTER: Thank you, Mr. Vice Chair.  
14 I appreciate Mr. Mercier's questions. I don't  
15 have any further to add, so thank you.

16 THE VICE CHAIR: Very good. Thank you.  
17 We'll now continue with cross-examination by Dr.  
18 Williams followed by Mr. Golembiewski.

19 Dr. Williams.

20 DR. WILLIAMS: Nothing at this time.

21 THE VICE CHAIR: Thank you. We'll now  
22 continue with cross-examination by Mr.  
23 Golembiewski followed by Mr. Syme.

24 Mr. Golembiewski.

25 MR. GOLEMBIEWSKI: Good afternoon. I

1 have no questions.

2 THE VICE CHAIR: Thank you. We'll now  
3 continue with cross-examination by Mr. Syme  
4 followed by Mr. Lynch.

5 Mr. Syme.

6 MR. SYME: I'm good right now. Thank  
7 you.

8 THE VICE CHAIR: Thank you. We'll now  
9 continue cross-examination by Mr. Lynch.

10 MR. LYNCH: I just want a clarification  
11 on the registration of a truck. Doesn't it, under  
12 Connecticut state law trucks have to be registered  
13 as commercial vehicles and not passenger vehicles?

14 THE WITNESS (Kendall): This is Phil  
15 Kendall from H&H. Can you repeat the question,  
16 please?

17 MR. LYNCH: Excuse me, I got stuck on  
18 mute. Under Connecticut motor vehicle  
19 registration don't trucks or pickups have to be  
20 registered as commercial vehicles and not  
21 passenger vehicles?

22 THE WITNESS (Kendall): This is Phil  
23 Kendall from H&H. I can't speak to Connecticut's  
24 registration, but from a design perspective pickup  
25 trucks are considered passenger vehicles.

1 MR. LYNCH: Thank you.

2 That's all, Mr. Morissette.

3 THE VICE CHAIR: Thank you, Mr. Lynch.

4 I have a couple questions. I would  
5 like to start off with Exhibit 2 in the Late-Files  
6 relating to the core forest. Now, given the  
7 compound location, it looks to me that that is  
8 approximately 800 feet to the Montessori access  
9 road. Am I looking at that correctly?

10 THE WITNESS (Gustafson): Dean  
11 Gustafson. Yeah, that looks approximately the  
12 distance between separating the two.

13 THE VICE CHAIR: Thank you. Now,  
14 considering that this is considered -- well, the  
15 property between the access road and the compound,  
16 is that considered edge forest there? Is the  
17 light green edge forest or is that important bird  
18 area?

19 THE WITNESS (Gustafson): The area  
20 immediately south of the proposed compound you can  
21 see a change in the shading. There is a green or  
22 greenish line that separates that. And so that is  
23 the boundary of the Shepaug Forest block important  
24 bird area. So the project is located just  
25 immediately north of there.

1 THE VICE CHAIR: Okay. So the light  
2 green is the important bird area. So what is in  
3 that area, is it treed or is it fields, for  
4 example?

5 THE WITNESS (Gustafson): So the  
6 Shepaug forest block IBA is a large forest block.  
7 It's a landscape level important bird habitat,  
8 essentially is situated along the Shepaug River.  
9 It consists of quite a variety of different  
10 habitats. I would say the majority of it is  
11 forested, but there's significant open field,  
12 agricultural areas, residential development,  
13 commercial development, and also the Montessori  
14 School development encompass some of that  
15 important bird area block.

16 THE VICE CHAIR: Okay. Very good.  
17 Thank you.

18 THE WITNESS (Gustafson): You're  
19 welcome.

20 THE VICE CHAIR: Okay. I would like to  
21 go to the interrogatories, responses to Area  
22 Residents Group interrogatories, Number Two,  
23 Number 5.

24 Mr. Kendall, good afternoon. I just  
25 want to make sure I understand this correctly. So

1 the 85th percentile speed is rounded up to 65  
2 miles per hour based on a posted speed limit of  
3 35; is that correct?

4 THE WITNESS (Kendall): Phil Kendall  
5 from H&H. Yes, sir. It's not rounded up from 35.  
6 The 85th percentile is taken from traffic counters  
7 just at the nearest traffic counter by the State  
8 of Connecticut, and the traffic volumes are  
9 exceeding the posted speed limit out there.

10 THE VICE CHAIR: Thank you. Actually,  
11 it says 61.9 is rounded up to 65.

12 THE WITNESS (Kendall): Yes.

13 THE VICE CHAIR: Okay. Thank you. So  
14 based on those numbers, going to the next page,  
15 page 4, you've got 460 feet to the north and 325  
16 feet to the south. That's what your analysis  
17 calculates based on those speeds, correct?

18 THE WITNESS (Kendall): That distance  
19 is based on the available distance from -- sorry,  
20 Phil Kendall from H&H. Those distances are  
21 calculated based off of the placement of a vehicle  
22 parked or stopped on the driveway trying to enter  
23 onto Warren Road and how far they can see in each  
24 direction without any obstructions or going  
25 outside the state's right of way.

1 THE VICE CHAIR: Thank you. So now  
2 that's your design, I'll call it design criteria,  
3 460 and 325. So if I go to your Figure 11-2C, the  
4 passenger vehicle at 35 will meet the 325, it will  
5 meet the 390, but the 460 -- well, that would meet  
6 the 390 as well. So 325 would not meet it. What  
7 am I missing here?

8 THE WITNESS (Kendall): You're not.  
9 Phil Kendall from H&H. If I'm interpreting what  
10 you're saying, per the table the distances  
11 required for 35 miles an hour for a passenger  
12 vehicle is 390 feet in either direction. The  
13 design location in one of those directions we can  
14 only get 320 feet. So we are looking to get an  
15 exception or a waiver from the district office on  
16 the encroachment permit for that reason.

17 THE VICE CHAIR: Okay. So it's only in  
18 one direction though?

19 THE WITNESS (Kendall): Well, yes.

20 THE VICE CHAIR: Not only, but it's --  
21 so it's 390 feet versus 325 feet?

22 THE WITNESS (Kendall): For the posted  
23 speed, correct.

24 THE VICE CHAIR: Yeah. Okay. So  
25 what's the probability of an exemption based on

1 these numbers, is this within their bandwidth or  
2 is it not?

3 THE WITNESS (Kendall): This is Phil  
4 Kendall from H&H. I can only -- I can't say for  
5 sure, but it seems reasonable in my perspective in  
6 my point of view that it would be graded based off  
7 of the limited use of this driveway.

8 THE WITNESS (Paul): I think we should  
9 also add to the south -- this is Brian Paul with  
10 Vertical Bridge -- that the reason that the line  
11 of sight is limited in that direction is there's  
12 an intersection there, right. So cars will be  
13 coming from a stop and going up the graded hill,  
14 correct, Phil, versus coming down a hill from the  
15 northern side. So the speeds coming up the hill  
16 are most likely, and again I don't have the  
17 traffic data in front of me what it is in each  
18 direction, but speed wise the speeds coming from  
19 the south from the intersection should be less  
20 than those coming from the north and down the hill  
21 where there's a greater sight line.

22 Does that make sense, Mr. Morissette?

23 THE VICE CHAIR: Yes, it does. Thank  
24 you.

25 Okay. That concludes my questions for

1 this afternoon. We will now continue with  
2 cross-examination of the applicant on Exhibit B-8  
3 through 13 as listed on the hearing program by the  
4 Town of Washington.

5 First Selectperson Brinton, please.

6 Good afternoon.

7 FIRST SELECTPERSON BRINTON: Apologies.

8 Good afternoon.

9 THE VICE CHAIR: Good afternoon. Any  
10 questions?

11 FIRST SELECTPERSON BRINTON: No,  
12 Mr. Vice Chair.

13 THE VICE CHAIR: Very good. Thank you.  
14 We will continue with cross-examination of the  
15 applicants on Exhibits B-8 through 13 as listed in  
16 the hearing program by the Town of Warren.

17 First Selectperson LaCava, please.

18 Good afternoon.

19 (No response.)

20 THE VICE CHAIR: First Selectperson  
21 LaCava, please.

22 (No response.)

23 THE VICE CHAIR: Very good. We will  
24 continue with cross-examination of the applicant  
25 on Exhibits B-8 through 13 -- no, excuse me,

1 Exhibits B-12 and 13 listed on the hearing program  
2 by Steep Rock Association, Inc.

3 Attorney Sherwood, good afternoon.

4 ATTORNEY SHERWOOD: Good afternoon,  
5 Vice Chairman Morissette. I have questions only  
6 for Mr. Kendall and Mr. Libertine who were  
7 disclosed after I ended my cross-examination.

8 THE VICE CHAIR: Yes, that is correct.

9 ATTORNEY SHERWOOD: So is that  
10 acceptable to the Vice Chair?

11 THE VICE CHAIR: Exhibits B-12 and 13  
12 only. That would be Mr. Libertine's resume and  
13 the responses to the Area Residents Group  
14 interrogatories, Set Two, dated February 10, 2026.

15 ATTORNEY SHERWOOD: Thank you.

16 My first set of questions is for Mr.  
17 Kendall. Mr. Kendall, I assume you've renewed  
18 your professional engineer registration in  
19 Connecticut. Your resume indicates it expired in  
20 January.

21 THE WITNESS (Kendall): Phil Kendall,  
22 H&H. Yes, sir, every January.

23 ATTORNEY SHERWOOD: And you are a  
24 traffic engineer, correct?

25 THE WITNESS (Kendall): I am a roadway

1 designer.

2 ATTORNEY SHERWOOD: Mr. Johnston in his  
3 sight distance plan northbound shows an  
4 Intersection Sight Distance in both directions  
5 from the driveway of 500 feet. I take it you do  
6 not agree with that, correct?

7 THE WITNESS (Kendall): Phil Kendall,  
8 H&H. The plan has been adjusted. The space or  
9 spot from where the eye is looking is set to be 15  
10 feet from the edge of road. I believe the plan  
11 shown in December showed it at the edge of road,  
12 so that requires or reduced the amount of sight  
13 line because of the angle. So the site distance  
14 did change.

15 ATTORNEY SHERWOOD: Have you submitted  
16 a new sight line plan, is that part of the record?

17 THE WITNESS (Kendall): This is Phil  
18 Kendall from H&H. In my review of the plans,  
19 that's when I came up with those distances based  
20 off of. I don't know --

21 ATTORNEY SHERWOOD: So you've done the  
22 calculation, but the plan is not part of the  
23 record?

24 THE WITNESS (Kendall): I have done the  
25 calculation. Phil Kendall, H&H.

1           ATTORNEY SHERWOOD: And you indicate in  
2 your response to the Area Residents Group  
3 interrogatories, the second set, that the  
4 Intersection Sight Distance has been updated to  
5 reflect conditions at both the posted speed along  
6 Warren Road of 35 miles an hour and the 85th  
7 percentile speed of 61.9 rounded up to 65. When  
8 you say updated, you haven't updated the plan,  
9 you've just updated your calculation?

10           THE WITNESS (Kendall): Phil Kendall,  
11 H&H. That is correct.

12           ATTORNEY SHERWOOD: And you say, you  
13 continue, this is in your response to Question 5,  
14 quote, The available Intersection Sight Distance  
15 based on the improvements is approximately 460  
16 feet to the left (north), in other words north,  
17 and 325 feet to the right, in other words south.  
18 So, that's your calculation of what's achievable  
19 from the site driveway; is that correct?

20           THE WITNESS (Kendall): Phil Kendall  
21 from H&H. That is correct without going outside  
22 the right of way and without removing the barn  
23 that is to the right or south as you identified.  
24 But as Brian noted earlier, the intersection of  
25 Valley Road and Wilbur Road is also 360 feet to

1 the south of that same location which you can't  
2 look through intersections because you have  
3 traffic coming from multiple directions.

4 ATTORNEY SHERWOOD: Right. Well, Vice  
5 Chairman Morissette pointed out that based on the  
6 posted speed, you meet the intersection sight  
7 distance requirement to the left, but you do not  
8 meet the, based on the posted speed, you don't  
9 meet the requirement to the right. At the 85th  
10 percentile you don't meet either requirement,  
11 correct, right or left?

12 THE WITNESS (Kendall): Phil Kendall,  
13 H&H. That is a fair statement.

14 ATTORNEY SHERWOOD: And do you believe  
15 that the Intersection Sight Distance that the DOT  
16 will consider would be based on the posted speed  
17 or the 85th percentile speed?

18 THE WITNESS (Kendall): Phil Kendall  
19 from H&H. Traditionally it's based off of the  
20 85th percentile, but there's always a discussion  
21 when there's a large disparity between the posted  
22 speed and the 85th percentile such as this case.

23 ATTORNEY SHERWOOD: And you indicated  
24 that you're going to be applying for an exception,  
25 correct?

1 THE WITNESS (Kendall): As part of the  
2 encroachment permit, yes.

3 ATTORNEY SHERWOOD: And when you apply  
4 for an exception for an encroachment, a highway  
5 encroachment like this, does the DOT -- and you  
6 failed to meet the Intersection Sight Distance by  
7 a significant amount, I think we can agree that at  
8 least to the left where there's no intersection  
9 720 is required and you've got 490, correct?

10 THE WITNESS (Kendall): It's  
11 considerably 460, 490.

12 ATTORNEY SHERWOOD: 460, right. Will  
13 the DOT require that you maximize the sight  
14 distance, in other words, will it require clearing  
15 outside of the right of way?

16 THE WITNESS (Kendall): Phil Kendall  
17 from H&H. That is not allowed to get sight  
18 distance. Only within the right of way can the  
19 clearing be done.

20 ATTORNEY SHERWOOD: So even when you're  
21 applying for an exception, in considering whether  
22 or not to grant the exception the DOT would not  
23 require any clearing on the lessor's property, in  
24 other words, the property that the applicant  
25 proposes to lease in order to put the tower up; is

1 that correct?

2 THE WITNESS (Kendall): Phil Kendall  
3 from H&H. Clearing can occur on the lessee's  
4 property. It's the adjacent properties that  
5 cannot be cleared. And that's the property just  
6 to the left is another parcel that would be  
7 required to extend the sight line because it goes  
8 around the bend.

9 ATTORNEY SHERWOOD: Right. Well, the  
10 property immediately to the northwest is owned by  
11 the lessor, correct?

12 THE WITNESS (Paul): This is Brian Paul  
13 with Vertical Bridge. That's correct.

14 ATTORNEY SHERWOOD: So Mr. Kendall, my  
15 question is, in considering whether or not to  
16 grant the exception, is the DOT going to require  
17 clearing on the property which is the subject of  
18 the application and the adjacent property, is that  
19 likely in your judgment?

20 THE WITNESS (Kendall): Phil Kendall  
21 from H&H. Yes, additional clearing within the  
22 property owner's land or the lessee's land can be  
23 requested and required by the state. It just  
24 can't go out to someone else's, another parcel's,  
25 another person's property.

1           ATTORNEY SHERWOOD:  And if that -- I'm  
2 looking at the Sight Distance Plan northbound  
3 which is the Late-Filed exhibit filed on December  
4 30th of '25.  It's SD01.  It's Mr. Johnston's  
5 sight distance plan for a left turn out.  And it  
6 shows clearing based on a car which would be  
7 stationed at the edge of the roadway, correct?

8           THE WITNESS (Kendall):  Phil Kendall  
9 from H&H.  The plan you're referring to is correct  
10 as I noted previously.  The revised calculations  
11 moved that sight line back 15 feet from the edge  
12 of pavement.

13           ATTORNEY SHERWOOD:  So, in order to  
14 achieve a better sight line, that would mean that  
15 the clearing would start not at the roadway but 15  
16 feet back from the roadway so there would be more  
17 clearing on the applicant's parcel and the  
18 adjacent parcel, correct, which would provide a  
19 better sight line, correct?

20           THE WITNESS (Kendall):  Phil Kendall  
21 from H&H.

22           THE WITNESS (Paul):  Hang on, Phil.  
23 This is Brian from Vertical Bridge.  I think where  
24 you're headed with this is are we going to have  
25 more impacts to wetlands by cutting down trees and

1 so on and so forth.

2 ATTORNEY SHERWOOD: Mr. Paul, my  
3 question is for Mr. Kendall, not for you. Thank  
4 you.

5 THE WITNESS (Paul): I'm answering it  
6 anyway because --

7 ATTORNEY BALDWIN: I think we can have  
8 the panel answer the questions, Vice Chair  
9 Morissette. If Mr. Kendall can answer the  
10 question and other witnesses can assist, we can do  
11 that.

12 MR. SHERWOOD: Mr. Vice Chairman, Mr.  
13 Kendall has not indicated he cannot answer the  
14 question.

15 THE VICE CHAIR: Yes, let's have Mr.  
16 Kendall respond first. And then, if additional  
17 information is required, then we certainly can  
18 hear from others. Thank you.

19 THE WITNESS (Kendall): Phil Kendall  
20 from H&H. Could you repeat the question again? I  
21 apologize.

22 ATTORNEY SHERWOOD: Mr. Johnston in his  
23 Sight Distance Plan northbound shows clearing. He  
24 assumes the vehicle is going to be stationed at  
25 the edge of the pavement. And he shows clearing

1 on 17 Warren Road and on the adjacent parcel to  
2 the, I guess it's the northeast. And my question  
3 is, since you believe or have testified that the  
4 proper measurement point for a sight line is 15  
5 feet back from the edge of the roadway, would that  
6 mean that there would be more clearing on 17  
7 Warren Road and the adjacent parcel?

8 THE WITNESS (Kendall): This is Phil  
9 Kendall from H&H. There is potential for  
10 additional clearing to occur inside the  
11 properties. Currently the drawing that you're  
12 referring to shows clearing within the state's  
13 right of way. So, additional clearing past the  
14 right of way line could occur to get additional  
15 clearing, but that's at the start. And I may  
16 state that the curve, the road is starting to  
17 curve away and around the property, so there's  
18 only so much that can be seen through that sight  
19 line.

20 ATTORNEY SHERWOOD: So is that a yes or  
21 a no, will there be additional clearing on 17  
22 Warren Road and the adjacent property in order to  
23 achieve a better sight line, is that something you  
24 can reasonably expect the DOT will ask for when  
25 you ask them for an exception from the

1 requirements for an encroachment permit?

2 ATTORNEY BALDWIN: Vice Chair  
3 Morissette --

4 ATTORNEY SHERWOOD: I think that's a  
5 pretty straightforward question, Mr. Kendall. Are  
6 they going to ask you to try and maximize the  
7 sight line to the degree that you can within the  
8 property owned or controlled by the lessor?

9 ATTORNEY BALDWIN: Vice Chair  
10 Morissette, I think the question has been asked  
11 and answered. Mr. Kendall said that he believes  
12 it's something that could occur. We haven't  
13 applied for the permit yet. We don't know.

14 THE VICE CHAIR: Yes, my recollection  
15 as well is that he's answered the question  
16 already, Attorney Sherwood.

17 ATTORNEY SHERWOOD: I guess,  
18 Mr. Morissette, what I asked Mr. Kendall is does  
19 he think it's likely that that will be required.  
20 I don't think he's answered that question.

21 THE VICE CHAIR: Well, let's try to  
22 wrap this up. Mr. Kendall, could you please  
23 respond, and let's close out this questioning.

24 THE WITNESS (Kendall): Phil Kendall  
25 from H&H. There is a possibility they could ask

1 for additional clearing to extend the sight line  
2 availability.

3 THE VICE CHAIR: Very good. Thank you.  
4 Okay.

5 ATTORNEY SHERWOOD: Mr. Kendall, have  
6 you ever requested a design exception from DOT for  
7 a driveway?

8 THE WITNESS (Kendall): Phil Kendall  
9 from H&H. I have not.

10 ATTORNEY SHERWOOD: You have not. Have  
11 you ever known the Connecticut DOT to deny such an  
12 exception in circumstances like this?

13 THE WITNESS (Kendall): Phil Kendall  
14 from H&H. I have not run into any situations with  
15 Connecticut DOT denying design exceptions that  
16 I've applied for.

17 ATTORNEY SHERWOOD: Have you analyzed  
18 the intersection sight distances from any other  
19 location along the frontage of 17 Warren Road to  
20 determine whether you can achieve a better sight  
21 line?

22 THE WITNESS (Kendall): This is Phil  
23 Kendall from H&H. I have not.

24 ATTORNEY SHERWOOD: Thank you, Mr.  
25 Kendall. My next set of questions are for -- bear

1 with me, please -- Mr. Libertine.

2 THE WITNESS (Libertine): Good  
3 afternoon. Can everyone hear me?

4 ATTORNEY SHERWOOD: Yes.

5 THE WITNESS (Libertine): Thank you. I  
6 just want to apologize, Attorney Sherwood and to  
7 the Council members, I'm having some video  
8 connectivity issues. So if I freeze up on you, I  
9 am on my phone, so I have been able to maintain  
10 the audio, so I'll apologize in advance if, as I  
11 say, my screen freezes, but I am here.

12 ATTORNEY SHERWOOD: Thank you. You  
13 testified that you do not satisfy the Secretary of  
14 the Interior's qualifications for an expert in  
15 archeological and historic resources, correct?

16 THE WITNESS (Libertine): That's  
17 correct.

18 ATTORNEY SHERWOOD: And that you have  
19 no expertise in historic preservation?

20 THE WITNESS (Libertine): That is  
21 correct.

22 ATTORNEY SHERWOOD: And that you have  
23 no education or degrees in any areas concerning  
24 historical or archeological resources?

25 THE WITNESS (Libertine): That is also

1 correct.

2 ATTORNEY SHERWOOD: And that you have  
3 never prepared a historic resource inventory of  
4 any kind; is that correct?

5 THE WITNESS (Libertine): I have not  
6 personally, no, that's correct.

7 ATTORNEY SHERWOOD: Would you tell us  
8 what the difference is between direct and indirect  
9 impacts on historical resources? You make that  
10 distinction in your testimony, but you don't tell  
11 us what they are.

12 THE WITNESS (Libertine): Sure. A  
13 direct impact typically involves some type of a  
14 structural change or component to either a  
15 district or an individual property. So that could  
16 be anything from renovations to a road project  
17 coming in proximity to a district, for example.

18 Indirect typically has an aesthetic  
19 perspective where there is something that is  
20 changed, the aesthetic value, if that is a  
21 component of why it was listed in the first place.  
22 So those are the main differences or, I guess, the  
23 distinctions between the two, certainly from our  
24 perspective when we're looking at historic  
25 resources from a visibility standpoint or a

1 visibility perspective.

2 ATTORNEY SHERWOOD: And you testified  
3 that your function is to review the SHPO's files  
4 for listed historic resources within a half mile  
5 radius of the site; is that correct?

6 THE WITNESS (Libertine): As part of  
7 the documentation we've submitted that was one of  
8 the functions of that, yes. There are other  
9 sources we also review, but that's one of the  
10 primary sources, yes.

11 ATTORNEY SHERWOOD: And you testified  
12 that you don't review the actual, the SHPO's  
13 actual files, that a summary is provided to you by  
14 a consultant, correct?

15 THE WITNESS (Libertine): In this case  
16 that's correct. We also did review the National  
17 Register of Historic Places which is an online  
18 archive that's maintained and curated by the  
19 National Park Service. We like to use multiple  
20 sources so that we can make sure that if there are  
21 any new listings or things that may be  
22 inconsistent, we can sometimes rectify that  
23 sometimes. The SHPO's records and the National  
24 Park Service records are not necessarily one in  
25 the same.

1           ATTORNEY SHERWOOD: And your concern  
2 primarily with aesthetic -- I'm quoting you --  
3 aesthetic and visibility issues associated with  
4 listed historic resources, end quote. That's at  
5 page 15 of your testimony.

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

8           ATTORNEY SHERWOOD: And in response to  
9 Attorney Coppola's questions, you indicated that  
10 you cannot comment on the historic value of 7  
11 Warren Road which is the house immediately across  
12 from the site, correct?

13          THE WITNESS (Libertine): I cannot from  
14 a historic significance or value, no.

15          ATTORNEY SHERWOOD: And although you  
16 don't have any qualifications or education in the  
17 preservation of historic resources and cannot  
18 testify as to the historic value of 7 Warren Road,  
19 your opinion is that a year-round view of the  
20 proposed tower from that property would have no  
21 adverse effect on its historic value; is that  
22 correct?

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

24          ATTORNEY SHERWOOD: But that isn't an  
25 expert opinion, correct, that's your opinion?

1 THE WITNESS (Libertine): Yes, that's  
2 correct, it's my opinion.

3 ATTORNEY SHERWOOD: So --

4 THE WITNESS (Libertine): I also will  
5 -- I can clarify that the site is not listed. So,  
6 from my perspective, looking at it from an  
7 aesthetic standpoint, typically most of the  
8 resources that are listed that are individual  
9 structures are typically looked at from an  
10 architectural component standpoint and not  
11 necessarily whether or not there are views of  
12 other man-made objects.

13 So, my opinion, based on over 20 years  
14 of working with the State Historic Preservation  
15 Office and acting as a liaison on a consulting  
16 basis for these type of projects, I would say that  
17 because there may be a view of a tower as you pass  
18 by this particular property, then yeah, I stand by  
19 the fact that I don't believe it would have an  
20 adverse impact.

21 ATTORNEY SHERWOOD: Well, the view is  
22 from the property, not from the road in front -- I  
23 mean, I don't know whether there's a view from the  
24 road.

25 THE WITNESS (Libertine): We did not

1 step on the property, so I'm just using it, but  
2 yes, even if it's from the property itself, it  
3 could be from the front doorstep, my opinion would  
4 not change.

5 ATTORNEY SHERWOOD: Well, if the  
6 viewshed from a historic property doesn't do  
7 anything to diminish the value, the historic value  
8 of the property, then why conduct the analysis  
9 that's attachment 12 to the application; in other  
10 words, why bother with the viewshed analysis if it  
11 doesn't make any difference to the historic  
12 resource? I don't understand. It's either  
13 relevant or it isn't relevant. If it's relevant,  
14 then you conduct a survey and you try to determine  
15 what historic resources have a view of the tower  
16 and you report that. If it's not relevant, why  
17 bother?

18 THE WITNESS (Libertine): Well, that's  
19 your opinion. I believe that as part of the due  
20 diligence that we should be looking at all of the  
21 area within, in our case we look at 2 miles, but  
22 from a historic resource perspective we are trying  
23 to be consistent with Section 106 of the National  
24 Historic Preservation Act and try to identify  
25 those listed resources. This is for the benefit

1 of this particular hearing process. There's a  
2 whole separate process that the applicant will be  
3 going through with the SHPO.

4 So, my opinion is just that, that we  
5 feel as though -- there are some cases where the  
6 views -- and here's the distinction. If in fact  
7 we had seen the balloon from the Mount Tom tower,  
8 then we might have had a different perspective in  
9 terms of how we feel about whether or not that has  
10 an effect on that particular property.

11 ATTORNEY SHERWOOD: You have a --

12 THE WITNESS (Libertine): Because the  
13 tower is used as an outlook. So there's the  
14 distinction that I try to make when it's just a  
15 structure and you see it from the property, then,  
16 you know, it's not as relevant from an aesthetic  
17 standpoint, and again, that's my opinion.

18 ATTORNEY SHERWOOD: And not an expert  
19 opinion, correct?

20 THE WITNESS (Libertine): Well, I don't  
21 consider myself an expert in the historic arena,  
22 but I've been doing this long enough to have a, I  
23 would say an educated opinion.

24 ATTORNEY SHERWOOD: Well, what you've  
25 been doing is an analysis of or a collection of

1 data, correct? In other words, you're doing a  
2 data review, you're not driving around inspecting  
3 each potential historical resource, considering  
4 whether or not it's suitable for listing. You're  
5 performing essentially, you're essentially filling  
6 out a series of forms to check to see if there are  
7 any structures that are listed within a particular  
8 radius, you're not making any judgment calls on  
9 the value -- you're not required to make any  
10 judgment calls on the value of the resource,  
11 correct?

12 THE WITNESS (Libertine): That's  
13 correct. Of sites that are not listed, yes,  
14 correct, I am not.

15 ATTORNEY SHERWOOD: Okay. Thank you.  
16 I have no further questions, Vice Chair  
17 Morissette.

18 THE VICE CHAIR: Thank you, Attorney  
19 Sherwood.

20 ATTORNEY BALDWIN: Vice Chair  
21 Morissette, if I could interrupt just for a  
22 second. We do have an answer to that short  
23 homework assignment that we had earlier.

24 THE VICE CHAIR: That would be great.  
25 Thank you.

1           THE WITNESS (Gustafson): Good  
2 afternoon. Dean Gustafson from All-Points. This  
3 is in response to Mr. Mercier's question about the  
4 graded slope. So after conferring with my  
5 colleagues, the graded slopes will be temporarily  
6 stabilized using a combination of temporary  
7 seeding, annual rye seed grass, in combination  
8 with erosion control blankets.

9           I will make note that for the erosion  
10 control blankets that dovetails into our Wetland  
11 Protection Plan as noted on Sheet C-3.8,  
12 particularly item 2, ENS controls, and that we  
13 specify that erosion control blankets should be  
14 net-less or netting using natural fiber to avoid  
15 wildlife entanglement. Although there's no  
16 particular sensitivity on this property to  
17 encounter obligate vernal pool species, and that  
18 was actually confirmed this past Friday on April  
19 10th with an inspection of the site and confirming  
20 that it does not support vernal pool habitat as no  
21 ponding water was observed within the wetlands  
22 with the exception of about 2 to 4 inches of water  
23 depth within the seasonal intermittent  
24 watercourse.

25           But that being said, there are wetland

1 forested habitats, so there are potential  
2 encounters with other amphibians and reptiles that  
3 could be entangled, so that's why we restrict the  
4 type of erosion control blanket.

5 In addition, as needed, we may employ  
6 compost filter socks, straw wattles in the  
7 midslope regions to further control that graded  
8 slope while it's establishing permanent  
9 vegetation.

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

12 We'll continue with cross-examination  
13 of the applicant on Exhibits B-12 and 13 as listed  
14 on the hearing program by Washington Montessori  
15 Association, Inc.

16 Attorney Mortelliti, good afternoon.

17 ATTORNEY MORTELLITI: Good afternoon,  
18 Mr. Morissette. Can you hear me okay?

19 THE VICE CHAIR: Yes, I can. Thank  
20 you.

21 ATTORNEY MORTELLITI: Attorney Baldwin,  
22 can your panel hear me okay?

23 ATTORNEY BALDWIN: We can at the  
24 moment. Thank you.

25 ATTORNEY MORTELLITI: Thank you. Let

1 me know if that becomes a problem at some point.

2 Mr. Morissette, I just want to clarify  
3 the questions at this point are limited to Mr.  
4 Kendall's resume and the applicant's responses to  
5 the Area Residents second set of interrogatories.  
6 Is that correct?

7 THE VICE CHAIR: Well, the first one is  
8 Mr. Libertine's resume and the second is, you  
9 stated it correctly, the Area Residents Group  
10 interrogatories, Set two, dated February 10th.

11 ATTORNEY MORTELLITI: Thank you.  
12 Attorney Sherwood did ask the vast majority of my  
13 questions, but I do have a follow-up question for  
14 the panel because I believe Mr. Kendall wasn't  
15 able to provide an answer.

16 So I would ask to the panel, Mr.  
17 Kendall testified to not having applied for a  
18 design exception with the DOT as part of the  
19 encroachment permit process. Has any member of  
20 the panel done such an application for a design  
21 exception?

22 THE WITNESS (Paul): No. This is Brian  
23 Paul with Vertical Bridge. There's no one on the  
24 panel that applied for that exception.

25 ATTORNEY MORTELLITI: Thank you. I

1 have a question for either Mr. Kendall or the  
2 panel. I'm not sure who's more equipped to answer  
3 this. But if you look at the Interrogatory 10  
4 response, and I'm talking about Interrogatory 10  
5 from the Area Residents Group, Set Two. Let me  
6 know when everyone is there. There's a response  
7 to that interrogatory. And the applicant states  
8 that the Sight Distance Matrix from Late-Filed  
9 Exhibit 1 only included passenger and single-unit  
10 vehicles since, after site construction, those  
11 will be the predominantly used vehicles at the  
12 location. I think it goes on to say that --  
13 sorry, I lost my focus here. And then it goes on  
14 to say that semi-trailer trucks will only be used  
15 turning out of the driveway.

16 Are vehicles expected to be limited to  
17 single-unit vehicles, passenger vehicles and  
18 semi-trailer trucks, are those the only expected  
19 vehicles traversing the property?

20 ATTORNEY BALDWIN: Can we just clarify,  
21 Attorney Mortelliti, that you've referenced part  
22 of that response. What the response says,  
23 "semi-trailer trucks will only turn out of the  
24 driveway during construction activity."

25 ATTORNEY MORTELLITI: Right.

1           ATTORNEY BALDWIN: I think that's an  
2 important element that you left out of your  
3 question. Sorry to interrupt, but I just wanted  
4 to make that point. So what is your question  
5 following up on that?

6           ATTORNEY MORTELLITI: Thank you,  
7 Attorney Baldwin.

8           I guess my question to the panel would  
9 be, are the only anticipated vehicles during  
10 construction activity going to be semi-trailer  
11 trucks, single-unit vehicles and passenger  
12 vehicles?

13           THE WITNESS (Paul): This is Brian Paul  
14 with Vertical Bridge. There are a number of  
15 different vehicles that will be used during the  
16 course of construction, everything from concrete  
17 trucks to dump trucks, to cranes, to pickup trucks  
18 for manpower and so forth. So there's a wide  
19 variety of vehicles that will access the site  
20 during construction, hence the traffic safety  
21 control measures that will be put in place to  
22 ensure that not only are those vehicles safe when  
23 entering a road where folks are known to speed but  
24 also to ensure the safety of those speeding.

25           ATTORNEY MORTELLITI: Thank you,

1 Mr. Paul. My follow-up question would be, can you  
2 explain then as to why those other vehicles that  
3 you just mentioned were not part of the sight  
4 distance matrix because the interrogatory states  
5 that semi-trailer trucks, single-unit vehicles and  
6 passenger vehicles, at least my understanding is  
7 that those vehicles were only used in the matrix  
8 because those are the predominantly used vehicles,  
9 but why not include other vehicles that are  
10 anticipated at the property?

11 THE WITNESS (Kendall): This is Phil  
12 Kendall from H&H. As noted earlier, there's going  
13 to be other traffic control measures in place  
14 during construction that are going to assist with  
15 vehicles entering and exiting the drive to help  
16 with the limited site distance. The comment is  
17 referring to everyday use after construction. And  
18 the predominant vehicles using the site after  
19 construction are passenger vehicles. This is why  
20 that was used for the calculation of sight  
21 distance.

22 ATTORNEY MORTELLITI: Thank you, Mr.  
23 Kendall.

24 Mr. Morissette, I have no further  
25 questions at this time as to these specific items.

1 Thank you.

2 THE VICE CHAIR: Very good. Thank you.

3 Okay. This is a good time for us to  
4 take a break. So we will come back at 3:40, and  
5 we will commence with the appearance by the Town  
6 of Washington. So that's 3:40. Thank you,  
7 everyone.

8 (Whereupon, a recess was taken from  
9 3:22 p.m. until 3:40 p.m.)

10 THE VICE CHAIR: We are back on the  
11 record. Okay. We will commence with the  
12 appearance by the Town of Washington. Will the  
13 party present its witness panel for purposes of  
14 taking the oath. We will have Attorney Bachman  
15 administer the oath.

16 First Selectman Brinton, please.

17 (No response.)

18 THE VICE CHAIR: First Selectman  
19 Brinton, please.

20 (No response.)

21 THE VICE CHAIR: First Selectman  
22 Brinton?

23 (No response.)

24 THE VICE CHAIR: Okay. Very good.  
25 We'll move on to the appearance by the Town of

1 Warren. Will the party present its witness panel  
2 for purposes of taking the oath. Attorney Bachman  
3 will administer the oath.

4 FIRST SELECTPERSON LACAVA: Greg LaCava  
5 present, Town of Warren.

6 THE VICE CHAIR: Thank you, First  
7 Selectman LaCava. Good afternoon.

8 FIRST SELECTPERSON LACAVA: Good  
9 afternoon, sir.

10 THE VICE CHAIR: Attorney Bachman,  
11 please administer the oath.

12 ATTORNEY BACHMAN: Thank you, Vice  
13 Chair Morissette.

14 First Selectman LaCava, could you  
15 please just raise your right hand and let us know  
16 when it's raised when you have a chance.

17 FIRST SELECTPERSON LACAVA: Yes.

18 ATTORNEY BACHMAN: Perfect. Thank you.

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

20 having been first duly sworn by Attorney  
21 Bachman, testified on his oath as follows:

22 ATTORNEY BACHMAN: Thank you.

23 THE VICE CHAIR: Thank you, Attorney  
24 Bachman.

25 First Selectperson LaCava, you have

1 offered the exhibits listed under the hearing  
2 program marked Numeral IV-B-1 and 2 for  
3 identification purposes. Is there any objection  
4 to marking these exhibits for identification  
5 purposes only at this time?

6 THE WITNESS (LaCava): No, sir.

7 THE VICE CHAIR: Very good. Thank you.  
8 First Selectperson LaCava, did you prepare or  
9 assist in the preparation of Exhibits IV-B-1 and  
10 2?

11 THE WITNESS (LaCava): Yes.

12 THE VICE CHAIR: Do you have any  
13 additions, clarifications, deletions or  
14 modifications to these documents?

15 THE WITNESS (LaCava): No.

16 THE VICE CHAIR: Are these exhibits  
17 true and accurate to the best of your knowledge?

18 THE WITNESS (LaCava): Yes, they are.

19 THE VICE CHAIR: Thank you. And do you  
20 offer these exhibits as your testimony here today?

21 THE WITNESS (LaCava): Yes.

22 THE VICE CHAIR: Very good. Thank you.  
23 Does any party or intervenor object to  
24 the admission of the Town of Warren's exhibits?

25 Attorney Baldwin?

1           ATTORNEY BALDWIN: No objection, Vice  
2 Chair Morissette.

3           THE VICE CHAIR: Thank you. First  
4 Selectperson Brinton?

5           (No response.)

6           THE VICE CHAIR: Attorney Sherwood?

7           ATTORNEY SHERWOOD: Thank you, Vice  
8 Chairman Morissette. No objection.

9           THE VICE CHAIR: Thank you.

10          Attorney Mortelliti?

11          ATTORNEY MORTELLITI: No objections,  
12 Mr. Morissette. Thank you.

13          THE VICE CHAIR: Thank you.

14          Attorney Coppola or Studer?

15          ATTORNEY STUDER: Good afternoon, Mr.  
16 Morissette. This is Attorney Studer on behalf of  
17 Attorney Coppola. No objections.

18          THE VICE CHAIR: Thank you, Attorney  
19 Studer. The exhibits hereby admitted.

20          (Town of Warren Exhibits IV-B-1 and  
21 IV-B-2: Received in evidence - described in  
22 index.)

23          THE VICE CHAIR: We'll now begin with  
24 cross-examination of the Town of Warren by the  
25 Council starting with Mr. Mercier followed by Ms.

1 Hall.

2 Mr. Mercier.

3 CROSS-EXAMINATION

4 MR. MERCIER: Yes. Thank you. I just  
5 have one question since my other questions were  
6 answered through the interrogatory process. Does  
7 the town have any interest in colocating antennas  
8 on the proposed facility if it was approved for  
9 either municipal or emergency communication use?

10 THE WITNESS (LaCava): If I had time to  
11 properly vet that with our emergency services, I  
12 could answer that.

13 THE VICE CHAIR: Unfortunately, this is  
14 your opportunity to answer questions. You will  
15 not have another opportunity unless you file  
16 briefs in the matter, First Selectman LaCava.

17 THE WITNESS (LaCava): Understood. The  
18 question was would the town be interested in  
19 colocating on the tower itself for purposes of  
20 Warren use?

21 MR. MERCIER: That's correct.

22 THE WITNESS (LaCava): My answer would  
23 be yes.

24 MR. MERCIER: Do you know what services  
25 that may be offered if you did locate on the

1 facility?

2 THE WITNESS (LaCava): I do not, no.

3 MR. MERCIER: Okay. Thank you. I have  
4 no other questions.

5 THE VICE CHAIR: Thank you, Mr.  
6 Mercier. We'll now continue cross-examination by  
7 Ms. Hall followed by Mr. Carter.

8 Ms. Hall.

9 MS. HALL: I have no questions. Thank  
10 you.

11 THE VICE CHAIR: Thank you. We'll now  
12 continue cross-examination by Mr. Carter followed  
13 by Dr. Williams.

14 Mr. Carter.

15 MR. CARTER: Thank you, Mr. Vice Chair.  
16 I have no questions.

17 THE VICE CHAIR: Thank you. We'll now  
18 continue cross-examination by Dr. Williams  
19 followed by Mr. Golembiewski.

20 Dr. Williams.

21 DR. WILLIAMS: No questions.

22 THE VICE CHAIR: Thank you. We'll now  
23 continue cross-examination by Mr. Golembiewski  
24 followed by Mr. Syme.

25 Mr. Golembiewski.

1 MR. GOLEMBIEWSKI: I have no questions.  
2 Thank you. I have no questions.

3 THE VICE CHAIR: Very good. Thank you.  
4 We'll now continue cross-examination by  
5 Mr. Syme followed by Mr. Lynch.

6 MR. SYME: I'm all set. I have none.

7 THE VICE CHAIR: Thank you.

8 Mr. Lynch, any questions?

9 MR. LYNCH: Can you hear me,  
10 Mr. Morissette? I think I'm stuck on -- or my  
11 mute is going crazy here.

12 THE VICE CHAIR: No. I can hear you.

13 MR. LYNCH: If you can you hear me, no  
14 questions.

15 THE VICE CHAIR: Very good. Thank you.  
16 And I have no questions either.

17 We'll continue with cross-examination  
18 of the Town of Warren by Attorney Baldwin.

19 Attorney Baldwin.

20 ATTORNEY BALDWIN: Thank you, Vice  
21 Chair Morissette, just a few questions.

22 Mr. LaCava, according to your exhibits,  
23 you stated that you've heard from your fire chief  
24 and your ambulance chief who said that the town  
25 would benefit from improved wireless service along

1 Route 202 or Route 341. Isn't that correct?

2 THE WITNESS (LaCava): Yes, sir.

3 ATTORNEY BALDWIN: Does the Town of  
4 Warren have any other telecommunications towers  
5 within the limits of the town?

6 THE WITNESS (LaCava): Not at this  
7 time.

8 ATTORNEY BALDWIN: That might be the  
9 reason why they suggest they need the service,  
10 correct?

11 THE WITNESS (LaCava): Correct.

12 ATTORNEY BALDWIN: And as you  
13 understand it, based on the information contained  
14 in this record, the wireless service that would be  
15 provided by the proposed facility certainly would  
16 benefit anyone living in the area or traveling  
17 through southeast portions of the town along those  
18 roadways, you know, folks visiting other folks,  
19 doing business in town, traveling into town for  
20 recreational purposes, isn't that true?

21 THE WITNESS (LaCava): Yes, sir.

22 ATTORNEY BALDWIN: To the best of your  
23 knowledge, does the town's emergency service  
24 providers or Litchfield County dispatch, who I  
25 think you said also provides service in the town,

1 utilize any type of small cell technology?

2 THE WITNESS (LaCava): Not to my  
3 knowledge.

4 ATTORNEY BALDWIN: Given some of the  
5 concerns raised by some of the residents about  
6 traffic along Warren Road, would the town consider  
7 taking any steps to control or slow down the  
8 traffic on that roadway?

9 THE WITNESS (LaCava): I don't know to  
10 the extent I can answer that being a state road.  
11 I don't know how much control I would have in that  
12 small section that is Warren before it becomes  
13 Washington.

14 ATTORNEY BALDWIN: The Town of  
15 Washington, they installed speed cameras. Is  
16 there any interest in doing that in Warren?

17 THE WITNESS (LaCava): It's certainly a  
18 popular topic around my board of select meetings.

19 ATTORNEY BALDWIN: Thank you,  
20 Mr. LaCava. No further questions.

21 THE VICE CHAIR: Thank you, Attorney  
22 Baldwin. We'll now continue with  
23 cross-examination of the Town of Warren by the  
24 Town of Washington, First Selectperson Brinton.

25 (No response.)

1 THE VICE CHAIR: Very good. We'll  
2 continue cross-examination of the Town of Warren  
3 by Steep Rock Association, Inc., Attorney  
4 Sherwood.

5 ATTORNEY SHERWOOD: Thank you,  
6 Mr. Morissette.

7 Good afternoon, Mr. LaCava. I am David  
8 Sherwood. I represent Steep Rock Association.

9 THE WITNESS (LaCava): Good afternoon,  
10 sir.

11 ATTORNEY SHERWOOD: The concern over  
12 sight lines was first raised by Warren residents;  
13 is that correct?

14 THE WITNESS (LaCava): Correct.

15 ATTORNEY SHERWOOD: And the DOT, the  
16 people from the district came to the site based on  
17 your request; is that correct?

18 THE WITNESS (LaCava): Correct.

19 ATTORNEY SHERWOOD: Have Warren  
20 residents expressed any other concerns to you  
21 about the proposal beyond concern over traffic  
22 safety in that particular location?

23 THE WITNESS (LaCava): Not other than  
24 what was noted.

25 ATTORNEY SHERWOOD: So they were just

1 concerned about traffic safety?

2 THE WITNESS (LaCava): Are you asking  
3 me for other concerns other than traffic safety or  
4 in addition?

5 ATTORNEY SHERWOOD: That's correct.

6 THE WITNESS (LaCava): Okay. Yeah, so  
7 concerns regarding perhaps wetlands in the area.  
8 I had heard from a number of residents about the  
9 possibility of small cells and so on, so forth.  
10 So I reached out to DOT on behalf of the request  
11 of some residents.

12 ATTORNEY SHERWOOD: Thank you.

13 Thank you, Mr. Morissette. I have no  
14 other questions.

15 THE VICE CHAIR: Thank you, Attorney  
16 Sherwood. We'll now continue cross-examination of  
17 the Town of Warren by Washington Montessori  
18 Association, Inc., Attorney Mortelliti.

19 ATTORNEY MORTELLITI: Thank you,  
20 Mr. Morissette.

21 Good afternoon, Mr. LaCava.

22 THE WITNESS (LaCava): Good afternoon.

23 ATTORNEY MORTELLITI: Can you hear me  
24 okay?

25 THE WITNESS (LaCava): Yes, sir.

1                   ATTORNEY MORTELLITI: Mr. LaCava, isn't  
2 it true that a portion of the Washington  
3 Montessori School is located in the Town of  
4 Warren?

5                   THE WITNESS (LaCava): It very well may  
6 be true. I'm not familiar with the exact amount  
7 of acreage.

8                   ATTORNEY MORTELLITI: Okay. Have you  
9 had any discussions with the Washington Montessori  
10 School as a property owner in the Town of Warren  
11 regarding this application?

12                   THE WITNESS (LaCava): No.

13                   ATTORNEY MORTELLITI: Okay.  
14 Mr. LaCava, you attended a municipal consultation  
15 with the applicant prior to the submission of this  
16 application. Do you recall that consultation  
17 meeting?

18                   THE WITNESS (LaCava): Municipal, no, I  
19 do not.

20                   ATTORNEY MORTELLITI: Did the town ever  
21 meet with the applicant regarding the proposed  
22 application?

23                   THE WITNESS (LaCava): No.

24                   ATTORNEY MORTELLITI: Okay. Did you  
25 ever receive a technical report from the applicant

1 regarding the proposed cell tower project?

2 THE WITNESS (LaCava): Yeah, I believe  
3 I had received an abutter's notice, if that's what  
4 you're considering.

5 ATTORNEY MORTELLITI: Okay. Are you  
6 familiar with the applicant's technical report  
7 that was filed as part of docket, as part of this  
8 Docket 543?

9 THE WITNESS (LaCava): Familiar? No.

10 ATTORNEY MORTELLITI: So you haven't  
11 reviewed that report?

12 THE WITNESS (LaCava): I may have  
13 reviewed it or read it, but how familiar I am I'm  
14 honestly not in that technology field.

15 ATTORNEY MORTELLITI: Did you receive  
16 any concerns from residents in Warren regarding  
17 the aesthetic or visual impact or at least  
18 potential impact of the project?

19 THE WITNESS (LaCava): Yes.

20 ATTORNEY MORTELLITI: Okay. Can you  
21 elaborate generally on what those concerns were as  
22 communicated to you?

23 THE WITNESS (LaCava): The site sheds,  
24 the probability of a cell tower in the  
25 neighborhood disingenuous to the type of area that

1 it is, how it will affect some homes, and that it  
2 would impact some Warren residents. So I made  
3 sure I was involved and followed it up.

4 ATTORNEY MORTELLITI: Thank you,  
5 Mr. LaCava. Mr. LaCava, have you reviewed any of  
6 the prefiled testimony that's been submitted by  
7 the intervenors in this case, specifically the  
8 Washington Montessori School?

9 THE WITNESS (LaCava): No.

10 ATTORNEY MORTELLITI: Mr. Morissette,  
11 those are my questions for Mr. LaCava at this  
12 time. Thank you.

13 THE VICE CHAIR: Very good. Thank you.  
14 We'll now continue with cross-examination of the  
15 Town of Warren by the Area Residents Group,  
16 Attorney Studer.

17 ATTORNEY STUDER: Thank you,  
18 Mr. Morissette. I have no questions for  
19 Mr. LaCava at this time.

20 THE VICE CHAIR: Very good. Thank you.

21 Very good. We'll now move on to the  
22 appearance by Steep Rock Association, Inc. Will  
23 the CEPA intervenor present its witness panel for  
24 the purpose of taking the oath, and Attorney  
25 Bachman will administer the oath.

1 Attorney Sherwood.

2 ATTORNEY SHERWOOD: Thank you, Vice  
3 Chair Morissette. Our witness panel, as listed in  
4 the hearing program, consists of the following  
5 members: Thomas Rickart, who is the chief of the  
6 board of Steep Rock Association; Brian Hagenbuch,  
7 who is the executive director; Michael Klemens,  
8 who is a biologist and an ecologist and a former  
9 Connecticut Siting Council member; Michael Lawton,  
10 who is a radio frequency engineer with Isotrope;  
11 and Albert Manville, who is a retired senior  
12 wildlife biologist with the Division of Migratory  
13 Bird Management of the US Fish and Wildlife  
14 Service. And I offer them to be sworn in.

15 THE VICE CHAIR: Thank you, Attorney  
16 Sherwood.

17 Attorney Bachman, please administer the  
18 oath.

19 ATTORNEY BACHMAN: Thank you, Vice  
20 Chair Morissette. If the witnesses could please  
21 raise their right hand.

22 M I C H A E L W. K L E M E N S,  
23 A L B E R T M. M A N V I L L E,  
24 T H O M A S M. R I C K A R T,  
25 B R I A N E. H A G E N B U C H,

1 M I C H A E L K. L A W T O N,  
2 having been first duly sworn by Attorney  
3 Bachman, testified on their oaths as follows:

4 ATTORNEY BACHMAN: Thank you.

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

7 Attorney Sherwood, please begin by  
8 verifying all the exhibits by the appropriate  
9 sworn witnesses.

10 ATTORNEY SHERWOOD: Yes. I'd like to  
11 ask that the Council take administrative notice of  
12 the items in the hearing program under Roman V,  
13 Section A.

14 THE VICE CHAIR: Attorney Bachman,  
15 could you provide some guidance? I thought we  
16 already did that.

17 ATTORNEY SHERWOOD: I don't believe  
18 we've done that yet, Mr. Morissette.

19 ATTORNEY BACHMAN: Thank you, Vice  
20 Chair Morissette and Attorney Sherwood. We could  
21 certainly ask the Council and the other parties  
22 and intervenors if they object to the  
23 administrative notice list of Steep Rock  
24 Association as listed on the hearing program.

25 THE VICE CHAIR: Very good. Are there

1 any objections noted by the Council?

2 (No response.)

3 THE VICE CHAIR: Attorney Baldwin, any  
4 objection?

5 ATTORNEY BALDWIN: No objection.

6 THE VICE CHAIR: First Selectperson  
7 Brinton?

8 (No response.)

9 THE VICE CHAIR: First Selectperson  
10 LaCava?

11 FIRST SELECTPERSON LACAVA: I'm all  
12 set. Thank you.

13 THE VICE CHAIR: Thank you.

14 Attorney Mortelliti?

15 ATTORNEY MORTELLITI: No objections.  
16 Thank you.

17 THE VICE CHAIR: Thank you.

18 Attorney Studer?

19 ATTORNEY STUDER: No objections. Thank  
20 you.

21 THE VICE CHAIR: Very good.

22 Very good. The exhibits are hereby  
23 admitted.

24 (Administrative Notice Items V-A-1  
25 through V-A-53: Received in evidence - noted in

1 index.)

2 DIRECT EXAMINATION

3 ATTORNEY SHERWOOD: Thank you, Mr.  
4 Morissette. Our exhibits to offer this afternoon  
5 are listed in the hearing program under Roman V,  
6 Section B, and I will ask our witnesses to verify  
7 the exhibits as a panel.

8 Having been duly sworn, are the  
9 documents that have been submitted bearing your  
10 name and the name of your firm true and accurate  
11 to the best of your knowledge and belief? And I  
12 will ask each of you to respond individually. Mr.  
13 Rickart?

14 THE WITNESS (Rickart): They are.

15 ATTORNEY SHERWOOD: Dr. Hagenbuch?

16 THE WITNESS (Hagenbuch): They are.

17 ATTORNEY SHERWOOD: Dr. Klemens?

18 THE WITNESS (Klemens): They are.

19 ATTORNEY SHERWOOD: Dr. Manville?

20 THE WITNESS (Manville): They are.

21 ATTORNEY SHERWOOD: And Mr. Lawton?

22 THE WITNESS (Lawton): Yes.

23 ATTORNEY SHERWOOD: Did you prepare,  
24 assist in the preparation and/or are you familiar  
25 with the exhibits listed in the hearing program?

1 Mr. Rickart?

2 THE WITNESS (Rickart): I am, and I  
3 did.

4 ATTORNEY SHERWOOD: Dr. Hagenbuch?

5 THE WITNESS (Hagenbuch): Yes, I am and  
6 I do.

7 ATTORNEY SHERWOOD: Dr. Klemens?

8 THE WITNESS (Klemens): Yes, I am, and  
9 I do.

10 ATTORNEY SHERWOOD: Dr. Manville?

11 THE WITNESS (Manville): Yes, I am, and  
12 I did.

13 ATTORNEY SHERWOOD: And Mr. Lawton?

14 THE WITNESS (Lawton): Yes, I am, and I  
15 did.

16 ATTORNEY SHERWOOD: And do you have any  
17 modifications or clarifications or corrections to  
18 the information contained in the documents  
19 identified? Mr. Rickart?

20 THE WITNESS (Rickart): None.

21 ATTORNEY SHERWOOD: Dr. Hagenbuch?

22 THE WITNESS (Hagenbuch): None.

23 ATTORNEY SHERWOOD: Dr. Klemens?

24 THE WITNESS (Klemens): None.

25 ATTORNEY SHERWOOD: Dr. Manville?

1 THE WITNESS (Manville): Typo  
2 corrections have been made, so they should be  
3 current.

4 ATTORNEY SHERWOOD: And Mr. Lawton?

5 THE WITNESS (Lawton): None.

6 ATTORNEY SHERWOOD: And is the  
7 information contained in the documents true and  
8 accurate to the best of your knowledge? Mr.  
9 Rickart?

10 THE WITNESS (Rickart): It is.

11 ATTORNEY SHERWOOD: Dr. Hagenbuch?

12 THE WITNESS (Hagenbuch): It is.

13 ATTORNEY SHERWOOD: Dr. Klemens?

14 THE WITNESS (Klemens): Yes, it is.

15 ATTORNEY SHERWOOD: Dr. Manville?

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

17 ATTORNEY SHERWOOD: And Mr. Lawton?

18 THE WITNESS (Lawton): Yes, it is.

19 ATTORNEY SHERWOOD: And do you adopt  
20 this as your testimony in this proceeding today?  
21 Mr. Rickart?

22 THE WITNESS (Rickart): I do.

23 ATTORNEY SHERWOOD: Dr. Hagenbuch?

24 THE WITNESS (Hagenbuch): I do.

25 ATTORNEY SHERWOOD: Dr. Klemens?

1 THE WITNESS (Klemens): I do.

2 ATTORNEY SHERWOOD: Dr. Manville?

3 THE WITNESS (Manville): I do.

4 ATTORNEY SHERWOOD: And Mr. Lawton?

5 THE WITNESS (Lawton): Yes, I do.

6 ATTORNEY SHERWOOD: Thank you, Mr.

7 Morissette. We offer the Steep Rock exhibits as  
8 full exhibits.

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

11 Does any party or intervenor object to  
12 the admission of Steep Rock Association, Inc.'s  
13 exhibits?

14 Attorney Baldwin?

15 ATTORNEY BALDWIN: No objection, Vice  
16 Chair Morissette.

17 THE VICE CHAIR: First Selectperson  
18 Brinton?

19 (No response.)

20 THE VICE CHAIR: First Selectperson  
21 LaCava?

22 FIRST SELECTPERSON LACAVA: No  
23 objection.

24 THE VICE CHAIR: Thank you.

25 Attorney Mortelliti?

1           ATTORNEY MORTELLITI: No objections,  
2 Vice Chair Morissette. Thank you.

3           THE VICE CHAIR: Thank you.  
4 Attorney Studer?

5           ATTORNEY STUDER: No objections. Thank  
6 you.

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

9                   (Steep Rock Association, Inc. Exhibits  
10 V-B-1 through V-B-12: Received in evidence -  
11 described in index.)

12           THE VICE CHAIR: We'll now begin  
13 cross-examination of Steep Rock Association, Inc.  
14 by the Council starting with Mr. Mercier followed  
15 by Ms. Hall.

16                   Mr. Mercier.

17                   CROSS-EXAMINATION

18           MR. MERCIER: Thank you. I just have a  
19 general question for the panel. I'm not sure who  
20 to address this to. If this particular facility  
21 was approved, were there any stealth options Steep  
22 Rock Association would prefer such as a painted  
23 tower or a tree tower?

24           ATTORNEY SHERWOOD: Dr. Hagenbuch, I  
25 think that's a good question for you.

1 THE WITNESS (Hagenbuch): Could you  
2 repeat the question for me?

3 MR. MERCIER: Yes. If this tower was  
4 approved, does the Steep Rock Association have any  
5 preference as to whether a color such as painted  
6 brown or regular steel or a design option such as  
7 a stealth tree?

8 THE WITNESS (Hagenbuch): No. I think  
9 that deflects from our main opposition to it that  
10 it's going to still interfere with the viewshed  
11 because it's going to be 40 or 50 feet above the  
12 tree line, and we still have issues with the whole  
13 construction, operation, planning and design of  
14 it. So I don't think painting it a certain color  
15 is a remedy here.

16 MR. MERCIER: Okay. Thank you. I have  
17 several questions for Mr. Lawton, and I'm going to  
18 begin with your supplemental prefile testimony  
19 dated January 26, 2026.

20 THE WITNESS (Lawton): Okay.

21 MR. MERCIER: On page 3 it includes a  
22 chart which has demarcations for town land area,  
23 population, et cetera. Now, is this chart based  
24 on any type of radio frequency or is it just a  
25 breakdown of land area and the number of small

1 cells required?

2 THE WITNESS (Lawton): Mike Lawton,  
3 Isotrope. The only part of the chart that refers  
4 to anything radio frequency related would be the  
5 number of small cells that are proposed which  
6 would be the column on the right. The rest is  
7 just some statistics -- and as well the areas in  
8 blue. The rest is some statistics on the makeup  
9 of the towns and the population, the density and  
10 the land area of the towns that are listed on the  
11 left.

12 MR. MERCIER: Okay. Thank you. Now,  
13 reading it, just to make sure I'm correct, the  
14 chart is stating nine small cells are needed to  
15 provide Verizon with 6.6 square miles of coverage  
16 in Washington and Warren. Is that correct?

17 THE WITNESS (Lawton): That's correct.  
18 It should actually be ten, but yes, that's  
19 correct.

20 MR. MERCIER: Okay. I'm going to refer  
21 to your prefile testimony dated November 21, 2025.

22 THE WITNESS (Lawton): Okay.

23 MR. MERCIER: On page 6 there was a  
24 hypothetical analysis showing 10 small cells --

25 THE WITNESS (Lawton): That is correct.

1 MR. MERCIER: -- Route 202 at 700  
2 megahertz. Is this area shown on the map less  
3 than or greater than 6.6 square miles?

4 THE WITNESS (Lawton): I believe that  
5 area is 6.6 square miles.

6 MR. MERCIER: Along Route 202 here in  
7 your depiction?

8 THE WITNESS (Lawton): Correct.

9 MR. MERCIER: And how did you measure  
10 that?

11 THE WITNESS (Lawton): It's measured  
12 when you do the -- when the propagation prediction  
13 is completed, the tool that does the propagation  
14 prediction gives the statistics of covered land  
15 area and covered homes in the area, homes and  
16 people. And that's what generates the, for  
17 example, the table that's above that plot in the  
18 map.

19 MR. MERCIER: Okay. If someone used  
20 the scale on this map and measured it, would it  
21 equal 6.6 square miles?

22 THE WITNESS (Lawton): I would imagine  
23 it would. It should, yes. I also scaled off the  
24 gap on Route 202 from the applicant's maps, and I  
25 measured 4.7 miles linear distance on Route 202.

1           MR. MERCIER: Okay. Looking at your  
2 map here on page 6 with the 700 megahertz, there  
3 appears to be a coverage deficiency at the  
4 intersection of Route 202 and 341. Now, if  
5 coverage -- if an RF designer wanted coverage of  
6 that area, would another small cell be required?

7           THE WITNESS (Lawton): Yes. The idea  
8 was that this is a template design based on  
9 predictions. Should a carrier want to proceed  
10 with this sort of design, I would expect them to  
11 review the available poles and determine which  
12 poles met their needs and as well come up with  
13 their own design. That's typically how it's done.  
14 My design is simply a proof of concept that this  
15 area can be covered by small cells and a rough  
16 estimate of what I believe in my professional  
17 opinion is sufficient, a sufficient number of  
18 small cells to cover the section on Route 202  
19 that's shown as a gap on the applicant's maps.

20           MR. MERCIER: Okay. And also, you  
21 know, referring to the gap on the applicant's map,  
22 I didn't see a small cell on this particular map  
23 over in the Mount Tom area which is Route 202  
24 eastward --

25           THE WITNESS (Lawton): Correct.

1           MR. MERCIER:  -- after it says top of  
2 hill.  So to complete coverage for an RF designer,  
3 there was coverage beyond Mount Tom pond, there  
4 would have to be another small cell.  Is that  
5 correct?

6           THE WITNESS (Lawton):  I believe, if  
7 you go back to the applicant's maps, the existing  
8 system, the existing network in the area covers to  
9 roughly the Washington, I think that's Bantam town  
10 line on Route 202.  So that's where I ended my  
11 design on the eastern most extremity.

12          MR. MERCIER:  Okay.  Thank you.  And  
13 just as a follow-up, I understand in your  
14 supplemental prefile you mentioned Verizon had a  
15 proposal to install a small cell network in the  
16 Town of Chilmark on Martha's Vineyard.  What's the  
17 current status of that proposal?

18          THE WITNESS (Lawton):  My understanding  
19 is that that proposal has been denied by the Town  
20 of Chilmark.

21          MR. MERCIER:  The town --

22          THE WITNESS (Lawton):  There's some  
23 discussion -- I'm sorry, there's some discussion  
24 right now about whether the town may actually  
25 prefer a full tower to an additional 30 small

1 cells in their town.

2 MR. MERCIER: I'm sorry, did you say  
3 that they might do a tower in addition to the 30  
4 small cells or not do the 30 small cells?

5 THE WITNESS (Lawton): Yeah, a tower in  
6 replacement of the 30 small cells. The town, to  
7 my understanding, and this is just from reading  
8 the news, I'm not involved in that proceeding, my  
9 understanding is that the town has denied the  
10 application by Verizon and Robinson & Cole to  
11 place 30 small cells in the west end of Martha's  
12 Vineyard, and the town is currently -- or the two  
13 towns that are affected, Chilmark and I forget the  
14 other town that I had listed there, are currently  
15 considering whether to allow a macro tower as  
16 being a less onerous prospect for them to provide  
17 coverage in their town rather than permitting the  
18 small cells that are being proposed. However, to  
19 my understanding, that has not -- the discussion  
20 has taken place, but there's been no proposal to  
21 the town or any kind of permit, request applied  
22 for or granted.

23 MR. MERCIER: Okay. Thank you. I have  
24 no other questions at this time.

25 THE VICE CHAIR: Thank you, Mr.

1       Mercier.

2                       We'll now continue with  
3 cross-examination by Ms. Hall.

4                       Ms. Hall.

5                       MS. HALL: I have no questions. Thank  
6 you.

7                       THE VICE CHAIR: Very good. Thank you.

8                       We'll now continue with  
9 cross-examination by Mr. Carter followed by Dr.  
10 Williams.

11                      Mr. Carter.

12                      MR. CARTER: Thank you. I have no  
13 questions.

14                      THE VICE CHAIR: Thank you.

15                      We'll now continue cross-examination by  
16 Dr. Williams followed by Mr. Golembiewski.

17                      DR. WILLIAMS: No questions at this  
18 time. Thank you.

19                      THE VICE CHAIR: Thank you.

20                      We'll now continue cross-examination by  
21 Mr. Golembiewski followed by Mr. Syme.

22                      Mr. Golembiewski.

23                      MR. GOLEMBIEWSKI: I have no questions.  
24 Thank you.

25                      THE VICE CHAIR: Thank you.

1                   We'll now continue cross-examination of  
2 Mr. Syme followed by Mr. Lynch.

3                   Mr. Syme.

4                   MR. SYME: I'm good. Thank you.

5                   THE VICE CHAIR: Thank you. We'll now  
6 continue with cross-examination of Steep Rock by  
7 Mr. Lynch followed by myself.

8                   Mr. Lynch.

9                   MR. LYNCH: Mr. Lawton, is it? Do all  
10 these small cells have to in some way be connected  
11 to a macro cell somewhere?

12                   THE WITNESS (Lawton): Is the question  
13 are they required to be, or is the question can  
14 they be?

15                   MR. LYNCH: Do they have to be I guess  
16 is what I'm saying.

17                   THE WITNESS (Lawton): No, they're an  
18 individual entity, individual radio entity on the  
19 network that's connected with power, a power  
20 source and a telephone source, typically fiber,  
21 usually most often fiber, and operates as just a  
22 very small, low impact, similar sort of scope to a  
23 wholesale site, less equipment, less expense and  
24 so on.

25                   MR. LYNCH: One follow-up question, Mr.

1 Lawton. The fiberoptic telephone lines, if they  
2 go down due to a storm, does that shut down all  
3 the small cells?

4 THE WITNESS (Lawton): It would. And  
5 in addition, it would shut down the proposed tower  
6 because the tower is being fed by the same fiber.

7 MR. LYNCH: That I understand. Thank  
8 you. I just wanted to -- I didn't know whether  
9 the small cells have their own live fiberoptics.  
10 So they're tied into the phone company?

11 THE WITNESS (Lawton): They are. And  
12 on Route 202 I believe the phone company in that  
13 area is Frontier which would be now Verizon.

14 MR. LYNCH: I asked this of the carrier  
15 earlier. If that fiberoptic goes down, is there  
16 any -- would they have to put any plan in place to  
17 go back to Frontier to get that up and operating,  
18 is there a priority even for small cells like  
19 there is for the macro cell?

20 THE WITNESS (Lawton): I think that  
21 would be an arrangement that would be -- it would  
22 take place between the utility and the wireless  
23 carrier. The wireless carrier is a customer to  
24 the utility, and in this case they would be a  
25 customer to themselves because it's Verizon. But

1 I imagine the utility would want to restore  
2 service along Route 202 for both the residential  
3 customers on Route 202 who are currently using  
4 their internet connectivity as well as for a  
5 potential small cell network which would come back  
6 up at the same time. It's not a dedicated service  
7 for the small cell, as I said.

8 MR. LYNCH: Thank you, Mr. Lawton.

9 Mr. Morissette, that's all my  
10 questions.

11 THE VICE CHAIR: Thank you, Mr. Lynch.

12 Mr. Lawton, I'm going to continue with  
13 questions for you. Now, a small cell is for,  
14 typically for one carrier and one carrier only,  
15 correct?

16 THE WITNESS (Lawton): When you say  
17 carrier, I would differentiate between internally  
18 within the industry a carrier can be either an  
19 operating entity or a frequency band. And in this  
20 case small cells, yes, are typically deployed by  
21 an individual operating entity. They can be  
22 deployed on multiple frequency bands, and in fact  
23 in my pictures and in my prior testimony I've  
24 shown a number of locations where there are  
25 multiple bands in use at Verizon's small cells,

1 but it's all -- it would be strictly to Verizon.

2           If another carrier came along  
3 hypothetically in this area and wanted --  
4 presuming that the tower was not built and the  
5 small cells were built by Verizon, if another  
6 carrier came along and wanted to provide service  
7 along Route 202, they could mount antennas in  
8 their own small cell network on either adjacent  
9 poles or lower on existing poles that Verizon is  
10 using, but they would be responsible for designing  
11 and deploying their own small cell network along  
12 Route 202.

13           THE VICE CHAIR: Thank you for that.  
14 Now, small cells typically do not have backup  
15 power, so if the utility power goes out they're  
16 out of service; is that correct?

17           THE WITNESS (Lawton): That is correct.

18           THE VICE CHAIR: Now, in your  
19 discussion on January 26, 2026, page 2, you  
20 indicate that it's a concept design, and in the  
21 first paragraph you don't assert that these  
22 alternative technologies are necessarily viable  
23 alternatives to all macro cells. Is that because  
24 this is a concept plan, it really needs more  
25 analysis to determine whether it is a viable

1 solution to replace the cell tower?

2 THE WITNESS (Lawton): No. What I was  
3 trying to get at there, to be honest, was, so  
4 there are a number of macro cells and including in  
5 the Siting Council's records, prior dockets and  
6 including prior dockets that I've testified in on  
7 behalf of applicants, locations that small cells  
8 are not a reasonable alternative to macro cells  
9 because of the area, the dimensions of the area,  
10 the density of usage, a variety of other things,  
11 including things as simple as there are no  
12 telephone poles along certain roads. And, you  
13 know, if there are no telephone poles, then a  
14 small cell design becomes not insurmountable but  
15 much more difficult because poles need to be  
16 placed to support it.

17 So because of that, and in my day job,  
18 I guess you'd call it, as a municipal consultant  
19 to towns and boards in Massachusetts and  
20 elsewhere, when I review proposals by applicants,  
21 by Verizon, one of the things that I look at and  
22 one of the things that the boards will often look  
23 at is, is this a viable location for small cells  
24 or not. And I would say, you know, just to pull a  
25 percentage out of the air, 70 to 80 percent of

1 proposals are not viable small cell replacement  
2 scenarios, but I believe this one is.

3           And I believe this one is because of  
4 the limited scope of coverage that's required, the  
5 limited dimension of coverage. But the gap that's  
6 shown on the applicant's plots as well as my  
7 demonstration that the majority of the remediation  
8 that the applicant can provide or is proposing to  
9 provide with this proposed site can be supported  
10 by a limited scope small cell network, not, it  
11 doesn't -- if we were talking about, I think I  
12 referenced earlier it was 4.7 miles linear  
13 distance on Route 202. If we're talking about a  
14 circle of diameter of 4.7 miles, that would be an  
15 insurmountable problem for small cells because it  
16 just, you couldn't, it wouldn't make sense to  
17 place that many.

18           But where this is predominantly, when I  
19 went back and looked at the area that the proposed  
20 site is intended to improve, it's a very small  
21 area. It's 4.7 miles on 202, but it's only 1.4  
22 miles on Route 314. It barely reaches the Warren  
23 town line. And any coverage in Warren will not be  
24 provided by this site. It's not going to provide,  
25 according to the applicant's plots, it's not going

1 to provide consistent coverage along Route 314 in  
2 Warren. And Route 62, it's two tenths of a mile.  
3 So it's a, I refer to it as a cigar shaped, I  
4 think, or oblong shaped area which makes it --  
5 which drives down the number of small cells that  
6 would be needed and makes it a reasonable  
7 candidate for small cells.

8 THE VICE CHAIR: Very good. Thank you  
9 for that clarification, very much appreciate it.

10 THE WITNESS (Lawton): Sure.

11 THE VICE CHAIR: We will continue with  
12 cross-examination of Steep Rock Association, Inc.  
13 by the applicant, Attorney Baldwin.

14 ATTORNEY BALDWIN: Thank you, Vice  
15 Chair Morissette.

16 Mr. Rickart, you stated in your  
17 testimony on page 2 that viable alternatives  
18 should be explored. Have you reviewed the  
19 application and, in particular, the site search  
20 summary included behind attachment 8 of the  
21 application?

22 THE WITNESS (Rickart): I have done a  
23 cursory review of the application. I don't -- I  
24 can't say that I know that particular item that  
25 you're speaking of.

1           ATTORNEY BALDWIN: In the site search  
2 summary that I'm speaking of the applicant  
3 identifies 42 alternative locations that were  
4 investigated and were either unavailable due to  
5 the property owner's lack of interest or rejected  
6 for environmental or radio frequency engineer  
7 reasons. And there's a map that includes where  
8 those 42 locations are. Where exactly are these  
9 viable alternative locations that you say exist?

10           THE WITNESS (Rickart): I can't  
11 identify them. I would defer to our experts to  
12 address that. But I think that we were discussing  
13 alternatives, and alternatives would have included  
14 the small cell opportunity, but I can't identify,  
15 it's not my expertise to try to identify another  
16 location.

17           ATTORNEY BALDWIN: That's not what you  
18 said. You didn't refer to small cells. You said  
19 alternative, there are viable alternative  
20 locations that should be explored. You don't know  
21 of any particular locations that you're talking  
22 about?

23           THE WITNESS (Rickart): No, I can't say  
24 that I know of any particular locations.

25           ATTORNEY BALDWIN: Again, looking at

1 the alternative site search summary map that shows  
2 the alternative locations that were considered,  
3 there are several that are in fact closer to the  
4 Macricostas Preserve. Is it safe to say that you  
5 would not advocate for any further investigation  
6 of those alternatives given their proximity to the  
7 preserve?

8 THE WITNESS (Rickart): I would expect  
9 that I would have the same objections to those  
10 sites as I would to this site, but it would  
11 depend. Clearly it would be specific to the site.

12 ATTORNEY BALDWIN: Your testimony  
13 recognizes that the eastern portion of the  
14 Macricostas Preserve is about a mile and a half  
15 west of the proposed tower site; is that right?

16 THE WITNESS (Rickart): I would accept  
17 that. I think that's approximately correct, yes.  
18 I don't have the measurements in front of me.

19 ATTORNEY BALDWIN: It's your testimony,  
20 sir.

21 THE WITNESS (Rickart): Yes, then I  
22 believe that's correct, yes.

23 ATTORNEY BALDWIN: The trail system on  
24 that preserve is a little bit further away from  
25 the eastern edge of the Macricostas Preserve; is

1 that right?

2 THE WITNESS (Rickart): It's not, I  
3 don't think it runs right up to the edge. I think  
4 that's correct.

5 ATTORNEY BALDWIN: For anyone on the  
6 Steep Rock panel, perhaps Mr. Hagenbuch, I assume  
7 you've also reviewed the application materials  
8 and, in particular, the coverage maps that were  
9 provided by the applicant. So you understand that  
10 the proposed tower site would provide wireless  
11 service to a significant portion of the  
12 Macricostas Preserve, would you agree with that?

13 THE WITNESS (Hagenbuch): We understand  
14 there may be some limited benefits with coverage,  
15 but like we said also that we're interested in  
16 proposed alternatives. I don't think it's  
17 incumbent upon Steep Rock to identify those  
18 locations. I really think it's incumbent upon the  
19 applicant to identify and convince us that those  
20 alternative locations are not reasonable or  
21 feasible.

22 ATTORNEY BALDWIN: Thank you, sir.  
23 We're running short of time, so I would just ask  
24 if you would respond to my question particularly.  
25 In your testimony it references your concerns

1 about the impact the tower will have on hikers and  
2 other folks enjoying the preserve recreation at  
3 the Steep Rock Association property?

4 THE WITNESS (Hagenbuch): Yes.

5 ATTORNEY BALDWIN: In fact, you  
6 reference Steep Rock hosts 80,000 visitors a year  
7 on your properties. And then you go on to state  
8 that you're concerned about the degradation of the  
9 "user experience" which you think will be caused  
10 by the new tower that is about a mile and a half  
11 away; is that right?

12 THE WITNESS (Hagenbuch): Well,  
13 partially. We have four preserves open to the  
14 public, and so our estimated total is 80,000 to  
15 100,000 people a year. Macricostas Preserve  
16 itself, based upon our metrics and surveys, is  
17 about 30,000 visitors per year. We have had a  
18 number of our visitors register concerns about  
19 this cell tower location to us and about that  
20 visual impact, and that's what first got us  
21 interested in it. It was our visitors and our  
22 hikers that came to us and said are we aware of  
23 this project.

24 ATTORNEY BALDWIN: As an entity that  
25 invites the public onto its property, whether it's

1 30,000 or 80,000 folks a year, wouldn't the user  
2 experience for your visitors be enhanced if they  
3 had reliable wireless service in case they needed  
4 it in case of, say, an emergency, they were  
5 injured during one of their hikes?

6 THE WITNESS (Hagenbuch): We do have  
7 some coverage in Macricostas, and we have had some  
8 injuries that have been able to use 911 and access  
9 our emergency services without an issue. A lot of  
10 people do come to our preserves to get away from  
11 the screens and the wireless services, and so they  
12 would rather go out and just enjoy the experience  
13 and the viewsheds that we have. And we have been,  
14 I think it's paramount that Steep Rock continue to  
15 protect the conservation, recreation and aesthetic  
16 values of these preserves.

17 A number of years ago, there was a cell  
18 tower proposed in Kent that would have been  
19 visible from our Waramaug Rock summit. And we did  
20 submit a letter in opposition of that because of  
21 that impact on the viewshed.

22 ATTORNEY BALDWIN: Well, let's talk  
23 about some of the other tower sites. There's  
24 another tower in Washington at 6 Mountain Road  
25 that is in fact closer to the Macricostas Preserve

1 than the proposed facility. Did Steep Rock  
2 Association oppose that tower application?

3 THE WITNESS (Hagenbuch): 6 Mountain  
4 Road, I'm not sure where that is. And I'm not  
5 sure when that was established. I came to Steep  
6 Rock in 2020.

7 ATTORNEY BALDWIN: What about the  
8 town's tower, Town of Washington tower at 10  
9 Blackville Road, south of this facility, that's  
10 about 500 feet from the Steep Rock Association  
11 Hidden Valley Preserve. Did Steep Rock  
12 Association oppose the development of that tower?

13 THE WITNESS (Hagenbuch): I think that  
14 also predated my arrival. And that cell tower is  
15 not visible from the pinnacle at Hidden Valley,  
16 and it's also right adjacent to the town.

17 ATTORNEY BALDWIN: Mr. Lawton, have you  
18 ever been involved with or designed or assisted  
19 Verizon Wireless or AT&T with any small cell pole  
20 attachment applications proceeding through the  
21 Connecticut Public Utilities Regulatory Authority?

22 THE WITNESS (Lawton): Verizon or AT&T,  
23 no. And Connecticut Public Utilities, no.

24 ATTORNEY BALDWIN: Are you familiar  
25 with any of the limitations and restrictions

1 imposed by pole owners on pole attachers in  
2 Connecticut?

3 THE WITNESS (Lawton): Specifically in  
4 Connecticut, no.

5 ATTORNEY BALDWIN: Identifying --

6 THE WITNESS (Lawton): In general, yes.

7 ATTORNEY BALDWIN: And since you  
8 haven't been through a pole attachment process in  
9 Connecticut, you don't know if any of the poles  
10 that you've identified in your conceptual plans  
11 would be available to Verizon for their use, do  
12 you?

13 THE WITNESS (Lawton): I do not, but  
14 there are 139 poles along Route 202, and I mapped  
15 them all. If none of them were available to  
16 Verizon, I would be shocked.

17 ATTORNEY BALDWIN: And you're not  
18 familiar with the pole owners' make-ready  
19 requirements or modifications that the pole owners  
20 might require carriers to use for these pole  
21 attachment purposes, correct?

22 THE WITNESS (Lawton): I am very  
23 familiar with those in Massachusetts, not in  
24 Connecticut.

25 ATTORNEY BALDWIN: But not in

1 Connecticut. In the same manner, you're not  
2 familiar with any restrictions imposed by pole  
3 owners, you don't know if antenna heights that  
4 you've included in your conceptual design are even  
5 feasible or whether those poles are even available  
6 for use, do you?

7 THE WITNESS (Lawton): The assumption  
8 is that the rules that Eversource and various  
9 other utilities use in Massachusetts would be the  
10 similar rule in Connecticut, but I don't know that  
11 for certain.

12 ATTORNEY BALDWIN: In order to provide  
13 service with small cells on larger parcels like  
14 the Washington Montessori School and the  
15 Macricostas Preserve you'd have to install a  
16 series of poles in those locations, wouldn't you?

17 THE WITNESS (Lawton): I think it  
18 entirely depends on what type of service you're  
19 looking to provide. If we're talking about  
20 outdoor service, as you were just questioning the  
21 Steep Rock people about, we don't have any  
22 indication in any of the representations that the  
23 applicant has provided that there's even the need  
24 for outdoor service here. Hikers may well be  
25 covered already because the two thresholds that

1 are shown on the plots do not refer to outdoor  
2 service. They only refer to in-building and  
3 in-car.

4 ATTORNEY BALDWIN: If you were to cover  
5 those areas with small cells, how many poles do  
6 you think you'd need?

7 THE WITNESS (Lawton): It's an  
8 impossible question to answer because I don't have  
9 the ability to see what the outdoor coverage is in  
10 the area. Obviously, the outdoor coverage would  
11 be greater than the coverage that's being shown on  
12 these plots, but I can't design a network for  
13 people outside cars and outside buildings without  
14 knowing what area of deficient coverage exists.

15 ATTORNEY BALDWIN: Last question. Your  
16 conceptual design focuses on Route 202. What  
17 about service along Route 341, Whittlesey Road,  
18 Mount Tom Road, Garland Road, Valley Road, Wilbur  
19 Road, a number of other roads in the area which  
20 Verizon would be covering with its coverage  
21 footprint which is in the record 14 square miles  
22 of the tower site, how many additional small cells  
23 would your conceptual design require in order to  
24 provide coverage along those additional roadways?

25 THE WITNESS (Lawton): I did look

1 specifically at Route 341, and as I mentioned, the  
2 proposed site using the applicant's plots only  
3 covers 1 point -- 1.2 miles or 1.4 miles on Route  
4 341. 1.4 miles north from the Route 202  
5 intersection. If that area was added to the  
6 coverage, I would expect the route, the entirety  
7 of the proposal's coverage on Route 341 could be  
8 covered with two small cells, two additional, two  
9 incremental. Because Route 341, after this  
10 proposal, should this proposal be granted, after  
11 this proposal is brought online, Route 341 would  
12 not be well covered.

13 ATTORNEY BALDWIN: You mentioned some  
14 of the other dockets that you've been involved  
15 with and Isotrope has been involved with, one in  
16 Kent. There have been dockets in Woodbridge,  
17 Westport, Ridgefield, all with Isotrope taking the  
18 same position that small cells provide the  
19 carriers with a viable alternative, and in each of  
20 those instances the Siting Council made a finding  
21 that was not the case. Is this --

22 A. (Lawton) The --

23 ATTORNEY BALDWIN: Let me finish my  
24 question.

25 THE WITNESS (Lawton): Please.

1           ATTORNEY BALDWIN: Is this area of  
2 Washington and Warren, Connecticut so different  
3 from Kent or Ridgefield?

4           THE WITNESS (Lawton): What I would say  
5 in response to that, the irony of the question is  
6 in Ridgefield I was AT&T's consulting engineer  
7 supporting their proposal along with Homeland  
8 Towers to the Siting Council, and I made the  
9 statement in that application that small cells  
10 were not a viable solution. And as with Mr.  
11 Morissette's question earlier, I would say that  
12 small cells are not a viable solution to every  
13 potential macro cell, but they are certainly a  
14 solution to some, and I believe this is one of  
15 them.

16           ATTORNEY BALDWIN: Thank you. I'm all  
17 set, Mr. Morissette.

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

20           We will continue with cross-examination  
21 of Steep Rock Association, Inc. by the Town of  
22 Washington, First Selectperson Brinton.

23           (No response.)

24           THE VICE CHAIR: Very good. We will  
25 continue with cross-examination of Steep Rock

1 Association, Inc. by the Town of Warren, First  
2 Selectperson LaCava, please.

3 (No response.)

4 THE VICE CHAIR: Very good. We will  
5 continue with cross-examination of Steep Rock  
6 Association, Inc. by the Washington Montessori  
7 Association, Inc., Attorney Mortelliti, please.

8 ATTORNEY MORTELLITI: Thank you, Mr.  
9 Morissette. At this time, I don't have any  
10 cross-examination questions. Thank you.

11 THE VICE CHAIR: Very good. Thank you.  
12 We will continue with cross-examination of Steep  
13 Rock Association, Inc. by the Area Residents  
14 Group, Attorney Studer, please.

15 ATTORNEY STUDER: Thank you, Mr.  
16 Morissette.

17 I first have some questions for Mr.  
18 Lawton. So Mr. Lawton, I've got a few questions  
19 about your prefile testimony dated November 21,  
20 2025, as well as your supplemental prefile  
21 testimony dated January 26th of 2026. But first,  
22 could you clarify that you've reviewed the  
23 application materials in this docket and you're  
24 familiar with the testimony of Verizon's experts?

25 THE WITNESS (Lawton): I have, and I

1 am.

2 ATTORNEY STUDER: And you touched upon  
3 this briefly, but could you describe your  
4 experience, your work experience with Isotrope as  
5 well and your experience specifically working with  
6 both macro cell and small cell developments.

7 THE WITNESS (Lawton): Sure. I've been  
8 associated with Isotrope for, since late 2023.  
9 Prior to that, I worked for over 35 years for the  
10 wireless industry. I worked for, as a consultant  
11 to AT&T. I worked on a small IoT development that  
12 was intended to be a worldwide IoT network. And  
13 my most recent position was working as the market  
14 general manager for DISH Wireless in New England  
15 where I was responsible for the design and  
16 deployment of what was to be a 1,500 site network  
17 in New England, macro cells and small cells.

18 ATTORNEY STUDER: So you have extensive  
19 experience working with both macro cell towers and  
20 small cells?

21 THE WITNESS (Lawton): Yes, although  
22 our small cell deployment with DISH was limited to  
23 Massachusetts just because of, because we didn't  
24 come across any locations in Connecticut that we  
25 needed them, so we only used small cells in

1 Massachusetts.

2 ATTORNEY STUDER: And you've mentioned  
3 your consulting work on behalf of municipalities.  
4 And I believe you mentioned this in response to a  
5 question from Vice Chair Mr. Morissette, but I  
6 just want to confirm that you have in the past  
7 supported the siting of telecommunications towers?

8 THE WITNESS (Lawton): Absolutely, yes.  
9 I mean, my job is or my current, I described it as  
10 my day job, is as an expert peer reviewer employed  
11 by or consulted by municipalities, towns, as well  
12 as the Cape Cod Commission and other entities in  
13 primarily Massachusetts but also a little bit of  
14 work in New York and now a little bit of work in  
15 Connecticut.

16 And the scope of the service is when an  
17 applicant such as Verizon comes to a town in  
18 Massachusetts or to the Cape Cod Commission and  
19 proposes a tower, the members of the board  
20 typically look for an expert to provide them with  
21 insight into, you know, what the applicant is  
22 proposing, why they're proposing it, and whether  
23 there are any reasonable alternatives, and should  
24 they choose to, should the board choose to approve  
25 or deny, some meat on the bones, so to speak,

1 about how they might approve or deny. Often  
2 boards will approve. Often boards will review  
3 proposals and ask the consultant, myself, to offer  
4 an opinion on whether small cells would be a  
5 reasonable alternative, and often I will say no,  
6 but sometimes they are.

7 ATTORNEY STUDER: Now, in your role as  
8 a consultant, wouldn't it typically be appropriate  
9 if small cells are a possibility for the applicant  
10 to provide a template design to either prove or  
11 disprove the viability of small cells?

12 THE WITNESS (Lawton): Yes, and in some  
13 cases I have asked as a consultant on behalf of  
14 towns asked applicants to provide small cell  
15 designs as part of the proceedings. Often they're  
16 not willing to. Sometimes I will jump into that  
17 gap and do one myself and show it to the town and  
18 either it would prove or disprove the viability of  
19 small cells in that area. But, you know, some  
20 applications, when you look at them, the tower is  
21 intended to cover such a large area that it's just  
22 not even a reasonable analysis, and other  
23 applications and in other circumstances there are  
24 definitely places where, should a tower be denied  
25 or should a tower not be reasonable or feasible, a

1 small cell design could meet the applicant's  
2 needs.

3 And I'll try to flesh that out as a  
4 consultant to a town, and I will ask those  
5 questions. And like I said, if the applicant  
6 isn't willing to answer the question, then I will  
7 provide an answer myself, and that seems to be  
8 fairly effective at helping the board determine  
9 whether the application is reasonable or not or  
10 whether there is a reasonable alternative or not.

11 And so yes, there have been a number --  
12 to answer your question directly, yes, there have  
13 been a number of applications where I have said  
14 small cells are not a viable alternative,  
15 including the one that was just brought up, the  
16 Ridgefield Siting Council docket, and a number of  
17 recent ones in Massachusetts. There was one in  
18 Acton where I was asked if small cells were an  
19 alternative, and I responded no, and if we want to  
20 dip deeper we can get somebody to do a design,  
21 I'll even do it, but the board was not interested  
22 in that because they were interested in granting  
23 the application, so that was the end of the  
24 conversation.

25 ATTORNEY STUDER: Thank you. And Mr.

1 Lawton, just to confirm, in this case the  
2 applicant has not provided what you would deem an  
3 appropriate template design to prove or disprove  
4 the viability of a small cell installation?

5 THE WITNESS (Lawton): Correct.

6 ATTORNEY STUDER: And I know you've  
7 said in response again to Mr. Morissette you did  
8 state, and I just want to clarify, that there are  
9 situations where a tower cannot be replaced by  
10 small cells. I just want you to confirm that that  
11 is --

12 THE WITNESS (Lawton): Yeah, I would  
13 say cannot be replaced by a reasonable number of  
14 small cells. I mean, there is, at some point the  
15 requirement becomes excessive and it's just, you  
16 know, if a tower needed -- if a tower siting  
17 required 30 to 40 small cells to replace it, that  
18 might not be reasonable. Or, like I mentioned  
19 earlier, if overhead powerlines or overhead  
20 utility lines don't exist along the major  
21 thoroughfares in the area, then that makes small  
22 cells that much less reasonable.

23 ATTORNEY STUDER: And I believe you  
24 stated that conversely there are circumstances  
25 where small cells are an effective substitute.

1 Can you just elaborate and explain what those  
2 circumstances are?

3 THE WITNESS (Lawton): Where the  
4 coverage area is well defined, where the use  
5 that's being sought, and in this case the use  
6 that's being sought is, based on the applicant's  
7 plots, it's users in buildings and in cars, and  
8 where that use can be supported by small cells  
9 located on existing telephone pole or a utility  
10 pole structure. And so, if the unserved  
11 residences along Route 202 all had 3-mile  
12 driveways and were sited way back in the woods,  
13 that would not be reasonable because the small  
14 cell on Route 202 would not be able to cover the  
15 building that was way back in the woods.

16 In this case from spending a lot of  
17 time driving up and down Route 202, there's quite  
18 a number of homes in close proximity to Route 202,  
19 and those would be well served by small cells  
20 located along the utility poles on Route 202. And  
21 in that case, I think what I'm trying to describe  
22 is where the need is well defined and can be  
23 served by a site or an antenna located on whatever  
24 utility poles exist in the area, those would be  
25 the best locations to consider small cells.

1           ATTORNEY STUDER: So based upon your  
2 review of the plots submitted as part of this  
3 application, the coverage plots, and the  
4 representation of the gap in coverage that's been  
5 presented by the applicant, is it your  
6 professional opinion that small cells are a  
7 solution here?

8           THE WITNESS (Lawton): It is, yes.

9           ATTORNEY STUDER: Now, sticking with  
10 Mr. Lawton but shifting to the cost estimate, are  
11 you familiar with the cost estimate per small cell  
12 that was provided by Verizon as part of this  
13 application?

14          THE WITNESS (Lawton): I am.

15          ATTORNEY STUDER: And in your opinion,  
16 are those cost estimates per small cell  
17 reasonable?

18          THE WITNESS (Lawton): In my opinion,  
19 no.

20          ATTORNEY STUDER: And can you explain  
21 why?

22          THE WITNESS (Lawton): I've looked at  
23 it in a number of different ways. I've looked at  
24 the dollars, the numbers, based on my experience  
25 of what the costs are, even including pole

1 attachment fees, including make-ready, including  
2 all the components that go into locating a site on  
3 a utility pole other than replacement of the pole  
4 which is sometimes necessary, and it doesn't add  
5 up in my experience.

6 I know that the applicant has been  
7 asked to provide documentation about those costs  
8 and has been unwilling to, and that kind of tracks  
9 with some of the towns in Massachusetts where the  
10 applicants are also requested to provide financial  
11 information. AT&T is very willing to provide an  
12 estimate. For some reason Verizon is not. AT&T's  
13 estimate for total cost to build small cells in  
14 Lincoln, Massachusetts has been on the order of  
15 20,000 to \$25,000. And I put a link in one of my  
16 reports to the source for that.

17 The town manager, I review the small  
18 cell applications of the carriers in Lincoln.  
19 Whenever the carrier wants to come and place a  
20 small cell in Lincoln, I review it. And like I  
21 said, AT&T has been very willing. Verizon has  
22 not.

23 ATTORNEY STUDER: Thank you, Mr.  
24 Lawton.

25 THE WITNESS (Lawton): And I also went

1 at it another way. If you look at the  
2 applicant's -- just because I'm an engineer and I  
3 like to look at things three different ways, if  
4 you look at the applicant's filing where the costs  
5 of the proposed site, there is a line item in  
6 there for radio equipment, and that radio  
7 equipment that they're proposing to put on the  
8 tower includes six radio heads. A small cell  
9 would use one radio head. And if you work out the  
10 math of what the applicant is representing as the  
11 radio equipment cost and the development cost of  
12 the macro site and you compare it to the small  
13 cell cost estimate that they provide, the numbers  
14 don't add up.

15 ATTORNEY STUDER: And when you talk  
16 about the cost of the radio head, just to clarify  
17 for non-engineers like myself, is the radio head  
18 the same for a macro site as it is for a small  
19 cell?

20 THE WITNESS (Lawton): It can be. It  
21 doesn't have to be, but it can be. They're both  
22 outdoor mounted radio heads. It depends. The  
23 radio head that's specifically used is dependent  
24 upon the frequency that you're intending to  
25 transmit and receive. So the applicant has

1 proposed radio heads to support all of their bands  
2 on the macro cells, on the macro cell here. The  
3 small cell they, based on what Verizon typically  
4 deploys that I've seen in a number of locations in  
5 Massachusetts, they would deploy two radio heads.  
6 They would typically deploy low band and a mid  
7 band radio head.

8 ATTORNEY STUDER: And I just want to  
9 touch upon a point which you've already kind of  
10 touched upon, but in your supplemental prefile  
11 testimony you talk both about the cost disclosures  
12 by AT&T, and you've already touched upon that,  
13 cost per small cell, you stated 20,000 to 25,000.  
14 You also mentioned your experience as the market  
15 general manager for DISH Wireless. And you state  
16 in your supplemental prefile that the budget for  
17 each small cell site was 25,000, and you were  
18 often under budget.

19 THE WITNESS (Lawton): Correct.

20 ATTORNEY STUDER: So is there any  
21 reason that the cost that you're discussing in  
22 your supplemental prefile would be substantially  
23 dissimilar to a project in Connecticut?

24 THE WITNESS (Lawton): None that I'm  
25 aware of. That's why I looked at it three

1 different ways. And I can't, like I said, I can't  
2 make the numbers add up. But I would love to see  
3 some, as I think, I don't know whether it was the  
4 Area Residents or someone requested bill of  
5 materials that justifies that cost. I don't think  
6 we've seen it, but it would sure be interesting.

7 ATTORNEY STUDER: And have you reviewed  
8 the applicant's responses to the Area Residents  
9 Group's interrogatories?

10 THE WITNESS (Lawton): I did, yes.

11 ATTORNEY STUDER: And referring to the  
12 applicant's response to Interrogatory Number 15,  
13 do you agree with the statement that Verizon has  
14 limited small cell use to "provide discrete,  
15 targeted coverage or capacity relief to the macro  
16 network"?

17 THE WITNESS (Lawton): That's certainly  
18 not what I've seen in Massachusetts. There are a  
19 number of significant roadways in Massachusetts  
20 that Verizon is providing more than what's  
21 described there for coverage. Route 6A on Cape  
22 Cod, the, I think it's Route 62 in Boylston, a  
23 number of roads in Lincoln that are all served by  
24 Verizon's strings of small cells, much like what  
25 I've put into my template design, and it seems to

1 work just fine for Verizon in Massachusetts  
2 including the proposal that they made to cover  
3 Chilmark and the adjacent town wholly with small  
4 cells.

5 ATTORNEY STUDER: And setting aside the  
6 siting process, speaking purely in terms of  
7 coverage, there would be no difference between  
8 Connecticut and Massachusetts, correct?

9 THE WITNESS (Lawton): Correct.

10 ATTORNEY STUDER: So referring to the  
11 same interrogatory response again, that's  
12 Interrogatory Number 15, do you agree with  
13 Verizon's statement that small cells cannot  
14 effectively provide -- "Small cells cannot  
15 effectively provide the broad area of coverage  
16 needed to satisfy Cellco's wireless service  
17 objectives in northeast Washington, southeast  
18 Warren and westerly portions of Litchfield"?

19 THE WITNESS (Lawton): I don't agree  
20 with that. I think that's a template statement  
21 that, you know, it's sort of the first line of  
22 defense in an application, and it doesn't take  
23 into account any of the particulars of the  
24 situation. And as I said, it's not, we don't want  
25 to paint with a broad brush when we can do a much

1 more reasonable technical analysis and come up  
2 with potentially nuance that is not available with  
3 that broad brush approach.

4 ATTORNEY STUDER: And again not to keep  
5 beating a dead horse, but in this situation, this  
6 application, the record that you have reviewed,  
7 you have not seen that technical analysis that  
8 would be required to make the sort of  
9 determination or to make the kind of statement  
10 that Verizon is making in this situation?

11 THE WITNESS (Lawton): I haven't seen  
12 it.

13 ATTORNEY STUDER: Now referring to  
14 attachment, I believe it's attachment 6 to the  
15 application, these are the coverage plots that  
16 have been provided, the 850 megahertz with new  
17 site plot appears to show better coverage to the  
18 northwest of the site on Route 341 than the 700  
19 megahertz plot. In your professional opinion, is  
20 this possible?

21 THE WITNESS (Lawton): No. I know  
22 Keith Vellante was asked about this during his  
23 testimony, and he didn't have a good answer for it  
24 either. I think it's a mistake.

25 ATTORNEY STUDER: And why is that

1 significant?

2 THE WITNESS (Lawton): Because 700  
3 megahertz should in all cases provide better  
4 coverage than 850 megahertz just simply because of  
5 the difference in the frequency and the fact that  
6 they are essentially transmitting out of the same  
7 antenna. They are transmitting out of the same  
8 physical antenna, and so therefore there should be  
9 a difference, but in all cases the 850 megahertz  
10 coverage should be deficient compared to the 700  
11 megahertz coverage.

12 ATTORNEY STUDER: Thank you. And  
13 sticking with the coverage plots, in your  
14 supplemental report you note an omission, and I  
15 want to ask you about this. The coverage plots do  
16 not appear to provide or include coverage from the  
17 new Verizon site located at the public works yard.  
18 I believe that's 10 Blackville Road in Washington  
19 Depot. Can you explain again why this is  
20 significant?

21 THE WITNESS (Lawton): Yes. That would  
22 be certainly the neighbor site to the south of the  
23 area that's being -- the site that's being  
24 proposed, and it would provide coverage somewhat  
25 adjacent, I'm not sure how much adjacent without

1 seeing the plot, but somewhat adjacent to this  
2 site. And Verizon, to my understanding, launched  
3 service on that site in December of last year, but  
4 we don't have a representation of what they  
5 believe that would contribute to the coverage  
6 plots that we have for this docket.

7 ATTORNEY STUDER: And shifting gears  
8 slightly, you've testified previously that in your  
9 opinion Verizon has presented this site's need for  
10 coverage only, taking capacity out of  
11 consideration. Does this affect the suitability  
12 of small cells as an alternative to the proposed  
13 macro cell tower development?

14 THE WITNESS (Lawton): It does. One of  
15 the things with the small cells is that as you  
16 start to -- Verizon has quite a number of bands or  
17 carriers, as we were talking about earlier, of  
18 coverage in this area, licenses to provide  
19 coverage. A macro cell needs to provide or is  
20 typically engineered to provide coverage from all  
21 those bands. A small cell, given the small form  
22 factor of it and the fact that you'd be attaching  
23 a radio head to provide coverage on all different  
24 bands, and particularly on high bands, something  
25 that is low the coverage would be much more

1 limited.

2 If capacity is not a concern, the  
3 coverage footprint can be realized with the lowest  
4 frequency band, 700 megahertz band, with one radio  
5 head, and Verizon would not need to come back and  
6 add an additional band, additional capacity until  
7 the usage in this area depleted the available  
8 capacity on that single radio head on each one of  
9 these small cells. And that obviously makes the  
10 installation, each small cell installation that  
11 much cheaper because they don't need to provide --  
12 it's not three, four radio heads, and it makes,  
13 hanging three or four radio heads on a utility  
14 pole is difficult at best.

15 ATTORNEY STUDER: Thank you. And  
16 again, I'll direct this question to Michael, to  
17 Mr. Lawton. The macro cell, the proposed tower,  
18 do you anticipate that the tower will generate  
19 heat, and can you explain why if your answer is  
20 yes?

21 THE WITNESS (Lawton): Yes, the radio  
22 heads do generate a significant amount of heat.  
23 The radio heads would be placed at the top of the  
24 tower on the platform. And the heat that they  
25 generate, I did look at the spec sheets of the

1 radio heads that are being proposed here by the  
2 applicant, they don't have a heat generation, heat  
3 generation spec. They do have an operating  
4 temperature spec, but they don't have a heat  
5 generation spec.

6 But the way I know that this is a  
7 concern is twofold: In areas where a site is a  
8 unipole or an enclosed no horizontal dimension  
9 monopole, the carriers cannot place radio heads  
10 within that monopole because without ventilation  
11 the radio heads generate enough heat that it  
12 becomes an unsafe situation behind the shroud, and  
13 so the radio heads need to be placed on the ground  
14 even if they would fit into the shroud of the  
15 unipole.

16 The other situation is an applicant or  
17 an application that Verizon has right now that I'm  
18 working on in Concord, Massachusetts where they  
19 are proposing to place antennas inside a cupola in  
20 an old school building. And in order to place the  
21 antennas and the radio heads inside that cupola,  
22 they have proposed to install ventilation fans,  
23 significant ventilation into this old wooden  
24 cupola to mitigate the heat that's generated by  
25 the radio heads.

1           So yes, heat is generated. I can't say  
2 how much or how or what the effect of that would  
3 be. Typically when it's on the top of a tower  
4 it's not something that people are necessarily  
5 concerned about, but yes, the radio heads  
6 definitely do. And each radio head, if you look  
7 at the spec sheets, they do have significant heat  
8 sync cooling fins on the unit itself so you can  
9 tell that they absolutely are aware that these  
10 things are generating significant heat.

11           ATTORNEY STUDER: And I do have some  
12 follow-up questions regarding the generation of  
13 heat, but I will direct those to a different  
14 panelist regarding the environmental impact. I'll  
15 wrap up with Mr. Lawton with just a two-part final  
16 question.

17           First, do the plots provided by Verizon  
18 in response to the interrogatories in this docket  
19 demonstrate that the area could reasonably be  
20 addressed by small cells? And the second part is  
21 in your professional opinion has the applicant  
22 vetted and considered this alternative technology  
23 or appropriately vetted and considered?

24           THE WITNESS (Lawton): So the answer to  
25 the first question is based on the plots that I

1 saw and the reason I'm here talking about this at  
2 all is I believe that this area is one of the few  
3 candidates for potential small cell replacement of  
4 a tower that's needed.

5 And then the second question was do I  
6 feel that the applicant has provided a  
7 demonstration either proving or disproving that.  
8 No, I have not seen any such demonstration.

9 And I think you asked me was it my  
10 professional opinion. Yes, it's my professional  
11 opinion that this area is a good candidate for  
12 small cells, a small cell scenario to replace a  
13 macro cell, potential macro cell coverage.

14 ATTORNEY STUDER: Thank you, Mr.  
15 Lawton.

16 Vice Chair Morissette, I do just want  
17 to note the time. I'm prepared to move on to the  
18 next panelist. I'm not sure how late the Council  
19 plans on going this evening.

20 THE VICE CHAIR: What's your length of  
21 questioning do you estimate that you have?

22 ATTORNEY STUDER: I've got a  
23 significant amount of questions for Dr. Klemens,  
24 Dr. Manville and Dr. Hagenbuch.

25 THE VICE CHAIR: Okay. With that,

1 we're going to end for today. The Council  
2 announces that we'll continue with the evidentiary  
3 session of the public hearing on April 28, 2026,  
4 at 2 p.m. via Zoom remote conferencing. A copy of  
5 the agenda for the continued evidentiary hearing  
6 will be available on the Council's website, along  
7 with the record of this matter, the public hearing  
8 notice, instructions for public access to this  
9 evidentiary hearing, and the Council's Citizens  
10 Guide to Siting Council Procedures.

11 Please note that anyone who has not  
12 become a party or intervenor but who desires to  
13 make his or her views known to the Council may  
14 file written statements to the Council until the  
15 comment period closes.

16 Copies of the transcript of this  
17 hearing will be filed with the Washington Town  
18 Clerk's Office.

19 I hereby declare this hearing  
20 adjourned. And thank you everyone for your  
21 participation and have a good evening. Thank you.

22 (Whereupon, the hearing adjourned at  
23 5:03 p.m.)  
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CERTIFICATE

I hereby certify that the foregoing 133 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Connecticut Siting Council Continued Public Hearing in Re: DOCKET NO. 543, THE TOWERS, LLC, APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY AND ASSOCIATED EQUIPMENT LOCATED AT 17 WARREN ROAD, WASHINGTON (NEW PRESTON), CONNECTICUT, which was held before JOHN MORISSETTE, VICE CHAIR, via Zoom, on April 14, 2026.



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

I N D E X

APPLICANT'S WITNESSES: (Previously sworn)

BRIAN PAUL  
 KEITH VELLANTE  
 JASON MARGELOT  
 DEAN GUSTAFSON  
 RICK LANDINO  
 MICHAEL LIBERTINE  
 PHILLIP KENDALL  
 ALEX TYURIN (Sworn on page 15)

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TOWN OF WARREN'S WITNESS: GREGORY M. LACAVAL  
 (Sworn on page 67)

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TOWN OF WARREN'S EXHIBITS

(Received in evidence)

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5 IV-B-1	Request for party status, dated November 10, 2025	69

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STEEP ROCK ASSOCIATION, INC. EXHIBITS

(Received in evidence)

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11 V-B-1	Request for CEPA intervenor status, dated November 3, 2025	87
12 V-B-2	Prefiled testimony of Michael W. Klemens, with attachments, dated November 19, 2025	87
13 V-B-3	Prefiled testimony of Thomas M. Rickart, with attachments, dated November 19, 2025	87
14 V-B-4	Prefiled testimony of Brian E. Hagenbuch, with attachments, dated November 20, 2025	87
15 V-B-5	Prefiled testimony of Michael Lawton, with attachments, dated November 21, 2025	87
16 V-B-6	Prefiled testimony of Albert M. Manville, II, with attachments, dated November 22, 2025	87
17 V-B-7	Responses to Council interrogatories, dated December 29, 2025	87

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EXHIBIT	DESCRIPTION	PAGE
V-B-8	Supplemental prefiled testimony of Michael W. Klemens, dated February 10, 2026	87
V-B-9	Supplemental prefiled testimony of Michael Lawton, dated February 10, 2026	87
V-B-10	Supplemental prefiled testimony of Brian E. Hagenbuch, dated February 10, 2026	87
V-B-11	Steep Rock Association, Inc., 2026 Macricostas Preserve Trail Map	87
V-B-12	Errata sheet for Albert M. Manville, II, prefiled testimony, dated March 2, 2026	87

\*\*All exhibits were retained by the Council.

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