

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 498

Application from Diamond Towers V, LLC, for a
Certificate of Environmental Compatibility and Public
Need for the Construction, Maintenance, and Operation
of a Telecommunications Facility Located at 185 Academy
Road, Cheshire, Connecticut

Zoom Remote Council Meeting (Teleconference),
on Tuesday, May 11, 2020, beginning at 2 p.m.

H e l d B e f o r e :

JOHN Morissette, Member and Presiding Officer

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

2 **Council Members:**

3 **JOHN MORISSETTE, (Hearing Officer)**

4
5 **ROBERT HANNON,**

6 **DEEP Designee**

7
8 **QUAT NGUYEN**

9 **PURA Designee**

10
11 **ROBERT SILVESTRI**

12 **LOUANNE COOLEY**

13 **EDWARD EDELSON**

14 **DANIEL P. LYNCH, JR.**

15
16 **Council Staff:**

17 **MELANIE BACHMAN, ESQ.,**

18 **Executive Director and**

19 **Staff Attorney**

17 **IFEANYI NWANKWO,**

18 **Siting Analyst**

20
21 **CHRISTINA WALSH,**

22 **Supervising Siting Analyst**

23
24 **LISA FONTAINE,**

25 **Fiscal Administrative Officer**

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

2 **DIAMOND TOWERS, V, LLC (Applicant):**

3 **Cuddy & Feder, LLC**

4 **445 Hamilton Avenue**

5 **14th Floor**

6 **White Plains, New York 10601**

7 **By: KRISTEN MOTEL, ESQ.**

8 **KMotel@cuddyfeder.com**

9 **914.761.1300**

10
11 **For Cellco Partnership d/b/a Verizon Wireless**

12 **(Intervener):**

13 **ROBINSON & COLE, LLP**

14 **280 Trumbull Street**

15 **Hartford, Connecticut 06103-3597**

16 **By: KENNETH C. BALDWIN, ESQ.**

17 **KBaldwin@rc.com**

18 **860.275.8200**

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1 THE HEARING OFFICER: Good afternoon, ladies and
2 Gentlemen. Can everyone hear me okay? Thank you.

3 This remote public hearing is called to order
4 this Tuesday, May 11, 2021, at 2 p.m.

5 My name is John Morissette, Member and
6 Presiding Officer of the Connecticut Siting
7 Council. Other members of the Council are Robert
8 Hannon, Designee of Commissioner Katie Dykes, the
9 Department of Energy and Environmental Protection;
10 Quat Nguyen, Designee for Chairman Marissa Paslick
11 Gillett of the Public Utility Regulatory
12 Authority; Robert Silvestri; Edward Edelson;
13 Louanne Cooley; and Daniel P. Lynch, Jr.

14 Members of the staff are Melanie Bachman,
15 Executive Director and Staff Attorney; Ifeanyi
16 Nwankwo, Siting Analyst; Christina Walsh,
17 Supervisor Siting Analyst; and Lisa Fontaine,
18 Fiscal Administrative Officer.

19 As everyone is aware there is currently a
20 statewide effort to prevent spread of the
21 Coronavirus. This is why the Council is holding
22 this remote public hearing and we ask for your
23 patience. If you haven't done so already, I ask
24 that everyone please mute their computer audio and
25 their telephone now.

1 This hearing is held pursuant to the
2 provisions of Title 16 of the Connecticut General
3 Statutes and of the Uniform Administrative
4 Procedure Act upon an application from Diamond
5 Towers V, LLC for a certificate of environmental
6 compatibility and public need for the
7 construction, maintenance, and operation of the
8 telecommunications facility located at 185 Academy
9 Road, Cheshire, Connecticut. This application was
10 received by the Council on March 11, 2021.

11 The Council's legal notice of the date and
12 time of this remote public hearing was published
13 in The Cheshire Herald on April 15, 2021. Upon
14 this Council's request, the Applicant erected a
15 sign near the existing driveway entering the
16 subject property from Academy Road so as to inform
17 the public of the name of the Applicant, the type
18 of facility, the remote public hearing date, and
19 contact information for the Council, both website
20 and phone number.

21 As a reminder to all, off-the-record
22 communications with a member of the Council or a
23 member of Council's staff upon the merits of this
24 application is prohibited by law.

25 The parties and intervenors to the proceeding

1 are as follows. The Applicant, Diamond Towers, V,
2 LLC represented by Christopher Fisher, Esquire;
3 and Kristen Motel, Esquire.

4 The Intervenor, Cellco Partnership d/b/a
5 Verizon Wireless represented by Kenneth C.
6 Baldwin, Esquire.

7 We will proceed in accordance with the
8 prepared agenda, a copy of which is available on
9 the Council's Docket Number 498 webpage, along
10 with the record of this matter, the public hearing
11 notice, instructions for public access to this
12 remote public hearing and the citizen's guide to
13 siting procedures.

14 Interested persons may join any session of
15 this public hearing to listen, but no public
16 comments will be received during the 2 p.m.
17 evidentiary session.

18 At the end of the evidentiary session we will
19 recess until 6:30 for the public comment session.
20 Please be advised that any person may be removed
21 from the remote evidentiary session or public
22 comment session at the discretion of the Council.

23 The 6:30 public comment session is reserved
24 for the public to make brief statements into the
25 record. I wish to note that the Applicants,

1 parties and intervenors, including their
2 representatives, witnesses and members are not
3 allowed to participate in the public comment
4 session.

5 I also wish to note for those who are
6 listening and for the benefit of your friends and
7 neighbors who are unable to join us for this
8 remote public comment session that you or they may
9 send written comments or statements to the Council
10 within 30 days of the date hereof, either by mail
11 or by e-mail, and such written statements will be
12 given the same weight as if spoken during the
13 remote public comment session.

14 The verbatim transcript of this remote public
15 hearing will be posted on the Council's Docket
16 Number 498 webpage and deposited with the Cheshire
17 Town Clerk's Office for the convenience of the
18 public. Please be advised that the Council's
19 project evaluation criteria under the statute does
20 not include the consideration of property values.

21 The Council will take a 10 to 15-minute break
22 at a convenient juncture at around 3:30.

23 We will now move onto administrative notice
24 taken by Council. I wish to call your attention
25 to the items shown on the hearing program marked

1 Roman Numeral 1B, items 1 to 79, that the Council
2 has administratively noticed.

3 Does any party or intervenor have any
4 objection to the items that the Council has
5 administratively noticed? Attorney Motel?

6 MS. MOTEL: No objection. Thank you.

7 THE HEARING OFFICER: Thank you, Attorney Motel.

8 Attorney Baldwin?

9 MR. BALDWIN: No objection.

10 THE HEARING OFFICER: Thank you, Attorney Baldwin.

11 Accordingly, the Council hereby administratively
12 Noticed these items.

13 We will now move to the joint appearance by
14 the Applicant and the Intervenor. Will the
15 Applicant and Intervenor present their witness
16 panel for purpose of taking the oath? Attorney
17 Bachman will administer the oath.

18 Attorney Motel, please continue.

19 MS. MOTEL: Good afternoon. I'd like to present our
20 witnesses for this proceeding.

21 Scott Von Rein, Vice President of
22 Construction and Engineering-Utility Assets, from
23 Diamond Communications; Tyler Peters, Business
24 Development Manager, from Diamond Communications;
25 Robert Burns, Professional Engineer, Project

1 Manager, from All-Points Technology Corp; Brian
2 Gaudet, Professional Engineer, Project Manager
3 from All-Points Technology Corp.

4 MR. BALDWIN: For the Intervenor, Mr. Morissette, the
5 witnesses include Ziad Cheiban, a radio frequency
6 Engineer with Verizon Wireless; and Mr. Tim Parks,
7 a real estate regulatory specialist, also with
8 Verizon Wireless. Thank you.

9 THE HEARING OFFICER: Thank you, Attorney Baldwin.

10 Attorney Bachman, please administer the oath.

11 S C O T T V O N R E I N,

12 T Y L E R P E T E R S,

13 R O B E R T B U R N S,

14 B R I A N G A U D E T,

15 Z I A D C H E I B A N,

16 T I M P A R K S,

17 called as witnesses, being first duly sworn
18 by the Executive Director, were examined and
19 testified under oath as follows:

20
21 THE HEARING OFFICER: Thank you, Attorney Bachman.

22 Attorney Motel, please begin by verifying
23 exhibits by the appropriate sworn witnesses.

24 MS. MOTEL: Thank you, Mr. Morissette.

25 The Applicant's exhibits include those listed

1 in the hearing program, numbers one through six of
2 subsection B. I'll ask the witnesses a series of
3 questions and ask them to each answer the question
4 and identify themselves before responding.

5 Did you prepare or assist in the preparation
6 of the exhibits identified?

7 THE WITNESS (Burns): Robert Burns, yes.

8 THE WITNESS (Gaudet): Brian Gaudet, yes.

9 THE WITNESS (Von Rein): Scott Von Rein, yes.

10 THE WITNESS (Peters): Tyler Peters, Diamond, yes.

11 MS. MOTEL: Thank you.

12 Do you have any updates or corrections to the
13 identified exhibits?

14 THE WITNESS (Burns): Robert Burns, no.

15 THE WITNESS (Gaudet): Brian Gaudet no.

16 THE WITNESS (Von Rein): Scott Von Rein, no.

17 THE WITNESS (Peters): Tyler Peters, no.

18 MS. MOTEL: Is the information contained in the
19 identified exhibits true and accurate to the best
20 of your belief?

21 THE WITNESS (Burns): Robert Burns, yes.

22 THE WITNESS (Gaudet): Brian Gaudet, yes.

23 THE WITNESS (Von Rein): Scott Von Rein, yes.

24 THE WITNESS (Peters): Tyler Peters, yes.

25 MS. MOTEL: Do you adopt these exhibits as your

1 testimony?

2 THE WITNESS (Burns): Robert Burns, yes.

3 THE WITNESS (Gaudet): Brian Gaudet, yes.

4 THE WITNESS (Von Rein): Scott Von Rein, yes.

5 THE WITNESS (Peters): Tyler Peters, yes.

6 MS. MOTEL: I ask that the Council accept these
7 documents as exhibits in this proceeding.

8 Thank you.

9 THE HEARING OFFICER: Thank you, Attorney motel.

10 Attorney Baldwin, please begin by verifying
11 all the exhibits by your appropriate sworn
12 witnesses.

13 MR. BALDWIN: Thank you, Mr. Morissette.

14 On behalf of the Intervener we have one full
15 exhibit to offer. Those are the interrogatory
16 responses prepared in response to the Council's
17 interrogatory dated May 4th.

18 I would also point out just for the Council's
19 benefit there are certain items in the application
20 itself that Mr. Cheiban was responsible for, and
21 those include the RF coverage plots and some
22 narrative information included in the application
23 regarding the need for the facility.

24 So I'll just ask my witnesses as it relates
25 to those items, did you prepare or assist in the

1 preparation of the interrogatory responses, and
2 for Mr. Cheiban's purposes the coverage-and-need
3 information contained in the application?

4 Mr. Cheiban?

5 THE WITNESS (Cheiban): Yes, I did.

6 MR. BALDWIN: And Mr. Parks?

7 THE WITNESS (Parks): Yes, I did.

8 MR. BALDWIN: Do you have any corrections, amendments
9 or modifications to offer to any of the
10 information contained in those exhibits,
11 Mr. Cheiban?

12 THE WITNESS (Cheiban): No.

13 MR. BALDWIN: Mr. Parks?

14 THE WITNESS (Parks): No.

15 MR. BALDWIN: And is the information contained in those
16 exhibits true and accurate to the best of your
17 knowledge? Mr. Cheiban?

18 THE WITNESS (Cheiban): Yes.

19 MR. BALDWIN: And Mr. Parks?

20 THE WITNESS (Parks): Yes.

21 MR. BALDWIN: And do you adopt the information
22 contained in those exhibits as your testimony in
23 this proceeding? Mr. Cheiban?

24 THE WITNESS (Cheiban): Yes.

25 MR. BALDWIN: Mr. Parks?

1 THE WITNESS (Parks): Yes.

2 MR. BALDWIN: Mr. Morissette, I offer them as full
3 exhibits.

4 THE HEARING OFFICER: Thank you, Attorney Baldwin.

5 The exhibits, all the exhibits are hereby
6 admitted. Thank you.

7 We will now begin with cross-examination of
8 the Applicant and the Intervener by the Council
9 started with Mr. Nwankwo.

10 Mr. Nwankwo?

11 MR. NWANKWO: Thank you, Mr. Morissette. My first set
12 of questions will be to the Applicant, Diamond
13 Towers.

14 Were there alternative locations for the
15 facility within the host parcel that were
16 considered?

17 THE WITNESS (Peters): Tyler Peters, Diamond. Could
18 you repeat the question, please?

19 MR. NWANKWO: I'll rephrase. Were there any
20 alternative locations for the facility that were
21 considered within the subject parcel?

22 THE WITNESS (Peters): Yes, I believe Verizon
23 considered other locations.

24 MR. NWANKWO: Thank you. Did the Applicant consider
25 the far end of the southwestern corner of the host

1 parcel as a possible location for the facility?

2 THE WITNESS (Von Rein): Good afternoon. Scott Von
3 Rein. No, I don't believe we did.

4 MR. NWANKWO: Thank you.

5 Will the parking area adjacent to the
6 proposed equipment compounds still be used for
7 parking during and after construction?

8 THE WITNESS (Von Rein): Scott Von Ryan, yes.

9 MR. NWANKWO: Thank you.

10 How would the construction site be secured
11 during church business hours and over the weekend
12 to ensure the public safety of the church
13 congregants?

14 THE WITNESS (Von Rein): Scott Von Ryan. Typically a
15 construction fence can be erected temporarily to
16 prevent nonconstruction people from entering the
17 site.

18 MR. NWANKWO: Thank you.

19 Will the Applicant make any improvements to
20 the existing paved access road to the site?

21 THE WITNESS (Von Rein): Scott Von Rein. No, there
22 will be no improvements to the access road.

23 MR. NWANKWO: Thank you.

24 What will be the color of the wraps or socks
25 referenced in the application in response number

1 eight to the Council's interrogatories?

2 **THE WITNESS (Von Rein):** Scott Von Ryan. Typically
3 they'll be green to match the faux pine tree.

4 **MR. NWANKWO:** Will be there any maintenance required
5 over time for these wraps or socks?

6 **THE WITNESS (Von Rein):** Scott Von Ryan. Yes, at --
7 over -- over the years certainly maintenance will
8 be required to make sure they're up -- the upkeep
9 is -- there's upkeep.

10 **MR. NWANKWO:** Thank you.

11 The response to Council interrogatory number
12 eight, part D states, additional branching will be
13 affixed to the antenna mount to further conceal
14 the antennas. Will the proposed antenna mount
15 support the proposed loading? Or will a new mount
16 analysis be required to make this determination?

17 **THE WITNESS (Von Rein):** Scott Von Rein. The mount
18 will be designed to accommodate the additional
19 branches.

20 **MR. NWANKWO:** Thank you.

21 **THE WITNESS (Von Rein):** You're welcome.

22 **MR. NWANKWO:** What will be the color of the shadowbox
23 fence proposed for the equipment compound?

24 **THE WITNESS (Von Rein):** Typically it will be -- I'm
25 sorry. Scott Von Rein. Typically it will be

1 pressure-treated wood. It could be stained if
2 necessary.

3 MR. NWANKWO: Will any landscaping around the equipment
4 compound be done by the Applicants, and will the
5 Applicant maintain this landscape?

6 THE WITNESS (Von Rein): Scott Von Ryan. At this point
7 there is -- there is not landscaping proposed.

8 MR. NWANKWO: Thank you.

9 With reference to the Council interrogatory
10 number eleven the Applicant refers to the National
11 Electric Code as one of the safety standards and
12 codes to be used during construction. Will that
13 be the 2017 National Electric Code as adopted in
14 the Connecticut State Building Code?

15 THE WITNESS (Von Rein): Scott Von Ryan. Yes, that's
16 correct.

17 MR. NWANKWO: Will the Applicant conduct routine
18 inspections and maintenance of the silt fence
19 shown on sheet CP-1 of the site plans during
20 construction?

21 THE WITNESS (Von Rein): Scott Von Ryan. Yes, the --
22 the silt fence will be maintained throughout
23 construction.

24 MR. NWANKWO: Thank you.

25 With reference to the crane test that was

1 performed on December 11, 2020, how long was the
2 crane up for terms of hours?

3 THE WITNESS (Gaudet): Brian Gaudet with All-Points.

4 I believe it was up for about three to four
5 hours.

6 MR. NWANKWO: Thank you.

7 With reference to the response to Council
8 interrogatory number three, did the fire chief and
9 emergency management director describe the
10 possible equipment needs such as a whip antenna or
11 microwave dish?

12 THE WITNESS (Von Rein): Scott Von Rein. At this point
13 I don't think they specified there their specific
14 needs.

15 MR. NWANKWO: Thank you. Will the facility's monopine
16 design create any limitations for collocation?

17 THE WITNESS (Von Rein): Scott Von Rein. No, I think
18 it will be designed to accommodate as many tenants
19 as -- as possible. I believe we're proposing
20 four.

21 MS. MOTEL: Yes, thank you.

22 With reference to the response to Council
23 interrogatory number 16 will be the cumulative
24 noise from the backup generator and the equipment
25 shelter air-cooling and ventilation system comply

1 with DEEP noise control standards?

2 THE WITNESS (Burns): Robert Burns, civil engineer with
3 All-Points Technology. We looked at the generator
4 that's being installed and ran some comps on it.
5 And yes, we will meet the noise requirements at
6 the property lines.

7 MR. NWANKWO: Thank you.

8 Could the Applicant please provide a response
9 to the comments by the Department of Public Health
10 dated May 5, 2021?

11 THE WITNESS (Gaudet): Brian Gaudet with All-Points. I
12 believe here you're referencing the letter about
13 the watershed, whether the parcel is in the
14 watershed?

15 MR. NWANKWO: Yes.

16 THE WITNESS (Gaudet): All right. I'm just looking at
17 it right now.

18 Yeah, so Diamond would -- would handle the --
19 the site property. We're going to use all their
20 erosion and sediment controls based on the 2002
21 standards, as it's formal.

22 MR. NWANKWO: Thank you.

23 My next set of questions will be to the
24 Intervener, Cellco Partnership. Does Cellco
25 anticipate a need to increase generator capacity

1 for this site in the foreseeable future?

2 THE WITNESS (Cheiban): No, we do not.

3 MR. NWANKWO: Thank you. Could Cellco elaborate in
4 terms of location and timeline of the additional
5 facility referenced in response to question 13 of
6 the Council's interrogatories?

7 THE WITNESS (Cheiban): I'm sorry. I didn't get the
8 question. Can you ask that one more time?

9 MR. NWANKWO: Yes. Could Cellco elaborate in terms of
10 location and timeline of the additional facility
11 referenced in response to question 13 of the
12 Council's interrogatory?

13 THE WITNESS (Cheiban): Yes. That this is about the
14 offload, traffic offload for another sector of our
15 existing site in Cheshire. So we are currently
16 looking in the southern portion of Cheshire around
17 Main Street, and we don't have a specific location
18 in town yet. We're still looking, so.

19 MR. NWANKWO: Thank you.

20 Will Cellco be able to provide the estimated
21 size in square miles of the coverage footprint for
22 the 3500-megahertz and 50-megahertz?

23 THE WITNESS (Cheiban): We can. It's, you know, I can
24 tell you that that -- that band is limited by the
25 FCC as far as the power it can transmit. So it

1 does not cover a very large area, but we can
2 provide that maybe after the hearing.

3 MR. NWANKWO: Thank you. Will the proposed seven-foot
4 one-inch tall equipment cabinet mounted on a
5 concrete pad be visible above the fence line of
6 the compound?

7 MR. BALDWIN: Tim, I think that's probably you?

8 THE WITNESS (Parks): I would say that it -- it might
9 be. It might be a question for Diamond, though,
10 depending on how tall the fence is.

11 THE WITNESS (Burns): I can take that if you'd like,
12 Tim.

13 THE WITNESS (Parks): Go ahead. Thank you.

14 THE WITNESS (Burns): Rober Burns, civil engineer with
15 all points. The cabinet is seven feet, and the
16 concrete pad sits about four to six inches off the
17 ground. So the top of it at the eight-foot fence
18 line will not be seen, but it will be level with
19 that fence.

20 MR. NWANKWO: Thank you.

21 THE HEARING OFFICER: If I could interrupt here for a
22 moment? I would like to go back to the previous
23 question. If we could get a response to that
24 question before the end of the hearing that would
25 be extremely helpful. Thank you.

1 MR. NWANKWO: I'll continue. With reference to the
2 response to Council interrogatory number 15 the
3 reference states, the propane generator's concrete
4 pad does not typically include any form of
5 containment for generator fluids.

6 What measures will Celco take to contain
7 spills and leaks from the emergency backup
8 generator?

9 THE WITNESS (Parks): Okay. I need to correct this.
10 There will actually be a containment pad as part
11 of this generator. The contain -- the containment
12 pad, if you want to call it, it's kind of in the
13 shape of a tub. It will hold up to 125 percent of
14 the liquid within the engine so as to prevent a
15 leak beyond the actual piece of equipment.

16 MR. NWANKWO: Okay. Thank you.

17 Would the location of the additional site to
18 offload traffic from the beta sector of 751
19 Higgins Road depend on the services provided from
20 this facility if it is approved?

21 THE WITNESS (Cheiban): No, they are independent.

22 MR. NWANKWO: Thank you.

23 That's all the questions I have for now, sir.

24 THE HEARING OFFICER: Thank you, Mr. Nwankwo.

25 I'll now ask Ms. Walsh if she has any

1 follow-up questions? Thank you.

2 MS. WALSH: Thank you, Mr. Morissette. Good afternoon.

3 THE HEARING OFFICER: Good afternoon.

4 MS. WALSH: Just a couple of follow-up questions.

5 Where within the host parcel was Verizon
6 looking at potential sites for this facility?

7 MR. BALDWIN: Ms. Walsh, I'm not sure that the Verizon
8 witness can answer -- oh, I'm sorry. I see that
9 someone from Diamond is sitting back in front of
10 the camera?

11 THE WITNESS (Von Rein): Sorry. I was thinking. Scott
12 Von Rein. I was just thinking about the question.

13 So within the -- the church property the
14 church pointed us in the direction of this
15 location. They thought it would best serve their
16 needs on the -- on the property.

17 MS. WALSH: Okay. So they directed you to that
18 location as opposed to any other alternative
19 locations?

20 THE WITNESS (Von Rein): Yes, ma'am.

21 MS. WALSH: And then just regarding the shadowbox
22 fence, I believe the Witness said that it would be
23 stained pressure-treated wood. Is there any
24 maintenance involved over that, over time?

25 THE WITNESS (Von Rein): I would say -- Scott Von Rein.

1 I would say, sure. Over a period of time it would
2 have to be maintained and up-kept.

3 MS. WALSH: Okay. And what would that entail? Like,
4 re-staining?

5 THE WITNESS (Von Rein): Certainly, or repairing, or as
6 if necessary, repairing or replacing.

7 MS. WALSH: Okay. Thank you. No further questions.

8 THE HEARING OFFICER: Thank you, Ms. Walsh.

9 We will now continue with cross-examination
10 by Mr. Silvestri.

11 MR. SILVESTRI: Thank you, Mr. Morissette, and good
12 afternoon, everyone.

13 For the record, I had visited the area of the
14 site on May 2, 2021. I stopped at the driveway
15 entrance, but did not enter the site and I also
16 toured the surrounding areas. So the first
17 question that I'd like to pose is actually a
18 followup to Mr. Parks' answer with Mr. Nwankwo's
19 question about the interrogatory response number
20 15.

21 I'm confused on the tub, Mr. Parks. Does the
22 generator itself have provisions to contain
23 whatever fluids might leak? Or is the tub an
24 add-on device?

25 THE WITNESS (Parks): It is not an add-on. It is

1 actually part of the generator system. It's --
2 it's built within the generator.

3 MR. SILVESTRI: Very good. Thank you.

4 THE WITNESS (Parks): The generator is built into the
5 tub.

6 MR. SILVESTRI: Gotcha. Thank you very much for that
7 clarification.

8 Two other quick ones that I have just for
9 verification. The yield point would be located at
10 55 feet. Is that correct?

11 THE WITNESS (Von Rein): Scott Von Rein. Yes, that's
12 correct.

13 MR. SILVESTRI: Thank you. And as far as the generator
14 goes, the estimated runtime for the 30-kilowatt
15 500-gallon propane tank would be about 114 hours.

16 Is that also correct?

17 THE WITNESS (Von Rein): Scott Von Rein. Yes, that
18 is -- that is correct.

19 MR. SILVESTRI: Thank you for that verification as
20 well.

21 In the narrative for the application there's
22 some discussion to the town center, slash,
23 business district. Could you tell me what is
24 considered the town center and the business
25 district?

1 THE WITNESS (Gaudet): Brian Gaudet, with All-Points.

2 The town center in the business district is
3 the Main Street. As you go on Academy Road to the
4 West you come in just past -- I forget the name of
5 the school that's right there -- Cheshire Academy.
6 So it's just past Cheshire Academy and runs up and
7 down Main Street.

8 MR. SILVESTRI: Still on Route 10? Or are we on 68?

9 THE WITNESS (Gaudet): I believe it's Route 10. I
10 don't know the -- the route number offhand.

11 MR. SILVESTRI: Okay. But the vicinity of Route 10 and
12 68 going west of the proposed site.

13 Would that be correct?

14 THE WITNESS (Gaudet): Correct.

15 MR. SILVESTRI: Okay. Thank you.

16 Now on page 13 of the application it notes
17 that small cells exist within the Cheshire Town
18 Center. My assumption is that area that we just
19 described, but it also says Verizon does not
20 currently provide reliable service in the town
21 center.

22 Is Verizon part of that small cell setup?

23 THE WITNESS (Cheiban): We have two small cells along
24 Main Street, however they are not sufficient by
25 themselves to improve the coverage sufficiently.

1 MR. SILVESTRI: Thank you for the response. As a
2 followup to that, would additional small cells in
3 that area provide the service that you're looking
4 for in the town center.

5 THE WITNESS (Cheiban): So there are -- there's a
6 general issue that we have with small cell -- is
7 that we cannot put enough equipment on the utility
8 poles to provide service with all the frequencies
9 that we currently own. So that is one, and then
10 the other one is we cannot have backup power,
11 which is something that is very important to us in
12 case there is a power outage.

13 MR. SILVESTRI: As a clarification, when you stated
14 that you couldn't provide enough systems, would
15 that mean that the pole just becomes overcrowded,
16 if you will, with what you need to put on there?

17 THE WITNESS (Cheiban): Right. We have limitations
18 both structural and from the utility companies.
19 So these poles are -- are typically owned by the
20 utility company and they impose restrictions on
21 how much equipment we can attach to the pole.

22 So this would prevent us from deploying all
23 the frequencies which we currently own.

24 MR. SILVESTRI: Very good. Thank you.

25 Going on to a different topic, if you could

1 reference photo simulation number three for me?
2 And I'm not sure who might be the witness for that
3 photo.

4 When I look at that, the evergreen towards
5 the front of the photo tapers nicely as a typical
6 Evergreen -- but when I look at the proposed
7 monopine, if you'll excuse the expression it kind
8 of looks like a bottle brush.

9 And I'm wondering if the project is approved
10 if the actual monopine would look more like a
11 taper, similar to the way that the front evergreen
12 is shaped?

13 THE WITNESS (Von Rein): Scott Von Rein. Thank you for
14 the question. Typically the monopines are
15 designed, you know, to apply and to provide as
16 much taper as possible, but I think for structural
17 reasons and simple -- simply design limitations we
18 cannot mimic that exact -- that exact taper as you
19 see it in this photo.

20 MR. SILVESTRI: So again, if the project is approved
21 would the monopine more resemble that picture?

22 THE WITNESS (Von Rein): I would say, yes.

23 MR. SILVESTRI: Okay. Thank you for that response.

24 THE WITNESS (Von Rein): You're welcome.

25 MR. SILVESTRI: Okay. Another question for you, and

1 looking through my notes it might be my last.

2 Was there any investigation of alternative
3 sites that would be outside of the Siting Council
4 jurisdiction?

5 THE WITNESS (Von Rein): Scott Von Rein. I think
6 Verizon would have to answer that question with
7 respect.

8 THE WITNESS (Parks): This is the only candidate that
9 we actually reviewed. I know the area pretty
10 well. I'm not aware of any existing structures
11 that would allow us to meet our goal that were not
12 Siting Council jurisdiction sites. That that's --
13 I'm sorry that's my best answer.

14 MR. SILVESTRI: Let me try to give you --

15 THE WITNESS (Parks): Yeah, this was really the only
16 candidate we considered.

17 MR. SILVESTRI: Yeah. I'll try to give you more
18 specifics, Mr. Parks.

19 In my tour of the surrounding area I ran
20 across three churches with church steeples that I
21 don't know if they would work or not. The first
22 one was at 110 Church Drive, which is the 1st
23 Congregational church. The second one was at 120
24 Main Street, which is the White Oak Baptist
25 Church. And the third one was at 59 Main Street,

1 which is St. Peter's Episcopal Church.

2 So I kind of looked at those not knowing the
3 height of any of the steeples. I just kind of
4 said, gee. Was that considered at all? And
5 obviously they'd be outside the Siting Council
6 jurisdiction. But I am curious if you looked at
7 that and kind of ruled it in, or ruled it out?

8 **THE WITNESS (Parks):** I don't have evidence that we did
9 look at those.

10 **MR. SILVESTRI:** Okay. All right. Thank you.

11 Mr. Morissette, I believe that's all the
12 questions that I have. Thank you.

13 **THE HEARING OFFICER:** Thank you, Mr. Silvestri.

14 We will now continue with cross-examination
15 by Mr. Lynch. Mr. Lynch?

16 **MR. NGUYEN:** Thank you, Mr. Morissette and good
17 afternoon. I have a few clarification questions
18 for Diamond Towers.

19 First of all the, way the project presented
20 the tower can accommodate three carriers.

21 Is that correct?

22 **THE WITNESS (Von Rein):** Scott Von Rein. Yes. Yes, it
23 does appear that our design shows three carriers
24 proposed at this time.

25 **MR. NGUYEN:** Answer number nine indicated that if

1 requested Diamond would decide the tower and
2 foundation to accommodate an increase in tower
3 height.

4 And I just want to clarify the term
5 "requested." Are you expecting a request from the
6 Connecticut Siting Council, or from additional
7 carriers?

8 THE WITNESS (Von Rein): I think that -- Scott Von
9 Rein. That, that comment was made if -- if the
10 Siting Council required or felt necessary, felt it
11 necessary that an extension be designed, then we
12 would be open to that option.

13 MR. NGUYEN: What's the ballpark incremental cost to
14 accommodate an increase in tower height for, let's
15 say, one or two additional carriers.

16 THE WITNESS (Von Rein): Scott Von Rein. I would say,
17 you know, given the fact you would have to
18 purchase probably one or two ten-foot extensions
19 to the pole which -- and then design additional
20 branching, we would probably have to re-branch a
21 portion of the pole order to keep up with the
22 esthetics. I would say, you know, 30 or 40
23 thousand dollars perhaps.

24 MR. NGUYEN: In terms of the foundation is the current
25 foundation going to accommodate additional height

1 to the tower?

2 THE WITNESS (Von Rein): At this point it has not been
3 designed, but if it were to be, if an extension
4 was in the works we were to have it designed to
5 accommodate additional carriers or extensions.

6 MR. NGUYEN: So in other words, you would have to beef
7 up the foundation?

8 THE WITNESS (Von Rein): That's right. It would have
9 to be designed ahead of time to accommodate the
10 extension.

11 MR. NGUYEN: I apologize. I lost the answer there.
12 There was some echo.

13 THE WITNESS (Von Rein): No problem. The foundation
14 would have to be designed in advance to
15 accommodate the extension, any extension -- which
16 can be done for certain.

17 MR. NGUYEN: The record indicates that the Town of
18 Cheshire officials have inquired about the Town
19 regarding the accommodation for municipal
20 communication equipment, and that was back in
21 November of 2020.

22 And I'm curious as to, are there any updates
23 or confirmation from the towns regarding their
24 tower communication, their communication
25 equipment?

1 THE WITNESS (Von Rein): Scott Von Rein. No, there --
2 there have been no further inquiries from the
3 Town, only a general request at the town meeting.

4 MR. NGUYEN: And assuming down the road that they need
5 to have that tower equipment, the communication
6 equipment on the tower, would the structure of the
7 tower accommodate that?

8 THE WITNESS (Von Rein): Yes.

9 MR. NGUYEN: I looked into the record and I saw that
10 Diamond Tower indicated there would be a periodic
11 maintenance visit of one hour.

12 Is that right, for maintenance purposes?

13 THE WITNESS (Von Rein): I think that was probably
14 referenced as far as the carrier's maintenance.
15 And it would be once a month for possibly an hour
16 or so on-site.

17 For -- for Diamond communications we would
18 visit the site quarterly per -- per the TIA
19 standard for maintenance.

20 MR. NGUYEN: So quarterly for?

21 THE WITNESS (Von Rein): For general, general site
22 maintenance quarterly.

23 MR. NGUYEN: Okay. And I apologize if the information
24 is already in the record, but is there a proposed
25 construction hours and days should this project be

1 approved by the siting Council?

2 THE WITNESS (Von Rein): At this point there I do not
3 believe there are a specific -- a specific
4 scheduling indicated in the proposal, however it
5 would typically be during normal business hours in
6 the week, during the week.

7 MR. NGUYEN: So Monday through Friday?

8 THE WITNESS (Von Rein): Yes, sir.

9 MR. NGUYEN: Okay. Thank you very much. That's all I
10 have, Mr. Morissette. Thank you.

11 THE HEARING OFFICER: Thank you, Mr. Nguyen.

12 We will now continue with cross-examination
13 by Mr. Lynch. Thank you, Mr. Lynch.

14 MR. LYNCH: I have to unmute myself. Can you hear me?

15 THE HEARING OFFICER: Yes, we can. Thank you.

16 MR. LYNCH: Just a clarification or a follow-up on a
17 couple of already asked questions having to do
18 with the -- I had the same thought that
19 Mr. Silvestri had on the small cells within the
20 town.

21 Now are these cells that you have only used
22 for capacity, or do they actually take calls?

23 THE WITNESS (Cheiban): So they, they do take calls and
24 they -- I mean, they are used for capacity. The,
25 you know, the capacity offload happens by the

1 small cells taking a small portion, a small area
2 of that traffic and -- and, you know, processing
3 those, either the data or the calls from the --
4 the main macro cell.

5 MR. LYNCH: All right. But would it primarily be a
6 capacity site rather than a call site?

7 THE WITNESS (Cheiban): Correct. So typically the two
8 that are there are -- are capacity small cells.

9 MR. LYNCH: Now the two cells that are there are on,
10 like, a big tower where the antennas can be
11 angled.

12 On a small cell are they just stationary, or
13 can they be moved also?

14 THE WITNESS (Cheiban): So they are typically
15 stationary. There are some, like one -- some
16 models allow us to change the tilt of the antenna,
17 but the ones we have currently are fakes that we
18 cannot move.

19 MR. LYNCH: Thank you. That's what I thought. Now the
20 other question I have goes back to question number
21 15 on the interrogatories that Mr. Silvestri asked
22 about earlier, and I think one of the other --
23 somebody else.

24 You're not using a concrete pad. Do any of
25 your sites that have propane use also -- not use a

1 concrete pad?

2 THE WITNESS (Von Rein): Well, we will be using a
3 concrete pad.

4 MR. LYNCH: I read that wrong then.

5 All right. Now a few questions I have I'm
6 going to ask from -- I got from the application
7 and from the interrogatories, but as Mr. Baldwin
8 said earlier some of the questions in the
9 application all pertain to Verizon. So whoever
10 can answer, please answer.

11 Yeah. Now the monopine is going to be
12 190 feet, and Verizon's centerline is at 190. And
13 my question is, if the emergency service is going
14 through the tower it will most likely be a whip or
15 some type of microwave, where is it going to go?

16 If I look at your schematic on -- I think
17 it's CP-1, it doesn't show any emergency service.

18 THE WITNESS (Burns): Robert Burns, All-Points
19 Technology. The tower itself is 95 feet tall and
20 a believe Verizon's centerline is 91. Emergency
21 services can go above us to the top of the tower
22 with whip antennas depending on what they need.
23 And sometimes they'll go below us, sort of the
24 midpoint of the tower.

25 So it's tough to answer that question until

1 we know what exact antennas we're going to need
2 and what -- sort of what range there, but that's
3 typically where emergency services are on the
4 towers.

5 MR. LYNCH: Now if they use whip antennas on the top of
6 the tower these whips can either be 15 or
7 20-something feet high. Will they be visible?

8 They're not going to be within the canopy of
9 the monopine. Are they?

10 THE WITNESS (Peters): No, there's a cap on top of --
11 the branching goes to 99, which is 4 feet above.
12 If they use the taller whips they will be visible
13 above the monopine, correct. And it will be
14 minimal.

15 I mean, don't -- remember these whips are
16 only about one inch in diameter, one to
17 three inches in diameter, so -- but they -- but
18 they could be seen above the tower, yes.

19 MR. LYNCH: All right. Now is the owner of the
20 property -- then are you firm that you want to
21 have a monopine? Or could a monopole be
22 substituted?

23 THE WITNESS (Von Rein): Scott Von Rein. The church's
24 preference was a mono -- monopine structure. I
25 suppose if the Council ultimately preferred a

1 monopole, I would have to speak to them about it.
2 But their preference was to -- they felt the
3 esthetics of the monopine was a best fit for their
4 property and surroundings.

5 MR. LYNCH: Now the trees surrounding the property,
6 what's the height of the canopy?

7 THE WITNESS (Gaudet): Brian Gaudet with All-Points.

8 The tree canopy height in that area is between 50
9 and 65 feet, give or take.

10 MR. LYNCH: So this monopine would be, at its current
11 design, would be 30 feet above the canopy of the
12 other trees?

13 THE WITNESS (Gaudet): Correct.

14 MR. LYNCH: And now the federal government says that
15 this tower can be increased up to 10 percent. So
16 there is the likelihood that this tower would be.

17 If another carrier wanted to go higher it
18 would increased the height, and so that would also
19 increase the height of the monopine. Correct?

20 THE WITNESS (Gaudet): Correct.

21 MR. LYNCH: Now I think this question would be more for
22 Verizon -- or maybe Diamond -- but if you have
23 four carriers on the tower wouldn't you have to
24 have a certain degree of separation between the
25 antennas, ten, ten feet or so?

1 THE WITNESS (Cheiban): Yeah, that is typical. The --
2 the antennas are, you know, the centerline of the
3 antennas are separated by about ten.

4 MR. LYNCH: So if a carrier doesn't go above Verizon,
5 it goes below, they can have their antennas down
6 to, like, 60 feet?

7 THE WITNESS (Cheiban): So the -- the spot immediately
8 below us would be just ten feet below us, which I
9 think puts them at around 80 -- I think it's
10 86 feet, if I'm not mistaken.

11 MR. LYNCH: But you said you could accommodate three
12 other carriers. So I don't know who they may be,
13 but if you get three other carriers, they're going
14 down or up.

15 THE WITNESS (Cheiban): Yeah. I mean, that is correct.
16 So each, each carrier would have to keep going
17 further down. Or if there, their need is to --
18 for more coverage, they would need to go above us.

19 MR. LYNCH: Yeah. Now within the application, it said
20 that this site, you know, is going to be an
21 offload for the surrounding sites, and I'm
22 assuming that it's also a capacity site.

23 Now my question is, what percentage of this
24 cell site would be for calls, for texts, and for
25 data or any streaming?

1 Do you have any information on -- well, I
2 guess what I'm asking is, what are you getting the
3 most of? Data, texts or calls?

4 **THE WITNESS (Cheiban):** So the data is the one that
5 uses up the most capacity, and in the current
6 technology everything goes through as -- so even
7 the voice calls go through as data. It's, you
8 know, similar to voice over IP where it's
9 basically just translated into data and
10 transmitted that way.

11 I -- I do not have the breakdown
12 specifically, but the vast majority of the
13 capacity is used up by just regular data use.
14 Like you know, either downloading stuff from a
15 website, you know, looking at a webpage, checking
16 Facebook, you know, things like that. The -- the
17 voice calls use up a lot less bandwidth than the
18 other applications.

19 **MR. LYNCH:** I should know this, but I just want to get
20 a refresher, I guess. You talked within the
21 application about an upgrade to the 911 system
22 through dispatch, you know, in case I want to get
23 a call from the president -- I guess. Could you
24 explain what the upgrade to the 911 system is?

25 **THE WITNESS (Cheiban):** I -- I'm not sure what you're

1 referring to. I -- I don't know if that's
2 something that was part of the time, like stuff
3 that Diamond put in the application, or whatever
4 it was.

5 MR. LYNCH: It was in the application. I can go back
6 to look at what page it was on, but it talks about
7 there's an upgrade to, I guess, probably for
8 texting and for Homeland Security, you know. And
9 I was just wondering what those upgrades were.

10 THE WITNESS (Cheiban): So I mean, in the -- so the
11 Verizon system complies with all the FCC
12 regulation regarding 911, including text to 911
13 and the -- what's called 911 phase two, the -- the
14 geolocation of the 911 calls. If -- if that's
15 what you're referring to, then we're complying.

16 MR. LYNCH: I'm saying that's what I'm referring to,
17 but this is the first time I've seen the reference
18 to Homeland Security, and I was wondering what
19 that was all about?

20 THE WITNESS (Cheiban): I'm sorry. I -- I don't know
21 which, what specifically you're referring to.

22 MR. LYNCH: Hold on. I'll get it in the application.
23 Bear with me.

24 While I'm looking I'll ask another question.
25 This is more of a curiosity question on my part.

1 You referenced the bald eagle population -- in the
2 surrounding area, I guess, they spotted four bald
3 eagles.

4 Now my question is, like I said, it's
5 curiosity. Are bald eagles on the increase in the
6 state of Connecticut, the population I mean?

7 THE WITNESS (Gaudet): This is Brian Gaudet with
8 All-Points. Not that I'm aware of. It's been a
9 pretty constant population as far as I know.

10 MR. LYNCH: Thank you.

11 I can't seem to find this thing here, but --
12 THE WITNESS (Von Rein): Scott Von Rein, Diamond. Sir,
13 with reference to your last question I think it
14 was a general statement in the application
15 indicating that the 911 service will be improved
16 due to the fact that there will be increased
17 coverage and increased capacity in the area. I
18 don't think it meant any more than that.

19 MR. LYNCH: Well, thank you. I understand that, but I
20 was just curious to what the hell Homeland
21 Security is doing in case -- in reference to the
22 President's call. If he wants to call me, he can.

23 THE WITNESS (Von Rein): I apologize if there was
24 confusion there. I just think it was a general
25 statement.

1 MR. LYNCH: Now my other question -- and I don't know.
2 It can be either Diamond or Verizon. As far as
3 bringing power into the site, either electrical
4 power or your phone trunk line, who's responsible
5 for that?

6 THE WITNESS (Von Rein): Scott Von Rein, Diamond
7 Communication. Diamond will -- will provide power
8 to the site and typically Verizon coordinates with
9 their preferred fiber provider to bring fiber to
10 the site.

11 MR. LYNCH: Okay. So if there should be damage to,
12 either to the electrical or phone trunk line,
13 which pretty much, no matter what backup power you
14 have, that would shut down the site, you're saying
15 that's Diamond's responsibility?

16 THE WITNESS (Gaudet): Initially Diamond will be
17 responsible for -- for bringing the
18 infrastructure, the power infrastructure to the
19 site for Verizon to utilize. Verizon will
20 coordinate with their preferred fiber provider to
21 bring fiber to the site typically in the sim -- in
22 the same home or the same path, if possible.

23 And if either service fails, it -- it will be
24 that service provider's responsibility to -- to
25 fix the issue. So if the power failed, the power

1 company would typically come out. If fiber
2 failed, the fiber company would typically come
3 out -- unless for some reason it's an issue on the
4 secondary side, which would be the carrier's
5 responsibility or Diamond's responsibility, should
6 something happen within the compound.

7 MR. LYNCH: Yeah, I just wanted to get the demarcation
8 on which is Verizon and which is Diamond. So
9 thank you.

10 THE WITNESS (Gaudet): Understood, yes.

11 MR. LYNCH: Now it mentions in one of the
12 interrogatories -- I think it's number four. It
13 says that you're not planning on doing any
14 blasting, but just in case you do, do you give
15 advanced warning to residents as to when that
16 blasting may occur?

17 THE WITNESS (Von Rein): Yes, sir. Scott Von Rein.

18 I've been doing this for over 20 years and I have
19 yet to blast my site. That doesn't mean it's not
20 going to happen, but of course notification will
21 be provided if that's required.

22 MR. LYNCH: Now in case of a storm warning, whether it
23 be a blizzard or a tornado or a hurricane, do you
24 do any -- this, I guess, is a Verizon question.
25 Do you do any advance as far as getting the site

1 ready to deal with any type of damage? Or just to
2 make sure that everything, all the fuels and
3 everything are topped off.

4 THE WITNESS (Parks): You make an attempt to fuel all
5 of our sites as much is possible. Obviously, we
6 can't -- we can't take care of all of our sites in
7 Connecticut, but we -- we do what we can to make
8 sure that there's enough diesel on the site and
9 that our batteries are -- our batteries are full.

10 MR. LYNCH: And now my next question -- well, actually
11 a follow-up question. How do you prioritize what
12 sites get the first treatment? Is that based on
13 volume or location, or what?

14 THE WITNESS (Parks): It's probably a combination of
15 both. I would think that the location of some of
16 our capacity sites probably come first.

17 MR. LYNCH: Oh, okay. Thank you. And my last question
18 is actually for both Diamond and for Verizon.

19 Do you have to get any special liability or
20 contract insurance for this site?

21 THE WITNESS (Von Rein): This is Scott Von Rein with
22 Diamond. We certainly have. Our contractors have
23 general liability insurance as they're building
24 the site.

25 MR. LYNCH: And would that apply to Verizon also?

1 VOICES: Yes.

2 MR. LYNCH: Mr. Morissette, those are all my questions.

3 THE HEARING OFFICER: Thank you, Mr. Lynch.

4 We will continue with cross-examination by
5 Mr. Hannon. Mr. Hannon?

6 MR. HANNON: Thank you, Mr. Morissette.

7 I think Mr. Silvestri touched upon this
8 earlier, but I want to go a little further into
9 it. And he was talking about the Cheshire Town
10 Center and the business district, but on page 11
11 and under section B, statement of benefits, you
12 talk about the need because of demand creating
13 needed fill-in capacity during peak usage time.

14 What is peak usage time?

15 THE WITNESS (Cheiban): So it varies from cell site to
16 cell site -- I'm sorry. I am getting some echo,
17 but there's, like, every cell site there's
18 typically certain times of the day where it's the
19 busiest, and that's what we mean. It's just it's
20 not specific. It's just a general, you know, what
21 we call, kind of, the peak use.

22 THE HEARING OFFICER: Mr. Lynch, could you put your mic
23 on mute, please?

24 MR. LYNCH: I am on mute.

25 THE HEARING OFFICER: Thank you, Mr. Lynch.

1 MR. HANNON: Because I was just kind of wondering if
2 there was set times, because I was wondering if
3 this was maybe somewhat related to COVID. You
4 know, with a lot of the kids being home, things of
5 that nature -- but it doesn't sound like there's
6 any particular set times, like two to four in the
7 afternoon, that peak usage time.

8 It could vary dramatically. Correct?

9 THE WITNESS (Cheiban): So there has been a shift in
10 the traffic patterns since COVID started, but that
11 was not what this, you know, statement was
12 referring to.

13 What it was referring to, as you mentioned,
14 you know, we have certain times of the day where
15 the sites are there, at their busiest, and that
16 varies from site to site -- or even within the
17 same site from sector to sector. But you know,
18 for example it could be between 5 p.m. and 7 p.m.
19 or, you know, it depends. It's kind of specific
20 to the area.

21 MR. HANNON: Okay. Thank you. On page 14 of the
22 application it talks about -- under section B,
23 tower sharing, it talks about Verizon and two
24 additional carriers. So would this site be
25 limited to three carriers without any expansion?

1 THE WITNESS (Von Rein): Technical difficulties here,
2 not related to electronics.

3 Scott Von Rein. Yes, at this point our
4 application foresees three carriers on the site.
5 It can certainly be designed for more if need be
6 ahead of actually fabricating the structure.

7 MR. HANNON: Now I just wanted to make sure I was
8 reading it correctly, because usually we see the
9 four carriers on the site. So I wanted to make
10 sure.

11 One of the things that I will say, I found it
12 difficult to follow on page 15 of -- there's a
13 comment that's in the second full paragraph. It
14 talks about utility connections would be routed
15 underground from an existing utility pole CL&P
16 724.

17 It took me long time to find that pole,
18 because I wasn't expecting about 15 feet of
19 underground line. And it appears as though that's
20 all there is from where you have the abutting
21 units. It looks like they may be outside the
22 compound a little bit, but -- or outside the
23 fenced area.

24 But it looks as though it's about a 15-foot
25 underground connection to that pole, and all of

1 the other utility lines are overhead.

2 Is that correct?

3 **THE WITNESS (Burns):** So Robert Burns from All-Points
4 Technology. So as part of the construction there
5 is an existing overhead utility line that
6 currently would run right through, diagonally
7 through the center of the compound.

8 So as part of this construction a new pole
9 would be added and the -- the overhead that's
10 existing there would run behind the compound and
11 do a 90 to the existing pole -- which I believe is
12 724, which would be right at the corner of the
13 proposed compound.

14 The site has been walked by the utility
15 company. They have approved the design. So we
16 will be adding an additional utility pole and then
17 they'll be coming overhead along those existing
18 lines with the primary to that existing pole
19 dropped down and then go underground to the meter
20 bank and the transformer.

21 **MR. HANNON:** That is only about a 15-foot run.

22 Correct?

23 **THE WITNESS (Burns):** That's correct.

24 **MR. HANNON:** That's, I think, all you're looking at?

25 **THE WITNESS (Parks):** That's correct.

1 MR. HANNON: Okay. And then the plans also state that
2 in several locations that the overhead lines are
3 to be replaced by others. Who is others, and is
4 that a part of this project?

5 MR. BALDWIN: That will be Eversource.

6 MR. HANNON: I was just curious because again the plan
7 just said to be replaced by others. I wasn't sure
8 who others were. So if it's Eversource, fine.

9 In looking at the coverage maps, you know, it
10 looks as though the biggest bang for your buck is
11 the 700 megahertz. Am I correct on that? I mean,
12 it looks like that will have a major impact in
13 coverage in this area.

14 THE WITNESS (Gaudet): That is correct.

15 MR. HANNON: Okay. I think that's probably about it.
16 I had a couple other questions, but they've been
17 asked by some other folks. So I believe that will
18 do it for me on this one. Thank you.

19 THE HEARING OFFICER: Thank you, Mr. Hannon.

20 We will now continue with cross-examination
21 by Mr. Edelson. Mr. Edelson?

22 MR. EDELSON: Thank you, Mr. Morissette.

23 I think my first question is for Mr. Von
24 Rein. And so the question has to do with the
25 choice of fuel, or fuel of choice for the backup

1 generator. You've gone with propane. Was that
2 decision Diamond's, or was that decision
3 Verizon's?

4 THE WITNESS (Von Rein): This is Scott Von Rein. Yes,
5 that decision was Verizon.

6 MR. EDELSON: Okay. Do you know if natural gas is
7 available in the area?

8 THE WITNESS (Von Rein): I'm told that it is not.

9 MR. EDELSON: Okay. Thank you.

10 So my next question is related to the
11 question Mr. Nwankwo asked at the beginning with
12 regard to the Department of Public Health, and
13 maybe this was a better question for Mr. Burns --
14 but I'll start with you, if you want, because I
15 think you answered it.

16 But there were, I think, seven or eight
17 points in the letter from DPH. The only answer
18 really was with regard to sedimentation. There
19 are other points raised there with regard to
20 handling fluids and machinery.

21 Can you speak more directly to all of the
22 points, all the points in the DPH letter and
23 whether they've been addressed by the application?

24 THE WITNESS (Gaudet): This is Brian Gaudet with
25 All-Points. I will read through these, these line

1 items here. So the first one is the erosion and
2 sediment control. That will be in place and
3 maintained during construction.

4 Let's see. Maintenance, repair, replacement,
5 incorporation of new controls as necessary. Yes,
6 as -- as required. Servicing of machinery should
7 be completed outside the public water supply
8 watersheds.

9 There's -- to me it sounds like there they're
10 referencing the machines, you know, backhoes,
11 excavators, cranes, things of that nature, which
12 would typically be serviced off site.

13 Refueling of vehicles or machinery, you know,
14 with the exception of the propane tank, there
15 wouldn't be any refueling of vehicles or machinery
16 on-site. Fuel and other hazardous material should
17 not be stored within the water supply watershed.

18 There's no -- I -- I don't believe any
19 hazardous materials or fuels are associated with
20 the construction or ongoing maintenance that would
21 be stored on site as opposed to removed daily
22 with -- with whether -- whether it's being a
23 construction crew or maintenance crew. And a fuel
24 spill remediation kit will be stored on site.

25 MR. EDELSON: Okay. Thank you. So in terms of

1 ownership I just want to be clear. Ownership of
2 the tower will remain with Diamond throughout the
3 agreement with the church. Is that a fair
4 assessment, or a fair statement?

5 THE WITNESS (Von Rein): Scott Von Rein. Yes, Diamond
6 Communications will own the tower.

7 MR. EDELSON: And if there's any damage done to, let's
8 say, the monopines or a bad storm comes through,
9 it's your responsibility to replace those/repair
10 them, not Verizon's?

11 THE WITNESS (Gaudet): Absolutely. Absolutely. Yes,
12 sir.

13 MR. EDELSON: Okay. And as far as decommissioning,
14 that's an agreement you have with the church that
15 if at the end of your lease it's not extended you
16 would remove all of the pieces and return it to
17 prior conditions?

18 THE WITNESS (Gaudet): That is correct.

19 MR. EDELSON: Okay. I think just clarification. I
20 know when you had a public meeting as far as you
21 could tell there were no comments received from
22 the public. I think they were just comments from
23 the municipality with regard to communications or
24 emergency communications.

25 However, since then as the -- oh, as the

1 crane was put up for the visibility analysis have
2 you received any other comments from abutting
3 neighbors regarding the tower location?

4 THE WITNESS (Von Rein): No, sir. We have not.

5 MR. EDELSON: Very good. And I think I would like
6 to -- I think my next question is for Mr. Cheiban
7 of Verizon with regard to this question of peak
8 times -- so he could.

9 So basically the first question is, I guess,
10 a follow-up to Mr. Hannon's. So the term "peak
11 time," I should interpret this like rush-hour in
12 the way we think about transportation, for
13 example. This peak time could really happen
14 anytime of the day. Is that what you're trying to
15 convey?

16 THE WITNESS (Cheiban): That's correct, but I mean,
17 there's typically a pattern to each cell site, you
18 know, depending on the area it's in where it's
19 kind of repeatable. Like you would see it, like
20 certain sites you would see, like, Monday through
21 Friday, you know, say between 4 and 6 p.m., is
22 their busiest time. Others it's, you know, 8 to
23 10 a.m. It kind of depends. But that, that is
24 essentially what I'm saying.

25 MR. EDELSON: Okay. Now this concept of fill-in

1 capacity, what you're referring to here is
2 something that you as Verizon measure? Or is this
3 based on what consumers respond to you saying --
4 or they complain saying that my calls are
5 dropping. Where is this information coming from?

6 THE WITNESS (Cheiban): It's coming -- so the network
7 itself collects statistics on the usage, and we
8 look at those. And this is where this information
9 is coming from.

10 MR. EDELSON: But I think in the application, or I
11 think where in the interrogatory you refer to the
12 number of dropped calls being above normal, can
13 you clarify what do you mean by -- what is normal?

14 What is the standard that Verizon uses to say
15 there are too many dropped calls we're
16 experiencing. Is that what you're measuring, is
17 dropped calls?

18 THE WITNESS (Cheiban): That is one of the things we
19 measure. And typically we like to see it around
20 half a percent. So like, you know, half a percent
21 of the calls might drop.

22 And so for this site we have some -- somewhat
23 elevated dropped calls, you know, and also we, us
24 and other third parties drive test our system and
25 we know from those results that we have, we --

1 coverage on the CT 68, to the east of the site.

2 MR. EDELSON: So another way of looking at it, a
3 half percent, you're saying you want to make sure
4 99.5 percent of the calls are not being dropped?

5 THE WITNESS (Cheiban): That is correct.

6 MR. EDELSON: Okay. And obviously the expectation is
7 once you do this you'll be back at that level or
8 better?

9 THE WITNESS (Cheiban): Correct.

10 MR. EDELSON: Okay. So I think my final question is --
11 and I feel like I live in two worlds. I live in a
12 world where I turn on the TV and I see commercials
13 from Verizon, and they talk about 5G, and 5G is
14 here. And then I read these applications and I
15 read, you know, 5G is planned and 5G is coming.

16 I hear from people. They say, oh, yeah. I'm
17 getting 5G. But then I come here and I hear, no,
18 5G is not here yet.

19 Can you try and give me a straight answer of
20 where we are in Connecticut with respect to the
21 rollout of 5G, and what is the plan by Verizon to
22 say that 5G is available?

23 THE WITNESS (Cheiban): Sure. So 5G can operate on
24 many different frequencies. And so we currently
25 have deployed 5G in our 850 megahertz spectrum and

1 that is -- has been rolled out, but we're still
2 densifying. So we don't have it at every single
3 cell site, but we are in the process of densifying
4 that.

5 And the expectation is that this site -- so
6 it kind of depends on the timeline of when we
7 build the site. But it could be from the, like,
8 day one it has the 5G in the 850 megahertz, or it
9 could be that comes in as an upgrade later. That
10 upgrade does not require any tower work. It all
11 happens with the equipment that's in the cabinet
12 at the base of the tower.

13 MR. EDELSON: Maybe I'm being a little slow here. My
14 understanding was as a user I could find my
15 frequency I'm using switched as I go from sector
16 to sector. Am I then sort of moving between
17 having 5G at one point and then I could be
18 switched to a different sector; a different cell
19 tower is controlling me or communicating with that
20 doesn't have 5G?

21 THE WITNESS (Cheiban): That is possible. It's not
22 the, like, it's not the typical or the desired
23 result. I mean, typically we -- you should see
24 kind of contiguous 5G coverage. But it -- it
25 certainly is possible that you can drive out of,

1 you know, from a cell site that has 5G to a
2 neighboring cell site that doesn't, and then you
3 would be on 4G.

4 **MR. EDELSON:** All right. And obviously I need the
5 device that is 5G compatible, and then I would be
6 staying within it. So I think what I'm hearing
7 you say is for people who've upgraded their phone
8 or purchased a new device, Verizon is providing 5G
9 to them in the state of Connecticut?

10 **THE WITNESS (Cheiban):** That -- that is correct, yes.

11 **MR. HANNON:** Okay. Thank you. That helps clarify.

12 And with that Mr. Morissette, I think that's
13 all my questions. Thank you.

14 **THE HEARING OFFICER:** Thank you, Mr. Edelson.

15 We will now continue with cross-examination
16 by Ms. Cooley Ms. Cooley?

17 **MS. COOLEY:** Thank you, Mr. Morissette.

18 My fellow commissioners have answered -- or
19 asked, and the Applicant has answered most of my
20 questions. But I would like to get a little more
21 clarity on the proposed sediment and erosion
22 control measures during construction.

23 I do notice that they are referenced multiple
24 times throughout the application, but there isn't
25 any detail about what those measures will be,

1 where they'll be and how they'll be maintained?

2 **THE WITNESS (Burns):** For the record, Robert Burns,
3 All-Points Technology. We are showing on the site
4 currently silt fencing in the rear and the
5 southern side of the compound because that's where
6 the water drains.

7 In terms of details and sequencing and all
8 that, that's typically shown on the D and M
9 drawings -- but really the site is so flat that
10 that's -- that's the limit of the soil and erosion
11 control on this site.

12 **MS. COOLEY:** Okay. I didn't note that on the compound
13 planted elevation, but I wasn't clear whether that
14 was simply there for during the construction
15 phase. Or if that will be, that silt fencing will
16 be there throughout the project life.

17 **THE WITNESS (Burns):** No, that will be removed once the
18 construction is all buttoned up and the site has
19 been seeded outside, and then they remove the
20 fencing.

21 **MS. COOLEY:** Okay. All right. I think all of my other
22 questions have been answered to my satisfaction.
23 So thank you very much.

24 Thank you, Mr. Morissette.

25 **THE HEARING OFFICER:** Thank you, Ms. Cooley.

1 Okay. I will continue with some questions.
2 I would like to start with question ten and the
3 response by Verizon having to do with the handoff
4 sites. And I would also like to cross-reference
5 that to the coverage area map for 700 megahertz
6 associated with the application. If we could get
7 those two documents available?

8 And I'll first start with the two sites
9 Cheshire, Connecticut SC1; and Cheshire SC02,
10 Connecticut. Those are the small cell sites that
11 we were referring to earlier. Is that correct?

12 THE WITNESS (Cheiban): That is correct.

13 THE HEARING OFFICER: Okay. And they're approximately
14 half a mile, and .8 of a mile away from the
15 proposed site. And those two cells, if I heard
16 correctly, are more for capacity than they are for
17 coverage.

18 Correct?

19 THE WITNESS (Cheiban): That is correct.

20 THE HEARING OFFICER: Okay. So what I'm trying to get
21 to is that it appears that in the proximity of the
22 proposed site there are several sites. And the
23 crux of my question is, is there any ability to
24 increase capacity or coverage using the other
25 sites which I understand the small cell sites

1 would not be applicable?

2 So for example, would Cheshire, Northeast
3 Connecticut, is there an ability to increase
4 capacity and/or coverage from that site?

5 THE WITNESS (Cheiban): So we do not have -- so we do
6 not have the ability to increase the coverage from
7 that site. The capacity, I think we are currently
8 using all the frequencies that we own on the site,
9 so that has been maxed out.

10 THE HEARING OFFICER: Okay. And so are there any of
11 the sites listed in the response for question ten
12 that could be utilized to increase capacity and/or
13 coverage?

14 THE WITNESS (Cheiban): So again, regarding the
15 coverage question, no. Regarding the capacity I'd
16 have to look at each individual site, but I know
17 that -- so our Cheshire site, the one at 751
18 Higgins Road we recently upgraded and put all our
19 frequencies that we currently own -- are active.
20 So the other ones I would have to check on.

21 THE HEARING OFFICER: So that's the site you just
22 referred to, is the Cheshire, Connecticut, site?

23 THE WITNESS (Cheiban): Correct.

24 THE HEARING OFFICER: Okay. And that's two miles away?
25 All right. So to get the necessary coverage

1 within Cheshire Center and along Route 68 the
2 additional site would be required.

3 So if there was -- because I did notice on
4 your sites selection analysis that you really only
5 looked at one other site and defaulted to this
6 site. Is there a reason why you didn't look at
7 more sites?

8 THE WITNESS (Cheiban): So I will answer the, kind of,
9 the RF network question on that and, you know,
10 maybe additional, like, real estate related
11 questions may be answered by Tim Parks.

12 THE HEARING OFFICER: Thank you.

13 THE WITNESS (Cheiban): So we were initially looking a
14 little bit more to the east of the location that
15 we ended up at. It's a residential area and there
16 weren't many options.

17 One of the options we did consider was the
18 Michael's Nurseries in Cheshire. And I think
19 initially they were interested. Then they decided
20 against it. And so then, you know, we heard that
21 diamond was proposing a tower and we ended up
22 going with that proposal.

23 THE HEARING OFFICER: Okay. Thank you. I would like
24 to go to changing subjects now. I'm changing
25 subjects to visibility. And first of all, I would

1 like to go to the topographic survey plan, page 1
2 of 2. And I'd like to know -- there's a house on
3 the property. What is that house? Is that
4 somebody that lives there? Is it a rectory?

5 What is that?

6 **THE WITNESS (Peters):** I believe it's the parsonage
7 associated with the church.

8 **THE HEARING OFFICER:** Do people live in the house? Or
9 is that an office building?

10 **THE WITNESS (Peters):** That, I'm not sure. I don't
11 think we -- we know the information.

12 **THE HEARING OFFICER:** So we don't know if anybody lives
13 there? Okay. I'd like to turn to the photo sims.
14 Give me a second to get there.

15 Okay. Going to photo number two?

16 **THE WITNESS (Peters):** Yes.

17 **THE HEARING OFFICER:** Is that the house you were just
18 talking about? Or is that across the street?

19 **THE WITNESS (Peters):** That, that is the house.

20 Now that, that is not the house. That's the
21 adjacent, adjacent neighbor. It's to the -- to
22 the west of this site.

23 **THE HEARING OFFICER:** To the west of the site?

24 This is on Academy Road?

25 **THE WITNESS (Peters):** Correct.

1 THE HEARING OFFICER: So looking at your photo log?

2 THE WITNESS (Peters): Yeah.

3 THE HEARING OFFICER: So that would be -- that's not
4 west. That's north -- northwest.

5 THE WITNESS (Peters): Northwest, yeah. West, west
6 down Academy Road, correct.

7 THE HEARING OFFICER: Okay. So it's across the street?

8 THE WITNESS (Peters): No.

9 THE HEARING OFFICER: In this photo it looks awfully
10 close?

11 THE WITNESS (Peters): Yeah, that's -- that is on the
12 southern side of the street, that house.

13 THE HEARING OFFICER: Okay. I'm still trying to get my
14 bearings here. So if we could go to figure one on
15 the site location map?

16 THE WITNESS (Peters): Yeah. So if we look at -- if we
17 look at -- I'm looking at SP-1 from the plans
18 right now, and that house is 245 Academy Road.

19 THE HEARING OFFICER: 245?

20 THE WITNESS (Peters): I'm sorry. Sorry. 165 Academy
21 Road. I was turned around.

22 THE HEARING OFFICER: 165. All right. Give me a
23 second.

24 Based on that photo it looks awfully close,
25 SP-1?

1 THE WITNESS (Peters): That house I think is in the, at
2 least a few hundred feet away from the tower.

3 THE HEARING OFFICER: Okay. So that's an optical
4 illusion that I'm looking at there? It looks very
5 close from the simulation.

6 THE WITNESS (Peters): Yeah, we're looking about
7 395 feet away from that house.

8 THE HEARING OFFICER: Okay. That's a good, good
9 distance.

10 Okay. I'd like to go to photo 22, if we
11 could?

12 THE WITNESS (Peters): Yes.

13 THE HEARING OFFICER: Now that's from the adjacent
14 property to the?

15 THE WITNESS (Peters): Immediately to the south.

16 THE HEARING OFFICER: To the south? So that's actually
17 from the cemetery?

18 THE WITNESS (Peters): Yeah, this is from -- from back
19 within the cemetery. So as you go around the
20 drive, the cemetery on that, the back, toward the
21 back part of the drive.

22 THE HEARING OFFICER: Okay. So there were no
23 simulations taken from the house that is
24 immediately to the east of that?

25 THE WITNESS (Peters): We weren't granted access in the

1 private property, but I believe we have a shot.
2 I'll double check. It's photo four, from the
3 front of that house.

4 THE HEARING OFFICER: Photo four?

5 THE WITNESS (Peters): Yes, photo four.

6 THE HEARING OFFICER: So that's from Academy?

7 THE WITNESS (Peters): Academy, yeah. From Academy
8 Road in front of -- from that house. It's 245
9 Academy. It's set back pretty far from the road.
10 I don't -- I don't see it in the photo here.

11 THE HEARING OFFICER: Yeah. No, that doesn't really
12 quite do it. So I know you have an exhibit in the
13 document of how many feet that resident is from
14 the site -- could you?

15 THE WITNESS (Peters): That is 310 feet. That's from
16 the northeast corner of the compound, which is the
17 closest portion of the compound.

18 THE HEARING OFFICER: Okay. Thank you for that.
19 That's helpful.

20 That pretty much concludes the questions that
21 I have. Thank you.

22 I think we have one open question from
23 Mr. Nwankwo before we break for recess until the
24 public comment session. Any progress in obtaining
25 that information?

1 THE WITNESS (Cheiban): No, I'm sorry. I do not have
2 that information right now.

3 MR. BALDWIN: We'll endeavor to try to get that
4 information before the evening's session, if given
5 the opportunity to just respond to that one
6 question at some point this evening,
7 Mr. Morissette, we could probably try and get that
8 into the record.

9 THE HEARING OFFICER: Very good. We'll see what we can
10 do at 6:30. Okay. Thank you.

11 The Council will recess until 6:30, at which
12 time we will commence with the public comment
13 session of this remote public hearing. Thank you,
14 everyone. We will see you at 6:30. We are
15 recessed.

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17 (End: 3:31 p.m.)
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CERTIFICATE

I hereby certify that the foregoing 66 Pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Zoom Remote MEETING (Teleconference) in Re: CONNECTICUT SITING COUNCIL, DOCKET NO. 498, APPLICATION FROM DIAMOND TOWERS V, LLC, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 185 ACADEMY ROAD, CHESHIRE, CONNECTICUT, which was held before JOHN MORISSETTE, Member and Presiding Officer, on May 11, 2021.



Robert G. Dixon, CVR-M 857
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My Commission Expires: 6/30/2025

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