

Intervenor Interrogatories based on May 25th, 2021 SCS Hearing transcript, Part 1
Docket #499, Connecticut Siting Council

Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 16 Coote Hill Road, Sherman, Connecticut. This application was received by the Council on March 12, 2021.

Does any party or intervenor have an objection to the items that the Council has administratively noticed?

I-C-1 through 1-C-79 (see the Hearing Program)

The applicants' witnesses:

Raymond Vergati, regional manager, Homeland Towers;

Harry Carey, external affairs with AT&T;

Robert Burns, professional engineer, project manager with All Points Technology Corporation;

Michael Libertine, LEP, director of siting and permitting, All Points Technology Corporation;

Dean Gustafson, professional soil scientist and senior wetlands scientist, All Points Technology Corp.

Brian Gaudet, project manager, All Points Technology Corporation;

Martin Lavin, radio frequency engineer, C Squared Systems, on behalf of AT&T;

Dan Stebbins with AT&T FirstNet.

p. 15 **Vergati:** town's consultant, Ralph Mondello, confirmed that the microwave link to the donor site at East Mountain in Wingdale, New York looks like it can be completed; and if it can't, they can go up on that tower.

p. 17 **Vergati:** microwave path from Coote Hill Road to Wingdale, New York would work. And if it didn't, they have the opportunity to go up higher on the Wingdale tower. They're currently located at an elevation at 70 feet, and they could go higher. So it will work for the town's public safety having a microwave dish at the top of the tower.

There is no mention of a microwave dish in the Applicant's application with respect to Docket #499. The Intervenor requests that the Applicant provide all information pertinent to the installation of a microwave dish on the tower, including, but not limited to the purpose for the dish, the operator of the dish and all other pertinent details.

p.19 **CSC Mr. Mercier,** application .pdf p. 74

Does Homeland have an easement or access agreement for use of Coote Hill Road to get 6 to the property at 16 Coote Hill Road?

Vergati: Yes, we did a letter agreement with Mr. Jones back in June of 2020 in regards to primarily the stone pillars that are on the entrance of Coote Hill leading out onto Route 37 south. The pillars were very narrow. And we had talked with Mr. Jones that during construction it would make sense if we could separate the pillars, and he agreed to that. **We did not need an agreement.** We looked at the deed. We have rights like anybody else even though it is a private road. We looked at the deed. There's no restrictions that would not allow us or any of our tenants to use the road both for ingress and egress. And the letter with Mr. Jones is more or less to compensate him for our use and basically separating those stone pillars. Since that time, one of the stone pillars has been taken out by a moving truck and no longer exists to give you an idea how narrow it was. But to answer your question, yes, we did a letter agreement with Mr. Jones.

The Intervenor requests that the Applicant provide a copy of the Agreement with the owner of the road and all subsequent communications with the owner of the road, Pepper Jones.

The Intervenor requests a copy of the deed to the property the Applicant will be using to construct the tower showing the rights associated with the use of the road.

p.20 **Mercier:** I just have some general questions regarding the road. The site plan states that the road will be 12 feet wide. Is that only the travel surface?

Burns: The travel surface is 12 feet wide, but then it slopes down after that. So the answer is yes.

Mercier: During construction what is like the typical width you might need to accommodate your construction equipment such as ROW construction corridor, would it be 15 feet 17 wide, 20 feet wide to install this?

Burns: The access drive is designed to be able to handle the construction equipment, so 12 feet should be fine.

p. 22 **Mercier:** I'm asking how much room do you need on either side of the 12 feet to construct the road and drainage features, do you need to go out to 20 feet, like a 20 foot corridor through the woods, or 15 feet? I'm just trying to get a sense of how much space you actually need to construct the road.

Burns: The road itself can be construct -- it is a difficult question to answer because there's sections of the road where we're almost at grade, there's sections of the road where we're filling, and we're also adding the culvert. So I'm not sure if this is going to answer your question, but we will need the area within the limits of disturbance to construct the road.

The Intervenor requests clarification from the Applicant as to what "road" is being referred to in the above exchange.

If the above exchange is in reference to the access road to be constructed on the subject property, there are contradictory statements here. **Burns** first said the travel surface is 12 feet wide but then it slopes down after that. **Mercier** then asks if there needs to be a construction ROW corridor 15, 17 or 20 feet wide to do this installation. **Burns** replies that 12 feet should be fine.

The Intervenor requests a road profile, a cross sectional piece of the road for the different parts of the terrain, particularly where there are grade changes, showing the amount of cut and fill required and the road bed materials – the type and thickness of the material and

details like compaction ratios, and the equipment needed to perform this work including, but not limited to excavators, track loaders, bull dozers and site dump trucks. If there is excess material excavated that is not suitable for road material, as much of this subsurface material may not be, where will it be removed to? **This is a civil engineering problem.** It has been given some consideration because they have given the volume of materials to be excavated and the volume of materials to be hauled in to build the road.

The Intervenor demands blueprint details of the road profile of the Applicant. This access road is a substantial part of the project and is the source of many of the difficulties inherent in building at this location.

This information is also needed to corroborate the quantity of material that the site plan calls for. Where the access road crosses the hill, details of the drainage plans are needed as well as mitigation of runoff onto neighboring properties, particularly to the north (Kavrikov) and south (Wildman) and Lake Mauweehoo. It should be noted that this is a private man made lake and that the property lines of those owners with lake frontage go to the middle of the lake (see deeds).

The Applicant has stated that permission from the owner of the road is not needed. Mr. Cooper, the P&Z ZEO has stated in his comments that there ought to be a road bond to indemnify the owner of the road for any damage to the road.

The Intervenor demands that the applicant provide an accurate survey of the private road to the site showing the roadway and the right of way and a plan to assure that the road surface and shoulders of the road are not damaged during construction of the access road and the tower.

To the extent that the private road does not meet the construction standards of the access road, the Intervenor demands that the Applicant provide a road plan to mitigate damage to the private road and a plan to restore the private road to its original condition, including restoration of the stone columns at the entrance that have been there for at least two generations.

The Intervenor demands that the Applicant provide a traffic management plan for the private road and the access road so that other land owners that use the road are not inconvenienced by the construction activity at the tower site, recognizing that much of the construction of the access road, including the path it takes to the tower site has been dictated by the preferences of the landlord, owner, of the site.

p. 21 Merceir: field review photographs that were submitted as part of the interrogatories there looked to be maybe a woods road or some type of logging road or ATV road following the route of the proposed access road or adjacent to it. Is that the case, there's some type of existing road that almost goes to the compound area?

Burns: There is an existing, I don't know if I'd call it a logging road. In some cases it's a path. But yes, there's an existing road through the woods, a path or a logging road through the woods.

The Intervenor demands that the Applicant supply the field review photographs that were submitted as part of the interrogatories.

There is a big difference between a path and a logging road. Neighbors report that the property owners ride ATV's through the woods. These are vehicles that typically weigh about

500 pounds without a rider – the ground pressure per tire would be 125 pounds distributed across each of the four tires. They are designed to be able to cross softer terrain such as a field or forest. All the evidence points to these clear areas as paths through the woods that have been ridden over with some frequency. In most instances, a heavier wheeled vehicle would have difficulty following the path over the same terrain.

p. 22 **Mercier:** Now, was the intent just 1 to follow that path, was it advantageous to follow that or not?

Burns: In some cases, yes. Some of this depended on the number of trees that were in the area because, you know, a logging path may not have the same radiuses on the turns. The turns have to be designed for vehicles. **So the road was laid out per the landlord's request** as well as the wetlands and trying to maintain that **logging path** as much as possible without impacting many of the mature trees that are out there.

The Intervenor demands that the Applicant determine what modifications (give details) to the road plan will be acceptable to the land owner due to the sensitive nature of the terrain that is being crossed.?

p. 22 **Mercier:** I'm trying to get a sense of how you're going to construct the road from its beginning along the driveway. Is the intent to go through and clear and grub the entire road initially, or are you going to do it in phases such as the first phase will go to the first wetland crossing and then you finish the road there and then move up the hill, what's the sequence you propose?

Burns: I think working with the contractor to see how much he can get done in a day. We certainly wouldn't want to clear more than he could **stabilize within a standard period** of time. My gut says we'd probably do up until the first, first or second culvert, which isn't necessarily a crossing, and then move beyond that. But I do think he'll be able to construct this fairly quickly. So his loggers or his tree people will probably be out ahead of him, and then he'll come in with his construction equipment afterward. So it will be done in phases. I think during the D&M plan we can better outline sort of a phased construction and a construction sequence, but I would say that's probably the best way I could explain how to do that.

The Intervenor demands that the Applicant provide a detailed road development plan that adequately addresses these questions, including that it meets the approval of the landlord.

p. 23 **Mercier:** What types of construction vehicles would be required at the site, you know, that includes excavators, maybe a crane for the tower?

Burns: we're definitely going to need a crane. They'll probably have a bulldozer out there, a small excavator, mainly because those culverts aren't extraordinarily deep, as well as a backhoe and a front-end loader. And then obviously, you know, once we're pouring concrete, we'll need concrete vehicles up there. It is just a 12 foot gravel road, so it's not like we're going to need major highway equipment up there.

The Intervenor demands that the Applicant provide a list of construction equipment for the project. What classifies a piece of equipment as major highway

equipment? What size crane will be used? What size dump trucks will be used? What size concrete mixers will be used?

p. 24 Mercier: I was looking at the route of the roadway on the plan here. It does, you know, the trees are marked with little X's, and there's obviously some trees adjacent to the road that are not being cleared in pretty close proximity. What's your sense of potential root damage to some of these adjacent trees that could kill them through, you know, by trenching for the drainage system or the electrical system connection, that is?

Burns: Well, I think the electrical, we've tried to maneuver on a side where it doesn't impact as many trees. I think we've done a pretty good job identifying which trees will definitely need to be removed. The other ones, a plan will be put in place on protection of those trees, anything close, but I do think he can build this without having to remove more trees than are on this plan, that are shown being removed on this plan.

p. 25 Mercier: Just in your experience, you think some root damage will maybe kill some other trees or –

Burns: You know, it's difficult to say, *Bob*. I think that, you know, some of this is, some of these areas are actually in fill, so we won't be excavating near the roots. I do think there may be some root damage, but the hope is that it's -- not the hope, the plan is that it's the outer edges of the roots so it won't impact the integrity of the tree.

The root system of a tree, as has been noted by Mr. Cooper, Town of Sherman ZEO, in his comments on the applicants' proposed plan, extend as far as the canopy of the tree. These trees may not need to be removed at the time of construction because the trunks do not impede the path of the roadway.

The Intervenor demands from the Applicant a detailed accounting how many additional trees, whose root systems will be crushed under the weight of heavy construction equipment, will likely die in the next one to three years.

p. 25 Mercier: where the access road starts coming off the existing paved driveway it looks like a sharp 90-degree turn. Is that turn adequate, as designed, for all the construction equipment you plan to use at this site?

Burns: So I think that there's a radius in there. It will be a 90, but the radius making that left turn coming up the driveway will be larger than a normal radius, so 1 long story short, the answer to that is yes it should be sufficient.

The Intervenor demands that the Applicant provide specifications for the road that include the turn radii. What is the length of the truck crane that will be needed to install the tower and then antenna for each of the providers? What is the length of the tower segments that will be delivered to the site?

p. 26 Mercier: starting to go uphill here. There's a small ledge that's shown. I believe you said you intend to chip that. That's in the first section there. Is that a long duration project, just chipping some ledge to accommodate the road, or would even blasting be better or required?

Burns: The objective is to do all the construction without any blasting at all. Until he gets in there, he, being the contractor, and looks at what the rock actually consists of, he will be

better able to tell how long the chipping process will take place, but I think this site can be constructed without blasting. But until a geotechnical investigation is done, I can't be a hundred percent certain that that's the case, but the objective here is to do this without blasting.

Mr. Cooper, Town of Sherman ZEO, states that the ledge will require blasting. Due to the significant difference, particularly to neighboring property owners, between "chipping" and blasting, the Intervenor demands that the Applicant determine whether or not this ledge requires blasting in order for the access road to follow this path, preferred by the landowner. Mr. Cooper states that all neighboring properties be examined and photographed prior to any blasting taking place and that the Applicant have liability insurance to indemnify the neighboring property owners should there be damage. The Intervenor demands that the Applicant provide evidence of such insurance.

p. 26 -27 Mercier: Now the road turns to the east and starts heading uphill, and there's an embankment there adjacent to the wetlands. The embankment, is that erosion control blanket on the embankment?

Burns: The erosion control blanket will be on any slopes greater than 3 to 1. We've tried to grade these out to be 3 to 4 or greater, but there are portions of this at 5 to 1 which we will have to put a blanket on. The area adjacent to the wetlands we tried to stay as close as we could to existing grade so there will be very little grading on that side. I do realize there's a couple areas here where we will have to grade. Most of the grading that's taking place is on the south side of the driveway. But if it is steeper than 3 to 1, we will be putting down an erosion control blanket.

The Intervenor demands that the Applicant provide a detailed site plan that shows the existing grade, access road grade and other pertinent details regarding erosion control measures as well as the road profile (road cross section) in these area.

Where this information may be difficult to ascertain visually without testing in these wooded areas, the Intervenor demands that the Applicant provide the necessary testing and subsequent plans for erosion control.

p. 28 Mercier: Now the road reaches the first wetland crossing, which you have one pipe there. Is there actually water flowing in there, or is that just like a wetland soil only type of situation?

Gustafson: All Points Technology. Actually, both stream crossings are intermittent streams with very little bordering vegetated wetlands. And both features are highly seasonal. You'll see a little bit of flows during the early spring period, but it will be dry for extended periods of time starting now through the rest of the summer.

The Intervenor demands to know of the Applicant what efforts, if any, were made, to examine these intermittent water courses that flow from south to north onto a neighbor's property and then back to the south through another neighbor's property before emptying into Lake Mauweehoo on that neighbor's property?

The Intervenor demands to know if the Applicant made any effort to request permission from downstream property owners to ascertain the amount of seasonal flow in these water courses?

The Intervenor demands that the Applicant assess the downstream properties to ascertain the amount of seasonal flow in these water courses

p. 29 Mercier: Are you taking out a lot of stone wall; and if you do, are you going to 25 repurpose it on the site or are you going to dispose of it somewhere?

p. 30 Burns: There is a stone wall there. The stone wall will be removed within the two limits of disturbance and can be repurposed on site or removed depending on, you know, if the landlord wants them to rebuild a portion of the wall or not. So either way, depending on, you know, I guess what the landlord or the property owner would desire.

Stone walls are part of the colonial history of the Coburn District of Sherman where the subject property is located. The Intervenor demands that the Applicant present a plan as to what will be done with these stone walls, according to the wishes of the landowner.

p. 30 Mercier: that embankment near the stone wall, there's a bunch of trees shown right at the edge of the embankment. What are your thoughts about, you're going to excavate that area, that hillside, and you might dig into some more roots there and potentially undermine those trees, and maybe a wind storm, you know, the ground is no longer stable there. Do you think that's a problem given the amount of trees right at the top of that embankment?

Burns: I think the short answer is it could be, but I don't think that we'll be digging into the roots enough to impact that. You know, the slope will be stabilized, the trees will be protected, and I don't think that -- and, in addition, it's not that large of an embankment there that I think that it can be done in such a way, you know, as long as they're protected during construction that it will be okay.

The Intervenor demands that the Applicant supply a plan to specifically answer Mr. Mercier's question, in light of the damage that Mr. Cooper has stated can be attributed to excavations in and around tree roots at this and any other embankment.

p. 31 Mercier: going up the road where the compound is after the second crossing, you know, I kind of see the silt fence, I guess, on the lower limit of disturbance. I believe that's it. It just looks like it's running parallel to the slope. Is there any concern that the water is just going to channelize along that fence and just kind of flow down into the wetland; and if so, what kind of measures can you put that are intermediary to prevent that?

p. 31-32 Burns: So the compost filter socks, the idea is that water will flow through them and will withhold the sediment. In addition, if the slope is great enough where, for example, adjacent to the compound they can put more than one row up, so that if for any reason the water on that slope gets through the first, the second one will pick up the water and the

sediment. And they'll **probably** be spaced, I'm thinking, you know, 8 to 10 feet in between them. So they won't be stacked together. There will be a space in between.

The Intervenor demands that the Applicant provide a plan for the silt fence and silt socks regarding how and where they are spaced and a plan for their inspection and maintenance.

p. 32 Mercier: How about in the area of the wetland crossing, you know, you're going uphill and the silt fence will be parallel to the road, so won't the water just run down the edge of the silt fence into the wetland?

Burns: the **other thing they do when they install** those is they can put in J-hooks, in other words, take the filter sock and kind of curve it around so that it will not channel it. And you kind of have one that comes off at an angle and then you start another one right behind it so that a series of those wouldn't allow sort of a channel of any significance to run down the side of that sock. It would be the same if we were putting in a silt fence, it acts the same.

The Intervenor demands that the Applicant provide a plan with respect to the installation of J-hooks in the silt fence and a plan for inspection and maintenance.

p. 32 Mercier: During construction who is responsible for inspecting the erosion control barriers and other things at the site on a daily basis and a weekly basis?

p. 33 Burns: I know that there will be a statement of special inspections for certain things that will get built, the concrete, the tower stacking, the steel, that sort of thing. The **maintenance schedule can** include a stormwater inspection. As a matter of fact, **sort of standard procedure is after** a significant rainfall those stormwater appliances need to be inspected and repaired, as needed, by the contractor.

The Intervenor demands that the Applicant provide a plan for inspecting the erosion control barriers and other things at the site on a schedule that assures that they will be properly maintained and that any defects in or damage to the barriers be reported and corrected immediately. In addition, after each rain or wind event, the plan should require an additional inspection and repair. There also needs to be a plan in place for a period of at least two years to be sure that all aspects of the construction work have remained intact and free from damage.

p. 33 Burns: It certainly **can be written in** that the stormwater can be, or the sediment control devices can be inspected in a periodic way by a third-party inspector.

As per Mr. Burns comment above, the Intervenor demands that the Applicant develop a plan for third party inspection of stormwater controls and sediment control devices.

p. 33 Mercier: Once the site is constructed and operational, I'm just trying to get a sense of stormwater drainage at that time.

Looking at the compound area, I see a swale to the north/northeast, then it kind of runs along the east side of the road down to the wetland crossing. Is the road going to be pitched to the swale in the compound?

p. 34 Burns: the road is not built with a crown. The road is pitched to the swale. It runs within the grass swale. Within the grass swale approximately every 100 feet is a stone check dam which will not only slow down the stormwater but will allow the sediment to be -- prevent it from going further to the point where it eventually gets to the wetlands where there will be a riprap apron which will flow into the wetland area.

As above, the Intervenor demands that the Applicant develop a plan for third party inspection of stormwater controls and sediment control devices.

p. 35 Mercier: Will the water, it's just designed to run off the road?

Burns: Yes

Mercier: as overland flow to the wetland?

Burns: That's correct, yes.

The Intervenor demands that the Applicant provide evidence and documentation that this is an acceptable best practice, having water "run off the road...as overland flow to the wetland."

p. 36 Mercier: What's the purpose of the two little basins if the pitch is not that much?

Burns: Well, I think the grading is a bit deceiving here. There are no basins here. First of all, there's no catch basins, **and they're not detention basins either. They're graded. The swale comes to a low point. At that point the culvert picks them up and they cross the road and then overland to the wetlands.**

The Intervenor demands that the Applicant provide evidence and documentation that this is an acceptable best practice, There is no provision for sediment control coming off a gravel road.

p. 36 Mercier: Once the site is completed, what's the access road maintenance inspection protocol, how often are you going out there to inspect the check dams and the culverts and things of that nature?

p. 37 Burns: I don't know if there's a maintenance plan in place yet. Certainly there can be. I would say on a quarterly, you know, basis that the road can be inspected and the, you know, the check dams can be inspected to make sure they're still in decent shape and that the grass has definitely taken hold, the turf has been established within the swales.

The Intervenor demands that the Applicant provide a maintenance plan for the access road and drainage features to be sure that all mitigation efforts to protect the wetlands are in place and functioning with special consideration given to rain or other storm events.

p. 37 Burns: I'm speaking for Homeland now, but they do periodic inspection on their sites. And being that **this is one that will have some design features** to it, you know, **the swale and the stone check dams**, this is **definitely one they would inspect on a regular basis.**

As above, the Intervenor demands that the Applicant provide a maintenance plan for the access road and drainage features to be sure that all mitigation efforts to protect the wetlands are in place and functioning with special consideration given to rain or other storm events.

p. 38 Mercier: May 18th supplemental filing on page 3, it just stated there would be one visit per month to the site. I wasn't sure. That was part of my previous question. Was that for Homeland Towers itself or is that for AT&T?

Burns: that's for the carriers, the operation people, to make sure that their facilities are running, the radio equipment works, et cetera, et cetera. That's for the individual carriers.

The Intervenor demands that the Applicant provide a plan for site visits for the carriers on the tower and for the owner of the tower to be sure that the site and equipment are functioning as designed. In the event that the facility and the carrier equipment are not being properly maintained, the Intervenor requests a plan for corrective measures at the State and local level including notification procedures and remedies.

p. 39 Mercier: If there was another carrier, then what type of equipment (construction) do you think they'd need?

Burns: If another carrier came to the site, obviously you'd need concrete trucks to pour any type of slabs they would put up there, and you would probably need a crane to put up their antennas.

The Intervenor demands that the Applicant present a plan to notify the Town of Sherman prior to additional construction being done on the site and that all local and State of Connecticut permits be obtained and that site be thoroughly inspected for compliance with all of the conditions established for the initial permit.

p. 40 Mercier: I have a few questions regarding the DEEP Natural Diversity Data Base letter that was in application, attachment 10, Is the site suitable habitat for the box turtle?

Gustafson: Yeah, it contains enough habitat qualities that box turtle could be encountered on the site. They could be migrating from other adjacent habitats. And the box turtle during the summer period will look for wetland systems to aestivate in, and certainly the site wetlands provide suitable habitat, a summering habitat. So there is the potential that box turtle could be encountered during construction. And the recommendations that are contained within the referenced DEEP letter are consistent with what we've employed on numerous other projects, including projects that have been previously approved by the Council, which generally consist of setting up isolation barriers, as needed, to cordon off the construction area from possible migrating turtles, making the contractor aware of the potential presence of the box turtle, what they look like, what to do if you encounter them, and then periodic monitoring during construction to make sure those protective measures are being adhered to by the contractor.

p. 41 Mercier: That's correct. One of the things they did mention was use of a qualified herpetologist, which for other projects I've been involved with they use an environmental monitor in their recommendation.

The Intervenor demands that the Applicant develop a plan for the daily monitoring of the site with respect to box turtles and other species as called for by the DEEP letter referenced in the application. This would also apply to the development of a plan to protect the slimy salamander and the hognose snake as these species have been documented in the vicinity of the project.

p. 44 Gustafson: as you're familiar with the core forest analysis, surrounding any type of perforation or development there is a 300 foot essentially impact buffer associated with that, and that's what's reflected there is that that forest surrounding that residential building has been compromised to a certain degree. And with respect to the sensitivity of the slimy salamander, which requires these kind of larger core forested moist habitats for their survival, we just wanted to make sure -- we analyzed essentially the entire project vicinity to show areas where it's already been compromised.

The Intervenor demands that the Applicant explain to the Siting Council, the impact to the 250 acre core forest that is being bifurcated nearly in half by this project, considering that the impact is 300' to either side of the disturbed area.

p. 45 Mercier: Is it possible to get a copy of that study? (regarding the slimy salamander)

p. 46 Gustafson: we've released it to Natural Diversity Data Base. I will just need to confirm with the author, Dennis Quinn, because it potentially contains some sensitive habitat information regarding the slimy salamander. It's a protected species, so we may have to -- I can work with Lucia on the proper means to provide it to the Council, but it may not be able to be disseminated to the general public without some redactions.

The Intervenor demands that the Applicant provides a copy of the slimy salamander study to the Siting Council, with the permission of the author, Dennis Quinn and release it to the public with any necessary redactions to protect the species.

p. 47 Mercier: Why was that location chosen rather than just going straight up from the second wetland crossing and stopping at the similar elevation there instead of hooking it all around to the south of the wetland? Does that make sense? I was wondering if you could move the site to basically the northeast rather than southwest once you cross the wetland.

p. 49 Mercier: Looking at the coverage plots, I saw two sites that didn't have any identifying AT&T numbers, so I was wondering if you can just clarify what they were for me. It goes to the existing 700 megahertz coverage plot.

p. 50 Lavin (C² Systems): To confirm against our chart here, we can provide updated plots as a homework assignment to get the identifier under the site in that case.

The Intervenor demands that the Applicant provide the Effective Radiated Power, or ERP, used for coverage prediction. The Applicant has not done so and the maps that have been generated cannot be properly interpreted without that information.

p. 50 Mercier: The other one was on, it looks like it's in New York so

Lavin: The other one, Route 22, yes, I see it, it must be Patterson over there. I'm showing NW2813 on the chart as attachment in the report on page 7. I'll submit a revised response with those sites labeled.

The Intervenor demands that the Applicant provide a revised response as noted as above. There is a tower in Patterson, New York, owned by the Town of New Fairfield,

Connecticut, that has not been reported in this application and that is within 4 miles of the subject site.

p. 52 Lavin: there is another 4G 700 megahertz carrier in this area, so that would still be available to public, to commercial users, regular customers.

The Intervenor demands that the Applicant provide information noted by Mr. Lavin in this answer. If there is another 4G 700 MHz carrier in this area, why isn't the Applicant on that tower?

p. 52 Mercier: Now, in Interrogatory Response 8 it mentioned two large communities in the area of the tower, it was Timber Trails and Deer Run Shores. Do you know where these are in relation to the facility? I'm just trying to get a sense if your proposed facility will reach these two communities or partially reach them. I couldn't find them on the map.

Vergati: The Timber Trails Neighborhood Association is located slightly southwest from the proposed facility. I'm not exactly sure where the **Deerfield** Shores may be located, but I can certainly find that out for you.

Again, the Intervenor demands to know what is the Effective Radiated Power, ERP, used for coverage prediction? Indications are that this tower will not provide service to Deer Run Shores to the north east along the west side of Candlewood Lake and that it will not cover Leach Hollow Road to the north of the site. In addition, sections of Timber Trails to the southwest and west will not be covered by this facility.

p. 53 Mercier: I just only had a few more questions on the visibility analysis of the project.

The Intervenor demands that the Applicant explain how a single 3^{1/2} foot diameter balloon flown to a height of 170' can demonstrate to a viewer the impact of a 170' tower that has one to four sets of antenna panels that will appear to give the monopole a diameter of 10 – 12 feet provides a "visibility analysis" without any other reference points.

p. 55 Mercier: Going to photo 26 of your visibility analysis, this was Route 37, it's kind of a picture through some trees, and there's a water body, and I believe that's the lake down below. Do you anticipate, based on this picture, would there be year-round views from certain areas of that lake?

Gaudet (All Points): I think along that sort of northwestern shoreline, you know, if we were standing on the other side of these trees in the foreground, I think you would have some year-round visibility there. I'm not sure if there's any shoreline right there, but again, I think that a lot of that year-round visibility is going to be primarily at the treetop. It's not expected to extend significantly above from that specific location.

The Intervenor demands that the Applicant establish reference points so that a more accurate visibility analysis can be performed. The single balloon is not a satisfactory tool for visibility analysis. The Intervenor also demands that the Applicant provide details as to how the balloon float analysis was conducted. On page 57, Mr.

Gaudet states that "I wasn't in the vehicle for this shot." His interpretation is, therefore, based on his viewing of the photograph and does not provide an adequate explanation.

p. 56 CSC Silvestri: the microwave that you were talking about with the update to Interrogatory Number 20. I have to get it straight that the microwave would be used by the town; is that correct?

Vergatti: That is my understanding that the microwave would be used by the town, not by Litchfield County Dispatch, LCD.

p. 57 Vergatri: The microwave dish would be installed on Homeland's proposed tower at 16 Coote Hill Road, and the length or the shot would go to an existing tower located in Wingdale, New York, where there's an existing dish at 70 feet, and that dish that's in New York can be raised, if needed.

Silvestri: ...would that antenna work in conjunction with FirstNet, does that supplement it or replace it, or what's the tie-in between the two?

Vergatti: I think the microwave dish and the municipal whips are purely for the town's public safety needs and highway, fire, and it's my understanding that it would not tie into FirstNet,

p. 58 Lavin: The interconnection for FirstNet is done the same as AT&T's system via fiber, so it would be independent of the microwave. I'm guessing that microwave is for their current radio systems, voice systems, and operate independently of FirstNet.

The Intervenor demands that the Applicant clarify these responses. There has been contradictory presented in testimony and on the Applicant's application with regard to the microwave dish and whip antennas.

p. 59 Silvestri: The question I have for you, in that area around that black dot, was the potential installation of the cell tower thought of in putting in that area rather than crossing the wetlands?

Vergatti: To answer your question, we looked at a number of locations on the property in conjunction, obviously, with the landlord, and it was difficult enough to find an interested landlord, certainly one that would lease to us. The landlord's preference, obviously, was not to have the tower so close to their house. They've got acres. We worked with them and located it in the back portion of the property. But yes, we did look at that, and it certainly gets it closer toward the house, but it was not the wishes of the landlord.

The Intervenor demands that the Applicant explain why there are locations that would have better propagation parameters that were not disclosed in this application. The Intervenor further demands that the Applicant ascertain whether this application is viable should the Siting Council determine that the tower be placed on the property in a location that mitigates many of the construction, wetlands, and habitat concerns that have been raised by this Intervenor, the Sherman Planning and Zoning Commission and the Sherman Conservation Commission if such a location does not abide by the wishes of the landlord.

p. 61 Silvestri: With the combination of the 15 kW generator and 500 gallon propane tank, I believe the estimated expected hours of operation is around 112. Related question to that, it's not quite three days, but with a somewhat remote location what would be provisions for refueling that tank?

Burns: So a couple things. First, that would be the generator running at 100 percent would be, I think it's about 4.7 days, somewhere in that neighborhood. Typically, these sites don't run at 100 percent, they run probably 80 percent, so it gives you a little more than that. I don't know offhand what AT&T's protocol is, but the carriers in general typically keep their eye on significant weather events, and when those weather events are about to occur, they implement their operations people to make sure that their tanks are, let's say, topped off and full and ready for any kind of event like that.

The Intervenor demands that the Applicant have a plan in place for power outages that last for as much as a week. This site is on a private road. There are no Town services on the road. In the past five or six years there have been four storm events where power was out for as much as 8 days due to impassable roads in the area for service crews to access downed power lines.

p. 62 Silvestri: There are areas that identified for municipal equipment and the potential for three future carriers. Is there room within those areas for adding additional emergency generators with sufficient setback space for additional propane tanks

Burns: Adding generators, yes. Propane tanks I would say yes as well. The middle site may get a little squeezed with the 10 foot offset, but we can put a manual shut-off valve on the propane tank which allows us to go to a bit of a smaller spark zone.

The Intervenor demands that the Applicant modify their plans to adequately accommodate the four carriers they are planning for. Due to the sensitive site characteristics of this property, the site plan must cover future tenants on the monopole.

p. 65 Silvestri: Going back to the application, page 23, there's the review of the Sherman zoning regulations. The proposal regarding maximum height is in Section 356.3Eii, and it states that the proposed tower height is 170 feet or minimum needed to provide service. The question for you, what is the minimum height needed to provide service?

p. 66 Lavin: We have done height analysis on this. If we move down from the antenna centerline of 166 feet, we do lose coverage, especially on Route 39, which we have no way of recovering. So in terms of public safety and FirstNet service, that is the height we need to get the coverage we have to have out of the site.

The Intervenor demands that the Applicant answer the question. The question was not "Do you lose coverage at a lower height?" The question was "what is the minimum height needed to provide service?"

The Intervenor demands that the Applicant provide propagation data for 120', 130' and 150', the maximum height referred to in the Sherman Planning and Zoning regulations referred to above.

	Incremental Coverage from Proposed Site (700 MHz)	
Population: ²	(\geq -83 dBm)	781
	(\geq -93 dBm)	1398

The Intervenor demands that the Applicant explain the above table in relation to tower height as well. -83 dBm is the stronger signal but covers fewer people.

p. 70 Silvestri: I want to stay with potential visual impact, if you will. Has there been any attempt to quote/unquote camouflage the tower specifically by having a monopine instead of a monopole or by having a watch tower or something else?

p. 71 Gaudet: I think overall where that tower sticks up a little bit higher above the tree line is going to stick out like a sore thumb. At the distances where the tower is visible above the tree line is a pretty small profile compared to the greater width of the views.

The Intervenor demands that the Applicant develop a method to give perspective to the visual impact of the tower from a distance of up to .8 miles from the tower. As reported above, .5 miles is, due to the height of the forest canopy, too close to see much of the tower and, in this area impacts few homes. The Intervenor also demands that the Applicant indicate the height of the tree line from any particular view as that aids in having a perspective of the height and visual impact of the tower that a single balloon does not.

p. 74 Silvestri: Some resident comments as well as the P&Z commission voiced concerns about a history of problems with runoff and erosion at the site and surrounding parcels. So the first question I have for you, if the project is approved, how would construction and access and post-construction not exacerbate and possibly improve existing conditions and concerns?

Burns: Construction would proceed in accordance with a detailed sequence of construction which would incorporate the sediment erosion control measures as shown on the drawings. Post-construction, I believe a time frame for a periodic inspection of those measures, mainly the swales and the check dams, should be performed, perhaps quarterly by Homeland, and that's what I would recommend.

The Intervenor demands that the Applicant develop a detailed sequence of construction steps, a timetable, that would incorporate the sediment and erosion control measures as shown on the drawings.

The Intervenor, again, demands that the Applicant perform periodic inspections, monthly during the rainy season and during snow melt and after all major rain events, particularly with respect to swales and check dams.

The Intervenor demands that the Applicant provide plans that prevent sheet flow into the wetlands without first passing through a sediment control feature (basin) of appropriate size to handle a 4" rainfall.

The Intervenor demands that the Applicant clean and repair all silt and runoff damage within five days of the inspection.

p. 73 Silvestri: There's also concern about the size and nature of Coote Hill Road regarding access for construction vehicles, drainage pipes, slopes and additional access. These were summarized in a November 30, 2020 letter by Mr. Peter Kuring that was written to Mr. Vergati and that we have on file. And I'm curious if any responses were provided to Mr. Kuring; and if not, how would you respond to those concerns?

p. 74 Vergati: Yes, certainly during construction there will be vehicles that traverse Coote Hill Road to access the site, but once the site is constructed, being an unmanned facility, we don't have FedEx trucks going to the site, we don't have UPS trucks going to the site. We just have very little vehicular traffic. And, you know, it's very convenient for people to pick on us. And I just want to point out to Council members, if we were building a home, we wouldn't be going through some of the questions that Peter asked or other folks asked. I choose my words carefully in the sense that I know Mr. Kuring has just finished putting in an inground pool, has a bulldozer sitting on his property. And I don't know if he was scrutinized during that process and had questions from the zoning enforcement officer or others questioning the construction or crossing the bridge with a cement truck or asking for a bond for the bridge.

The Intervenor demands that the Applicant provide a count of the number of heavy highway equipment trucks that might be required during initial construction for one carrier, given the more than 2400 cy of material that are needed for the access road, the removal of the logs from 90 trees and the chips from their branches and limbs, tower sections, generators, concrete, fuel tanks and other heavy equipment and materials.

The Intervenor demands that the Applicant provide a count of the number of smaller vehicles that will be required to service the facility on a monthly basis, including visits from Homeland Towers, LLC or other owner of the tower, including road inspection and maintenance (including plowing), drainage inspection, wetlands inspection, repairs, carrier site visits, fuel trucks and others not mentioned.

p. 80 Silvestri: The last question I have references the draft document from the Public Safety Communications Committee. Without going into too much specifics, they do mention that they would prefer that the developer consider the NLT property on Mauweehoo Hill as an alternative location to the Coote Hill site. Could someone comment about the Mauweehoo Hill?

Vergati: These two sites that are located off Mauweehoo Road there's no street frontage. Access is from Wagon Wheel. And I've met with Naromi Land Trust over the years.

They will not do a cell tower lease on their properties. I've done presentations for them, I've done field visits with them, I've done proposals with them..... The Wagon Wheel sites don't work. The RF engineer has ruled them out.... I understand Mr. Greenbaum who is intervening on this wants to keep pushing the two Wagon Wheel sites, Wagon Wheel and Wagon Wheel. And it's like Ground Hog Day. It's just kicking the can. They were looked at ten years ago, they were looked at five years ago, we looked at them again. We don't have an interested andlord, we don't have it working for the network.... I've walked this property on two occasions with the town, with land trust folks.

The Intervenor demands that the Applicant present evidence regarding site visits to 26 and 28 Wagon Wheel Road and presentations and field visits related to these sites. The Intervenor further demands that the Applicant provide the RF engineer's data that ruled these out as suitable sites, in contradiction to the findings of RCC Communications

p. 86 CSC Lynch: Now, I mentioned the tower can be expanded. Would that -- it can go up, I guess, 10 percent, so we're looking at maybe going up another 20 feet. How would that impact what's happening with the town and the equipment that's going on the top of the tower? So would that have to be moved higher or relocated somewhere on the tower?

Burns: A crystal ball answer to that would be they would need to move to the top, but there is plenty of room on this tower for four carriers, which is all that's in the market right now. But if it did need to be expanded, I think that they would probably have to go to the top.

The Intervenor demands that the Applicant provide RF data for tower heights that would accommodate three additional carriers and what their effective propagation maps would look like at each of those heights.

p. 88 Vergati: I did receive written correspondence back from the Verizon Wireless engineer stating that if they were to come to the tower that they would accept the 150 foot, 6 antenna RAD center, and the tower would not need to be increased for Verizon's needs.

The Intervenor demands that the Applicant provide a copy of Verizon's letter of interest.

p. 91 Lynch: Has Homeland and also AT&T provided enough liability coverage in case there's an accident?

The Intervenor demands that the Applicant provide a copy of their liability, workman's compensation, excess liability insurance and other insurances pertaining to this construction site and for the finished facility.

p. 98 CSC Cooley: What about, could you tell, or did you have any access to any of the adjacent property?

Gustafson: So to the degree that we could view adjacent properties from the property boundary, we did that, but we did not enter onto any of the adjoining private properties.

The Intervenor demands that the Applicant give notice to and request access to the adjacent properties to the north and west that will be most directly impacted by wetland mitigation efforts and the property owner to the east regarding habitat issues.

p. 102 CSC Morissette: While you're on the stand, there were comments, I believe it was from RCC Consulting, about reducing the height of the proposed facility to 120 feet. Do you have any comments on that and what your reaction to that is?

Lavin: I don't know what technology it was done for eight or nine years ago. I don't know what exact location they had up here. I don't know -- I think their thresholds are on there - I don't know what power they used or antennas or anything else. My estimation of coverage from here is that it does decline greatly with decreasing height, especially along Route 39, and then as you go lower Route 37 starts to lose coverage too. I believe they're talking about 80 feet up there or something of that nature. I think that would be very highly ineffective at covering this area. You'd be down near the treetop levels adjacent to the site itself, as far as I know, and all the way down the slope to the roads, and you'd lose a great deal of signal height. In particular, their analysis in what they call the Coote Hill site versus height, I think they're fairly optimistic about what -- overly optimistic about what it would cover.

The Intervenor demands that the Applicant provide propagation maps for a tower height of 120' as requested earlier as well as propagation maps for 110', 100' and 90' in order to provide technical data to support this contradiction. The Town of Sherman paid \$15,000 for that study.

p. 104 Morissette: There was discussion about moving the facility away from the property boundary. I would like to get a reaction -- I think it would be Mr. Vergati -- as to how you landed where you landed on the site and whether there is a possibility to move the project site away from the property line and whether that is viable.

Vergati: We had worked in conjunction with the landlord, RF, with Dean and the environmental folks to keep away from any habitats, and cognizant of we didn't want to lose too much elevation. When we did relocate the facility due to the potential habitat, we went from, I believe, an elevation of **902.4 to roughly 878 in elevation, so we lost roughly 22 feet** in elevation to begin with. So we kept it on the right side is where the terrain stays higher. And on this particular subject property **it was the wishes of the landlord, they use the property extensively for walking trails and so forth, and didn't want us, per se, to be in their use of the property.** So we had to pick the best location with combination, again, of everyone's input, landlord, RF, and the environmental folks.

The Intervenor demands that the Applicant explain why the 22' reduction in height mentioned above was inconsequential but that reducing the tower height would be unacceptable to reduce the visual impact on the historic Coburn District that includes two families that have lived and farmed the area for 7 to 8 generations as well as Lake Mauweehoo that was created at the instigation of a third family, who has lived here since 1902, approximately, for the beauty and enjoyment of the local population.

Again, the Intervenor demands that the Applicant ascertain if this project would be feasible if it had to be built on a part of the property that did not have such a great impact on the wetlands, habitat and local community (i.e., by developing the property using a much shorter

driveway that avoids ledge and wetlands or even by locating the tower farther to the west, closer to the residence, completely avoiding the wetlands.