



Transcript of the Hearing of

**Date:** July 17, 2014

**Volume:** I

**Case:** Docket No. 448

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STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Docket No. 448

Cellco Partnership d/b/a Verizon Wireless  
Application for a Certificate of  
Environmental Compatibility and Public Need  
for the Construction, Maintenance, and  
Operation of a Telecommunications Facility  
Located at 831 Derby Milford Road, Orange,  
Connecticut.

Council Meeting held at the Shelton City  
Hall, City Hall Auditorium, 54 Hill Street,  
Shelton, Connecticut, Thursday, July 17,  
2014, beginning at 3:00 p.m.

H e l d   B e f o r e:

ROBERT STEIN, Chairperson

1     **A p p e a r a n c e s:**  
2     **Council Members:**  
3         ROBERT HANNON, DEEP Designee  
4         LARRY LEVESQUE, PURA Designee  
5         DANIEL P. LYNCH, JR.  
6         DR. MICHAEL W. KLEMENS  
7         DR. BARBARA C. BELL  
8         SENATOR EILEEN M. DAILY  
9  
10    **Council Staff:**  
11        MELANIE BACHMAN, ESQ.,  
12        Executive Director and  
13        Staff Attorney  
14        ROBERT MERCIER  
15        Siting Analyst  
16  
17    For Cellco Partnership, d/b/a Verizon  
18    Wireless:  
19        ROBINSON & COLE LLP  
20        280 Trumbull Street  
21        Hartford, Connecticut 06103-3597  
22        (860) 275-8200  
23        By: KENNETH C. BALDWIN, ESQ.  
24  
25

1                   **THE CHAIRPERSON:** Good  
2     afternoon, ladies and gentlemen. I'd like to  
3     call to order this meeting of the Siting  
4     Council, today, Thursday, July 17, 2014, at  
5     approximately 3:00 p.m.  
6                   My name is Robin Stein. I'm  
7     Chairman of the Connecticut Siting Council.  
8     Other members of the Council here are Robert  
9     Hannon, designee -- designee from -- for  
10    Commissioner of Department of Energy and  
11    Environmental Protection; Mr. Levesque,  
12    designee from the Public Utilities Regulatory  
13    Authority; Mr. Lynch; Dr. Klemens; Dr. Bell,  
14    and Senator Daily. Members of the staff  
15    present are Melanie Bachman, Executive  
16    Director and Staff Attorney, and Robert  
17    Mercier, our Siting Analyst.  
18                   This hearing is held pursuant  
19    to the provisions of Title 16 of the  
20    Connecticut General Statutes and of the  
21    Uniform Administrative Procedure Act, upon  
22    application from Cellco Partnership, d/b/a  
23    Verizon Wireless, for a certificate of  
24    environmental compatibility and public need  
25    and for the construction, maintenance and

1     **A p p e a r a n c e s:(cont'd)**  
2     For the Intervenor, Albert Subbloie,  
3     Jacqueline Barbara, Glenn MacInnes,  
4     Jill MacInnes:  
5         BERCHEM, MOSES, AND DEVLIN, P.C.  
6         1221 Post Road East  
7         Westport, Connecticut 06880  
8         (203)227-9545  
9         By: MARIO F. COPPOLA, ESQ.  
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1     operation of telecommunication facilities  
2     located 831 Derby Milford Road in Orange,  
3     Connecticut. Application was received by the  
4     Council on May 13, 2014.  
5                   As a reminder to all,  
6     off-the-record communication with a member of  
7     the Council or a member of the Council staff  
8     upon the merits of this application is  
9     prohibited by law.  
10                   The -- at this point, the  
11    party and Intervenor of the proceeding are  
12    the Applicant, Cellco Partnership, with  
13    Attorney Kenneth Baldwin from Robinson &  
14    Cole. We will proceed in accordance with the  
15    prepared agenda, copies of which are  
16    available back there on the table. Also  
17    available there are copies of the Council's  
18    Citizen Guide to Siting Council Procedures.  
19                   At the end of this afternoon's  
20    session, we will recess and resume again at 7  
21    p.m. The 7 p.m. hearing will be reserved for  
22    the public to make brief oral statements into  
23    the record. I wish to note that parties and  
24    intervenor, including representatives and  
25    their representatives and witnesses, are not

1 allowed to participate in the public comment  
 2 session.  
 3 I also wish to note, for those  
 4 who are here and for the benefit of your  
 5 friends and neighbors who are unable to join  
 6 us for the public comment session, that you  
 7 or they may send written statements to the  
 8 Council within 30 days of the date hereof and  
 9 such written statements will be given the  
 10 same weight as if spoken at the hearing. If  
 11 necessary, party and intervenor presentations  
 12 may continue at the public comment session if  
 13 time remains.  
 14 A verbatim transcript will be  
 15 made for this hearing and deposited with the  
 16 town clerk's office in Orange and the city  
 17 clerk's office in Shelton for the convenience  
 18 of the public.  
 19 First off, is there any public  
 20 official that wishes to speak at this time?  
 21 (No response.)  
 22 THE CHAIRPERSON: Okay.  
 23 We have a motion. There's a  
 24 request for intervention, under the  
 25 Connecticut General Statutes, from Albert

1 party when their time comes to appear.  
 2 DR. KLEMENS: Well, my only  
 3 question is that, under five in the  
 4 intervention, there is the issue of  
 5 neighboring property values, which is  
 6 something the Council cannot -- cannot  
 7 consider.  
 8 THE CHAIRPERSON: Right. But  
 9 that -- that -- leave that in there, and  
 10 we'll just make that clear that that's  
 11 something that we can't consider. But --  
 12 DR. KLEMENS: Okay.  
 13 THE CHAIRPERSON: Oh, yes?  
 14 MR. LYNCH: As -- as I read  
 15 the motion, too, is the -- are the  
 16 intervenors planning on putting on a full --  
 17 as it says in here, a full case, as far as  
 18 cross-examining and putting on their own  
 19 case?  
 20 THE CHAIRPERSON: My  
 21 understanding is that's a yes.  
 22 MR. LYNCH: I just wanted to  
 23 get confirmation. That's what it sounded  
 24 like in the motion. Thank you.  
 25 THE CHAIRPERSON: That's why

1 Subbloie -- I may have pronounced that wrong.  
 2 I apologize -- Jacqueline Barbara, Glenn  
 3 MacInnes and Jill MacInnes, dated July 11,  
 4 2014.  
 5 So can I have a motion to  
 6 approve of the -- this grouping of  
 7 intervenors?  
 8 MR. LYNCH: So moved.  
 9 DR. BELL: Second.  
 10 THE CHAIRPERSON: I have a  
 11 motion and second. Any comment?  
 12 Yes, Dr. Klemens?  
 13 DR. KLEMENS: I have one  
 14 comment. Are we allowed to strike one thing  
 15 from the intervention, or do we have to take  
 16 it as given to us?  
 17 THE CHAIRPERSON: I'll ask  
 18 Attorney Bachman to comment on that.  
 19 MS. BACHMAN: Thank you, Mr.  
 20 Chairman.  
 21 Certainly, the -- with the  
 22 motion being granted, Dr. Klemens, any -- any  
 23 matters that you would like to bring up that  
 24 are in that intervention, which is now part  
 25 of the record, you may now cross-examine the

1 we have an alternate date, if necessary.  
 2 Okay. So we have a motion.  
 3 We have a second. All those in favor signify  
 4 by saying aye.  
 5 THE COUNCIL: Aye.  
 6 THE CHAIRPERSON: Opposed?  
 7 Abstention?  
 8 (No response.)  
 9 THE CHAIRPERSON: The motion  
 10 carries.  
 11 So we now have, in addition to  
 12 the Applicant, we have a -- formal  
 13 intervenors.  
 14 I will -- continuing, I wish  
 15 to call your attention to those items shown  
 16 on the hearing program marked as Roman  
 17 Numeral I (D), Items 1 through 56.  
 18 Does the Applicant or the  
 19 intervenor have any objection to the items  
 20 that the Council has administratively  
 21 noticed?  
 22 MR. BALDWIN: No,  
 23 Mr. Chairman.  
 24 THE CHAIRPERSON: Okay.  
 25 Hearing and seeing none, the

1 Council hereby administratively notices these  
2 existing documents, statements and comments.

3 And now, I ask the Applicant,  
4 Attorney Baldwin, would you present your  
5 witness panel for the purpose of taking the  
6 oath?

7 MR. BALDWIN: Thank you,  
8 Mr. Chairman.

9 We have a bit of a change from  
10 the hearing program, a late change in our  
11 lineup here today. The witness panel will  
12 consist of the following members. To my far  
13 left, your right, is Mr. Harry Rocheville and  
14 Carlo Centore. They are both with the  
15 engineering firm of Centek Engineering.  
16 Mr. Centore does need to leave after the five  
17 o'clock session, or for the afternoon session  
18 for another hearing this evening, but  
19 Mr. Rocheville will be sworn and fill in for  
20 him, in his absence if we go beyond the five  
21 o'clock session.

22 To my immediate left is  
23 Mr. Mike Libertine with All-Points Technology  
24 Corporation.

25 To my immediate right is Sandy

1 here, and I think he has distributed to the  
2 Council, what I would like to offer for  
3 identification purposes as Applicant's  
4 Exhibit 7.

5 This is a revised abutters  
6 map, Sheet C-1, from the original plan set.  
7 And it always bothers me when the abutters  
8 map and the abutters list in the application  
9 don't match up. So we asked the engineers to  
10 provide us with a revised abutters map that  
11 matches up with the abutters list, which is  
12 included behind Tab 4 of the application. So  
13 this is a corrected abutters list with all of  
14 the correct names. The previous abutters  
15 map, we relied on some information from a  
16 surveyor.

17 We did, however, notify, as  
18 stated in the interrogatory responses, all  
19 the abutting landowners of our -- of our  
20 intent to file the application. And those  
21 are the same landowners now listed on this  
22 revised sheet, C-1.

23 So with that additional  
24 exhibit, I'd like to verify the exhibits, if  
25 that's okay with the Chairman?

1 Carter, a regulatory manager with Celco  
2 Partnership.

3 To her right is Mr. Jamie  
4 Laredo, a radio-frequency engineer with  
5 Celco Partnership.

6 And to the -- at the  
7 right-hand side of the table, is Mr. Dean  
8 Gustafson, a senior wetlands scientist and  
9 professional soil scientist, with All-Points  
10 Technology.

11 And I would offer those  
12 witnesses to be sworn at this time.  
13 MICHAEL LIBERTINE,  
14 DEAN GUSTAFSON,  
15 JAMIE LAREDO,  
16 SANDY CARTER,  
17 CARLO F. CENTORE,  
18 HARRY M. ROCHEVILLE, JR.,  
19 called as a witnesses, being first duly  
20 sworn by Ms. Bachman, were examined and  
21 testified on their oaths as follows:

22 MR. BALDWIN: Mr. Chairman, we  
23 have six exhibits listed in the hearing  
24 program under Roman II, Subsection B, Items 1  
25 through 6. I did hand in to Mr. Mercier

1 THE CHAIRPERSON: Yes, please  
2 continue.

3 MR. BALDWIN: For my panel,  
4 did you prepare, assist in the preparation,  
5 and are you familiar with the exhibits  
6 listing -- listed in the hearing program,  
7 including the new Exhibit 7?

8 Mr. Centore.

9 THE WITNESS (Centore): Yes.

10 MR. BALDWIN: Mr. Libertine.

11 THE WITNESS (Libertine): Yes.

12 MR. BALDWIN: Mrs. Carter.

13 THE WITNESS (Carter): Yes.

14 MR. BALDWIN: Mr. Laredo.

15 THE WITNESS (Laredo): Yes.

16 MR. BALDWIN: Mr. Gustafson.

17 THE WITNESS (Gustafson): Yes.

18 MR. BALDWIN: Do you have any  
19 corrections, modifications or amendments to  
20 offer to any of those exhibits?

21 Mr. Centore.

22 THE WITNESS (Centore): Yes.

23 To the new Exhibit 7, the distance to the  
24 nearest residence needs to be corrected to be  
25 770 feet to the property at -- to the

1 residence located at the property on 899  
2 Derby Milford Road, and not 840 feet to the  
3 residence at 911 Rainbow Trail.

4 Additionally, page 15 of the  
5 application, same reference regarding  
6 distance to the closest residence needs to be  
7 revised to read 770 feet from -- at -- of the  
8 property at 899 Derby Milford Road.

9 And our final correction is  
10 Tab 1, page 4. The tree count lists seven  
11 trees being removed, and that needs to be  
12 revised to be five trees.

13 And those are all my  
14 corrections.

15 MR. BALDWIN: Mr. Libertine.  
16 THE WITNESS (Libertine): Yes,  
17 I have one correction on the responses to the  
18 interrogatory, which would be Item Number 3  
19 under Tab B. And on page 7, which is the  
20 response to Question 13, the first line  
21 should read that the residence partially  
22 depicted in photograph Number 6 is identified  
23 as 905 Rainbow Trail. That's an incorrect  
24 address that's there now. So we would like  
25 to replace that with Number 905.

1 correction. On Applicant's Exhibit 1, the  
2 application, behind Tab 11 on page 5, so page  
3 5 of the wetland delineation report.

4 Near the bottom of that page,  
5 under the wetland three classification  
6 summary, the last section on the lower half  
7 of the table, "Special Aquatic Habitat," the  
8 vernal pool check box is checked. That  
9 should be unchecked. The notation that  
10 none -- no special aquatic habitat is  
11 correct, but the box should have been left  
12 unchecked. That's it.

13 MR. BALDWIN: With those  
14 corrections, is the information contained in  
15 Exhibits 1 through 7 true and accurate, to  
16 the best of your knowledge?

17 Mr. Centore.  
18 THE WITNESS (Centore): Yes,  
19 it is.

20 MR. BALDWIN: Mr. Libertine.  
21 THE WITNESS (Libertine): Yes.  
22 MR. BALDWIN: Mrs. Carter.  
23 THE WITNESS (Carter): Yes.  
24 MR. BALDWIN: Mr. Laredo.  
25 THE WITNESS (Laredo): Yes.

1 Thank you.  
2 MR. BALDWIN: Mrs. Carter.  
3 THE WITNESS (Carter): Yes, I  
4 have three -- sorry -- yes, I have three  
5 corrections all in the application. On page  
6 18, under Section 4C, zoning regulations,  
7 there's a reference to Article 12 under  
8 zoning regulations. It should be Article 16.  
9 And that's at the bottom of the page.

10 On page 21, Subsection --  
11 where it talks about federal aviation  
12 administration, the first sentence should  
13 read: The proposed tower would not  
14 constitute an obstruction or hazard to air  
15 navigation and in the application it says "it  
16 would," but it would not.

17 And on page 1, behind Tab 1,  
18 there's a typographical error. It should  
19 read 34.6 acres instead of 34.5. That is  
20 all.

21 MR. BALDWIN: Mr. Laredo.  
22 THE WITNESS (Laredo): No  
23 correction from my end.  
24 MR. BALDWIN: Mr. Gustafson.  
25 THE WITNESS (Gustafson): One

1 MR. BALDWIN: Mr. Gustafson.  
2 THE WITNESS (Gustafson): Yes.  
3 MR. BALDWIN: And do you adopt  
4 the information in those exhibits as your  
5 testimony in this proceeding?

6 Mr. Centore.  
7 THE WITNESS (Centore): I do.  
8 MR. BALDWIN: Mr. Libertine.  
9 THE WITNESS (Libertine): Yes,

10 I do.  
11 MR. BALDWIN: Mrs. Carter.  
12 THE WITNESS (Carter): Yes, I

13 do.  
14 MR. BALDWIN: Mr. Laredo.  
15 THE WITNESS (Laredo): Yes, I

16 do.  
17 MR. BALDWIN: Mr. Gustafson.  
18 THE WITNESS (Gustafson): I

19 do.  
20 MR. BALDWIN: Mr. Chairman, I  
21 offer them as full exhibits.  
22 THE CHAIRPERSON: Thank you.  
23 Does the Intervenor object to  
24 the admission of the Applicant's exhibits?  
25 MR. COPPOLA: No.

1 THE CHAIRPERSON: Okay. Thank  
 2 you.  
 3 The exhibits are therefore  
 4 admitted.  
 5 We'll now begin with the  
 6 cross-examination of the Applicant with  
 7 Mr. Mercier.  
 8 MR. MERCIER: Thank you.  
 9 I'd just like to review the  
 10 new Exhibit 7. If we could just -- if you  
 11 also could turn to, the executive summary of  
 12 the application, there's an aerial photograph  
 13 a few pages in.  
 14 I'm just looking at the bottom  
 15 right. And I do see a farm pond in the  
 16 aerial photograph. And to the right of the  
 17 farm pond, according to your abutters map,  
 18 it's a property -- kind of looks like a  
 19 hatchet, actually.  
 20 It's -- according to the  
 21 abutters, that's 814 Glenbrook Road, owned by  
 22 Linda and Stephen Bspuda. On to the right  
 23 on the aerial photograph, there's two  
 24 separate parcels shown. One that just has,  
 25 like, a little bit shown with no structure

1 with Centek Engineering. That -- the  
 2 intention is to bring that grade down to the  
 3 same elevation at the road -- as the road at  
 4 that point, and there will be a cut up to the  
 5 site to create the road. It will have to be  
 6 broken up as part of the -- the excavation  
 7 work.  
 8 MR. MERCIER: Will the  
 9 entire -- you know, the ledge goes abruptly,  
 10 and there's a plateau there. Will the entire  
 11 plateau be lowered on either side of the  
 12 entrance drive also?  
 13 THE WITNESS (Centore): Yes,  
 14 it would.  
 15 MR. MERCIER: Okay.  
 16 And is that by mechanical  
 17 chipping?  
 18 THE WITNESS (Centore): Yes.  
 19 MR. MERCIER: Okay.  
 20 And what is the grade of the  
 21 access road in that area, from the Derby  
 22 Milford Road up -- up through that new cut  
 23 area?  
 24 THE WITNESS (Centore): About  
 25 approximately 10 percent. And it's a pretty

1 then, to the right of that and the far  
 2 right-hand corner, another structure, a  
 3 house.  
 4 Now, according to your  
 5 abutters map, I'm not sure if that's also  
 6 Bspuda, or is that the Holden property?  
 7 Yeah, the extreme right, lower  
 8 right corner there's a structure. And if  
 9 you're unsure, that can just be a homework  
 10 assignment.  
 11 MR. BALDWIN: We can confirm  
 12 that.  
 13 MR. MERCIER: Thank you.  
 14 I'll continue with some of the  
 15 items we talked about in the field review  
 16 today. And I guess I'll begin by the  
 17 beginning of the access where it appears to  
 18 be some kind of rock ledge that drops sharply  
 19 to Derby Milford Road, and just please  
 20 describe your intention there as to what's  
 21 going to occur with that ledge to create the  
 22 entrance drive.  
 23 THE WITNESS (Centore): That  
 24 ledge is going need to be broken up and  
 25 brought down to -- thank you -- Carlo Centore

1 even grade for the -- for the entire road.  
 2 MR. MERCIER: Now, for the  
 3 access road, is that entrance -- is that  
 4 going to be a paved apron, or is that just  
 5 gravel right up to the --  
 6 THE WITNESS (Centore): That  
 7 is a paved apron up to the road and then --  
 8 then it will turn to -- then it would be  
 9 gravel. I'm not -- it's -- the detail is not  
 10 provided, but we'll be sure to include it in  
 11 the D and M submission.  
 12 MR. MERCIER: What's typical  
 13 for the apron, like, 10, 20, 30 feet?  
 14 THE WITNESS (Centore):  
 15 In this apron, I think we  
 16 would go something between 15 and 20 feet to  
 17 create a clean, paved area before exiting out  
 18 onto the roadway.  
 19 MR. MERCIER: Okay.  
 20 Just beyond the cut, where  
 21 you're going to be altering the terrain  
 22 there, I see a note for a cross swale and  
 23 level spreader.  
 24 THE WITNESS (Centore): Yes.  
 25 MR. MERCIER: From that point

1 towards the road, what type of drainage  
2 features are there, if -- if any are  
3 necessary.

4 THE WITNESS (Centore):  
5 There's two catch basins right  
6 at the base of the road that will drain and  
7 be tied into an existing catch basin in the  
8 road.

9 MR. MERCIER: Okay.  
10 So you're going to install two  
11 new catch basins?

12 THE WITNESS (Centore): Yes.

13 MR. MERCIER: Okay.

14 THE WITNESS (Centore): And  
15 there will be swales that -- on either side  
16 of the road that -- that lead to those catch  
17 basins.

18 MR. MERCIER: Does -- do the  
19 apron -- does that feature any kind of  
20 curbing or is -- is that just paving to the  
21 adjacent grade?

22 THE WITNESS (Centore): Just  
23 paving to the adjacent grade.

24 MR. MERCIER: Okay.

25 Now, from the cross swale and

1 part of the cross-drainage swale.

2 MR. MERCIER: I guess, now  
3 that we're talking about drainage, we'll go  
4 up to the top, at the compound. I see you --  
5 two level spreaders specified. Is there any  
6 type of storm design to determine what size  
7 level spreader you need, and if so, what  
8 storm design did you use?

9 THE WITNESS (Centore): We --  
10 we typically do a preliminary analysis at  
11 this level and -- and will finalize that  
12 analysis and adjust our -- our drainage  
13 structures as part of the D and M plan. But  
14 our primary analysis did find, because we're  
15 changing the characteristics of the site,  
16 that there's going to be a little additional  
17 runoff due to the impervious -- impervious  
18 areas that are being created.

19 And those swales are designed  
20 to -- to take that water and dissipate it at  
21 a slower rate and -- across the land and --  
22 and continue to maintain the same type of  
23 flow for -- for the -- for the water.

24 MR. MERCIER: Because -- now,  
25 in the field as we walked up, I was shown

1 level spreader up to the compound, I see, on  
2 the -- I guess, kind of, like, the northwest  
3 side, there's a note where it's going to have  
4 either riprap or a blanket. Is there an  
5 advantage to -- to either of those, or which  
6 one would be actually be used or it depends  
7 on the field?

8 THE WITNESS (Centore): Quite  
9 honestly, either -- either method would work.  
10 We're not talking about any very difficult --  
11 difficult-to-control areas here. The  
12 intention is -- is just to keep that from  
13 washing out onto the road and stabilizing it.  
14 So riprap or fortified grass slope will work.  
15 They -- they may have rock from the site here  
16 that they can utilize, so -- and take  
17 advantage of it.

18 MR. MERCIER: Is there any  
19 kind of a ditch there also or just kind of  
20 a -- the water will rush over the side and  
21 dissipate?

22 THE WITNESS (Centore): No.  
23 There's -- there's a -- there's a slight  
24 swale that will follow the road, and then it  
25 will go down to that level spreader that's

1 there was two trees that would be protected.  
2 And there was a gate to the, I guess, the  
3 east side of the large 28 -- 20 oak, 20-inch  
4 oak.

5 Now, the road goes -- goes  
6 through, like, a -- on the field of view,  
7 it's a small, brushy-treed area on the west  
8 side of that oak. Is it possible just to  
9 relocate the road through the existing gate  
10 or -- what's the purpose of going through the  
11 existing brushy, wooded area?

12 THE WITNESS (Centore): Well,  
13 that -- that took us back. We would have to  
14 route the road and create more -- more  
15 grading to -- to get down and around the gate  
16 because the -- the way the -- the terrain  
17 sloped there.

18 If you see, where we're --  
19 we're trying to stay perpendicular to the --  
20 to the grade lines with the road, to lead up  
21 to the site, rather than sweep it around and  
22 follow parallel to the grade lines.

23 MR. MERCIER: Okay.

24 THE WITNESS (Centore): But  
25 those were -- those were some -- some pretty



1 small trees that we were trying to -- to --  
2 that we would need to remove, and we are  
3 supplementing with additional screening in  
4 that area.

5 MR. MERCIER: At the field  
6 review, we looked westward as the -- as the  
7 hill sloped downward. And you pointed out  
8 two trees, you'd have to remove for the level  
9 spreader Number 1 on this map. It was a  
10 cedar tree, and -- and on this it's marked as  
11 a spruce, although it's -- it's shown as  
12 remaining. I believe out in the field you  
13 said that might have to come down.

14 Is it possible just to shift  
15 the compound uphill eastward slightly to --  
16 to save those two trees?

17 THE WITNESS (Centore): I'm  
18 trying to see what else I wipe out if I do  
19 that, but it's definitely something we could  
20 look at. My concern being is that those  
21 trees are being taken out just to -- just to  
22 include or to produce those drainage swales.  
23 Because of the excavation work, we -- we  
24 damage the root structure on those trees, so  
25 I'm not sure -- I would have to evaluate how

1 what happens to all the -- the water and  
2 runoff.

3 THE WITNESS (Centore): Well,  
4 the runoff -- the runoff patterns that --  
5 that are generated will -- it will be pretty  
6 much the same. The -- they were not -- we're  
7 not changing the -- the path of the drainage,  
8 and that's why we introduced those -- those  
9 level spreaders. It does all -- it does all  
10 eventually make its way back down to -- to  
11 the wetland area, to the south.

12 The area to the north, 18 --  
13 108, the same consideration. The level  
14 spreader will take any runoff generated from  
15 the site through that grass swale that's  
16 created and sheet flow it back out towards  
17 the wetland and with the -- with the  
18 intention being that we're not going to cause  
19 any erosion or any -- any ill -- ill effects  
20 onto that wetland area.

21 THE WITNESS (Gustafson): One  
22 thing to -- to consider is that there is a  
23 significant buffer of undisturbed vegetation  
24 from the edge of that level spreader to the  
25 nearest wetlands that buffers approximately

1 far I would need to move away before those  
2 trees could still be protected as part of the  
3 excavation.

4 So I guess to answer your  
5 question, it's something that we can look at.

6 MR. MERCIER: Sure.  
7 And looking at this -- this --  
8 you have a grass line swale on the west side  
9 of the compound -- excuse me -- east side,  
10 uphill that is. And there's a small notation  
11 with an little arrow pointing at it where --  
12 where -- something enter -- I'm not sure what  
13 the notation means.

14 THE WITNESS (Centore): It  
15 just says "grade to drain."

16 MR. MERCIER: Okay.

17 THE WITNESS (Centore): In  
18 other words, to allow the water --

19 MR. MERCIER: Thank you. I  
20 could not read that.

21 Okay. So how -- how would --  
22 if it -- if it rains, so just describe what  
23 happens to all the water and how it would not  
24 affect the wetlands down the hill.

25 Just please explain, you know,

1 85 feet in length. And, you know, that  
2 will -- will provide appropriate dispersal of  
3 the -- any storm water from treatment from  
4 the level spreader. So it wouldn't result in  
5 an adverse effect to that receiving wetland  
6 system.

7 MR. MERCIER: Thank you.

8 THE WITNESS (Gustafson):  
9 You're welcome.

10 MR. MERCIER: Continuing with  
11 the field review, if you could please  
12 describe the balloon fly a little bit and why  
13 the balloon was moved during the field  
14 review.

15 THE WITNESS (Libertine):  
16 Certainly. The -- we've had a  
17 balloon at the site afloat since about --  
18 yes, Mike Libertine, for the record.

19 Yes, we've had a balloon  
20 flying at the site since about quarter to  
21 eight this morning. I've had -- had fairly  
22 good conditions for most of the morning,  
23 until about an hour or so before the site  
24 walk when the winds did pick up a little bit.

25 When we walked up to the site,

1 it was clear that the balloon was actually  
2 off and at an adjoining stake. And so it was  
3 moved to put it on the centerline of the  
4 tower. And I did measure that off and we, at  
5 an angle, were off about 47 feet and in a  
6 location that was between 4 and 5 feet higher  
7 than the actual ground elevation of the tower  
8 itself.

9 MR. MERCIER: Okay. So where  
10 you were flying it originally, it was a  
11 little bit higher in elevation. Is that  
12 correct?

13 THE WITNESS (Libertine):  
14 That's correct.

15 MR. MERCIER: Okay.  
16 And so how would that affect  
17 any type of --

18 THE WITNESS (Libertine): The  
19 only -- it wasn't a substantial difference.  
20 The only thing it would -- it did do, you may  
21 have noticed, when we did -- replace it and  
22 walk back out of the cars, the original  
23 location where you first walked in the  
24 incorrect location, because it was a bit  
25 higher, it did have the balloon in a little

1 THE WITNESS (Libertine): I  
2 can speak to that. The State Historic  
3 Preservation Office has been aware of the  
4 project, and they've been reviewing it,  
5 actually, for some time. I made several  
6 phone calls and was actually contacted on my  
7 way out to the site today.

8 They have reviewed the site,  
9 made a preliminary determination, and in  
10 agreement with ours, that there is no adverse  
11 effect or any effect to historic resources.

12 There has been an  
13 archaeological investigation done on the site  
14 which has been submitted to the SHPO's  
15 office. They have not had an opportunity to  
16 complete their review. So my anticipation is  
17 that we'll probably have some type of letter  
18 within the next week or two. But, again, to  
19 reiterate, the historic resources,  
20 above-ground resources, they've concluded  
21 that there is -- there are no effects.

22 MR. MERCIER: Okay.

23 There was an archeological  
24 survey conducted by -- for this particular  
25 project?

1 bit prominent position, particularly from any  
2 views along Derby Milford Road.

3 Other than that, we were, you  
4 know, obviously, just on the edge of the  
5 compound. Not a substantial difference from  
6 anything probably within or beyond an eighth  
7 of a mile away -- wouldn't make a substantive  
8 difference, except again, a little bit of the  
9 height increase. But I do apologize for  
10 that. That was just a misinterpretation that  
11 my field person had. And I should have  
12 checked that.

13 MR. MERCIER: Thank you.

14 In regards to the property,  
15 has the development rights to the property  
16 been acquired by the State of Connecticut as  
17 part of the Farmland Preservation Program?

18 THE WITNESS (Carter): I do  
19 not know that -- Sandy Carter.

20 I do not know that.

21 MR. MERCIER: Okay.

22 I believe, in the application  
23 there was supposed to be a further filing,  
24 potentially, from the State Historic  
25 Preservation Office. Is -- is that --

1 THE WITNESS (Libertine): Yes.  
2 That was really promulgated more by the NEPA  
3 process, National Environmental Policy Act,  
4 as part of the federal compliance program  
5 that the Applicant has to go through.

6 That was something, because of  
7 the consultations that have to occur, through  
8 the Section 106 Historic Preservation Act,  
9 they've got to reach out to several tribes.  
10 The two tribes in Connecticut, the Mohegans  
11 and the Mashantucket Pequots, routinely will  
12 ask for some level of archaeological work on  
13 all sites that require ground disturbance.  
14 So, in this case, they did ask for that.

15 It has been completed. The  
16 consultant who completed it on behalf of  
17 Verizon concluded that there are no intact or  
18 other features or cultural resources, and so  
19 we anticipate that the SHPO will concur with  
20 that conclusion. But, as I say, hopefully,  
21 we'll have that letter that we can submit  
22 within the next week or two.

23 THE CHAIRPERSON: I believe  
24 Mr. Lynch had a follow-up question.

25 MR. LYNCH: The follow-up

1 question was just answered by Mr. Libertine.  
 2 Thank you, Chairman.  
 3 MR. MERCIER: Thank you.  
 4 I just have a few questions  
 5 regarding the town meeting, that planning and  
 6 zoning meeting that was held on February 18,  
 7 2014.  
 8 During that -- that meeting,  
 9 did any town officials request the tower to  
 10 be relocated to other areas of the parcel?  
 11 MR. BALDWIN: If I may,  
 12 Mr. Chairman, Ms. -- Ms. Carter was on  
 13 vacation at that meeting, but I was there.  
 14 They did not.  
 15 MR. MERCIER: Okay.  
 16 And -- and -- did the town  
 17 officials or cemetery officials request the  
 18 additional screening to the neighboring  
 19 cemetery, I believe, to the west?  
 20 MR. BALDWIN: The -- the  
 21 cemetery officials raised the issue and the  
 22 planning and zoning commission asked us to  
 23 consider that and to include it as a part of  
 24 this application.  
 25 MR. MERCIER: Okay.

1 using, simply, the aerial photographs,  
 2 because a lot of parcels often have multiple  
 3 structures. And whether, you know, making  
 4 the -- the distinction between a barn or  
 5 garage sometimes just isn't as easy on some  
 6 of the scales.  
 7 So what we tend to do is to  
 8 overlay a -- a series of lot lines and use  
 9 that as our indicator of a residential  
 10 property. So my interpretation may not be  
 11 specific to a residence, so I make the  
 12 distinction residential property versus  
 13 residents. So we tend to overpredict the  
 14 number of homes that may actually see it  
 15 because I'm essentially having a calculation  
 16 made, such that any of the year-round areas  
 17 of visibility depicted in yellow on these  
 18 maps, if they touch anywhere within a polygon  
 19 that is shown as a lot, we are picking that  
 20 up and tabulating that as a residential  
 21 property.  
 22 When I go back and then try to  
 23 do, kind of, a gut check on that, I often  
 24 find that there are more than if I started  
 25 simply counting structures. But I feel as

1 Was there any mention or  
 2 discussion of any type of open space  
 3 potential with this property?  
 4 MR. BALDWIN: There was not.  
 5 MR. MERCIER: Okay. Thank  
 6 you.  
 7 Okay. I guess, I have some  
 8 visibility -- visibility questions.  
 9 Now, I believe in the  
 10 interrogatories I -- I asked, you know, how  
 11 many properties, potentially, could see the  
 12 tower above the tree line, and I believe the  
 13 answer was 23.  
 14 I guess, using the map in --  
 15 behind Tab 9, the visibility map, could you  
 16 just generally indicate where these would be?  
 17 I had a -- kind of a difficult time using the  
 18 inset picture identifying any homes.  
 19 THE WITNESS (Libertine): That  
 20 may be a bit of -- certainly -- Mike  
 21 Libertine.  
 22 That may be partly one of the  
 23 challenge -- or -- or associated with one of  
 24 the challenges we have, in that, we -- it's  
 25 very difficult to make an interpretation

1 though it's a better way to, at least, do a  
 2 very conservative approach and, at least,  
 3 give the council an understanding that,  
 4 generally, we're talking about this many  
 5 residential properties that may have views  
 6 somewhere on the property.  
 7 It's -- it's almost impossible  
 8 to say whether or not you'd see it from the  
 9 stoop of the home or from a back window, that  
 10 type of thing. So that's -- that's generally  
 11 how we try to -- to establish that.  
 12 MR. MERCIER: Do you have any  
 13 breakdown as to, you know, there's ten within  
 14 a thousand-foot radius or anything of that  
 15 nature?  
 16 THE WITNESS (Libertine): I  
 17 don't, at this point. I could certainly  
 18 produce that for you. That's something I can  
 19 certainly go back and just put concentric  
 20 rings around it at different distances.  
 21 Would you like 500, 1,000 feet?  
 22 MR. MERCIER: I guess I was  
 23 trying to determine if there was any within  
 24 this inset map. Of the thousand-foot radius,  
 25 you have two large blotches of yellow. You

1 know, I was trying to determine how many  
 2 properties were there, and if so, which ones  
 3 were landlord and which ones weren't.  
 4 THE WITNESS (Libertine):  
 5 It would be predominantly  
 6 landlord or family members, but I certainly  
 7 can get that number for you.  
 8 MR. MERCIER: Okay. Thank  
 9 you.  
 10 THE WITNESS (Libertine): And  
 11 would you like that also for seasonal as  
 12 well? Because I know you asked about the  
 13 above the trees, which is typically a  
 14 year-round --  
 15 MR. MERCIER: Yes, for that --  
 16 for that same distance, 1,000 foot, that --  
 17 THE WITNESS (Libertine): Sure.  
 18 MR. MERCIER: -- would be  
 19 helpful.  
 20 Now, in regards to -- there's  
 21 a street to the north, Rainbow Trail. Would  
 22 any residences up there have a year-round  
 23 view of the structure above the tree line or  
 24 even through the trees?  
 25 THE WITNESS (Libertine): With

1 include what the predictive model is -- is  
 2 telling us.  
 3 And so because, again, we  
 4 don't have an opportunity to really  
 5 field-check those backyards, it will somewhat  
 6 overpredict, but again, we'd rather be  
 7 conservative and say there's potentially this  
 8 many home -- or residents -- residential  
 9 properties that could have views somewhere  
 10 within those areas shown, so certainly, yeah,  
 11 we can do that.  
 12 Would you like that -- I'm  
 13 sorry. We will get the street name and  
 14 addresses as well for you.  
 15 MR. MERCIER: Okay.  
 16 Now, I understand you're --  
 17 you're going to be painting the tower brown  
 18 in this proposal. How would the brown tower  
 19 look seasonally from, let's say, Rainbow  
 20 Trail, that one Picture 6.  
 21 THE WITNESS (Libertine): I  
 22 think, any -- any tower that time of year is  
 23 going to be a feature that you would have to  
 24 look fairly hard to see through the trees.  
 25 One of the reasons -- I think, originally the

1 the leaves on the trees, no, they would not.  
 2 There is some limited visibilty on a seasonal  
 3 basis. We do have one photo, I think, photo  
 4 Number 6, which is when we conducted the  
 5 balloon float with the leaves off the trees,  
 6 we -- I -- I physically got out of the car  
 7 and walked that length of the road to see  
 8 where I could see the balloon. And that was  
 9 the one location, from a public area, where I  
 10 could see between homes.  
 11 And, again, we had a red  
 12 balloon floating, and we saw it below tree  
 13 line. But through the trees, you could pick  
 14 out the red balloon.  
 15 MR. MERCIER: Okay.  
 16 I guess I know some of that is  
 17 part of that thousand-foot radius, but if you  
 18 could, you know, include that in your  
 19 tabulation when you check for the seasonal, I  
 20 would appreciate that.  
 21 THE WITNESS (Libertine):  
 22 Sure. I would -- I would just like to point  
 23 out -- and it's already in the response to  
 24 Question Number 2 -- because we don't have  
 25 access to private properties, we tend to just

1 town had brought up the idea of potentially  
 2 considering a brown monopole and antennas.  
 3 They also asked about -- the potential about  
 4 a faux pine tree as well.  
 5 Either one of those, I think,  
 6 through the density of the trees we're  
 7 talking about, from the locations up on  
 8 Rainbow Trail, again, it would be trying to  
 9 pick something out. If you knew it was there  
 10 and knew what to look for, you could probably  
 11 see it, but generally, I think it would more  
 12 or less, kind of, fall into the background.  
 13 I think brown would work fairly well from  
 14 that location.  
 15 MR. MERCIER: There are a few  
 16 photos you took across some field areas. And  
 17 I just wanted to know what -- what you  
 18 thought about a tree tower from the field  
 19 views, your own personal or professional  
 20 experience.  
 21 THE WITNESS (Libertine):  
 22 Well, this is just -- yeah. This gets us  
 23 into that realm of when we try to stealth  
 24 something, there is going to be typically  
 25 that benefit from several locations where

1 it's going to work very well and other areas  
 2 where I'm not sure you could do too much  
 3 about it.  
 4 And I think the -- the two  
 5 photos, I'm -- I'm probably most -- that I  
 6 came back to several times, that may be the  
 7 ones you talked about, in front of the field  
 8 itself at the host property, at number 17 and  
 9 18, behind Tab 9, those are taken right out  
 10 on the road essentially where we got onto the  
 11 field to park and then a little bit further  
 12 to the southeast.  
 13 And it's fairly open there.  
 14 And certainly, this time of year, I think, we  
 15 probably, with the leaves on the trees, it  
 16 really would not look too out of place, but I  
 17 think, in the wintertime, it's very open.  
 18 And so it's -- you're going to see a fair --  
 19 fair amount of the facility.  
 20 I will say that there are  
 21 no -- other than people driving by, and  
 22 primarily, in just one direction heading  
 23 northbound, the visibility is -- is fairly  
 24 limited in terms of its duration. And there  
 25 really are no residences on the other side of

1 MR. MERCIER: Okay.  
 2 So it's the same design vendor  
 3 you've been using and, I assume, you're happy  
 4 with?  
 5 THE WITNESS (Carter): It is  
 6 the same vendor, yes.  
 7 MR. MERCIER: Okay.  
 8 THE WITNESS (Carter): And the  
 9 design is basically the same, only we put a  
 10 few more branches down here in Connecticut.  
 11 MR. MERCIER: Okay.  
 12 THE WITNESS (Libertine): I  
 13 would also point out that, in the  
 14 simulations, we have shown four carriers. At  
 15 this time, we don't have other interests,  
 16 that I'm aware of, from other carriers. So  
 17 again, we've, kind of, tried to show a  
 18 worst-case scenario in terms of what would be  
 19 on the tower.  
 20 THE WITNESS (Carter): Just --  
 21 just to comment, this tree is basically the  
 22 same design that we have at the Bronson  
 23 Country Club there, so -- which is in  
 24 Shelton, which is one of our newest towers.  
 25 MR. MERCIER: I wasn't sure,

1 the road in near proximity. There are as you  
 2 move further up the hill, but again, they  
 3 have some tree buffer there. And we do have  
 4 some photographs of those locations as well.  
 5 MR. MERCIER: And how is this  
 6 tree tower generated? Is this is an actual  
 7 tree tower from Connecticut or another  
 8 location, or --  
 9 THE WITNESS (Libertine): It  
 10 is a tree tower. Actually, we're using the  
 11 most recent ones that have been built up in  
 12 Vermont, very similar to some that have been  
 13 built here in Connecticut, but it is based on  
 14 an actual design from the manufacturer.  
 15 MR. MERCIER: Okay.  
 16 Have there been any issues on  
 17 the Vermont trees with the new 15 antennas  
 18 and remote radio heads and things of that  
 19 nature, of accommodating all that equipment  
 20 up there and concealing them?  
 21 THE WITNESS (Carter): Sandy  
 22 Carter.  
 23 No, there have been no  
 24 problems. And those trees are pushing on 12  
 25 to 13 years old now.

1 but if -- is there is any type of products  
 2 Cellco has used where they actually put fake  
 3 needles on the antennas? Have you heard  
 4 anything like that or used that?  
 5 THE WITNESS (Libertine):  
 6 I've -- I've seen those. It was not a  
 7 Verizon facility. Verizon happens to be on  
 8 the facility. It was a site in southern  
 9 Vermont that I visited last fall. We --  
 10 actually, I take that back. It was the  
 11 season before. And it was right after one of  
 12 the hurricanes.  
 13 And one of the problems we saw  
 14 was that they had -- a lot of those had blown  
 15 off into the compound and beyond. But I know  
 16 what you're talking about, in terms of fixing  
 17 it actually on the edges and on the -- not  
 18 necessarily on the faces of the antennas, but  
 19 again, to get some more density and bulk  
 20 screening on the antennas themselves. It can  
 21 be done. Again, I don't know who the  
 22 manufacturer was there. I was not pleased  
 23 with it when I saw it. I was literally  
 24 picking up samples off the ground all around  
 25 the perimeter of that facility. So --

1 MR. MERCIER: Is it like an  
 2 adhesive type of --  
 3 THE WITNESS (Libertine): Yes.  
 4 And it almost looked -- if you remember the  
 5 old tinsel in -- well, at least when I was a  
 6 kid. That one probably had lead in it back  
 7 then when we're talking about my time -- but  
 8 it had that kind of a feel to it, so it was  
 9 very flimsy. So I'm sure there are better  
 10 products out there. And, again, this was not  
 11 a Verizon facility, per se.  
 12 But if there's -- if we were  
 13 going down that road and were thinking about  
 14 that, there are certainly things that can be  
 15 done to bring that screening a little bit  
 16 further around the -- the antennas.  
 17 And I think one of the things  
 18 about -- you had asked a question about now  
 19 with all the multiple units that are going on  
 20 to a lot of these arrays, those are  
 21 usually -- most of the radio heads and the  
 22 other things that are being put up on top of  
 23 the towers are actually behind the antennas,  
 24 so the screening is very effective, you know,  
 25 just because you don't have those right out

1 antennas other than painting them, but  
 2 certainly, the wrap that was used up in  
 3 Middletown, Vermont, would not be  
 4 appropriate.  
 5 MR. MERCIER: Okay. Thank  
 6 you.  
 7 THE WITNESS (Libertine): Just  
 8 to -- to maybe add on to the -- this is one  
 9 of those sites where I've gone back and forth  
 10 whether a tree is something that's really is  
 11 going to be overall beneficial.  
 12 To speak directly to the bark,  
 13 the trees that I've been involved with where  
 14 there have been bark coverings are typically  
 15 when they are closer to the road or in areas  
 16 that are open and within a distance where you  
 17 could actually see the grain.  
 18 We were asked by a client a  
 19 few years back, as part of that trip,  
 20 actually, to evaluate how far back you would  
 21 have to be before you really started to lose  
 22 the -- what I'll call the ability to really  
 23 perceive the texture of the bark. And it  
 24 really is not very far back, especially if  
 25 you're using a brown pole and you're using

1 in front. So that -- that's helpful as well.  
 2 But to answer your question,  
 3 yeah, I think we could -- we could take a  
 4 look at doing something a little bit more  
 5 than what has traditionally been done in the  
 6 past.  
 7 MR. MERCIER: And I was also  
 8 wondering if Cellco has used simulated bark  
 9 at any of their facilities recently.  
 10 THE WITNESS (Carter): We have  
 11 not built a tower with simulated bark  
 12 to-date.  
 13 MR. MERCIER: Okay.  
 14 THE WITNESS (Carter): And I  
 15 just want to reiterate that the tree that is  
 16 up in Vermont is located in Middletown,  
 17 Vermont. And it was -- it is not our tree.  
 18 And they did wrap some type of material  
 19 around the antennas. And when I was up  
 20 there, that material was on the ground, and  
 21 it looked -- and it made the tree look  
 22 hideous.  
 23 So I don't -- I'm not a tree  
 24 manufacturer. I don't know. We could  
 25 certainly look into doing something with the

1 landscaping and the deep branches are coming  
 2 down.  
 3 So the bark, from my  
 4 experience, has been used when it's really up  
 5 against areas in a park setting or areas  
 6 where you have a lot of foot traffic and  
 7 people are walking by. So, in this case, I'm  
 8 not sure bark would be all that effective,  
 9 personally, because it's an expensive  
 10 proposition. I would rather see more go into  
 11 the branching and other areas of stealthing  
 12 to be more effective, and -- and tried that  
 13 approach.  
 14 But, I guess, just to kind of  
 15 wrap up, I think there are some areas where a  
 16 tree would be very effective. Obviously,  
 17 there was some concern from the folks at the  
 18 cemetery. From that particular perspective,  
 19 a faux tree would probably be very effective  
 20 because it would screen a little bit more  
 21 than just a brown coloring. I think, once  
 22 you move any further away, a brown monopole  
 23 with brown antennas would be as effective, if  
 24 not more effective, than a tree.  
 25 So, again, we go back to that

1 tradeoff issue of near and further away views  
 2 and whether or not one is more beneficial  
 3 than the other.  
 4 THE CHAIRPERSON: Mr. -- Mr.  
 5 Lynch, I believe, has a follow-up.  
 6 MR. LYNCH: Mr. Libertine, you  
 7 and I have discussed this site many times in  
 8 Windsor --  
 9 THE WITNESS (Libertine): Yes.  
 10 MR. LYNCH: -- where there is  
 11 bark and a flattop, and it is a very well  
 12 disguised tree.  
 13 THE WITNESS (Libertine): Yes,  
 14 it is.  
 15 MR. LYNCH: Is that something  
 16 that could -- and it's only about a hundred  
 17 feet here. So is that something that could  
 18 be utilized here with the bark and the  
 19 flattop?  
 20 THE WITNESS (Libertine):  
 21 Well, I think -- I agree with  
 22 you. That's -- and that's a fairly old  
 23 facility, but it is -- it's very effective.  
 24 One of the reasons it's so effective is  
 25 because it's surrounded by pines of the same

1 THE WITNESS (Libertine):  
 2 You're welcome.  
 3 MR. MERCIER: I have no  
 4 further questions at this time.  
 5 Thank you.  
 6 THE CHAIRPERSON: Dr. Bell.  
 7 DR. BELL: Thank you,  
 8 Mr. Chair.  
 9 Mr. Gustafson, there a -- in  
 10 the NDD map that's at Tab 10, you can see  
 11 that there's a little protuberance toward the  
 12 site of a -- of a blob, I'll call it, okay.  
 13 Can you comment on what that is in relation  
 14 to the site?  
 15 Does it go -- does it go in  
 16 one of the wetlands you've marked, for  
 17 instance? I can't tell from the scale of the  
 18 map. Does it have any relationship to the  
 19 site?  
 20 THE WITNESS (Gustafson): It  
 21 does. It's associated with a stream system  
 22 that is part of what we have identified in  
 23 our delineation on the -- on the mapping in  
 24 this application as Wetland 1, which is  
 25 located just on the west side of -- of the

1 size and of -- of the same style and real  
 2 trees. So it works very well. We don't  
 3 necessarily have quite the same element here.  
 4 I do believe one of the  
 5 primary reasons they use bark there is  
 6 because there is a residential -- not a  
 7 subdivision, but condominiums right there,  
 8 and people use that path for walking. I  
 9 believe that was the primary reason.  
 10 Because, as you move off the property, you  
 11 couldn't tell if that was bark or just brown  
 12 metal painted. And, again, it goes back to  
 13 that once you get a certain distance, it's --  
 14 it's very difficult to make a distinction.  
 15 I think, in this case, where  
 16 the property owner has such sufficient  
 17 buffer, again, I would not be an advocate for  
 18 the bark here. If we were going to go with a  
 19 tree, I'd rather see us spend the effort on  
 20 maybe bringing the branches down further and  
 21 doing some other things that might conceal  
 22 the pole, as well as the antennas, and just  
 23 make it a more aesthetically pleasing style  
 24 of tree, but again, my opinion.  
 25 MR. LYNCH: Thank you.

1 Derby Milford Road directly across from the  
 2 access drive.  
 3 So the -- the NDDB blob  
 4 that's -- that's projecting out from -- from  
 5 the Housatonic is -- that stream system, it  
 6 just doesn't -- doesn't extend to across the  
 7 street from us.  
 8 DR. BELL: Is it within the --  
 9 the margin of error that they have in the --  
 10 on the NDD maps? Probably they --  
 11 THE WITNESS (Gustafson):  
 12 Based on my discussions with -- with the  
 13 biologist, you know, the -- they did go  
 14 through the last revision of the mapping.  
 15 They did go -- or actually, last year, I  
 16 believe, they refined some of the mapping  
 17 that they have for species that are  
 18 associated with wetland or stream systems.  
 19 So my understanding is that the -- the limits  
 20 that they're depicting on -- on this age of  
 21 mapping is fairly accurate.  
 22 We did submit a review  
 23 request. Even though the project doesn't  
 24 meet their review requirements, we did reach  
 25 out to the natural diversity database,

1 submitted a review request. And we provided  
2 them with materials that are contained in  
3 this docket, as far as the site plans, aerial  
4 maps, USGS maps, with the site located along  
5 with their data depicted on it.

6 And -- and they responded back  
7 with a letter, May 14, 2014, which is  
8 provided in Exhibit 2. And they determined  
9 that they -- I'll -- I'll read the second  
10 sentence.

11 "I do not anticipate negative  
12 impacts of state-listed species resulting  
13 from your proposed activity at this site."

14 DR. BELL: Okay.

15 Mr. Libertine, in Tab 12, we  
16 have what looks to me like a new type of map  
17 that has to do with the archaeological  
18 resources.

19 It says down in the left-hand  
20 corner that the source is Clear. But my  
21 question is, is Clear just giving you the  
22 basic aerial map underneath and you provided  
23 the two green circles plus the AP plus the  
24 cost for the site?

25 THE WITNESS (Libertine): Yes,

1 historic properties within the area of  
2 potential effect, in this case, a half mile  
3 from our site, and that's why none are  
4 actually shown on here, but it is in the  
5 legend.

6 So to answer your question,  
7 you're absolutely right. The base aerial  
8 came from the Clear's inventory, but the  
9 archaeological and historic information is  
10 public information. We just happened to have  
11 access to an electronic database that's  
12 maintained and updated on a monthly basis, so  
13 that we can put it into a GIS format and show  
14 it in the graphic.

15 DR. BELL: Okay. Thank you.

16 THE WITNESS (Libertine):

17 You're welcome.

18 DR. BELL: My last question is  
19 for the RF engineer.

20 This site is primarily a  
21 capacity site. Although there's some  
22 coverage benefits, you state in the  
23 application, at Tab 8, that -- you say the  
24 primary person -- purpose is to relieve  
25 existing capacity problems at the six closest

1 you've interpreted it correctly. And we  
2 should probably make a correction in the  
3 future. We -- we purposely put this in here  
4 because we had not heard back yet from the  
5 State Historic Preservation Office. And we  
6 wanted to make sure that you folks were  
7 comfortable, at least at this point, that  
8 this was on our radar and we had looked at  
9 it.

10 The areas that are shown, the  
11 two primary areas right on either side of our  
12 site, that are kind of that -- I'm not even  
13 sure what color that is -- but that are  
14 indicating the archaeological sites, those  
15 are buffered very similar to the Connecticut  
16 D -- DEEP's information for the natural  
17 diversity database. And, in that, somewhere  
18 within those polygon circles, there are  
19 reported archaeological sites. That  
20 information comes directly from the State  
21 Historic Preservation Office itself and from  
22 the archaeological office at the University  
23 of Connecticut.

24 There are no national  
25 registered or state registered sites for

1 sites. That's on page 2.

2 So the -- you say in the  
3 application, at various places, that the way  
4 you figure out that the site will meet the  
5 capacity needs is that you look at planning  
6 thresholds which are done in-house and you  
7 look at monthly traffic maps that are done  
8 in-house that have to do with analyzing the  
9 traffic from the six surrounding towers at  
10 the appropriate sector, but you don't provide  
11 any evidence of that. You say that. You  
12 make the statement that the pieces of  
13 evidence would be the planning thresholds and  
14 the traffic maps and -- but you don't  
15 actually provide that.

16 But you do say, and you did  
17 say in response to Question Number 10 from  
18 the Council, that, quote, this information is  
19 competitively sensitive and can't be shared  
20 publicly.

21 We also dealt with this in  
22 another docket. When I asked whether that  
23 information could be provided -- and at that  
24 time it wasn't in the -- it wasn't stated in  
25 the docket itself or in a response that the



1 information was competitively sensitive, but  
2 here you actually state that. Okay. Fine.

3 My question is: Could it be  
4 shared with the Council as protected  
5 material?

6 MR. BALDWIN: Perhaps I can  
7 address that, Dr. Bell. I -- if we could  
8 focus in on exactly what you're looking for,  
9 I think the answer is probably, yes, if it  
10 were protected.

11 It is competitively sensitive  
12 because it basically shows the deficiencies  
13 in the network, at this point. But if it  
14 could be protected, it's -- it's something  
15 that could be provided. But I want to be  
16 very precise about what it is you're looking  
17 for.

18 DR. BELL: Well, I'm looking  
19 for two things. The planning threshold is  
20 one thing, so I guess the planning threshold.  
21 I don't know what the area of the planning  
22 thresholds covers. Does it cover -- is it a  
23 planning threshold that's given for each  
24 site, or is it given for the town? I don't  
25 know, but that's the kind of thing we would

1 DR. BELL: If that's what it  
2 is, then that's -- that would be good to  
3 have.

4 MR. BALDWIN: Okay.

5 THE WITNESS (Laredo): Excuse  
6 me. Jamie Laredo, Verizon Wireless. I just  
7 want to clarify my response for that Question  
8 10.

9 The traffic data that I  
10 mentioned there is actually a -- a monthly  
11 peak data traffic trend. It's not about  
12 where the traffic is located, and we use it  
13 for forecasting.

14 DR. BELL: So was it then the  
15 same as the planning threshold data that I  
16 mentioned that -- then that you mentioned in  
17 the application?

18 THE WITNESS (Laredo): It's  
19 only a part of what we look at in terms of  
20 forecasting.

21 DR. BELL: Well, then,  
22 that's -- if that's what it is, then that's  
23 different from what Mr. Baldwin was -- was  
24 saying, but I would -- that's what I would  
25 want then.

1 like to know.

2 MR. BALDWIN: Okay.

3 DR. BELL: And then, the  
4 traffic -- the monthly traffic maps, we have  
5 the estimated number of the estimated  
6 population in the area. So I guess the --  
7 the traffic maps would presumably show the  
8 number of weeks -- I guess that would be a  
9 problem with in-building or mobile, wouldn't  
10 it, that you can't tell -- can you or can't  
11 you tell whether a call is a mobile call or  
12 in -- in building, a stationary call?

13 MR. BALDWIN: The traffic  
14 maps -- this is Ken Baldwin, and I'll ask Mr.  
15 Laredo to comment further.

16 The traffic maps are  
17 essentially drive data. The system is  
18 driving the routes in the roads in the area  
19 and depicting a signal strength at that  
20 location to show where the -- the signal  
21 threshold that we've talked about in every  
22 docket, since I've been doing this, is -- is  
23 satisfied or not.

24 Is that what you're referring  
25 to?

1 THE WITNESS (Laredo): Okay.

2 THE CHAIRPERSON: I think  
3 Mr. Lynch has a follow-up.

4 MR. LYNCH: This was the  
5 primary area I was going into, and I'm glad  
6 Dr. Bell opened the door, because what we  
7 have here is not a coverage site at all.  
8 It's totally capacity. You're not delivering  
9 any voice data. You're not delivering any  
10 text data.

11 So her inquiries to the old,  
12 you know, roadmaps that we use for coverage  
13 are totally -- you know, it's evolved into  
14 going way beyond that. Now we're covering an  
15 area that actually delivers your data  
16 services. And this is what I think Dr. Bell  
17 was looking for.

18 What area or what gaps exist  
19 in that data service area that you're trying  
20 to cover?

21 THE WITNESS (Laredo): Jamie  
22 Laredo.

23 Basically, for this specific  
24 site, we have six surrounding sites and --

25 MR. LYNCH: Could you speak up

1 please.  
 2 THE WITNESS (Laredo): Yeah.  
 3 We have six surrounding sites and three of --  
 4 four of those sites are, I can say,  
 5 exhausting or reaching the --  
 6 MR. LYNCH: That's in the  
 7 application. I got that part. All right?  
 8 THE WITNESS (Laredo): So for  
 9 me to effectively do the capacity offload, I  
 10 need the Orange north site and eventually  
 11 further optimize the area by pulling the  
 12 coverage of those exhausting sectors and let  
 13 those focus on specific traffic locations  
 14 immediate to those cell sites.  
 15 MR. LYNCH: Now, is this --  
 16 this site, they said, is going to be 721 or  
 17 2300 or some -- and -- and that's -- both of  
 18 those just deliver data. Now is -- when 700  
 19 comes into effect, you said, later in the  
 20 year, will there be a point where this site  
 21 will actually turn into a call site as well  
 22 as a capacity site, or is it going to remain  
 23 capacity just to deliver data -- data,  
 24 whatever you want to call it?  
 25 THE WITNESS (Laredo):

1 network is experiencing, exponential growth  
 2 that we see due to the number of users and  
 3 the number of devices that we have out there,  
 4 the data usage has just skyrocketed.  
 5 And in order to accommodate  
 6 the usage and -- that is being utilized right  
 7 now on the surrounding sites -- as indicated  
 8 in the application, we have to build Orange  
 9 north as a capacity site to help offload  
 10 certain sectors of the surrounding site. It  
 11 will be just data initially, but then all of  
 12 the new sites will have voice as well.  
 13 MR. LYNCH: Now that leads me  
 14 to a question then, what happens to the 800  
 15 or 850 and 1900 voice frequencies? Will they  
 16 eventually become obsolete, or will they  
 17 evolve and morph into something else?  
 18 THE WITNESS (Laredo):  
 19 Specifically, for PCS, we're  
 20 also planning to reuse that frequency as an  
 21 additional carrier for LTE in the future --  
 22 sorry -- that's 1900.  
 23 MR. LYNCH: 1900? Or 800? Or  
 24 850, whatever you're at?  
 25 THE WITNESS (Laredo):

1 Eventually, we'll have voice  
 2 over LTE service.  
 3 MR. LYNCH: That's at 700?  
 4 THE WITNESS (Laredo): Yes.  
 5 MR. LYNCH: I'm not sure I'm  
 6 getting what I -- or maybe Dr. Bell can come  
 7 back here -- that I'm getting the answer I'm  
 8 looking for.  
 9 But the -- overall, I want to  
 10 just get into the record that what is  
 11 evolving here is a data delivery service and  
 12 not the old "can-you-hear-me-now" calling  
 13 system. And your network is being built out  
 14 on data delivery services.  
 15 So are we going to have more  
 16 capacity sites in the future that don't have  
 17 any type of calling availability to them?  
 18 THE WITNESS (Carter): Sandy  
 19 Carter.  
 20 Initially, this site is going  
 21 to be developed with the 700 frequency and  
 22 the 2100 AWS frequency. Eventually, all of  
 23 our sites will have the 700 voice -- voice  
 24 over LTE service. But at the present time,  
 25 because of the -- of data capacity that our

1 1900 megahertz.  
 2 MR. LYNCH: And that will be  
 3 an additional LTE frequency?  
 4 THE WITNESS (Laredo): In the  
 5 future, yes.  
 6 MR. LYNCH: Thank you,  
 7 Dr. Bell.  
 8 DR. BELL: Thank you,  
 9 Mr. Lynch.  
 10 THE CHAIRPERSON: I guess,  
 11 Dr. Klemens.  
 12 DR. KLEMENS: I have a  
 13 follow-up on this also because this was on my  
 14 list of questions. And you asked Dr. Bell,  
 15 what does -- what does she need? And I would  
 16 rather say -- put it back unto you: How  
 17 would you make your case to us rather than  
 18 ask us well, what do you want? I would ask  
 19 you what you could give us to demonstrate  
 20 your case that you need that -- the capacity  
 21 you lack?  
 22 So thank you.  
 23 DR. BELL: Thank you.  
 24 Let me just make two comments  
 25 to, sort of, wind up my portion of it. In

1 terms of what I want, I think Dr. Klemens has  
 2 said -- has put it very well. I don't really  
 3 know what I want because I haven't seen what  
 4 it looks like at all.  
 5 But -- so -- but you know what  
 6 it looks like. It sounds to me like the  
 7 trend data is something that -- that -- it's  
 8 something along the lines of our growth in  
 9 this sector of this tower has been X. That  
 10 would be what I would expect to see, that you  
 11 would make the case that way. But it's  
 12 been -- you'd be able to do that over several  
 13 months.  
 14 So one month is X. One --  
 15 one -- another month is Y, and so forth. So  
 16 there would be a little pattern of data so  
 17 that it wouldn't look like just a jagged  
 18 line. There would be an upward trend. I  
 19 would expect that would be the way you would  
 20 make your argument, something like that.  
 21 THE WITNESS (Laredo): Exactly.  
 22 DR. BELL: But with actual  
 23 figures. Okay. That's one comment.  
 24 The second comment is more of  
 25 a clarification, not of what I want, but of

1 so it's a new method of transmitting voice,  
 2 something that you would call data, rather  
 3 than the old system of transmitting and  
 4 receiving voice. I mean, it's happening by  
 5 wireless frequency. Yes? So that's not  
 6 different from the old method. But the  
 7 coding, the -- the actual underlying radio  
 8 technology is a different type of protocol.  
 9 Would that be a correct representation?  
 10 THE WITNESS (Laredo): All I  
 11 can say is that it's purely data.  
 12 DR. BELL: Okay. Thank you.  
 13 Thank you, Mr. Chair.  
 14 THE CHAIRPERSON: Dr. Klemens.  
 15 DR. KLEMENS: Thank you,  
 16 Mr. Chair.  
 17 I have -- quite a few of my  
 18 questions have been answered, but I do have  
 19 some.  
 20 On page 16 and 19 of your  
 21 introduction to your application, you talk  
 22 about distances, wetland distances, as if  
 23 there are two wetlands and yet, in your  
 24 wetland delineation, there are three wetlands  
 25 you're considering. Can you explain that

1 the line of questioning Mr. Lynch was going  
 2 on, I just want to make clear.  
 3 It's my understanding --  
 4 Mr. Lynch is talking about data versus voice.  
 5 Now, the old way in which we received voice  
 6 was basically an analog system, as I  
 7 understand it. And so the -- the method for  
 8 receiving voice and transmitting voice was  
 9 completely different with the technology --  
 10 we'll call it "the radio waves" -- were  
 11 completely different from the data  
 12 transmission.  
 13 Is it correct that LTE  
 14 actually converts the old method of  
 15 transmitting and receiving voice into a data  
 16 setup, just the way Skype, for instance, is a  
 17 telephone call, but it's over the Internet?  
 18 Is that a fair representation?  
 19 THE WITNESS (Laredo): Jamie  
 20 Laredo.  
 21 It's basically comparable to  
 22 voice over IP. It's just that its using --  
 23 it will be using its own LTE infrastructure  
 24 for transmitting voice.  
 25 DR. BELL: Yes. But it's --

1 dissonance?  
 2 THE WITNESS (Gustafson): The  
 3 distances that are reported in the  
 4 application are related to Wetland 1, which  
 5 is directly across from the proposed access  
 6 drive on Derby Milford Road. And that's the  
 7 distance that's listed as approximately  
 8 40 feet. And that's to an area of Wetland 1  
 9 between wetland flags 1-04 and 1-05.  
 10 The -- the hundred-foot  
 11 distance that's reported is associated with  
 12 the proposed compound and the nearest wetland  
 13 area, which is identified in our report as  
 14 Wetland 2, located to the north of the  
 15 proposed facility.  
 16 Wetland 3, we don't list a  
 17 distance to it. We do identify it in our  
 18 delineation report. And it's actually  
 19 approximately 250 feet to the southeast of  
 20 the proposed compound.  
 21 DR. KLEMENS: So when you do  
 22 these, I noticed in your wetland report  
 23 you're delineating portions of wetlands,  
 24 edges that are most -- closest to the  
 25 facility. How far out do you go? Is it 250,

1 3 -- I mean, it's -- why did you include  
 2 Wetland 3 and not the series of ponds?  
 3 What's your criteria for which ones you're  
 4 going to delineate, at least the closest  
 5 portions of? Do you have a, sort of, a  
 6 criteria on distance?  
 7 THE WITNESS (Gustafson): We  
 8 do. We generally identify our study area  
 9 within approximately 200 feet of the proposed  
 10 development. And that's identified in the  
 11 first paragraph on page 1 of our wetland  
 12 investigation report. It is somewhat  
 13 site-specific.  
 14 For instance, if -- if we are  
 15 working on a project where, you know, the  
 16 only wetland is located 300 feet away, then  
 17 we'll likely delineate a portion of that  
 18 wetland system. But, generally, our study  
 19 area, or area of field investigation is  
 20 approximately 200 feet from the proposed  
 21 development activities.  
 22 DR. KLEMENS: Thank you.  
 23 THE WITNESS (Gustafson):  
 24 You're welcome.  
 25 DR. KLEMENS: That clears that

1 On Tab C1A -- ooh, excuse  
 2 me -- I noticed sort of an odd -- and odd  
 3 thing in the labeling of many of the things.  
 4 For example, we have a proposed Cellco  
 5 Partnership siltation fence and a proposed  
 6 Cellco Partnership utility easement, but then  
 7 we have proposed cross swales with level  
 8 spreaders.  
 9 So if this entire thing is  
 10 really a Cellco Partnership application, why  
 11 are some of the elements labeled as Cellco  
 12 elements and other ones almost like it's  
 13 someone else is going to be doing them, or is  
 14 this just the scrivener's error?  
 15 THE WITNESS (Centore): Carlo  
 16 Centore. And that is a drafting error that  
 17 needs to be corrected. All the work intended  
 18 here is being done for and by Cellco  
 19 Partnership.  
 20 DR. KLEMENS: Thank you.  
 21 THE WITNESS (Centore): You're  
 22 welcome.  
 23 DR. KLEMENS: Let's move on to  
 24 Tab Number 11, which is the wetlands report.  
 25 And I'm going to -- I don't know how quite to

1 up.  
 2 On page 18, you spend some  
 3 time talking about the Town of Orange's  
 4 zoning, which I guess now is -- with -- was  
 5 corrected Article 16. And although the  
 6 Council supersedes local authority, can you  
 7 tell me whether or not you are complying with  
 8 all these requirements of the Town of Orange?  
 9 If you put it in, you're  
 10 putting it in for some reason. Are you  
 11 complying or not?  
 12 THE WITNESS (Carter): Sandy  
 13 Carter.  
 14 Yes, insofar as the zoning  
 15 regulations, we do comply with all of the  
 16 setbacks that are listed on page 18. And as  
 17 it indicates, the town does allow  
 18 telecommunications towers in all its zones.  
 19 DR. KLEMENS: So you are --  
 20 you are -- you actually are complying with  
 21 the local zoning in this application?  
 22 THE WITNESS (Carter): Insofar  
 23 as those setbacks, yes.  
 24 DR. KLEMENS: Correct. Thank  
 25 you. Okay.

1 unpackage this the way I want to do it -- but  
 2 the first -- first question I have is on the  
 3 site and project description. You've termed  
 4 the parcel as a "developed parcel," and yet,  
 5 when I went out there today, I didn't think  
 6 there was a development parcel. Can you  
 7 reconcile that please?  
 8 THE WITNESS (Gustafson): The  
 9 subject parcel includes an existing farmhouse  
 10 and various farm buildings that are located  
 11 on the other side of the ridgeline where the  
 12 proposed cell tower is located. So although  
 13 the area where the proposed development, the  
 14 Cellco development is proposed, I would  
 15 characterize as undeveloped. The parcel  
 16 itself is a developed parcel.  
 17 DR. KLEMENS: So what you're  
 18 saying is you would consider agricultural use  
 19 and the fields as development?  
 20 THE WITNESS (Gustafson):  
 21 Certainly the areas where  
 22 there's access roads that have been  
 23 developed, there's structures on the  
 24 property, I would consider that development.  
 25 I wouldn't consider a hayfield a development.

1 DR. KLEMENS: And you -- would  
 2 you consider that to be developed in terms of  
 3 wildlife movement and wildlife habitat  
 4 equivalent if there was houses and a  
 5 subdivision there?  
 6 THE WITNESS (Gustafson):  
 7 It -- it depends on the  
 8 agricultural operation, how you -- how it  
 9 would possibly compare to a residential  
 10 development.  
 11 DR. KLEMENS: But would you  
 12 concede that there is considerable  
 13 connectivity of wildlife through that habitat  
 14 as it exists now?  
 15 THE WITNESS (Gustafson): I  
 16 would.  
 17 DR. KLEMENS: Thank you.  
 18 THE WITNESS (Gustafson):  
 19 You're welcome.  
 20 DR. KLEMENS: You began work  
 21 there in April of this year. Is that  
 22 correct?  
 23 THE WITNESS (Gustafson): That  
 24 is correct. April 24th of this year, the  
 25 wetland investigation was performed on --

1 any wildlife species?  
 2 THE WITNESS (Gustafson):  
 3 That's correct.  
 4 DR. KLEMENS: And was that, in  
 5 part, due to the letter you received from the  
 6 natural diversity database?  
 7 THE WITNESS (Gustafson): It  
 8 is.  
 9 DR. KLEMENS: And when you  
 10 read that letter, which you have in front of  
 11 you, which -- Ms. McKay made -- makes a  
 12 statement that I did not anticipate any  
 13 negative impacts to state-listed species  
 14 resulting from your proposed activity on the  
 15 site -- or at the site.  
 16 What is that -- is that based  
 17 upon -- how does she reach that particular  
 18 conclusion?  
 19 THE WITNESS (Gustafson): I  
 20 cannot speak for Ms. McKay.  
 21 DR. KLEMENS: Okay. Let --  
 22 let me rephrase it. I expected that to be  
 23 your response.  
 24 Is McKay -- is Ms. McKay going  
 25 out to the site and doing fieldwork, or is

1 within the study area.  
 2 DR. KLEMENS: And have there  
 3 been any biological investigations of the  
 4 study area?  
 5 THE WITNESS (Gustafson):  
 6 Beyond what was observed  
 7 during the delineation field investigation,  
 8 no.  
 9 DR. KLEMENS: And what was  
 10 observed during the delineation? Do we have  
 11 access to those data?  
 12 THE WITNESS (Gustafson): The  
 13 data is reported in the wetland investigation  
 14 report mated -- dated May 2, 2014. It's  
 15 that's part of this Tab 11 document.  
 16 DR. KLEMENS: Could you direct  
 17 me to where anything is about wildlife in  
 18 there? I may not -- I've not seen it.  
 19 THE WITNESS (Gustafson):  
 20 Yeah. There is -- there are no significant  
 21 wildlife observe -- observations noted in the  
 22 report.  
 23 DR. KLEMENS: So -- so beyond  
 24 your initial -- your initial visit in April,  
 25 you didn't go back to the site to look for

1 she relying on what's in the natural  
 2 diversity database to reach this  
 3 determination?  
 4 THE WITNESS (Gustafson): I  
 5 believe she's relying on the information that  
 6 we were provided in the natural diversity  
 7 database review request and the information  
 8 that she has at her office. I don't believe  
 9 any field investigation is performed by the  
 10 Department of Energy and Environmental  
 11 Protection.  
 12 DR. KLEMENS: So you agree  
 13 with her in the second paragraph, the result  
 14 of this review does not preclude the  
 15 possibility that listed species may be  
 16 encountered on site and that additional  
 17 action may be necessary to remain in  
 18 compliance with certain state permits?  
 19 THE WITNESS (Gustafson):  
 20 Yeah. I don't take issue with  
 21 that statement at all.  
 22 DR. KLEMENS: Yeah.  
 23 Do you also agree that this  
 24 information is not necessarily the result of  
 25 comprehensive or site-specific field

1 investigations and -- do you agree with that?  
2 THE WITNESS (Gustafson):  
3 Yeah. I feel that's an accurate statement as  
4 well.

5 DR. KLEMENS: And do you agree  
6 with the statement that consultations with  
7 the database should not be a substitute for  
8 an on-site surveys required for environmental  
9 assessments?

10 THE WITNESS (Gustafson): Yes,  
11 I do.

12 DR. KLEMENS: And then I ask  
13 you the question again, why wasn't more  
14 biological work done on this property after  
15 we've gone through this?

16 THE WITNESS (Gustafson):  
17 Based on the State's letter that didn't  
18 identify any listed species considering, you  
19 know, the language that they provide to --  
20 that essentially stipulates that  
21 determination, we did not feel it was  
22 necessary to go to that length for this  
23 proposed type of development. And we're  
24 working -- the majority of the activity  
25 occurs through a maintained hayfield. And

1 an isolation zone, contractor awareness of  
2 the sensitivity to development in this -- in  
3 this part of the property in proximity to  
4 wetland resources, and performing sweeps of  
5 the area prior to development and  
6 installation of erosion controls, and then  
7 periodically during construction activities  
8 to minimize and avoid the potential for  
9 impact to wildlife that may be traveling over  
10 this ridgeline.

11 DR. KLEMENS: That would be  
12 helpful.

13 You -- you, earlier on, took  
14 the -- that wetland Number 3 was not a vernal  
15 pool. And how did you -- how did you base  
16 that determination on removing that as a  
17 vernal pool?

18 THE WITNESS (Gustafson): The  
19 determination was based on actual field  
20 observations conducted on April 24th. The  
21 area was not found to have inundation within  
22 it. There's evidence of temporary inundation  
23 in that depression, but there -- there is a  
24 culvert outlet on the southeast side of that  
25 depression within the hayfield that has all

1 the proposed tower facility is in a former  
2 clearing -- cleared area that's -- was, you  
3 know, part of the farming operation.

4 DR. KLEMENS: Would you say  
5 that where the tower is located is on a ridge  
6 and on both sides of the ridge there are  
7 wetlands?

8 THE WITNESS (Gustafson): It  
9 is located close to -- to a ridgeline and  
10 there are wetlands on either side.

11 DR. KLEMENS: And your  
12 professional experience, what -- what is the  
13 nature when you have wetlands distributed on  
14 both -- on both ridge -- both sides of a  
15 ridge? Does it -- what does it mean about  
16 the ridge, in your estimation, as habitat?

17 THE WITNESS (Gustafson):  
18 Well, certainly there's --  
19 there's the potential for wildlife  
20 connectivity over that ridgeline. And to --  
21 to that degree, we would -- we would consider  
22 implementing a wetland protection plan for  
23 this project that would be similar in nature  
24 to previous plans that we've submitted to the  
25 Council, which would include installation of

1 the hydrology of that area.

2 So it appears, based on what  
3 we've observed at that time, the area does  
4 pond with water in early spring, but for a  
5 very short period of time. The hydro period  
6 isn't long enough to -- to support amphibian  
7 breeding.

8 DR. KLEMENS: Thank you.

9 THE WITNESS (Gustafson): Or  
10 breeding season, breeding by, you know,  
11 obligate vernal pool species.

12 DR. KLEMENS: Right. So the  
13 hydro period is not -- is not sufficient to  
14 allow for the development. You didn't see --  
15 did you not see any vernal pool obligate  
16 species when you were there -- or eggs or any  
17 evidence in April?

18 THE WITNESS (Gustafson): We  
19 saw no evidence.

20 DR. KLEMENS: Okay.

21 And another question,  
22 actually, on page number 5, you say it's -- I  
23 believe it's probably a typo, but I'm not  
24 sure -- is it evidence of hydraulic  
25 alternation or alteration?

1 THE WITNESS (Gustafson):  
 2 Sorry. I should have picked that up. It is  
 3 alteration.  
 4 DR. KLEMENS: Thank you.  
 5 Let's move to Wetland Number 2. That is the  
 6 wetland that is right below the proposed  
 7 tower, that wooded corridor.  
 8 Would it surprise you if I  
 9 were to tell you that today, while you were  
 10 all up at the tower, I walked down into that  
 11 area and found wood frogs hopping around in  
 12 the stiltgrass?  
 13 THE WITNESS (Gustafson): That  
 14 would not surprise me. During our  
 15 delineation of the wetlands, we did not  
 16 observe any -- any vernal pool species  
 17 breeding activity. Generally, when we're  
 18 delineating in a wetland edge, we'll -- we'll  
 19 also run some transects in the interior in  
 20 the wetland, maybe about an additional  
 21 hundred feet interior, to determine if  
 22 there -- there is any vernal pool breeding in  
 23 the area.  
 24 There is an old farm pond  
 25 that's overgrown that's a little bit further.

1 THE WITNESS (Gustafson): Yes,  
 2 we would. And we would essentially  
 3 incorporate those elements into -- into the  
 4 wetland protection plan.  
 5 DR. KLEMENS: And I'm getting  
 6 toward the end. I don't have Phil here to  
 7 rein me in and call it Draconian, but I'm  
 8 getting to the end.  
 9 The habitat presented to me is  
 10 a very interesting habitat. There are  
 11 fields. There's a forest. There's wetlands.  
 12 Based on your professional experience working  
 13 in Connecticut, what -- and also the  
 14 geographical position of this within the  
 15 state, what is the likelihood, do you think,  
 16 that there could be box turtles, which are a  
 17 state-listed species on this site?  
 18 THE WITNESS (Gustafson): It  
 19 wouldn't surprise me to come across a box  
 20 turtle in this landscape position or on  
 21 this -- or on this property or in the area.  
 22 And I feel that the protection measures that  
 23 we would be proposing to implement as part of  
 24 a wetland protection plan would be equally  
 25 protective of the eastern box turtle to avoid

1 It's about 250 feet north of the proposed  
 2 facility. That area looks like it's been  
 3 silted in. There's very little vegetation  
 4 along the perimeter of it, so there isn't a  
 5 lot of cover or attachment sites. But it  
 6 wouldn't surprise me that some wood frogs may  
 7 utilize some of that habitat for breeding.  
 8 So it's -- it's not a surprise to me that you  
 9 would find adult wood frogs in that area.  
 10 DR. KLEMENS: These actually  
 11 were subadult. It was, you know -- but so  
 12 you wouldn't have an objection then, if we  
 13 were to consider Wetland Number 2 and its  
 14 portions of that actually a cryptic vernal  
 15 pool?  
 16 THE WITNESS (Gustafson): I --  
 17 I wouldn't.  
 18 DR. KLEMENS: And we'd be  
 19 able -- and you would produce a plan, at some  
 20 point, that would avoid construction and  
 21 other activities you have in other  
 22 applications. You would be able to plan an  
 23 execution of this project in a manner as not  
 24 to impact these vernal pool species in that  
 25 wetland?

1 any unintentional injury or take of a  
 2 state-listed species during construction  
 3 activities.  
 4 DR. KLEMENS: So you would  
 5 employ the standard -- the standard box  
 6 turtle, the contractor education, the  
 7 whole -- there's a whole routine that you  
 8 have --  
 9 THE WITNESS (Gustafson): Yes.  
 10 DR. KLEMENS: -- submitted  
 11 that's DEP approved on other applications?  
 12 THE WITNESS (Gustafson):  
 13 Yeah. We wouldn't have any  
 14 problems implementing that aspect into a more  
 15 comprehensive protection plan.  
 16 DR. KLEMENS: Okay.  
 17 Are these wetlands -- is  
 18 Wetland Number 2 a jurisdictional wetland  
 19 under the Army Corps of Engineers?  
 20 THE WITNESS (Gustafson): Yes.  
 21 I believe all of the three wetlands  
 22 identified in proximate to this project would  
 23 be under the Army Corps' jurisdiction.  
 24 DR. KLEMENS: Okay.  
 25 That, I think, concludes what

1 I have to ask you on that -- these matters.  
 2 Thank you.  
 3 THE WITNESS (Gustafson):  
 4 You're welcome.  
 5 THE CHAIRPERSON: Thank you.  
 6 Senator Daily.  
 7 MS. DAILY: I think my  
 8 questions have been asked and answered.  
 9 Thank you.  
 10 THE CHAIRPERSON: Thank you.  
 11 Mr. Hannon.  
 12 MR. HANNON: Thank you,  
 13 Mr. Chair.  
 14 Backup generators. A question  
 15 I have for you is what would you anticipate  
 16 the expected number of hours it may be used  
 17 in a given year, and what do you estimate to  
 18 be the amount of fuel that would be consumed  
 19 by that usage?  
 20 THE WITNESS (Centore): I know  
 21 I can do the math to figure that out, but I  
 22 don't have it here at my fingertips. I'd  
 23 would be happy to take that on as a homework  
 24 assignment, though. I'm happy for you to see  
 25 it.

1 for backup generators.  
 2 You have 22A 174, 3B which is  
 3 running 300 hours or less per year on  
 4 low-sulfur content fuel, or 3C, which is  
 5 running 20 or -- I'm sorry -- 21,000 gallons  
 6 or less of fuel per year. So in that  
 7 respect, we are no longer issuing permits for  
 8 backup generators. So I think this is a bit  
 9 dated.  
 10 So I think, right now, that  
 11 probably needs to come out of your  
 12 applications, unless you're planning on  
 13 running them more than 300 hours a year or  
 14 using more than 21,000 gallons of gasoline.  
 15 THE WITNESS (Centore): That's  
 16 not going to happen.  
 17 MR. HANNON: And one other  
 18 comment, based on what happened with some of  
 19 the storms the last couple of years, there's  
 20 also an amnesty program that the agency has  
 21 to take into consideration those unique  
 22 weather events that create problems. And my  
 23 understanding is those hours are not counted  
 24 against the normal operating for maintenance,  
 25 things of that nature.

1 MR. HANNON: But, in general,  
 2 about how many hours would you expect it to  
 3 run, say, per month?  
 4 THE WITNESS (Centore): Well,  
 5 it's -- it's cycled 20 minutes once a week.  
 6 MR. HANNON: Okay. So?  
 7 THE WITNESS (Centore): So 4  
 8 times 20.  
 9 MR. HANNON: All right.  
 10 Because there's a statement in here, I think,  
 11 that with 210 gallons -- that would be the  
 12 size of the tank -- it can run 49 hours  
 13 before needing to be refilled.  
 14 THE WITNESS (Carter): Yes.  
 15 MR. HANNON: And so, if you're  
 16 running 20 minutes a week, you've got --  
 17 THE WITNESS (Centore):  
 18 Fifty-two weeks in a year, that's --  
 19 MR. HANNON: Twenty hours a  
 20 year, maybe. I mean, that's on the high  
 21 side. And here's the reason why I'm asking.  
 22 Because I think you need to go back and  
 23 modify some of the boilerplate language that  
 24 you have, because on page 7, 1B, air quality,  
 25 air program no longer requires an air permit

1 That's the easy one.  
 2 THE WITNESS (Centore): Okay.  
 3 MR. HANNON: I have some  
 4 questions on Map C-1A. More for some  
 5 clarification purposes.  
 6 Some of the invert elevations  
 7 that you have for the three new basins that  
 8 are proposing -- that you're proposing is two  
 9 of them have the open top, one is closed top.  
 10 I mean, you're talking a tenth  
 11 of an inch between invert differences between  
 12 one pipe and another. I mean, are you sure  
 13 you're going to have the capability of  
 14 dealing with that, because the last thing you  
 15 really want to do is start putting in a new  
 16 system where you're backing up water  
 17 somewhere.  
 18 And I know the slopes are  
 19 very, very short. I guess, 1 and a half  
 20 percent, you're trying to keep it to.  
 21 THE WITNESS (Centore): Yeah.  
 22 MR. HANNON: So I'm just  
 23 trying to make sure that -- you need to make  
 24 sure that the system that's going in is going  
 25 to do what it's supposed to do.



1 THE WITNESS (Centore): Yeah.  
 2 MR. HANNON: But the question  
 3 I have about that, is there anything that  
 4 you're able to do to possibly try and  
 5 mitigate any sedimentation, things of that  
 6 nature, from getting into those basins  
 7 because I think they are roughly about 2 and  
 8 half feet deep. The basins that they're  
 9 going into from the town's side, it doesn't  
 10 look like those could be retrofitted to put  
 11 in any type of hoods or things of that  
 12 nature, so I'm kind of concerned about  
 13 sedimentation, things of that nature, getting  
 14 into the drainage system. So if that's  
 15 something that can be looked at to try to  
 16 reach some kind of a solution there, that  
 17 would be appreciated.  
 18 THE WITNESS (Centore): Carlo  
 19 Centore.  
 20 I'll make sure that we add --  
 21 we add had some measures to address  
 22 sedimentation. And we'll verify that that  
 23 piping will -- will not back up flows.  
 24 MR. HANNON: Okay.  
 25 Because I know that, during

1 catch -- or an open basin there. It may be a  
 2 little better engineering fit because I don't  
 3 think you want to cause a problem off-site.  
 4 I realize that you do have a  
 5 bit of a slope on the other side, but a lot  
 6 of it looks like it's going really right at  
 7 that driveway for the cemetery. And I just  
 8 don't think we need to put more water in a  
 9 concentrated effort there.  
 10 THE WITNESS (Centore): I  
 11 think -- I think we can do something to bring  
 12 that water to the other side.  
 13 MR. HANNON: Okay.  
 14 THE WITNESS (Centore): But  
 15 what we did try to achieve with that is we  
 16 introduced that level spreader to -- to -- in  
 17 an effort to maintain that flow in the same  
 18 direction that it exists today and kind of  
 19 slow it down in the level -- level spreader  
 20 and just keep the -- the existing condition.  
 21 MR. HANNON: And I do  
 22 appreciate that. I understand where you're  
 23 coming from on that.  
 24 THE WITNESS (Centore): Yeah.  
 25 MR. HANNON: I'm just

1 construction, you have the silt sacks that  
 2 you want to put over the base, so that's  
 3 fine, but I'm just looking more long term.  
 4 THE WITNESS (Centore): Yeah.  
 5 A more permanent solution.  
 6 MR. HANNON: Because I mean,  
 7 you get 4 inches of rain somewhere and you  
 8 get something that blows out, you just want  
 9 to make sure you're not pumping it directly  
 10 into the wetlands, because this a direct  
 11 connection into the wetlands across the  
 12 street.  
 13 The level spreader that is  
 14 proposed, what, I guess, maybe -- estimated  
 15 about 180 feet, 170 feet up the road?  
 16 THE WITNESS (Centore): Yeah.  
 17 MR. HANNON: I have concerns  
 18 as to whether or not that is going to work in  
 19 the sense that I can see a major icing  
 20 problem on the driveway over at the cemetery.  
 21 Is there a way to maybe put that on the south  
 22 side of the road?  
 23 I think the slopes are still  
 24 such that you're going to be grading it down  
 25 towards the road. You've got an open

1 concerned that you may end up having a little  
 2 more water going in more directed towards the  
 3 driveway over at the cemetery.  
 4 THE WITNESS (Centore):  
 5 Understood.  
 6 MR. HANNON: On the upper  
 7 level spreaders, on one of them, there's an  
 8 area that's identified as proposed white  
 9 spruce screening planting.  
 10 Can you please provide a  
 11 little more detail on that and what you're  
 12 looking at?  
 13 THE WITNESS (Centore): Yeah.  
 14 That that was -- for -- for lack of a better  
 15 word an "attempt" to provide some additional  
 16 screening as a concern to the abutting  
 17 property owner over at the cemetery and --  
 18 and to screen views of the site.  
 19 There's some natural  
 20 vegetation in there. You can see there's  
 21 quite a few trees already in that area. And  
 22 we didn't know how much would be cleared once  
 23 the site got cleared. So we -- we created an  
 24 area of planting where we wanted to put some  
 25 evergreens species in that area.

1 MR. HANNON: Would that be  
2 more for trying to block out the compound or  
3 the tower?  
4 THE WITNESS (Centore): For  
5 the compound.  
6 MR. HANNON: Okay.  
7 THE WITNESS (Centore): It's  
8 not going to screen the tower.  
9 MR. HANNON: Then you may want  
10 to go back and correct that note which talks  
11 about screening the views of the tower and  
12 the compound. Because I don't think 5- and  
13 6-foot white pines going in would screen out  
14 the tower.  
15 THE WITNESS (Centore): Not at  
16 all.  
17 MR. HANNON: Is there anything  
18 that's being done where that -- I see "dirt  
19 travel," but I don't see the next word, so  
20 I'm assuming, like, road? Is there any  
21 grading or anything that's going on there or  
22 is that going to be left alone?  
23 THE WITNESS (Centore): The  
24 dirt travel path would -- is -- that's a path  
25 that exists and it's going to be interrupted

1 an appropriate distance to use. And it's  
2 just -- it's generally a rule of thumb.  
3 So, like I had indicated  
4 earlier, as an example, if -- if we only find  
5 one wetland or property in, say, it's  
6 300 feet or even more distant than that,  
7 we'll still delineate that so we can document  
8 the nearest wetland resource.  
9 MR. HANNON: Thank you.  
10 THE WITNESS (Gustafson):  
11 You're welcome.  
12 MR. HANNON: On page 5, under  
13 Wetland 2 description, the last sentence is:  
14 "This perennial stream system continues west  
15 via an 18-inch reinforced concrete pipe  
16 culvert that outlets from the farm pond,  
17 eventually draining into wetland."  
18 Where is the pipe? I mean,  
19 where does it drain to or -- so, I mean, it  
20 sounds like, at least on this description,  
21 there's a pipe at the farm pond, but where  
22 does it go?  
23 THE WITNESS (Gustafson): If  
24 -- if I can just direct you to the end of  
25 that report, to the wetland delineation map.

1 as part of our compound. It's not -- it's  
2 going to be left alone.  
3 MR. HANNON: Okay.  
4 THE WITNESS (Centore): It  
5 wasn't intended to reroute it.  
6 MR. HANNON: Okay.  
7 On the wetlands, Section 11,  
8 the 200 feet that you use sort of as your  
9 guideline, is that more because that seems to  
10 be what the standard wetland setback buffer  
11 is in town for the upland views?  
12 THE WITNESS (Gustafson): Dean  
13 Gustafson.  
14 Typically, throughout  
15 Connecticut, the -- the upland review area  
16 is -- is generally a hundred feet. That's  
17 what's recognized by and recommended in the  
18 guidance document, but -- by the Department  
19 of Energy and Environmental Protection.  
20 Generally, we felt that  
21 doubling that would allow us to determine if  
22 there are any wetlands that are more distant  
23 from the proposed development so that we  
24 could evaluate potential impacts the project  
25 may have on a wetland. We felt 200 feet was

1 MR. HANNON: Okay.  
2 THE WITNESS (Gustafson):  
3 There you can see the cemetery property.  
4 MR. HANNON: Yep.  
5 THE WITNESS (Centore): And  
6 then, Wetland Flag 2-L1, just to the  
7 northeast of the proposed development.  
8 MR. HANNON: Right. But  
9 that's an inlet pipe. Right?  
10 THE WITNESS (Gustafson):  
11 Right.  
12 The -- we didn't -- we didn't  
13 survey the outlet pipe. But the outlet of  
14 that essentially runs along the northwest  
15 side of the cemetery. There's an  
16 intermittent stream system that picks back up  
17 after the earthen berm, and then that drains  
18 through the wetland system and then  
19 eventually under Derby Milford Road to the  
20 southwest.  
21 MR. HANNON: Okay. That's  
22 kind of what I was thinking, but I just  
23 wanted to get a clarification on that.  
24 THE WITNESS (Gustafson): Sure.  
25 MR. HANNON: And then, for

1 Wetland 3, in the description, it talks about  
 2 the manhole with a PVC pipe outlet. And I  
 3 see the manhole identified, but you don't  
 4 have anything showing me anything about the  
 5 pipe and where the pipe goes.  
 6 THE WITNESS (Gustafson):  
 7 Yeah. We weren't able to determine the  
 8 outlet of the pipe, but we'd assume that it  
 9 was to the -- either the pond or the stream  
 10 system that's more distant to the southeast.  
 11 On the other side of the farm buildings and  
 12 farm road, there's -- there's a stream system  
 13 that flows to the southwest, just starting  
 14 off the map, and then there's a couple of  
 15 sections that have been dammed up as farm  
 16 ponds.  
 17 We assume that the outlet goes  
 18 to -- to that system. It daylights somewhere  
 19 out there.  
 20 MR. HANNON: Okay. Thank you.  
 21 THE WITNESS (Gustafson):  
 22 You're welcome.  
 23 MR. HANNON: I have no further  
 24 questions.  
 25 THE CHAIRPERSON: Thank you.

1 type of antenna they would use? They  
 2 didn't -- they didn't make a suggestion for  
 3 the pine tree, that you know of. Do you  
 4 remember?  
 5 MR. BALDWIN: Not that I  
 6 recall, no.  
 7 MR. LEVESQUE: Okay.  
 8 Was anybody else there?  
 9 Mr. Centore or --  
 10 MR. BALDWIN: Mr. Rocheville  
 11 was there.  
 12 THE WITNESS (Rocheville):  
 13 Harry Rocheville.  
 14 I don't recall them mentioning  
 15 any type of monopine structure they utilized.  
 16 MR. LEVESQUE: And, Mr.  
 17 Laredo, if -- could you obtain the proper  
 18 wireless coverage using an imitation tree  
 19 structure?  
 20 THE WITNESS (Laredo): Jamie  
 21 Laredo.  
 22 Yes.  
 23 MR. LEVESQUE: And it would be  
 24 no --  
 25 THE WITNESS (Laredo): I don't

1 Mr. Levesque.  
 2 MR. LEVESQUE: Mr. Libertine,  
 3 did you attend the meeting with the Town?  
 4 THE WITNESS (Libertine): No.  
 5 Excuse me. Mike Libertine. No, I was not in  
 6 attendance at that meeting.  
 7 MR. LEVESQUE: Well, then,  
 8 Attorney Baldwin, did -- did the Town ask for  
 9 an imitation pine tree?  
 10 MR. BALDWIN: They -- they  
 11 asked that it be included in the photo  
 12 simulations presented to the Council. That's  
 13 all they asked us to do. They weren't sure  
 14 whether they were going to like it or not,  
 15 but they asked us to at least include it in  
 16 the application.  
 17 MR. LEVESQUE: And how about  
 18 the cemetery association?  
 19 MR. BALDWIN: I don't remember  
 20 the cemetery association asking for or  
 21 commenting on the tree itself.  
 22 MR. LEVESQUE: On the shape of  
 23 the antenna?  
 24 MR. BALDWIN: I'm sorry?  
 25 MR. LEVESQUE: You mean of the

1 see any --  
 2 MR. LEVESQUE: -- it would be  
 3 no higher than a hundred feet?  
 4 THE WITNESS (Laredo): I'm  
 5 sorry. Can you --  
 6 MR. LEVESQUE: It would be no  
 7 higher than a hundred feet? You wouldn't  
 8 have to --  
 9 THE WITNESS (Laredo): A  
 10 hundred feet is just enough for what I need.  
 11 THE WITNESS (Libertine):  
 12 Certainly for the RF.  
 13 I'm Mike Libertine.  
 14 I think we would have a  
 15 discussion about whether or not we'd consider  
 16 a -- what, I think, Mr. Lynch referred to as  
 17 a flattop tree, or whether or not there's  
 18 some type of a conical top attached, which  
 19 could be anywhere from 5 to 7 feet.  
 20 In the photo simulations there  
 21 is a bit of a taper. So there is a little  
 22 bit above that of just a few feet. And  
 23 that -- that can be manipulated, essentially  
 24 to -- to accommodate it. It's just really a  
 25 matter of making it look a little bit more

1 natural.  
 2 MR. LEVESQUE: Okay. Thank  
 3 you very much.  
 4 THE WITNESS (Libertine):  
 5 You're welcome.  
 6 THE CHAIRPERSON: Mr. Lynch.  
 7 MR. LYNCH: I think most of my  
 8 questions have been answered, but I do have a  
 9 few housekeeping cleanup available.  
 10 Mr. Centore, as I look at the  
 11 C-1A, dash -- dash, 1A, I see the easement  
 12 for the utilities. And my good friend Mr.  
 13 Ashton not being here, I don't see where it  
 14 ties in. I see, on the legend, it says a  
 15 utility pole. But if you mentioned it at the  
 16 field review, I -- I missed it. I'm sorry.  
 17 THE WITNESS (Centore): We --  
 18 we haven't walked this site yet, you know,  
 19 with the utility company. And that doesn't  
 20 usually get finalized until -- until we -- we  
 21 get to the D and M phase and even the  
 22 construction drawing phase. But there is  
 23 pole down -- there's a utility pole, Number  
 24 1449, down on Derby Milford Road. But I'm  
 25 not sure that's the one that they would

1 Sandy, go ahead.  
 2 THE WITNESS (Carter): Sandy  
 3 Carter.  
 4 Yes, the tower will be built  
 5 to be expandable for 20 feet in height.  
 6 MR. LYNCH: And my last  
 7 question goes back to Mr. Laredo.  
 8 Earlier in our discussion, you  
 9 explained that the 1900 frequency would be --  
 10 evolve into part of your LTD coverage, but if  
 11 you said it, I missed it again. What will  
 12 happen to the 850 frequency?  
 13 THE WITNESS (Laredo): Jamie  
 14 Laredo.  
 15 It will stay as -- I'm  
 16 sorry -- you're referring to the Orange north  
 17 proposed.  
 18 MR. LYNCH: I didn't hear you.  
 19 Sorry.  
 20 THE WITNESS (Laredo): You're  
 21 referring to the -- are you referring to the  
 22 Orange north proposed site?  
 23 Okay. In general, the 850  
 24 megahertz frequency will stay in order to  
 25 serve the -- the legacy network of old

1 utilize as part of that.  
 2 MR. LYNCH: Oh, I see it. You  
 3 can explain that to Mr. Ashton.  
 4 THE WITNESS (Centore): I  
 5 will.  
 6 MR. LYNCH: Also, in walking  
 7 the -- the site this afternoon up on the top  
 8 of the ridge, there was a lot of rock, and  
 9 I'm assuming there may be ledge. Will there  
 10 be any blasting involved?  
 11 THE WITNESS (Centore): At  
 12 this point, we -- we don't anticipate needing  
 13 blasting because we don't have a Geotech yet.  
 14 But also, with these sites, we typically try  
 15 to avoid blasting if at all possible. So --  
 16 MR. LYNCH: But if it is  
 17 needed, do you give warning to the local  
 18 neighbors?  
 19 THE WITNESS (Centore): All  
 20 the proper notifications would be made as  
 21 part of that process.  
 22 MR. LYNCH: Okay.  
 23 And is the tower going to be  
 24 built to be expandable?  
 25 THE WITNESS (Centore): We --

1 mobiles that doesn't use LTE.  
 2 MR. LYNCH: So that would be  
 3 just voice and text only, no LTE?  
 4 THE WITNESS (Laredo): Yes,  
 5 for 850 megahertz frequency for now.  
 6 MR. LYNCH: And will,  
 7 eventually, down the road, that become part  
 8 of this site's -- in your network, both the  
 9 1900 and the 850 frequencies, will be  
 10 incorporated somewhere in the future in this  
 11 site, or no?  
 12 THE WITNESS (Laredo): It  
 13 depends on the need for additional capacity,  
 14 maybe the 1900 megahertz frequency. I don't  
 15 see any plan yet for the 850 megahertz  
 16 frequency.  
 17 MR. LYNCH: All right. And my  
 18 last question. I don't know if you can  
 19 answer it.  
 20 Is the FCC looking to put --  
 21 lease any of the other lower frequencies in  
 22 the coming future?  
 23 THE WITNESS (Laredo): I don't  
 24 know the answer to that question.  
 25 MR. LYNCH: I figured I'd ask.

1 And thank you, Mr. Chairman.  
 2 THE CHAIRPERSON: Mr. Hannon  
 3 has an additional question.  
 4 MR. HANNON: I want to get a  
 5 clarification based on a question that was  
 6 asked earlier about ledge at the roadway, but  
 7 yet, the map, C-1A, talks about removing the  
 8 existing stone wall.  
 9 Is it ledge or a stone wall?  
 10 THE WITNESS (Centore): Carlo  
 11 Centore.  
 12 There's a stone wall on top  
 13 the ledge.  
 14 MR. LYNCH: Okay.  
 15 THE WITNESS (Centore): That's  
 16 a pretty -- pretty good embankment there  
 17 that's got to get cut out.  
 18 MR. LYNCH: Okay. Thank you.  
 19 THE WITNESS (Centore): Uh-huh.  
 20 THE CHAIRPERSON: Yes, Mr.  
 21 Lynch.  
 22 MR. LYNCH: I did have one  
 23 more question.  
 24 Mr. Centore, I'm going to  
 25 parrot what Mr. Hannon said over here about

1 information I can share with you, at this  
 2 point. We did take a quick look at some of  
 3 the -- the typical avian resources.  
 4 The nearest important bird  
 5 area to the site is Eisenhower Park, which is  
 6 located 5.2 miles to the south. So we're not  
 7 proximate to an important bird area.  
 8 The tower, proposed tower  
 9 facility, generally complies with the U.S.  
 10 Fish and Wildlife guidance on -- on siting  
 11 and constructing telecommunication  
 12 facilities. It's a relatively short facility  
 13 at a hundred feet. It's unguided. It's  
 14 unlit. But we can provide the Council with a  
 15 more detailed analysis of avian resources.  
 16 DR. KLEMENS: I -- I'm not --  
 17 I'm not sure. I think, in a way you've  
 18 answered the questions I had about the  
 19 important bird area and the guide tower. And  
 20 the only other -- I mean, if the Council  
 21 wishes, that's a Council decision. I don't  
 22 see a necessity, personally, based on what's  
 23 in the record now. The area is not in a  
 24 forest. It's an existing cleared area.  
 25 The only other thing I would

1 the usage of the fuel for the emergency  
 2 generator.  
 3 And your response to Number 3  
 4 is kind of confusing. If you could just  
 5 develop a better response to that. You know,  
 6 what is continuous use, and what is normal  
 7 use, and so on?  
 8 In your answer to Mr. Hannon,  
 9 if you could incorporate that, I'd appreciate  
 10 it.  
 11 Thank you.  
 12 THE CHAIRPERSON: Dr. Klemens.  
 13 DR. KLEMENS: I did -- I did  
 14 have one question I forgot to ask. I'll ask  
 15 it now. In many other of the applications  
 16 that -- that are submitted, we see this whole  
 17 analysis about birds and compliance with the  
 18 fish and wildlife service, bird guidelines,  
 19 and the proximity to important bird areas, et  
 20 cetera.  
 21 That was noticeably absent in  
 22 this submission. Is it coming still.  
 23 THE WITNESS (Gustafson): .If  
 24 the Council would like a full avian analysis,  
 25 we can provide that. I do have some

1 ask you to opine on is whether or not there  
 2 could be potential of any grassland birds  
 3 associated with that Wetland Number 3, and if  
 4 there are things such as bobolink and that --  
 5 the attraction area may be too small for  
 6 them.  
 7 But, in your opinion, even if  
 8 they were, would there be any impacts to  
 9 grassland birds by the construction of that  
 10 tower, in your professional judgment?  
 11 THE WITNESS (Gustafson): To  
 12 determine if -- if those grassland areas are  
 13 supporting grassland and bird species, it  
 14 would -- it would certainly require some  
 15 additional analysis. Understanding of the  
 16 management of that property and the timing  
 17 that they cut hay, it probably doesn't  
 18 provide suitable time for those species to  
 19 develop nesting, certainly, chicks to full  
 20 fledge. So that would certainly have -- just  
 21 the management of the property would have an  
 22 effect on the ability to support grassland  
 23 bird species.  
 24 That given, though, even if it  
 25 did, the proposed project wouldn't have a

1 likely adverse effect to -- to grassland bird  
2 species. The -- the access road is -- is  
3 running along the margin of -- of the  
4 maintained hayfield, so I wouldn't anticipate  
5 any -- any direct impact. But, you know, we  
6 could certainly provide a further analysis of  
7 that, and if necessary, you know, during --  
8 if construction is going to be occurring  
9 during the nesting period or peak nesting  
10 period for grassland bird species, you know,  
11 a survey, a brief survey could certainly be  
12 performed to ensure that there -- we're not  
13 impacting any -- any nesting birds in that  
14 area.

15 DR. KLEMENS: I think that's a  
16 very responsive response.

17 Thank you.

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

20 THE CHAIRPERSON: Just out of  
21 curiosity, does whatever you want to call it,  
22 a faux pine or a monopine, do birds have any  
23 interest in that? I mean, is there any --  
24 for any reason?

25 THE WITNESS (Libertine): I

1 for approximately 12 years, and there has  
2 never been a bird nest in it, nor have we  
3 found in the numerous monopine towers that we  
4 have where there is a bird nest.

5 Contrary to that, on all of  
6 our monopole towers that are located near the  
7 waterways, we have numerous osprey nests. We  
8 have a raven's nest. We've had a red hawk,  
9 but nothing on the monopines. They seem to  
10 like the monopoles a lot better.

11 DR. KLEMENS: You did open the  
12 door for something I was -- I was thinking  
13 about, actually, earlier on with this bark.

14 Do you have any evidence on  
15 these faux bark trees? We -- all the time,  
16 we hear about the importance of exfoliating  
17 bark for bats and it's always an issue of  
18 trees being taken out.

19 Do you have any evidence that  
20 bats use the rugosities in this bark in these  
21 faux trees?

22 THE WITNESS (Libertine): I'll  
23 start and let Dean jump in as well.

24 Mike Libertine.

25 My experience is -- the simple

1 don't -- I'll let Mr. Gustafson jump in. My  
2 experience has been there's no more  
3 attraction or less than what we've seen. I  
4 think if there was a faux pine closer to  
5 larger bodies of water where we've seen  
6 ospreys, particularly along the coastal and  
7 river environments, they might utilize it,  
8 but I can only speak anecdotally.

9 Having seen several of these,  
10 we haven't seen them being utilized for  
11 nesting, perching certainly, but for nesting  
12 no more or less than we see -- probably less  
13 than we've seen of the standard monopole  
14 certainly along the coast.

15 THE CHAIRPERSON: I guess, Dr.  
16 Klemens, I've opened some kind of a door  
17 here.

18 DR. KLEMENS: You opened the  
19 door, yes.

20 THE WITNESS (Carter): I -- I  
21 can -- I can add to that.

22 Sandy Carter.

23 We have a monopine located up  
24 in Brattleboro, Vermont, and it's adjacent to  
25 the Connecticut River. And it's been there

1 answer is no. I don't have a vast amount of  
2 experience looking for that. But I will say,  
3 the way these are designed, it is a surface  
4 that is highly dimpled and there are  
5 recessions and protuberances; however,  
6 there's not necessarily an easy avenue to get  
7 under the skin or under a natural bark. So  
8 it doesn't have the same capacity or the same  
9 characteristics.

10 That's not to say that, over  
11 time, it could break down and there might be  
12 a way for a bat to take advantage of it.

13 I -- I just haven't -- and we certainly read  
14 literature and try to stay up, and we talk to  
15 technicians who are out of these sites, and  
16 we just haven't experienced that. But I  
17 suppose there's always an opportunity at --  
18 at some point.

19 THE WITNESS (Gustafson):  
20 Yeah. Just to jump on for a little bit what  
21 Mr. Libertine was talking about, typically,  
22 the -- the bark design on these -- these  
23 monopine stealth poles, the crevices don't  
24 provide enough cover for bat habitat.

25 That being said, though, I've

1 done some research on -- on -- in areas where  
2 facilities have been designed in other parts  
3 of the state -- or not other parts of the  
4 state -- other parts of the country, even as  
5 close as in New York. There's probably more  
6 sensitivity because of increased bat habitat.  
7 They've actually used specific bark designs  
8 in these towers to promote bat habitat. So  
9 it -- it hasn't been our experience that  
10 they've utilized the designs we've seen so  
11 far, but they're -- they -- I have seen  
12 mitigation being used to design bark to  
13 provide bat habitat.

14 DR. KLEMENS: That's actually  
15 very interesting to file away for the future.  
16 Thank you.

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

19 THE CHAIRPERSON: I usually  
20 try to close doors not open them, but this  
21 was an interesting discussion.

22 Just a couple of questions.

23 Did any of the other carriers express any  
24 interest in collocating at some future date?

25 THE WITNESS (Carter): Sandy

1 town's zoning rules regarding setbacks. But  
2 I wasn't sure what the distance from the  
3 tower to the nearest property line was. Was  
4 that corrected earlier today?

5 MR. BALDWIN: I think the  
6 reference was to the nearest residence, which  
7 was 70 feet.

8 THE WITNESS (Centore): The  
9 nearest property line is noted on here.

10 MR. MERCIER: I see it as  
11 145 feet. So, in that case, it would not  
12 comply with the town's setback of -- well, in  
13 here it's written as 200. But I believe  
14 it's -- according to the rules that was  
15 submitted, it's 225.

16 MR. BALDWIN: You're correct.

17 MR. MERCIER: Thank you.

18 THE CHAIRPERSON: Okay. Okay.  
19 The Council -- somebody -- Ms. Carter, are  
20 you --

21 THE WITNESS (Carter): No, I  
22 said, we stand corrected. I apologize for  
23 that.

24 THE CHAIRPERSON: Okay.  
25 The Council will recess until

1 Carter.

2 We reached out to the other  
3 carriers, and there has been no interest, at  
4 this time, in this tower.

5 THE CHAIRPERSON: Okay.

6 And I must state that your  
7 response to Question Number 4 about shared  
8 generator use, I'm probably -- I know I'm  
9 reading way too much into it. But it appears  
10 that when you're asking if -- if any other  
11 carrier would have any interest in sharing,  
12 and you state the answer is no, they're not  
13 even interested in sharing, but just by  
14 asking -- the way you asked the question or  
15 the way you wrote the response sounds like  
16 Verizon might not be so opposed to the idea,  
17 as we've heard from some others. I guess  
18 that's a comment, unless you want to comment  
19 on it, rather than a question.

20 And I guess, the body language  
21 says volumes on that one.

22 With that -- oh, yes.

23 MR. MERCIER: I do have one  
24 clarification. I believe it was stated  
25 earlier that the facility would meet all the

1 7 p.m., at which time we'll commence the  
2 public portion of the hearing.

3 Thank you.

4 (Whereupon, the above  
5 proceedings were adjourned at 4:58 p.m.)  
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1 CERTIFICATE  
2 I hereby certify that the foregoing 117  
3 pages are a complete and accurate  
4 computer-aided transcription of my original  
5 verbatim notes taken of the Council Meeting  
6 in Re: DOCKET NO. 448, CELLCO PARTNERSHIP  
7 D/B/A VERIZON WIRELESS APPLICATION FOR A  
8 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
9 AND PUBLIC NEED FOR THE CONSTRUCTION,  
10 MAINTENANCE, AND OPERATION OF A  
11 TELECOMMUNICATIONS FACILITY LOCATED AT 831  
12 DERBY MILFORD ROAD, ORANGE, CONNECTICUT,  
13 which was held before ROBERT STEIN,  
14 Chairperson, at the Shelton City Hall, City  
15 Hall Auditorium, 54 Hill Street, Shelton  
16 Connecticut, Thursday, July 17, 2014.

16 Robert G. Dixon, CVR-M 857  
17 Court Reporter  
18 UNITED REPORTERS, INC.  
19 90 Brainard Road, Suite 103  
20 Hartford, Connecticut 06114  
21  
22  
23  
24  
25

1 I N D E X  
2 WITNESSES MICHAEL LAWTON  
3 MICHAEL LIBERTINE  
4 DEAN GUSTAFSON  
5 SANDY CARTER  
6 JAMIE LAREDO  
7 CARLOS F. CENTORE  
8 HARRY M. ROCHEVILLE, JR. - Page 11  
9



<p style="text-align: center;"><b>A</b></p> <p><b>ability</b> 48:22          109:22</p> <p><b>able</b> 66:12 83:19          83:22 90:4          98:7</p> <p><b>aboveground</b>          32:20</p> <p><b>abruptly</b> 20:9</p> <p><b>absence</b> 10:20</p> <p><b>absent</b> 107:21</p> <p><b>absolutely</b> 56:7</p> <p><b>abstention</b> 9:7</p> <p><b>abutters</b> 12:5,7          12:8,10,11,13          12:14 18:17,21          19:5</p> <p><b>abutting</b> 12:19          93:16</p> <p><b>access</b> 19:17          20:21 21:3          39:25 53:2          56:11 69:5          73:22 75:11          110:2</p> <p><b>accommodate</b>          64:5 101:24</p> <p><b>accommodating</b>          43:19</p> <p><b>accurate</b> 16:15          53:21 78:3          118:2</p> <p><b>achieve</b> 92:15</p> <p><b>acquired</b> 31:16</p> <p><b>acres</b> 15:19</p> <p><b>act</b> 4:21 33:3,8</p> <p><b>action</b> 77:17</p> <p><b>activities</b> 70:21          80:7 83:21          85:3</p> <p><b>activity</b> 54:13          76:14 78:24          82:17</p> <p><b>actual</b> 30:7 43:6          43:14 66:22</p>	<p>68:7 80:19</p> <p><b>add</b> 48:8 90:20          90:21 111:21</p> <p><b>addition</b> 9:11</p> <p><b>additional</b> 12:23          24:16 26:3          34:18 64:21          65:3 77:16          82:20 93:15          105:13 106:3          109:15</p> <p><b>additionally</b>          14:4</p> <p><b>address</b> 14:24          58:7 90:21</p> <p><b>addresses</b> 40:14</p> <p><b>adhesive</b> 46:2</p> <p><b>adjacent</b> 22:21          22:23 111:24</p> <p><b>adjoining</b> 30:2</p> <p><b>adjourned</b>          117:5</p> <p><b>adjust</b> 24:12</p> <p><b>administration</b>          15:12</p> <p><b>administrative</b>          4:21</p> <p><b>administrativ...</b>          9:20 10:1</p> <p><b>admission</b> 17:24</p> <p><b>admitted</b> 18:4</p> <p><b>adopt</b> 17:3</p> <p><b>adult</b> 83:9</p> <p><b>advantage</b> 23:5          23:17 113:12</p> <p><b>adverse</b> 29:5          32:10 110:1</p> <p><b>advocate</b> 51:17</p> <p><b>aerial</b> 18:12,16          18:23 36:1          54:3,22 56:7</p> <p><b>aesthetically</b>          51:23</p> <p><b>affect</b> 27:24          30:16</p>	<p><b>afloat</b> 29:17</p> <p><b>afternoon</b> 4:2          10:17 103:7</p> <p><b>afternoons</b> 5:19</p> <p><b>age</b> 53:20</p> <p><b>agency</b> 88:20</p> <p><b>agenda</b> 5:15</p> <p><b>agree</b> 50:21          77:12,23 78:1          78:5</p> <p><b>agreement</b>          32:10</p> <p><b>agricultural</b>          73:18 74:8</p> <p><b>ahead</b> 104:1</p> <p><b>air</b> 15:14 87:24          87:25,25</p> <p><b>albert</b> 3:2 6:25</p> <p><b>allow</b> 27:18          71:17 81:14          95:21</p> <p><b>allowed</b> 6:1 7:14</p> <p><b>allpoints</b> 10:23          11:9</p> <p><b>alteration</b> 81:25          82:3</p> <p><b>altering</b> 21:21</p> <p><b>alternate</b> 9:1</p> <p><b>alternation</b>          81:25</p> <p><b>amendments</b>          13:19</p> <p><b>amnesty</b> 88:20</p> <p><b>amount</b> 42:19          86:18 113:1</p> <p><b>amphibian</b> 81:6</p> <p><b>analog</b> 67:6</p> <p><b>analysis</b> 24:10          24:12,14          107:17,24          108:15 109:15          110:6</p> <p><b>analyst</b> 2:15          4:17</p> <p><b>analyzing</b> 57:8</p>	<p><b>anecdotally</b>          111:8</p> <p><b>angle</b> 30:5</p> <p><b>answer</b> 27:4          35:13 47:2          56:6 58:9 63:7          105:19,24          107:8 113:1          115:12</p> <p><b>answered</b> 34:1          68:18 86:8          102:8 108:18</p> <p><b>antenna</b> 99:23          100:1</p> <p><b>antennas</b> 41:2          43:17 45:3,18          45:20 46:16,23          47:19 48:1          49:23 51:22</p> <p><b>anticipate</b> 33:19          54:11 76:12          86:15 103:12          110:4</p> <p><b>anticipation</b>          32:16</p> <p><b>anybody</b> 100:8</p> <p><b>ap</b> 54:23</p> <p><b>apologize</b> 7:2          31:9 116:22</p> <p><b>appear</b> 8:1</p> <p><b>appears</b> 19:17          81:2 115:9</p> <p><b>applicant</b> 5:12          9:12,18 10:3          18:6 33:5</p> <p><b>applicants</b> 12:3          16:1 17:24</p> <p><b>application</b> 1:6          4:22 5:3,8 12:8          12:12,20 14:5          15:5,15 16:2          18:12 31:22          34:24 52:24          56:23 57:3          60:17 62:7</p>	<p>64:8 68:21          69:4 71:21          72:10 99:16          118:4</p> <p><b>applications</b>          83:22 85:11          88:12 107:15</p> <p><b>appreciate</b>          39:20 92:22          107:9</p> <p><b>appreciated</b>          90:17</p> <p><b>approach</b> 37:2          49:13</p> <p><b>appropriate</b>          29:2 48:4          57:10 96:1</p> <p><b>approve</b> 7:6</p> <p><b>approved</b> 85:11</p> <p><b>approximately</b>          4:5 20:25          28:25 69:7,19          70:9,20 112:1</p> <p><b>april</b> 74:21,24          75:24 80:20          81:17</p> <p><b>apron</b> 21:4,7,13          21:15 22:19</p> <p><b>aquatic</b> 16:7,10</p> <p><b>archaeological</b>          32:13 33:12          54:17 55:14,19          55:22 56:9</p> <p><b>archeological</b>          32:23</p> <p><b>area</b> 20:21,23          21:17 25:7,11          26:4 28:11,12          28:20 39:9          56:1 58:21          59:6,18 61:5          61:15,18,19          62:11 69:8,13          70:8,19,19          73:13 75:1,4</p>
--	--	--	--	--

79:2 80:5,21 81:1,3 82:11 82:23 83:2,9 84:21 93:8,21 93:24,25 95:15 108:5,7,19,23 108:24 109:5 110:14 <b>areas</b> 23:11 24:18 34:10 36:16 40:10 41:16 42:1 48:15 49:5,5 49:11,15 55:10 55:11 73:21 107:19 109:12 114:1 <b>argument</b> 66:20 <b>army</b> 85:19,23 <b>arrays</b> 46:20 <b>arrow</b> 27:11 <b>article</b> 15:7,8 71:5 <b>ashton</b> 102:13 103:3 <b>asked</b> 12:9 34:22 35:10 38:12 41:3 46:18 48:18 57:22 65:14 86:8 99:11,13 99:15 106:6 115:14 <b>asking</b> 87:21 99:20 115:10 115:14 <b>aspect</b> 85:14 <b>assessments</b> 78:9 <b>assignment</b> 19:10 86:24 <b>assist</b> 13:4 <b>associated</b> 35:23 52:21 53:18 69:11 109:3	<b>association</b> 99:18,20 <b>assume</b> 44:3 98:8,17 <b>assuming</b> 94:20 103:9 <b>attached</b> 101:18 <b>attachment</b> 83:5 <b>attempt</b> 93:15 <b>attend</b> 99:3 <b>attendance</b> 99:6 <b>attention</b> 9:15 <b>attorney</b> 2:13 4:16 5:13 7:18 10:4 99:8 <b>attraction</b> 109:5 111:3 <b>auditorium</b> 1:14 118:8 <b>authority</b> 4:13 71:6 <b>availability</b> 63:17 <b>available</b> 5:16 5:17 102:9 <b>avenue</b> 113:6 <b>avian</b> 107:24 108:3,15 <b>aviation</b> 15:11 <b>avoid</b> 80:8 83:20 84:25 103:15 <b>aware</b> 32:3 44:16 <b>awareness</b> 80:1 <b>aws</b> 63:22 <b>aye</b> 9:4,5 <hr/> <b>B</b> <hr/> <b>b</b> 1:5,18 2:17 4:22 11:13,24 14:19 118:4 <b>bachman</b> 2:11 4:15 7:18,19 11:20 <b>back</b> 5:16 25:13	28:10,16 30:22 36:22 37:9,19 42:6 45:10 46:6 48:9,19 48:20,24 49:25 51:12 54:6 55:4 63:7 65:16 75:25 87:22 90:23 94:10 97:16 104:7 <b>background</b> 41:12 <b>backing</b> 89:16 <b>backup</b> 86:14 88:1,8 <b>backyards</b> 40:5 <b>baldwin</b> 2:23 5:13 9:22 10:4 10:7 11:22 13:3,10,12,14 13:16,18 14:15 15:2,21,24 16:13,20,22,24 17:1,3,8,11,14 17:17,20 19:11 34:11,20 35:4 58:6 59:2,13 59:14 60:4,23 99:8,10,19,24 100:5,10 116:5 116:16 <b>balloon</b> 29:12,13 29:17,19 30:1 30:25 39:5,8 39:12,14 <b>barbara</b> 2:7 3:3 7:2 <b>bark</b> 47:8,11 48:12,14,23 49:3,8 50:11 50:18 51:5,11 51:18 112:13 112:15,17,20 113:7,22 114:7	114:12 <b>barn</b> 36:4 <b>base</b> 22:6 56:7 80:15 91:2 <b>based</b> 43:13 53:12 76:16 78:17 80:19 81:2 84:12 88:18 106:5 108:22 <b>basic</b> 54:22 <b>basically</b> 44:9 44:21 58:12 61:23 67:6,21 <b>basin</b> 22:7 92:1 <b>basins</b> 22:5,11 22:17 89:7 90:6,8 <b>basis</b> 39:3 56:12 <b>bat</b> 113:12,24 114:6,8,13 <b>bats</b> 112:17,20 <b>began</b> 74:20 <b>beginning</b> 1:16 19:17 <b>behalf</b> 33:16 <b>believe</b> 26:12 31:22 33:23 34:19 35:9,12 50:5 51:4,9 53:16 77:5,8 81:23 85:21 115:24 116:13 <b>bell</b> 2:7 4:13 7:9 52:6,7 53:8 54:14 56:15,18 58:7,18 59:3 60:1,14,21 61:6,16 63:6 65:7,8,14,23 66:22 67:25 68:12 <b>beneficial</b> 48:11 50:2 <b>benefit</b> 6:4	41:25 <b>benefits</b> 56:22 <b>berchem</b> 3:5 <b>berm</b> 97:17 <b>bespuda</b> 18:22 19:6 <b>best</b> 16:16 <b>better</b> 37:1 46:9 92:2 93:14 107:5 112:10 <b>beyond</b> 10:20 21:20 31:6 45:15 61:14 75:6,23 <b>biological</b> 75:3 78:14 <b>biologist</b> 53:13 <b>bird</b> 107:18,19 108:4,7,19 109:13,23 110:1,10 112:2 112:4 <b>birds</b> 107:17 109:2,9 110:13 110:22 <b>bit</b> 10:9 18:25 29:12,24 30:11 30:24 31:1,8 35:20 42:11 46:15 47:4 49:20 82:25 88:8 92:5 101:21,22,25 113:20 <b>blanket</b> 23:4 <b>blasting</b> 103:10 103:13,15 <b>blob</b> 52:12 53:3 <b>block</b> 94:2 <b>blotches</b> 37:25 <b>blown</b> 45:14 <b>blows</b> 91:8 <b>bobolink</b> 109:4 <b>bodies</b> 111:5 <b>body</b> 115:20
--	--	---	--	--

<b>boilerplate</b> 87:23	98:11	<b>carries</b> 9:10	21:6,14,24	1:19 4:1 6:22
<b>bothers</b> 12:7	<b>built</b> 43:11,13	<b>cars</b> 30:22	22:4,12,14,22	7:10,17 8:8,13
<b>bottom</b> 15:9	47:11 63:13	<b>carter</b> 11:1	23:8,22 24:9	8:20,25 9:6,9
16:4 18:14	103:24 104:4	13:12,13 15:2	25:12,24 26:17	9:24 13:1
<b>box</b> 16:8,11	<b>bulk</b> 45:19	15:3 16:22,23	27:14,17 28:3	17:22 18:1
84:16,19,25	<b>C</b>	17:11,12 31:18	72:15,16,21	33:23 50:4
85:5	<b>c</b> 2:1,7,23 3:1,5	31:19 34:12	86:20 87:4,7	52:6 61:2
<b>brainard</b> 118:16	11:13,16,17,17	43:21,22 44:5	87:17 88:15	65:10 68:14
<b>branches</b> 44:10	11:18	44:8,20 47:10	89:2,21 90:1	86:5,10 98:25
49:1 51:20	<b>c1</b> 12:6,22	47:14 63:18,19	90:18,19 91:4	102:6 106:2,20
<b>branching</b> 49:11	<b>c1a</b> 72:1 89:4	71:12,13,22	91:16 92:10,14	107:12 110:20
<b>brattleboro</b>	102:11 106:7	87:14 104:2,3	92:24 93:4,13	111:15 114:19
111:24	<b>calculation</b>	111:20,22	94:4,7,15,23	115:5 116:18
<b>break</b> 113:11	36:15	114:25 115:1	95:4 97:5	116:24 118:8
<b>breakdown</b>	<b>call</b> 4:3 9:15	116:19,21	100:9 102:10	<b>challenge</b> 35:23
37:13	48:22 52:12	119:5	102:17 103:4	<b>challenges</b> 35:24
<b>breeding</b> 81:7	59:11,11,12	<b>case</b> 8:17,19	103:11,19,25	<b>change</b> 10:9,10
81:10,10 82:17	62:21,24 67:10	33:14 49:7	106:10,11,15	<b>changing</b> 24:15
82:22 83:7	67:17 68:2	51:15 56:2	106:19,24	28:7
<b>brief</b> 5:22	84:7 110:21	65:17,20 66:11	116:8 119:7	<b>characteristics</b>
110:11	<b>called</b> 11:19	116:11	<b>certain</b> 51:13	24:15 113:9
<b>bring</b> 7:23 20:2	<b>calling</b> 63:12,17	<b>catch</b> 22:5,7,11	64:10 77:18	<b>characterize</b>
46:15 92:11	<b>calls</b> 32:6	22:16 92:1	<b>certainly</b> 7:21	73:15
<b>bringing</b> 51:20	<b>cant</b> 8:11 52:17	<b>cause</b> 28:18 92:3	29:16 35:20	<b>check</b> 16:8
<b>broken</b> 19:24	57:19 59:10,10	<b>cedar</b> 26:10	37:17,19 38:6	36:23 39:19
20:6	<b>canyouhearm...</b>	<b>cell</b> 62:14 73:12	40:10 42:14	<b>checked</b> 16:8
<b>bronson</b> 44:22	63:12	<b>cellco</b> 1:5 2:17	46:14 47:25	31:12
<b>brought</b> 19:25	<b>capability</b> 89:13	4:22 5:12 11:1	48:2 73:21	<b>chicks</b> 109:19
41:1	<b>capacity</b> 56:21	11:5 45:2 47:8	79:18 101:12	<b>chipping</b> 20:17
<b>brown</b> 40:17,18	56:25 57:5	72:4,6,10,11	109:14,19,20	<b>circles</b> 54:23
41:2,13 48:25	61:8 62:9,22	72:18 73:14	110:6,11	55:18
49:21,22,23	62:23 63:16,25	118:4	111:11,14	<b>citizen</b> 5:18
51:11	64:9 65:20	<b>cemetery</b> 34:17	113:13	<b>city</b> 1:13,14 6:16
<b>brushy</b> 25:11	105:13 113:8	34:19,21 49:18	<b>certificate</b> 1:6	118:8,8
<b>brushytreed</b>	<b>car</b> 39:6	91:20 92:7	4:23 118:1,5	<b>clarification</b>
25:7	<b>carlo</b> 10:14	93:3,17 97:3	<b>certify</b> 118:2	66:25 89:5
<b>buffer</b> 28:23	19:25 72:15	97:15 99:18,20	<b>cetera</b> 107:20	97:23 106:5
43:3 51:17	90:18 106:10	<b>centek</b> 10:15	<b>chair</b> 52:8 68:13	115:24
95:10	<b>carlos</b> 119:7	20:1	68:16 86:13	<b>clarify</b> 60:7
<b>buffered</b> 55:15	<b>carrier</b> 64:21	<b>centerline</b> 30:3	<b>chairman</b> 4:7	<b>classification</b>
<b>buffers</b> 28:25	115:11	<b>centore</b> 10:14,16	7:20 9:23 10:8	16:5
<b>build</b> 64:8	<b>carriers</b> 44:14	13:8,9,21,22	11:22 12:25	<b>clean</b> 21:17
<b>building</b> 59:12	44:16 114:23	16:17,18 17:6	17:20 34:2,12	<b>cleanup</b> 102:9
<b>buildings</b> 73:10	115:3	17:7 19:23,25	106:1	<b>clear</b> 8:10 30:1
		20:13,18,24	<b>chairperson</b>	54:20,21 67:2

<p><b>cleared</b> 79:2                  93:22,23                  108:24  <b>clearing</b> 79:2  <b>clears</b> 56:8                  70:25  <b>clerks</b> 6:16,17  <b>client</b> 48:18  <b>close</b> 79:9 114:5                  114:20  <b>closed</b> 89:9  <b>closer</b> 48:15                  111:4  <b>closest</b> 14:6                  56:25 69:24                  70:4  <b>club</b> 44:23  <b>coast</b> 111:14  <b>coastal</b> 111:6  <b>coding</b> 68:7  <b>cole</b> 2:19 5:14  <b>collocating</b>                  114:24  <b>color</b> 55:13  <b>coloring</b> 49:21  <b>come</b> 26:13 63:6                  84:19 88:11  <b>comes</b> 8:1 55:20                  62:19  <b>comfortable</b>                  55:7  <b>coming</b> 49:1                  92:23 105:22                  107:22  <b>commence</b>                  117:1  <b>comment</b> 6:1,6                  6:12 7:11,14                  7:18 44:21                  52:13 59:15                  66:23,24 88:18                  115:18,18  <b>commenting</b>                  99:21  <b>comments</b> 10:2</p>	<p>65:24  <b>commission</b>                  34:22  <b>commissioner</b>                  4:10  <b>communication</b>                  5:6  <b>company</b> 102:19  <b>comparable</b>                  67:21  <b>compare</b> 74:9  <b>compatibility</b>                  1:7 4:24 118:5  <b>competitively</b>                  57:19 58:1,11  <b>complete</b> 32:16                  118:2  <b>completed</b> 33:15                  33:16  <b>completely</b> 67:9                  67:11  <b>compliance</b> 33:4                  77:18 107:17  <b>complies</b> 108:9  <b>comply</b> 71:15                  116:12  <b>complying</b> 71:7                  71:11,20  <b>compound</b> 23:1                  24:4 26:15                  27:9 31:5                  45:15 69:12,20                  94:2,5,12 95:1  <b>comprehensive</b>                  77:25 85:15  <b>computeraided</b>                  118:3  <b>conceal</b> 51:21  <b>concealing</b>                  43:20  <b>concede</b> 74:12  <b>concentrated</b>                  92:9  <b>concentric</b>                  37:19</p>	<p><b>concern</b> 26:20                  49:17 93:16  <b>concerned</b> 90:12                  93:1  <b>concerns</b> 91:17  <b>concluded</b> 32:20                  33:17  <b>concludes</b> 85:25  <b>conclusion</b>                  33:20 76:18  <b>concrete</b> 96:15  <b>concur</b> 33:19  <b>condition</b> 92:20  <b>conditions</b> 29:22  <b>condominiums</b>                  51:7  <b>conducted</b> 32:24                  39:4 80:20  <b>confirm</b> 19:11  <b>confirmation</b>                  8:23  <b>confusing</b> 107:4  <b>conical</b> 101:18  <b>connecticut</b> 1:1                  1:2,11,15 2:21                  3:7 4:7,20 5:3                  6:25 31:16                  33:10 43:7,13                  44:10 55:15,23                  84:13 95:15                  111:25 118:7,9                  118:17  <b>connection</b>                  91:11  <b>connectivity</b>                  74:13 79:20  <b>conservative</b>                  37:2 40:7  <b>consider</b> 8:7,11                  28:22 34:23                  73:18,24,25                  74:2 79:21                  83:13 101:15  <b>considerable</b>                  74:12</p>	<p><b>consideration</b>                  28:13 88:21  <b>considering</b>                  41:2 68:25                  78:18  <b>consist</b> 10:12  <b>constitute</b> 15:14  <b>constructing</b>                  108:11  <b>construction</b> 1:8                  4:25 80:7                  83:20 85:2                  91:1 102:22                  109:9 110:8                  118:5  <b>consultant</b>                  33:16  <b>consultations</b>                  33:7 78:6  <b>consumed</b> 86:18  <b>contacted</b> 32:6  <b>contained</b> 16:14                  54:2  <b>contd</b> 3:1  <b>content</b> 88:4  <b>continue</b> 6:12                  13:2 19:14                  24:22  <b>continues</b> 96:14  <b>continuing</b> 9:14                  29:10  <b>continuous</b>                  107:6  <b>contractor</b> 80:1                  85:6  <b>contrary</b> 112:5  <b>controls</b> 80:6  <b>convenience</b>                  6:17  <b>converts</b> 67:14  <b>copies</b> 5:15,17  <b>coppola</b> 3:9                  17:25  <b>corner</b> 19:2,8                  54:20</p>	<p><b>corporation</b>                  10:24  <b>corps</b> 85:19,23  <b>correct</b> 12:14                  16:11 30:12,14                  67:13 68:9                  71:24 74:22,24                  76:3 94:10                  116:16  <b>corrected</b> 12:13                  13:24 71:5                  72:17 116:4,22  <b>correction</b> 14:9                  14:17 15:23                  16:1 55:2  <b>corrections</b>                  13:19 14:14                  15:5 16:14  <b>correctly</b> 55:1  <b>corridor</b> 82:7  <b>cost</b> 54:24  <b>couldnt</b> 51:11  <b>council</b> 1:2,13                  2:2,10 4:4,7,8                  5:4,7,7,18 6:8                  8:6 9:5,20 10:1                  12:2 37:3                  57:18 58:4                  71:6 79:25                  99:12 107:24                  108:14,20,21                  116:19,25                  118:3  <b>councils</b> 5:17  <b>count</b> 14:10  <b>counted</b> 88:23  <b>counting</b> 36:25  <b>country</b> 44:23                  114:4  <b>couple</b> 88:19                  98:14 114:22  <b>court</b> 118:15  <b>cover</b> 58:22                  61:20 83:5                  113:24</p>
--	--	--	---	---

<b>coverage</b> 56:22 61:7,12 62:12 100:18 104:10	<b>dammed</b> 98:15	<b>delivers</b> 61:15	37:23 38:1	<b>dirt</b> 94:18,24
<b>covering</b> 61:14	<b>daniel</b> 2:5	<b>delivery</b> 63:11	82:21 95:21	<b>discussed</b> 50:7
<b>coverings</b> 48:14	<b>dash</b> 102:11,11	63:14	98:7 109:12	<b>discussion</b> 35:2
<b>covers</b> 58:22	<b>data</b> 54:5 59:17	<b>demonstrate</b>	<b>determined</b> 54:8	101:15 104:8
<b>create</b> 19:21	60:9,11,15	65:19	<b>develop</b> 107:5	114:21
20:5 21:17	61:9,10,15,19	<b>density</b> 41:6	109:19	<b>discussions</b>
25:14 88:22	62:18,23,23	45:19	<b>developed</b> 63:21	53:12
<b>created</b> 24:18	63:11,14,25	<b>dep</b> 85:11	73:4,16,23	<b>disguised</b> 50:12
28:16 93:23	64:4,11 66:7	<b>department</b>	74:2	<b>dispersal</b> 29:2
<b>crevices</b> 113:23	66:16 67:4,11	4:10 77:10	<b>development</b>	<b>dissipate</b> 23:21
<b>criteria</b> 70:3,6	67:15 68:2,11	95:18	31:15 70:10,21	24:20
<b>cross</b> 21:22	75:11,13	<b>depends</b> 23:6	73:6,13,14,19	<b>dissonance</b> 69:1
22:25 72:7	<b>database</b> 53:25	74:7 105:13	73:24,25 74:10	<b>distance</b> 13:23
<b>crossdrainage</b>	55:17 56:11	<b>depicted</b> 14:22	78:23 80:2,5	14:6 38:16
24:1	76:6 77:2,7	36:17 54:5	81:14 95:23	48:16 51:13
<b>crossexaminat...</b>	78:7	<b>depicting</b> 53:20	97:7	69:7,11,17
18:6	<b>date</b> 6:8 9:1	59:19	<b>devices</b> 64:3	70:6 96:1
<b>crossexamine</b>	114:24	<b>deposited</b> 6:15	<b>devlin</b> 3:5	116:2
7:25	<b>dated</b> 7:3 75:14	<b>depression</b>	<b>didn't</b> 73:5 75:25	<b>distances</b> 37:20
<b>crossexamining</b>	88:9	80:23,25	78:17 81:14	68:22,22 69:3
8:18	<b>daylights</b> 98:18	<b>derby</b> 1:10 5:2	93:22 97:12,12	<b>distant</b> 95:22
<b>cryptic</b> 83:14	<b>days</b> 6:8	14:2,8 19:19	100:2,2 104:18	96:6 98:10
<b>cultural</b> 33:18	<b>dealing</b> 89:14	20:21 31:2	<b>difference</b> 30:19	<b>distinction</b> 36:4
<b>culvert</b> 80:24	<b>dealt</b> 57:21	53:1 69:6	31:5,8	36:12 51:14
96:16	<b>dean</b> 11:7 95:12	97:19 102:24	<b>differences</b>	<b>distributed</b> 12:1
<b>curbing</b> 22:20	112:23 119:4	118:7	89:11	79:13
<b>curiosity</b> 110:21	<b>decision</b> 108:21	<b>describe</b> 19:20	<b>different</b> 37:20	<b>disturbance</b>
<b>cut</b> 20:4,22	<b>deep</b> 2:3 49:1	27:22 29:12	60:23 67:9,11	33:13
21:20 106:17	90:8	<b>description</b> 73:3	68:6,8	<b>ditch</b> 23:19
109:17	<b>deeps</b> 55:16	96:13,20 98:1	<b>difficult</b> 23:10	<b>diversity</b> 53:25
<b>cvrn</b> 118:15	<b>deficiencies</b>	<b>design</b> 24:6,8	35:17,25 51:14	55:17 76:6
<b>cycled</b> 87:5	58:12	43:14 44:2,9	<b>difficulttocont...</b>	77:2,6
	<b>definitely</b> 26:19	44:22 113:22	23:11	<b>dixon</b> 118:15
	<b>degree</b> 79:21	114:12	<b>dimpled</b> 113:4	<b>docket</b> 1:4 54:3
	<b>delineate</b> 70:4	<b>designed</b> 24:19	<b>direct</b> 75:16	57:22,25 59:22
	70:17 96:7	113:3 114:2	91:10 96:24	118:4
	<b>delineating</b>	<b>designee</b> 2:3,4	110:5	<b>document</b> 75:15
	69:23 82:18	4:9,9,12	<b>directed</b> 93:2	95:18 96:7
	<b>delineation</b> 16:3	<b>designs</b> 114:7,10	<b>direction</b> 42:22	<b>documents</b> 10:2
	52:23 68:24	<b>detail</b> 21:9 93:11	92:18	<b>doesn't</b> 53:6,6,23
	69:18 75:7,10	<b>detailed</b> 108:15	<b>directly</b> 48:12	90:9 102:19
	82:15 96:25	<b>determination</b>	53:1 55:20	105:1 109:17
	<b>deliver</b> 62:18,23	32:9 77:3	69:5 91:9	113:8
	<b>delivering</b> 61:8	78:21 80:16,19	<b>director</b> 2:12	<b>doing</b> 47:4,25
	61:9	<b>determine</b> 24:6	4:16	51:21 59:22

72:13 76:25 <b>dont</b> 12:9 37:17 39:24 40:4 44:15 45:21 46:25 47:23,24 51:2 57:10,14 58:21,24 63:16 66:2 69:16 72:25 77:8,20 84:6 86:22 92:2,8 94:12 94:19 98:3 99:19 100:14 100:25 102:13 103:12,13 105:14,18,23 108:21 111:1 113:1,23 <b>door</b> 61:6 111:16,19 112:12 <b>doors</b> 114:20 <b>doubling</b> 95:21 <b>downward</b> 26:7 <b>dr</b> 2:6,7 4:13,13 7:9,12,13,22 8:2,12 52:6,7 53:8 54:14 56:15,18 58:7 58:18 59:3 60:1,14,21 61:6,16 63:6 65:7,8,11,12 65:14,23 66:1 66:22 67:25 68:12,14,15 69:21 70:22,25 71:19,24 72:20 72:23 73:17 74:1,11,17,20 75:2,9,16,23 76:4,9,21 77:12,22 78:5 78:12 79:4,11 80:11 81:8,12	81:20 82:4 83:10,18 84:5 85:4,10,16,24 107:12,13 108:16 110:15 111:15,18 112:11 114:14 <b>draconian</b> 84:7 <b>drafting</b> 72:16 <b>drain</b> 22:6 27:15 96:19 <b>drainage</b> 22:1 24:3,12 26:22 28:7 90:14 <b>draining</b> 96:17 <b>drains</b> 97:17 <b>drawing</b> 102:22 <b>drive</b> 19:22 20:12 53:2 59:17 69:6 <b>driveway</b> 91:20 92:7 93:3 <b>driving</b> 42:21 59:18 <b>drops</b> 19:18 <b>due</b> 24:17 64:2 76:5 <b>duly</b> 11:19 <b>duration</b> 42:24	27:9 <b>eastern</b> 84:25 <b>eastward</b> 26:15 <b>easy</b> 36:5 89:1 113:6 <b>edge</b> 28:24 31:4 82:18 <b>edges</b> 45:17 69:24 <b>education</b> 85:6 <b>effect</b> 29:5 32:11 32:11 56:2 62:19 109:22 110:1 <b>effective</b> 46:24 49:8,12,16,19 49:23,24 50:23 50:24 <b>effectively</b> 62:9 <b>effects</b> 28:19 32:21 <b>effort</b> 51:19 92:9 92:17 <b>eggs</b> 81:16 <b>eight</b> 29:21 <b>eighth</b> 31:6 <b>eileen</b> 2:8 <b>eisenhower</b> 108:5 <b>either</b> 20:11 22:15 23:4,5,9 23:9 41:5 55:11 79:10 98:9 <b>electronic</b> 56:11 <b>element</b> 51:3 <b>elements</b> 72:11 72:12 84:3 <b>elevation</b> 20:3 30:7,11 <b>elevations</b> 89:6 <b>embankment</b> 106:16 <b>emergency</b> 107:1	<b>employ</b> 85:5 <b>encountered</b> 77:16 <b>energy</b> 4:10 77:10 95:19 <b>engineer</b> 11:4 56:19 <b>engineering</b> 10:15,15 20:1 92:2 <b>engineers</b> 12:9 85:19 <b>ensure</b> 110:12 <b>enter</b> 27:12 <b>entire</b> 20:9,10 21:1 72:9 <b>entrance</b> 19:22 20:12 21:3 <b>environmental</b> 1:7 4:11,24 33:3 77:10 78:8 95:19 118:5 <b>environments</b> 111:7 <b>equally</b> 84:24 <b>equipment</b> 43:19 <b>equivalent</b> 74:4 <b>erosion</b> 28:19 80:6 <b>error</b> 15:18 53:9 72:14,16 <b>especially</b> 48:24 <b>esq</b> 2:11,23 3:9 <b>essentially</b> 36:15 42:10 59:17 78:20 84:2 97:14 101:23 <b>establish</b> 37:11 <b>estimate</b> 86:17 <b>estimated</b> 59:5,5 91:14 <b>estimation</b> 79:16	<b>et</b> 107:19 <b>evaluate</b> 26:25 48:20 95:24 <b>evening</b> 10:18 <b>events</b> 88:22 <b>eventually</b> 28:10 62:10 63:1,22 64:16 96:17 97:19 105:7 <b>evergreens</b> 93:25 <b>evidence</b> 57:11 57:13 80:22 81:17,19,24 112:14,19 <b>evolve</b> 64:17 104:10 <b>evolved</b> 61:13 <b>evolving</b> 63:11 <b>exactly</b> 58:8 66:21 <b>examined</b> 11:20 <b>example</b> 72:4 96:4 <b>excavation</b> 20:6 26:23 27:3 <b>excuse</b> 27:9 60:5 72:1 99:5 <b>execution</b> 83:23 <b>executive</b> 2:12 4:15 18:11 <b>exfoliating</b> 112:16 <b>exhausting</b> 62:5 62:12 <b>exhibit</b> 12:4,24 13:7,23 16:1 18:10 54:8 <b>exhibits</b> 11:23 12:24 13:5,20 16:15 17:4,21 17:24 18:3 <b>exist</b> 61:18 <b>existing</b> 10:2 22:7 25:9,11
---	--	--	--	--

56:25 73:9 92:20 106:8 108:24 <b>exists</b> 74:14 92:18 94:25 <b>exiting</b> 21:17 <b>expandable</b> 103:24 104:5 <b>expect</b> 66:10,19 87:2 <b>expected</b> 76:22 86:16 <b>expensive</b> 49:9 <b>experience</b> 41:20 49:4 79:12 84:12 111:2 112:25 113:2 114:9 <b>experienced</b> 113:16 <b>experiencing</b> 64:1 <b>explain</b> 27:25 68:25 103:3 <b>explained</b> 104:9 <b>exponential</b> 64:1 <b>express</b> 114:23 <b>extend</b> 53:6 <b>extreme</b> 19:7	<b>fair</b> 42:18,19 67:18 <b>fairly</b> 29:21 40:24 41:13 42:13,23 50:22 53:21 <b>fake</b> 45:2 <b>fall</b> 41:12 45:9 <b>familiar</b> 13:5 <b>family</b> 38:6 <b>far</b> 8:17 10:12 19:1 27:1 48:20,24 54:3 69:25 114:11 <b>farm</b> 18:15,17 73:10 82:24 96:16,21 98:11 98:12,15 <b>farmhouse</b> 73:9 <b>farming</b> 79:3 <b>farmland</b> 31:17 <b>faux</b> 41:4 49:19 110:22 111:4 112:15,21 <b>favor</b> 9:3 <b>fcc</b> 105:20 <b>feature</b> 22:19 40:23 <b>features</b> 22:2 33:18 <b>february</b> 34:6 <b>federal</b> 15:11 33:4 <b>feel</b> 36:25 46:8 78:3,21 84:22 <b>feet</b> 13:25 14:2,7 21:13,16 29:1 30:5,6 37:21 50:17 69:8,19 70:9,16,20 82:21 83:1 90:8 91:15,15 95:8,16,25 96:6 101:3,7 101:10,19,22	104:5 108:13 116:7,11 <b>felt</b> 95:20,25 <b>fence</b> 72:5 <b>field</b> 19:15 23:7 24:25 25:6 26:5,12 29:11 29:13 31:11 41:16,18 42:7 42:11 70:19 75:7 77:9,25 80:19 102:16 <b>fieldcheck</b> 40:5 <b>fields</b> 73:19 84:11 <b>fieldwork</b> 76:25 <b>fiftytwo</b> 87:18 <b>figure</b> 57:4 86:21 <b>figured</b> 105:25 <b>figures</b> 66:23 <b>file</b> 12:20 114:15 <b>filing</b> 31:23 <b>fill</b> 10:19 <b>final</b> 14:9 <b>finalize</b> 24:11 <b>finalized</b> 102:20 <b>find</b> 24:14 36:24 83:9 96:4 <b>fine</b> 58:2 91:3 <b>fingertips</b> 86:22 <b>firm</b> 10:15 <b>first</b> 6:19 11:19 14:20 15:12 30:23 70:11 73:2,2 <b>fish</b> 107:18 108:10 <b>fit</b> 92:2 <b>five</b> 8:3 10:16,20 14:12 <b>fixing</b> 45:16 <b>flag</b> 97:6 <b>flags</b> 69:9 <b>flattop</b> 50:11,19	101:17 <b>fledge</b> 109:20 <b>flimsy</b> 46:9 <b>float</b> 39:5 <b>floating</b> 39:12 <b>flow</b> 24:23 28:16 92:17 <b>flows</b> 90:23 98:13 <b>fly</b> 29:12 <b>flying</b> 29:20 30:10 <b>focus</b> 58:8 62:13 <b>folks</b> 49:17 55:6 <b>follow</b> 23:24 25:22 <b>following</b> 10:12 <b>follows</b> 11:21 <b>followup</b> 33:24 33:25 50:5 61:3 65:13 <b>foot</b> 38:16 49:6 <b>forecasting</b> 60:13,20 <b>foregoing</b> 118:2 <b>forest</b> 84:11 108:24 <b>forgot</b> 107:14 <b>formal</b> 9:12 <b>format</b> 56:13 <b>former</b> 79:1 <b>forth</b> 48:9 66:15 <b>fortified</b> 23:14 <b>found</b> 80:21 82:11 112:3 <b>four</b> 44:14 62:4 <b>frequencies</b> 64:15 105:9,21 <b>frequency</b> 63:21 63:22 64:20 65:3 68:5 104:9,12,24 105:5,14,16 <b>friend</b> 102:12 <b>friends</b> 6:5	<b>frogs</b> 82:11 83:6 83:9 <b>front</b> 42:7 47:1 76:10 <b>fuel</b> 86:18 88:4,6 107:1 <b>full</b> 8:16,17 17:21 107:24 109:19 <b>further</b> 31:23 42:11 43:2 46:16 49:22 50:1 51:20 52:4 59:15 62:11 82:25 98:23 110:6 <b>future</b> 55:3 63:16 64:21 65:5 105:10,22 114:15,24
<b>G</b>				
<b>f</b> 1:18 3:9 11:14 11:17 119:7 <b>faces</b> 45:18 <b>facilities</b> 5:1 47:9 108:12 114:2 <b>facility</b> 1:9 42:19 45:7,8 45:25 46:11 50:23 69:15,25 79:1 83:2 108:9,12 115:25 118:6				<b>g</b> 11:14 118:15 <b>gallons</b> 87:11 88:5,14 <b>gaps</b> 61:18 <b>garage</b> 36:5 <b>gasoline</b> 88:14 <b>gate</b> 25:2,9,15 <b>general</b> 4:20 6:25 87:1 104:23 <b>generally</b> 35:16 37:4,10 41:11 70:8,18 82:17 95:16,20 96:2 108:9 <b>generated</b> 28:5 28:14 43:6 <b>generator</b> 107:2 115:8 <b>generators</b> 86:14 88:1,8 <b>gentlemen</b> 4:2 <b>geographical</b>

84:14 <b>geotech</b> 103:13 <b>getting</b> 63:6,7 84:5,8 90:6,13 <b>gis</b> 56:13 <b>give</b> 37:3 65:19 103:17 <b>given</b> 6:9 7:16 58:23,24 86:17 109:24 <b>giving</b> 54:21 <b>glad</b> 61:5 <b>glenbrook</b> 18:21 <b>glenn</b> 3:3 7:2 <b>go</b> 10:20 21:16 23:25 24:3 33:5 36:22 37:19 49:10,25 51:18 52:15,15 53:13,15 69:25 75:25 78:22 87:22 94:10 96:22 104:1 <b>goes</b> 20:9 25:5,5 51:12 98:5,17 104:7 <b>going</b> 19:21,24 21:4,21 22:10 23:3 24:16 25:10 28:18 40:17,23 41:24 42:1,18 46:13 46:19 48:11 51:18 61:5,14 62:16,22 63:15 63:20 67:1 70:4 72:13,25 76:24 88:16 89:13,24,24 90:9 91:18,24 92:6 93:2 94:8 94:13,21,22,25 95:2 99:14 103:23 106:24 110:8	<b>good</b> 4:1 29:22 60:2 102:12 106:16 <b>grade</b> 20:2,20 21:1 22:21,23 25:20,22 27:15 <b>grading</b> 25:15 91:24 94:21 <b>grain</b> 48:17 <b>granted</b> 7:22 <b>graphic</b> 56:14 <b>grass</b> 23:14 27:8 28:15 <b>grassland</b> 109:2 109:9,12,13,22 110:1,10 <b>gravel</b> 21:5,9 <b>green</b> 54:23 <b>ground</b> 30:7 33:13 45:24 47:20 <b>grouping</b> 7:6 <b>growth</b> 64:1 66:8 <b>guess</b> 19:16 23:2 24:2 25:2 27:4 35:7,14 37:22 39:16 49:14 58:20 59:6,8 65:10 71:4 89:19 91:14 111:15 115:17 115:20 <b>guidance</b> 95:18 108:10 <b>guide</b> 5:18 108:19 <b>guideline</b> 95:9 <b>guidelines</b> 107:18 <b>gustafson</b> 11:8 13:16,17 15:24 15:25 17:1,2 17:17,18 28:21 29:8 52:9,20	53:11 69:2 70:7,23 73:8 73:20 74:6,15 74:18,23 75:5 75:12,19 76:2 76:7,19 77:4 77:19 78:2,10 78:16 79:8,17 80:18 81:9,18 82:1,13 83:16 84:1,18 85:9 85:12,20 86:3 95:12,13 96:10 96:23 97:2,10 97:24 98:6,21 107:23 109:11 110:18 111:1 113:19 114:17 119:4 <b>gut</b> 36:23 <hr/> <b>H</b> <hr/> <b>h</b> 1:18 11:13,18 11:18 <b>habitat</b> 16:7,10 74:3,13 79:16 83:7 84:9,10 113:24 114:6,8 114:13 <b>half</b> 16:6 56:2 89:19 90:8 <b>hall</b> 1:14,14 118:8,8 <b>hand</b> 11:25 <b>hannon</b> 2:3 4:9 86:11,12 87:1 87:6,9,15,19 88:17 89:3,22 90:2,24 91:6 91:17 92:13,21 92:25 93:6 94:1,6,9,17 95:3,6 96:9,12 97:1,4,8,21,25 98:20,23 106:2	106:4,25 107:8 <b>happen</b> 88:16 104:12 <b>happened</b> 56:10 88:18 <b>happening</b> 68:4 <b>happens</b> 27:23 28:1 45:7 64:14 <b>happy</b> 44:3 86:23,24 <b>hard</b> 40:24 <b>harry</b> 10:13 100:13 119:8 <b>hartford</b> 2:21 118:17 <b>hasnt</b> 114:9 <b>hatchet</b> 18:19 <b>havent</b> 66:3 102:18 111:10 113:13,16 <b>hawk</b> 112:8 <b>hay</b> 109:17 <b>hayfield</b> 73:25 78:25 80:25 110:4 <b>hazard</b> 15:14 <b>heading</b> 42:22 <b>heads</b> 43:18 46:21 <b>hear</b> 104:18 112:16 <b>heard</b> 45:3 55:4 115:17 <b>hearing</b> 4:18 5:21 6:10,15 9:16,25 10:10 10:18 11:23 13:6 117:2 <b>height</b> 31:9 104:5 <b>held</b> 1:13 4:18 34:6 118:7 <b>help</b> 64:9 <b>helpful</b> 38:19	47:1 80:12 <b>hereof</b> 6:8 <b>heres</b> 87:21 <b>hideous</b> 47:22 <b>high</b> 87:20 <b>higher</b> 30:6,11 30:25 101:3,7 <b>highly</b> 113:4 <b>hill</b> 1:14 26:7 27:24 43:2 118:8 <b>historic</b> 31:24 32:2,11,19 33:8 55:5,21 56:1,9 <b>holden</b> 19:6 <b>home</b> 37:9 40:8 <b>homes</b> 35:18 36:14 39:10 <b>homework</b> 19:9 86:23 <b>honestly</b> 23:9 <b>hoods</b> 90:11 <b>hopefully</b> 33:20 <b>hopping</b> 82:11 <b>host</b> 42:8 <b>hour</b> 29:23 <b>hours</b> 86:16 87:2,12,19 88:3,13,23 <b>housatonic</b> 53:5 <b>house</b> 19:3 <b>housekeeping</b> 102:9 <b>houses</b> 74:4 <b>hundred</b> 50:16 82:21 95:16 101:3,7,10 108:13 <b>hundredfoot</b> 69:10 <b>hurricanes</b> 45:12 <b>hydraulic</b> 81:24 <b>hydro</b> 81:5,13
--	--	--	--	---



<b>hydrology</b> 81:1 <hr/> <b>I</b> <b>icing</b> 91:19 <b>id</b> 4:2 12:24 18:9 51:19 86:22 105:25 107:9 <b>idea</b> 41:1 115:16 <b>identification</b> 12:3 <b>identified</b> 14:22 52:22 69:13 70:10 85:22 93:8 98:3 <b>identify</b> 69:17 70:8 78:18 <b>identifying</b> 35:18 <b>ii</b> 11:24 <b>ill</b> 7:17 19:14,16 28:19,19 48:22 52:12 54:9,9 59:14 90:20 107:14 111:1 112:22 <b>im</b> 4:6 18:14 19:5 21:9 26:17,25 27:12 36:15 40:12 42:2,5,5 44:16 46:9 47:23 49:7 55:12 58:18 61:5 63:5,5,7,7 72:25 81:23 84:5,7 86:24 87:21 88:5 89:22 90:12 91:3 92:25 94:20 99:24 101:4,13 102:16,24 103:9 104:15 106:24 108:16 108:17 115:8,8	<b>imitation</b> 99:9 100:18 <b>immediate</b> 10:22,25 62:14 <b>impact</b> 80:9 83:24 110:5 <b>impacting</b> 110:13 <b>impacts</b> 54:12 76:13 95:24 109:8 <b>impervious</b> 24:17,17 <b>implement</b> 84:23 <b>implementing</b> 79:22 85:14 <b>importance</b> 112:16 <b>important</b> 107:19 108:4,7 108:19 <b>impossible</b> 37:7 <b>inbuilding</b> 59:9 <b>inch</b> 89:11 <b>inches</b> 91:7 <b>include</b> 21:10 26:22 34:23 39:18 40:1 70:1 79:25 99:15 <b>included</b> 12:12 99:11 <b>includes</b> 73:9 <b>including</b> 5:24 13:7 <b>incorporate</b> 84:3 107:9 <b>incorporated</b> 105:10 <b>incorrect</b> 14:23 30:24 <b>increase</b> 31:9 <b>increased</b> 114:6 <b>indicate</b> 35:16	<b>indicated</b> 64:7 96:3 <b>indicates</b> 71:17 <b>indicating</b> 55:14 <b>indicator</b> 36:9 <b>information</b> 12:15 16:14 17:4 55:16,20 56:9,10 57:18 57:23 58:1 77:5,7,24 108:1 <b>infrastructure</b> 67:23 <b>inhouse</b> 57:6,8 <b>initial</b> 75:24,24 <b>initially</b> 63:20 64:11 <b>injury</b> 85:1 <b>inlet</b> 97:9 <b>inquiries</b> 61:11 <b>inset</b> 35:18 37:24 <b>insofar</b> 71:14,22 <b>install</b> 22:10 <b>installation</b> 79:25 80:6 <b>instance</b> 52:17 67:16 70:14 <b>intact</b> 33:17 <b>intended</b> 72:17 95:5 <b>intent</b> 12:20 <b>intention</b> 19:20 20:2 23:12 28:18 <b>interest</b> 110:23 114:24 115:3 115:11 <b>interested</b> 115:13 <b>interesting</b> 84:10 114:15 114:21 <b>interests</b> 44:15	<b>interior</b> 82:19 82:21 <b>intermittent</b> 97:16 <b>internet</b> 67:17 <b>interpretation</b> 35:25 36:10 <b>interpreted</b> 55:1 <b>interrogatories</b> 35:10 <b>interrogatory</b> 12:18 14:18 <b>interrupted</b> 94:25 <b>intervenor</b> 6:11 9:19 17:23 <b>interveners</b> 3:2 5:11,24 7:7 8:16 9:13 <b>intervention</b> 6:24 7:15,24 8:4 <b>introduced</b> 28:8 92:16 <b>introduction</b> 68:21 <b>inundation</b> 80:21,22 <b>inventory</b> 56:8 <b>invert</b> 89:6,11 <b>investigation</b> 32:13 70:12,19 74:25 75:7,13 77:9 <b>investigations</b> 75:3 78:1 <b>involved</b> 48:13 103:10 <b>ip</b> 67:22 <b>isnt</b> 36:5 81:6 83:4 <b>isolation</b> 80:1 <b>issue</b> 8:4 34:21 50:1 77:20 112:17	<b>issues</b> 43:16 <b>issuing</b> 88:7 <b>item</b> 14:18 <b>items</b> 9:15,17,19 11:24 19:15 <b>ive</b> 29:21 45:6,6 48:9,13 59:22 75:18 111:16 113:25 <hr/> <b>J</b> <b>j</b> 11:15 <b>jacqueline</b> 3:3 7:2 <b>jagged</b> 66:17 <b>jamie</b> 11:3 60:6 61:21 67:19 100:20 104:13 119:6 <b>jill</b> 3:4 7:3 <b>join</b> 6:5 <b>jr</b> 2:5 11:18 119:8 <b>judgment</b> 109:10 <b>july</b> 1:15 4:4 7:3 118:9 <b>jump</b> 111:1 112:23 113:20 <b>jurisdiction</b> 85:23 <b>jurisdictional</b> 85:18 <hr/> <b>K</b> <b>keep</b> 23:12 89:20 92:20 <b>ken</b> 59:14 <b>kenneth</b> 2:23 5:13 <b>kid</b> 46:6 <b>kind</b> 18:18 19:18 22:19 23:2,19,19 35:17 36:23
--	--	--	--	--

41:12 44:17 46:8 49:14 55:12 58:25 90:12,16 92:18 97:22 107:4 111:16 <b>klemens</b> 2:6 4:13 7:12,13 7:22 8:2,12 65:11,12 66:1 68:14,15 69:21 70:22,25 71:19 71:24 72:20,23 73:17 74:1,11 74:17,20 75:2 75:9,16,23 76:4,9,21 77:12,22 78:5 78:12 79:4,11 80:11 81:8,12 81:20 82:4 83:10,18 84:5 85:4,10,16,24 107:12,13 108:16 110:15 111:16,18 112:11 114:14 <b>knew</b> 41:9,10 <b>know</b> 20:9 27:25 29:1 31:4,19 31:20 35:10 36:3 37:13 38:1,12 39:16 39:18 41:17 45:15,21 46:24 47:24 53:13 58:21,25 59:1 61:12,13 66:3 66:5 70:15 72:25 78:19 79:3 81:10 83:11 86:20 89:18 90:25 93:22 100:3 102:18 105:18	105:24 107:5 110:5,7,10 115:8 <b>knowledge</b> 16:16 <hr/> <b>L</b> <hr/> <b>l</b> 1:18 11:13,13 11:15,17,18,18 <b>labeled</b> 72:11 <b>labeling</b> 72:3 <b>lack</b> 65:21 93:14 <b>ladies</b> 4:2 <b>land</b> 24:21 <b>landlord</b> 38:3,6 <b>landowners</b> 12:19,21 <b>landscape</b> 84:20 <b>landscaping</b> 49:1 <b>language</b> 78:19 87:23 115:20 <b>laredo</b> 11:4 13:14,15 15:21 15:22 16:24,25 17:14,15 59:15 60:5,6,18 61:1 61:21,22 62:2 62:8,25 63:4 64:18,25 65:4 66:21 67:19,20 68:10 100:17 100:20,21,25 101:4,9 104:7 104:13,14,20 105:4,12,23 119:6 <b>large</b> 25:3 37:25 <b>larger</b> 111:5 <b>larry</b> 2:4 <b>late</b> 10:10 <b>law</b> 5:9 <b>lawton</b> 119:2 <b>lead</b> 22:16 25:20 46:6	<b>leads</b> 64:13 <b>lease</b> 105:21 <b>leave</b> 8:9 10:16 <b>leaves</b> 39:1,5 42:15 <b>ledge</b> 19:18,21 19:24 20:9 103:9 106:6,9 106:13 <b>left</b> 10:13,22 16:11 94:22 95:2 <b>lefthand</b> 54:19 <b>legacy</b> 104:25 <b>legend</b> 56:5 102:14 <b>length</b> 29:1 39:7 78:22 <b>letter</b> 32:17 33:21 54:7 76:5,10 78:17 <b>level</b> 21:23 23:1 23:25 24:5,7 24:11 26:8 28:9,13,24 29:4 33:12 72:7 91:13 92:16,19,19 93:7 <b>levesque</b> 2:4 4:11 99:1,2,7 99:17,22,25 100:7,16,23 101:2,6 102:2 <b>libertine</b> 10:23 13:10,11 14:15 14:16 16:20,21 17:8,9 29:15 29:18 30:13,18 32:1 33:1 34:1 35:19,21 37:16 38:4,10,17,25 39:21 40:21 41:21 43:9 44:12 45:5	46:3 48:7 50:6 50:9,13,20 52:1 54:15,25 56:16 99:2,4,5 101:11,13 102:4 110:25 112:22,24 113:21 119:3 <b>likelihood</b> 84:15 <b>limited</b> 39:2 42:24 <b>limits</b> 53:19 <b>linda</b> 18:22 <b>line</b> 14:20 27:8 35:12 38:23 39:13 66:18 67:1 116:3,9 <b>lines</b> 25:20,22 36:8 66:8 <b>lineup</b> 10:11 <b>list</b> 12:8,11,13 65:14 69:16 <b>listed</b> 11:23 12:21 13:6 69:7 71:16 77:15 78:18 <b>listing</b> 13:6 <b>lists</b> 14:10 <b>literally</b> 45:23 <b>literature</b> 113:14 <b>little</b> 18:25 24:16 27:11 29:12,24 30:11 30:25 31:8 42:11 46:15 47:4 49:20 52:11 66:16 82:25 83:3 92:2 93:1,11 101:21,25 113:20 <b>llp</b> 2:19 <b>local</b> 71:6,21 103:17	<b>located</b> 1:10 5:2 14:1 47:16 52:25 54:4 60:12 69:14 70:16 73:10,12 79:5,9 108:6 111:23 112:6 118:6 <b>location</b> 30:6,23 30:24 39:9 41:14 43:8 59:20 <b>locations</b> 41:7 41:25 43:4 62:13 <b>long</b> 81:6 91:3 <b>longer</b> 87:25 88:7 <b>look</b> 26:20 27:5 40:19,24 41:10 42:16 47:4,21 47:25 57:5,7 60:19 66:17 75:25 90:10 101:25 102:10 108:2 <b>looked</b> 26:6 46:4 47:21 55:8 90:15 <b>looking</b> 18:14 27:7 58:8,16 58:18 61:17 63:8 91:3 93:12 105:20 113:2 <b>looks</b> 18:18 54:16 66:4,6 83:2 92:6 <b>lose</b> 48:21 <b>lot</b> 36:2,8,19 45:14 46:20 49:6 83:5 92:5 103:8 112:10 <b>lower</b> 16:6 19:7 105:21
---	--	---	---	--

<p><b>lowered</b> 20:11  <b>lowsulfur</b> 88:4  <b>lte</b> 63:2,24 64:21                      65:3 67:13,23                      105:1,3  <b>lynch</b> 2:5 4:13                      7:8 8:14,22                      33:24,25 50:5                      50:6,10,15                      51:25 61:3,4                      61:25 62:6,15                      63:3,5 64:13                      64:23 65:2,6,9                      67:1,4 101:16                      102:6,7 103:2                      103:6,16,22                      104:6,18 105:2                      105:6,17,25                      106:14,18,21                      106:22</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>m</b> 1:16 2:8 4:5                      5:21,21 11:13                      11:15,18 21:11                      24:13 102:21                      117:1,5 119:8  <b>macinnes</b> 3:3,4                      7:3,3  <b>maintain</b> 24:22                      92:17  <b>maintained</b>                      56:12 78:25                      110:4  <b>maintenance</b>                      1:8 4:25 88:24                      118:6  <b>major</b> 91:19  <b>majority</b> 78:24  <b>making</b> 36:3                      101:25  <b>management</b>                      109:16,21  <b>manager</b> 11:1  <b>manhole</b> 98:2,3</p>	<p><b>manipulated</b>                      101:23  <b>manner</b> 83:23  <b>manufacturer</b>                      43:14 45:22                      47:24  <b>map</b> 12:6,8,10                      12:15 18:17                      19:5 26:9                      35:14,15 37:24                      52:10,18 54:16                      54:22 89:4                      96:25 98:14                      106:7  <b>mapping</b> 52:23                      53:14,16,21  <b>maps</b> 36:18                      53:10 54:4,4                      57:7,14 59:4,7                      59:14,16  <b>margin</b> 53:9                      110:3  <b>mario</b> 3:9  <b>marked</b> 9:16                      26:10 52:16  <b>mashantucket</b>                      33:11  <b>match</b> 12:9  <b>matches</b> 12:11  <b>mated</b> 75:14  <b>material</b> 47:18                      47:20 58:5  <b>materials</b> 54:2  <b>math</b> 86:21  <b>matter</b> 101:25  <b>matters</b> 7:23                      86:1  <b>mckay</b> 76:11,20                      76:24,24  <b>mean</b> 68:4 70:1                      79:15 87:20                      89:10,12 91:6                      96:18,19 99:25                      108:20 110:23  <b>means</b> 27:13</p>	<p><b>measure</b> 30:4  <b>measures</b> 84:22                      90:21  <b>mechanical</b>                      20:16  <b>meet</b> 53:24 57:4                      115:25  <b>meeting</b> 1:13 4:3                      34:5,6,8,13                      99:3,6 118:3  <b>megahertz</b> 65:1                      104:24 105:5                      105:14,15  <b>melanie</b> 2:11                      4:15  <b>member</b> 5:6,7  <b>members</b> 2:2                      4:8,14 10:12                      38:6  <b>mention</b> 35:1  <b>mentioned</b>                      60:10,16,16                      102:15  <b>mentioning</b>                      100:14  <b>mercier</b> 2:14                      4:17 11:25                      18:7,8 19:13                      20:8,15,19                      21:2,12,19,25                      22:9,13,18,24                      23:18 24:2,24                      25:23 26:5                      27:6,16,19                      29:7,10 30:9                      30:15 31:13,21                      32:22 34:3,15                      34:25 35:5                      37:12,22 38:8                      38:15,18 39:15                      40:15 41:15                      43:5,15 44:1,7                      44:11,25 46:1                      47:7,13 48:5                      52:3 115:23</p>	<p>116:10,17  <b>merits</b> 5:8  <b>metal</b> 51:12  <b>method</b> 23:9                      67:7,14 68:1,6  <b>michael</b> 2:6                      119:2,3  <b>middletown</b>                      47:16 48:3  <b>mike</b> 10:23                      29:18 35:20                      99:5 101:13                      112:24  <b>mile</b> 31:7 56:2  <b>miles</b> 108:6  <b>milford</b> 1:10 5:2                      14:2,8 19:19                      20:22 31:2                      53:1 69:6                      97:19 102:24                      118:7  <b>minimize</b> 80:8  <b>minutes</b> 87:5,16  <b>misinterpreta...</b>                      31:10  <b>missed</b> 102:16                      104:11  <b>mitigate</b> 90:5  <b>mitigation</b>                      114:12  <b>mobile</b> 59:9,11  <b>mobiles</b> 105:1  <b>model</b> 40:1  <b>modifications</b>                      13:19  <b>modify</b> 87:23  <b>mohegans</b> 33:10  <b>monopine</b>                      100:15 110:22                      111:23 112:3                      113:23  <b>monopines</b>                      112:9  <b>monopole</b> 41:2                      49:22 111:13</p>	<p>112:6  <b>monopoles</b>                      112:10  <b>month</b> 66:14,15                      87:3  <b>monthly</b> 56:12                      57:7 59:4                      60:10  <b>months</b> 66:13  <b>morning</b> 29:21                      29:22  <b>morph</b> 64:17  <b>moses</b> 3:5  <b>motion</b> 6:23 7:5                      7:11,22 8:15                      8:24 9:2,9  <b>move</b> 27:1 43:2                      49:22 51:10                      72:23 82:5  <b>moved</b> 7:8 29:13                      30:3  <b>movement</b> 74:3  <b>multiple</b> 36:2                      46:19</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>n</b> 2:1 3:1 11:13                      11:14,14,16,17                      119:1  <b>name</b> 4:6 40:13  <b>names</b> 12:14  <b>national</b> 33:3                      55:24  <b>natural</b> 53:25                      55:16 76:6                      77:1,6 93:19                      102:1 113:7  <b>nature</b> 37:15                      43:19 79:13,23                      88:25 90:6,12                      90:13  <b>navigation</b>                      15:15  <b>ndd</b> 52:10 53:10  <b>nddb</b> 53:3</p>
--	---	--	---	---

<b>near</b> 16:4 43:1 50:1 112:6	22:11 43:17 54:16 64:12	<b>numerous</b> 112:3 112:7	115:22	114:20
<b>nearest</b> 13:24 28:25 69:12	68:1 89:7,15 114:5	<hr/> <b>O</b> <hr/>	<b>okay</b> 6:22 8:12 9:2,24 12:25	<b>opened</b> 61:6 111:16,18
96:8 108:4 116:3,6,9	<b>newest</b> 44:24	<b>o</b> 1:18 11:14,15 11:17,17,18	18:1 20:15,19 21:19 22:9,13	<b>operating</b> 88:24
<b>necessarily</b> 45:18 51:3	<b>normal</b> 88:24 107:6	<b>oak</b> 25:3,4,8	22:24 25:23 27:16,21 30:9	<b>operation</b> 1:9 5:1 74:8 79:3
77:24 113:6	<b>north</b> 28:12 38:21 62:10	<b>oath</b> 10:6	30:15 31:21 32:22 34:15,25	118:6
<b>necessary</b> 6:11 9:1 22:3 77:17	64:9 69:14 83:1 104:16,22	<b>oaths</b> 11:21	35:5,7 38:8 39:15 40:15	<b>opine</b> 109:1
78:22 110:7	<b>northbound</b> 42:23	<b>object</b> 17:23	43:15 44:1,7 44:11 47:13	<b>opinion</b> 51:24 109:7
<b>necessity</b> 108:22	<b>northeast</b> 97:7	<b>objection</b> 9:19 83:12	48:5 52:12 54:14 56:15	<b>opportunity</b> 32:15 40:4 113:17
<b>need</b> 1:7 4:24 10:16 19:24	<b>northwest</b> 23:2 97:14	81:15	58:2 59:2 60:4 61:1 66:23	<b>opposed</b> 9:6 115:16
24:7 26:2 27:1 62:10 65:15,20	<b>notation</b> 16:9 27:10,13	<b>observations</b> 75:21 80:20	68:12 71:25 76:21 81:20	<b>optimize</b> 62:11
87:22 89:23 92:8 101:10	<b>note</b> 5:23 6:3 21:22 23:3	<b>observe</b> 75:21 82:16	85:16,24 87:6 89:2 90:24	<b>oral</b> 5:22
105:13 118:5	94:10	<b>observed</b> 75:6 75:10 81:3	92:13 94:6 95:3,6 97:1,21	<b>orange</b> 1:10 5:2 6:16 62:10 64:8 71:8
<b>needed</b> 103:17	<b>noted</b> 75:21 116:9	<b>obsolete</b> 64:16	98:20 100:7 102:2 103:22	104:16,22 118:7
<b>needing</b> 87:13 103:12	<b>notes</b> 118:3	<b>obstruction</b> 15:14	104:23 106:14 106:18 115:5	118:7
<b>needles</b> 45:3	<b>noticeably</b> 107:21	<b>obtain</b> 100:17	116:18,18,24 104:25	<b>oranges</b> 71:3
<b>needs</b> 13:24 14:6 14:11 57:5	<b>noticed</b> 9:21 30:21 69:22	<b>obviously</b> 31:4 49:16	104:25 104:25	<b>order</b> 4:3 64:5 104:24
72:17 88:11	72:2	<b>occur</b> 19:21 33:7	106:18 115:5 116:18,18,24	<b>original</b> 12:6 30:22 118:3
<b>negative</b> 54:11 76:13	<b>notices</b> 10:1	<b>occurring</b> 110:8	<b>old</b> 43:25 46:5 50:22 61:11	<b>originally</b> 30:10 40:25
<b>neighboring</b> 8:5 34:18	<b>notifications</b> 103:20	<b>occurs</b> 78:25	63:12 67:5,14 68:3,6 82:24	<b>osprey</b> 112:7
<b>neighbors</b> 6:5 103:18	<b>notify</b> 12:17	<b>oclock</b> 10:17,21	104:25 104:25	<b>ospreys</b> 111:6
<b>nepa</b> 33:2	<b>number</b> 14:18 14:22,25 26:9	<b>odd</b> 72:2,2	<b>once</b> 49:21 51:13 87:5	<b>outlet</b> 80:24 97:13,13 98:2 98:8,17
<b>nest</b> 112:2,4,8	36:14 38:7 39:4,24 42:8	<b>offer</b> 11:11 12:2 13:20 17:21	51:13 87:5 93:22	<b>outlets</b> 96:16
<b>nesting</b> 109:19 110:9,9,13	57:17 59:5,8 64:2,3 72:24	<b>office</b> 6:16,17 31:25 32:3,15	<b>ones</b> 38:2,3 42:7 43:11 70:3	<b>overall</b> 48:11 63:9
111:11,11	80:14 81:22 82:5 83:13	55:5,21,22 77:8	72:12 72:12	<b>overgrown</b> 82:25
<b>nests</b> 112:7	85:18 86:16 102:23 107:3	<b>official</b> 6:20	<b>onsite</b> 78:8	<b>overlay</b> 36:8
<b>network</b> 58:13 63:13 64:1	109:3 115:7	<b>officials</b> 34:9,17 34:17,21	<b>ooh</b> 72:1	<b>overpredict</b> 36:13 40:6
104:25 105:8	<b>numeral</b> 9:17	<b>offload</b> 62:9 64:9	<b>open</b> 35:2 42:13 42:17 48:16	<b>owned</b> 18:21
<b>never</b> 112:2		<b>offsite</b> 92:3	89:9 91:25 92:1 112:11	<b>owner</b> 51:16 93:17
<b>new</b> 13:7,23 18:10 20:22		<b>offtherecord</b> 5:6		
		<b>oh</b> 8:13 103:2		

<b>P</b>				
<b>p</b> 1:16 2:1,1,5 3:1,1,5 4:5 5:21,21 117:1 117:5	<b>particularly</b> 31:1 111:6	56:24	34:5,22 57:5 57:13 58:19,20 58:21,23 60:15 64:20 88:12	<b>possibility</b> 77:15
<b>page</b> 14:4,10,19 15:5,9,10,17 16:2,2,4 57:1 68:20 70:11 71:2,16 81:22 87:24 96:12 119:8	<b>parties</b> 5:23	<b>personal</b> 41:19		<b>possible</b> 25:8 26:14 103:15
<b>pages</b> 18:13 118:2	<b>partly</b> 35:22	<b>personally</b> 49:9 108:22		<b>possibly</b> 74:9 90:4
<b>painted</b> 51:12	<b>partnership</b> 1:5 2:17 4:22 5:12 11:2,5 72:5,6 72:10,19 118:4	<b>perspective</b> 49:18	<b>plans</b> 54:3 79:24	<b>post</b> 3:6
<b>painting</b> 40:17 48:1	<b>parts</b> 114:2,3,4	<b>phase</b> 102:21,22	<b>planting</b> 93:9,24	<b>potential</b> 35:3 41:3 56:2 79:19 80:8 95:24 109:2
<b>panel</b> 10:5,11 13:3	<b>party</b> 5:11 6:11 8:1	<b>phil</b> 84:6	<b>plateau</b> 20:10,11	<b>potentially</b> 31:24 35:11 40:7 41:1
<b>paragraph</b> 70:11 77:13	<b>path</b> 28:7 51:8 94:24,24	<b>phone</b> 32:6	<b>please</b> 13:1 19:19 27:25 29:11 62:1 73:7 93:10	<b>precise</b> 58:16
<b>parallel</b> 25:22	<b>pattern</b> 66:16	<b>photo</b> 39:3,3 99:11 101:20	<b>pleased</b> 45:22	<b>preclude</b> 77:14
<b>parcel</b> 34:10 73:4,4,6,9,15 73:16	<b>patterns</b> 28:4	<b>photograph</b> 14:22 18:12,16 18:23	<b>pleasing</b> 51:23	<b>predictive</b> 40:1
<b>parcels</b> 18:24 36:2	<b>paved</b> 21:4,7,17	<b>photographs</b> 36:1 43:4	<b>plus</b> 54:23,23	<b>predominantly</b> 38:5
<b>park</b> 42:11 49:5 108:5	<b>paving</b> 22:20,23	<b>photos</b> 41:16 42:5	<b>point</b> 5:10 20:4 21:25 37:17 39:22 44:13 55:7 58:13 62:20 83:20 103:12 108:2 113:18	<b>preliminary</b> 24:10 32:9
<b>parrot</b> 106:25	<b>pcs</b> 64:19	<b>physically</b> 39:6	<b>pointed</b> 26:7	<b>preparation</b> 13:4
<b>part</b> 7:24 20:6 24:1,13 27:2 31:17 33:4 34:23 39:17 48:19 52:22 60:19 62:7 75:15 76:5 79:3 80:3 84:23 95:1 103:1,21 104:10 105:7	<b>peak</b> 60:11 110:9	<b>pick</b> 29:24 39:13 41:9	<b>pointing</b> 27:11	<b>prepare</b> 13:4
<b>partially</b> 14:21	<b>people</b> 42:21 49:7 51:8	<b>picked</b> 82:2	<b>pole</b> 48:25 51:22 102:15,23,23	<b>prepared</b> 5:15
<b>participate</b> 6:1	<b>pequots</b> 33:11	<b>picking</b> 36:19 45:24	<b>poles</b> 113:23	<b>present</b> 4:15 10:4 63:24
<b>particular</b> 32:24 49:18 76:17	<b>perceive</b> 48:23	<b>picks</b> 97:16	<b>policy</b> 33:3	<b>presentations</b> 6:11
	<b>percent</b> 20:25 89:20	<b>picture</b> 35:18 40:20	<b>polygon</b> 36:18 55:18	<b>presented</b> 84:9 99:12
	<b>perching</b> 111:11	<b>pieces</b> 57:12	<b>pond</b> 18:15,17 81:4 82:24 96:16,21 98:9	<b>preservation</b> 31:17,25 32:3 33:8 55:5,21
	<b>perennial</b> 96:14	<b>pine</b> 41:4 99:9 100:3 110:22 111:4	<b>ponds</b> 70:2 98:16	<b>presumably</b> 59:7
	<b>performed</b> 74:25 77:9 110:12	<b>pipes</b> 50:25 94:13	<b>pool</b> 16:8 80:15 80:17 81:11,15 82:16,22 83:15 83:24	<b>pretty</b> 20:25 25:25 28:5 106:16,16
	<b>performing</b> 80:4	<b>pipe</b> 89:12 96:15 96:18,21 97:9 97:13 98:2,5,5 98:8	<b>population</b> 59:6	<b>previous</b> 12:14 79:24
	<b>perimeter</b> 45:25 83:4	<b>pipings</b> 90:23	<b>portion</b> 65:25 70:17 117:2	<b>primarily</b> 42:22 56:20
	<b>period</b> 81:5,5,13 110:9,10	<b>place</b> 42:16	<b>portions</b> 69:23 70:5 83:14	<b>primary</b> 24:14 51:5,9 55:11 56:24 61:5
	<b>periodically</b> 80:7	<b>places</b> 57:3	<b>position</b> 31:1 84:14,20	
	<b>permanent</b> 91:5	<b>plan</b> 12:6 24:13 79:22 83:19,22 84:4,24 85:15 105:15		
	<b>permit</b> 87:25	<b>planning</b> 8:16		
	<b>permits</b> 77:18 88:7			
	<b>perpendicular</b> 25:19			
	<b>person</b> 31:11			

<p><b>prior</b> 80:5 <b>private</b> 39:25 <b>probably</b> 31:6 32:17 41:10 42:5,15 46:6 49:19 53:10 55:2 58:9 81:23 88:11 109:17 111:12 114:5 115:8 <b>problem</b> 59:9 91:20 92:3 <b>problems</b> 43:24 45:13 56:25 85:14 88:22 <b>procedure</b> 4:21 <b>procedures</b> 5:18 <b>proceed</b> 5:14 <b>proceeding</b> 5:11 17:5 <b>proceedings</b> 117:5 <b>process</b> 33:3 103:21 <b>produce</b> 26:22 37:18 83:19 <b>products</b> 45:1 46:10 <b>professional</b> 11:9 41:19 79:12 84:12 109:10 <b>program</b> 9:16 10:10 11:24 13:6 31:17 33:4 87:25 88:20 <b>prohibited</b> 5:9 <b>project</b> 32:4,25 53:23 70:15 73:3 79:23 83:23 85:22 95:24 109:25 <b>projecting</b> 53:4 <b>prominent</b> 31:1</p>	<p><b>promote</b> 114:8 <b>promulgated</b> 33:2 <b>pronounced</b> 7:1 <b>proper</b> 100:17 103:20 <b>properties</b> 35:11 37:5 38:2 39:25 40:9 56:1 <b>property</b> 8:5 13:25 14:1,8 18:18 19:6 31:14,15 35:3 36:10,12,21 37:6 42:8 51:10,16 73:24 78:14 80:3 84:21 93:17 96:5 97:3 109:16,21 116:3,9 <b>proposal</b> 40:18 <b>proposed</b> 15:13 54:13 69:5,12 69:15,20 70:9 70:20 72:4,5,7 73:12,13,14 76:14 78:23 79:1 82:6 83:1 91:14 93:8 95:23 97:7 104:17,22 108:8 109:25 <b>proposing</b> 84:23 89:8,8 <b>proposition</b> 49:10 <b>protected</b> 25:1 27:2 58:4,10 58:14 <b>protection</b> 4:11 77:11 79:22 84:4,22,24 85:15 95:19</p>	<p><b>protective</b> 84:25 <b>protocol</b> 68:8 <b>protuberance</b> 52:11 <b>protuberances</b> 113:5 <b>provide</b> 12:10 29:2 57:10,15 78:19 93:10,15 107:25 108:14 109:18 110:6 113:24 114:13 <b>provided</b> 21:10 54:1,8,22 57:23 58:15 77:6 <b>provisions</b> 4:19 <b>proximate</b> 85:22 108:7 <b>proximity</b> 43:1 80:3 107:19 <b>public</b> 1:7 4:12 4:24 5:22 6:1,6 6:12,18,19 39:9 56:10 117:2 118:5 <b>publicly</b> 57:20 <b>pulling</b> 62:11 <b>pumping</b> 91:9 <b>pura</b> 2:4 <b>purely</b> 68:11 <b>purpose</b> 10:5 25:10 56:24 <b>purposely</b> 55:3 <b>purposes</b> 12:3 89:5 <b>pursuant</b> 4:18 <b>pushing</b> 43:24 <b>put</b> 30:3 37:19 44:9 45:2 46:22 55:3 56:13 65:16 66:2 71:9 90:10 91:2,21 92:8 93:24</p>	<p>105:20 <b>putting</b> 8:16,18 71:10 89:15 <b>pvc</b> 98:2</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>quality</b> 87:24 <b>quarter</b> 29:20 <b>question</b> 8:3 14:20 27:5 33:24 34:1 39:24 46:18 47:2 54:21 56:6,18 57:17 58:3 60:7 64:14 73:2 78:13 81:21 86:14 90:2 104:7 105:18 105:24 106:3,5 106:23 107:14 115:7,14,19 <b>questioning</b> 67:1 <b>questions</b> 34:4 35:8 52:4 65:14 68:18 86:8 89:4 98:24 102:8 108:18 114:22 <b>quick</b> 108:2 <b>quite</b> 23:8 51:3 68:17 72:25 93:21 <b>quote</b> 57:18</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>r</b> 1:18 2:1 3:1 11:13,15,16,16 11:17,17,18,18 11:18 <b>radar</b> 55:8 <b>radio</b> 43:18 46:21 67:10 68:7</p>	<p><b>radiofrequency</b> 11:4 <b>radius</b> 37:14,24 39:17 <b>rain</b> 91:7 <b>rainbow</b> 14:3,23 38:21 40:19 41:8 <b>rains</b> 27:22 <b>raised</b> 34:21 <b>rate</b> 24:21 <b>ravens</b> 112:8 <b>reach</b> 33:9 53:24 76:17 77:2 90:16 <b>reached</b> 115:2 <b>reaching</b> 62:5 <b>read</b> 8:14 14:7 14:21 15:13,19 27:20 54:9 76:10 113:13 <b>reading</b> 115:9 <b>real</b> 51:1 <b>realize</b> 92:4 <b>really</b> 33:2 40:4 42:16,25 48:10 48:21,22,24 49:4 66:2 72:10 89:15 92:6 101:24 <b>realm</b> 41:23 <b>reason</b> 51:9 71:10 87:21 110:24 <b>reasons</b> 40:25 50:24 51:5 <b>recall</b> 100:6,14 <b>received</b> 5:3 67:5 76:5 <b>receiving</b> 29:5 67:8,15 68:4 <b>recess</b> 5:20 116:25 <b>recessions</b> 113:5 <b>recognized</b></p>
---	--	--	--	--

95:17 <b>recommended</b> 95:17 <b>reconcile</b> 73:7 <b>record</b> 5:23 7:25 29:18 63:10 108:23 <b>red</b> 39:11,14 112:8 <b>reference</b> 14:5 15:7 116:6 <b>referred</b> 101:16 <b>referring</b> 59:24 104:16,21,21 <b>refilled</b> 87:13 <b>refined</b> 53:16 <b>regarding</b> 14:5 34:5 116:1 <b>regards</b> 31:14 38:20 <b>registered</b> 55:25 55:25 <b>regulations</b> 15:6 15:8 71:15 <b>regulatory</b> 4:12 11:1 <b>rein</b> 84:7 <b>reinforced</b> 96:15 <b>reiterate</b> 32:19 47:15 <b>related</b> 69:4 <b>relation</b> 52:13 <b>relationship</b> 52:18 <b>relatively</b> 108:12 <b>relied</b> 12:15 <b>relieve</b> 56:24 <b>relocate</b> 25:9 <b>relocated</b> 34:10 <b>relying</b> 77:1,5 <b>remain</b> 62:22 77:17 <b>remaining</b> 26:12	<b>remains</b> 6:13 <b>remember</b> 46:4 99:19 100:4 <b>reminder</b> 5:5 <b>remote</b> 43:18 <b>remove</b> 26:2,8 <b>removed</b> 14:11 <b>removing</b> 80:16 106:7 <b>rephrase</b> 76:22 <b>replace</b> 14:25 30:21 <b>report</b> 16:3 69:13,18,22 70:12 72:24 75:14,22 96:25 <b>reported</b> 55:19 69:3,11 75:13 <b>reporter</b> 118:15 <b>reporters</b> 118:16 <b>representation</b> 67:18 68:9 <b>representatives</b> 5:24,25 <b>request</b> 6:24 34:9,17 53:23 54:1 77:7 <b>require</b> 33:13 109:14 <b>required</b> 78:8 <b>requirements</b> 53:24 71:8 <b>requires</b> 87:25 <b>reroute</b> 95:5 <b>research</b> 114:1 <b>reserved</b> 5:21 <b>residence</b> 13:24 14:1,3,6,21 36:11 116:6 <b>residences</b> 38:22 42:25 <b>residential</b> 36:9 36:12,20 37:5 40:8 51:6 74:9	<b>residents</b> 36:13 40:8 <b>resource</b> 96:8 <b>resources</b> 32:11 32:19,20 33:18 54:18 80:4 108:3,15 <b>respect</b> 88:7 <b>responded</b> 54:6 <b>response</b> 6:21 9:8 14:20 39:23 57:17,25 60:7 76:23 107:3,5 110:16 115:7,15 <b>responses</b> 12:18 14:17 <b>responsive</b> 110:16 <b>result</b> 29:4 77:13,24 <b>resulting</b> 54:12 76:14 <b>resume</b> 5:20 <b>retrofitted</b> 90:10 <b>reuse</b> 64:20 <b>review</b> 18:9 19:15 26:6 29:11,14 32:16 53:22,24 54:1 77:7,14 95:15 102:16 <b>reviewed</b> 32:8 <b>reviewing</b> 32:4 <b>revised</b> 12:5,10 12:22 14:7,12 <b>revision</b> 53:14 <b>rf</b> 56:19 101:12 <b>ridge</b> 79:5,6,14 79:15,16 103:8 <b>ridgeline</b> 73:11 79:9,20 80:10 <b>right</b> 8:8 10:13 10:25 11:3	18:15,16,22 19:1,7,8 21:5 22:5 42:9 45:11 46:25 51:7 55:11 56:7 62:7 64:6 81:12 82:6 87:9 88:10 92:6 97:8,9,11 105:17 <b>righthand</b> 11:7 19:2 <b>rights</b> 31:15 <b>rings</b> 37:20 <b>riprap</b> 23:4,14 <b>river</b> 111:7,25 <b>road</b> 1:10 3:6 5:2 14:2,8 18:21 19:19 20:3,3,5,21,22 21:1,3,7 22:1,6 22:8,16 23:13 23:24 25:5,9 25:14,20 31:2 39:7 42:10 43:1 46:13 48:15 53:1 69:6 91:15,22 91:25 94:20 97:19 98:12 102:24 105:7 110:2 118:7,16 <b>roadmaps</b> 61:12 <b>roads</b> 59:18 73:22 <b>roadway</b> 21:18 106:6 <b>robert</b> 1:19 2:3 2:14 4:8,16 118:7,15 <b>robin</b> 4:6 <b>robinson</b> 2:19 5:13 <b>rocheville</b> 10:13 10:19 100:10	100:12,13 119:8 <b>rock</b> 19:18 23:15 103:8 <b>roman</b> 9:16 11:24 <b>root</b> 26:24 <b>roughly</b> 90:7 <b>route</b> 25:14 <b>routes</b> 59:18 <b>routine</b> 85:7 <b>routinely</b> 33:11 <b>rugosities</b> 112:20 <b>rule</b> 96:2 <b>rules</b> 116:1,14 <b>run</b> 82:19 87:3 87:12 <b>running</b> 87:16 88:3,5,13 110:3 <b>runoff</b> 24:17 28:2,4,4,14 <b>runs</b> 97:14 <b>rush</b> 23:20 <hr/> <b>S</b> <hr/> <b>s</b> 2:1 3:1 11:14 11:14,16 108:9 <b>sacks</b> 91:1 <b>samples</b> 45:24 <b>sandy</b> 10:25 31:19 43:21 63:18 71:12 104:1,2 111:22 114:25 119:5 <b>satisfied</b> 59:23 <b>save</b> 26:16 <b>saw</b> 39:12 45:13 45:23 81:19 <b>saying</b> 9:4 60:24 73:18 <b>says</b> 8:17 15:15 27:15 54:19 102:14 115:21
--	---	---	--	--

<b>scales</b> 36:6	111:12 116:10	<b>shelton</b> 1:13,15	24:15 25:21	26:7
<b>scenario</b> 44:18	<b>seeing</b> 9:25	6:17 44:24	28:15 29:17,20	<b>slopes</b> 89:18
<b>scientist</b> 11:8,9	<b>seen</b> 45:6 66:3	118:8,8	29:23,25 32:7	91:23
<b>screen</b> 49:20	75:18 111:3,5	<b>shes</b> 77:5	32:8,13 45:8	<b>slow</b> 92:19
93:18 94:8,13	111:9,10,13	<b>shift</b> 26:14	50:7 52:12,14	<b>slower</b> 24:21
<b>screening</b> 26:3	114:10,11	<b>short</b> 81:5 89:19	52:19 54:3,4	<b>small</b> 25:7 26:1
34:18 45:20	<b>senator</b> 2:8 4:14	108:12	54:13,24 55:12	27:10 109:5
46:15,24 93:9	86:6	<b>show</b> 44:17	56:3,20,21	<b>soil</b> 11:9
93:16 94:11	<b>send</b> 6:7	56:13 59:7,20	57:4 58:24	<b>solution</b> 90:16
<b>scriveners</b> 72:14	<b>senior</b> 11:8	<b>showing</b> 98:4	61:7,24 62:10	91:5
<b>se</b> 46:11	<b>sense</b> 91:19	<b>shown</b> 9:15	62:16,20,21,22	<b>somebody</b>
<b>season</b> 45:11	<b>sensitive</b> 57:19	18:24,25 24:25	63:20 64:9,10	116:19
81:10	58:1,11	26:11 36:19	73:3 75:25	<b>somewhat</b> 40:5
<b>seasonal</b> 38:11	<b>sensitivity</b> 80:2	40:10 44:14	76:15,15,25	70:12
39:2,19	114:6	55:10 56:4	77:16 84:17	<b>sorry</b> 15:4 40:13
<b>seasonally</b> 40:19	<b>sentence</b> 15:12	<b>shows</b> 58:12	93:18,23	64:22 82:2
<b>second</b> 7:9,11	54:10 96:13	<b>shpo</b> 33:19	102:18 103:7	88:5 99:24
9:3 54:9 66:24	<b>separate</b> 18:24	<b>shpos</b> 32:14	104:22 105:11	101:5 102:16
77:13	<b>series</b> 36:8 70:2	<b>side</b> 11:7 20:11	108:5	104:16,19
<b>section</b> 15:6	<b>serve</b> 104:25	22:15 23:3,20	<b>sites</b> 33:13 48:9	<b>sort</b> 65:25 70:5
16:6 33:8 95:7	<b>service</b> 61:19	25:3,8 27:8,9	55:14,19,25	72:2 95:8
<b>sections</b> 98:15	63:2,11,24	42:25 52:25	57:1 61:24	<b>sounded</b> 8:23
<b>sector</b> 57:10	107:18	55:11 73:11	62:3,4,14	<b>sounds</b> 66:6
66:9	<b>services</b> 61:16	79:10 80:24	63:16,23 64:7	96:20 115:15
<b>sectors</b> 62:12	63:14	87:21 90:9	64:12 83:5	<b>source</b> 54:20
64:10	<b>session</b> 5:20 6:2	91:22 92:5,12	103:14 105:8	<b>south</b> 28:11
<b>sedimentation</b>	6:6,12 10:17	97:15 98:11	113:15	91:21 108:6
90:5,13,22	10:17,21	<b>sides</b> 79:6,14	<b>sitespecific</b>	<b>southeast</b> 42:12
<b>see</b> 18:15 21:22	<b>set</b> 12:6	<b>signal</b> 59:19,20	70:13 77:25	69:19 80:24
23:1 24:4	<b>setback</b> 95:10	<b>significant</b>	<b>siting</b> 1:2 2:15	98:10
25:18 26:18	116:12	28:23 75:20	4:3,7,17 5:18	<b>southern</b> 45:8
35:11 36:14	<b>setbacks</b> 71:16	<b>signify</b> 9:3	108:10	<b>southwest</b> 97:20
37:8 39:7,8,10	71:23 116:1	<b>silt</b> 91:1	<b>six</b> 11:23 56:25	98:13
40:24 41:11	<b>setting</b> 49:5	<b>siltation</b> 72:5	57:9 61:24	<b>space</b> 35:2
42:18 48:17	<b>setup</b> 67:16	<b>silted</b> 83:3	62:3	<b>speak</b> 6:20 32:2
49:10 51:19	<b>seven</b> 14:10	<b>similar</b> 43:12	<b>size</b> 24:6 51:1	48:12 61:25
52:10 64:2	<b>shape</b> 99:22	55:15 79:23	87:12	76:20 111:8
66:10 81:14,15	<b>share</b> 108:1	<b>simple</b> 112:25	<b>skin</b> 113:7	<b>special</b> 16:7,10
86:24 91:19	<b>shared</b> 57:19	<b>simply</b> 36:1,25	<b>skype</b> 67:16	<b>species</b> 53:17
93:20 94:18,19	58:4 115:7	<b>simulated</b> 47:8	<b>skyrocketed</b>	54:12 76:1,13
97:3 98:3	<b>sharing</b> 115:11	47:11	64:4	77:15 78:18
101:1 102:11	115:13	<b>simulations</b>	<b>slight</b> 23:23	81:11,16 82:16
102:13,14	<b>sharply</b> 19:18	44:14 99:12	<b>slightly</b> 26:15	83:24 84:17
103:2 105:15	<b>sheet</b> 12:6,22	101:20	<b>slope</b> 23:14 92:5	85:2 93:25
107:16 108:22	28:16	<b>site</b> 20:5 23:15	<b>sloped</b> 25:17	109:13,18,23



110:2,10 <b>specific</b> 36:11 61:23 62:13 114:7 <b>specifically</b> 64:19 <b>specified</b> 24:5 <b>spend</b> 51:19 71:2 <b>spoken</b> 6:10 <b>spreader</b> 21:23 23:1,25 24:7 26:9 28:14,24 29:4 91:13 92:16,19 <b>spreaders</b> 24:5 28:9 72:8 93:7 <b>spring</b> 81:4 <b>spruce</b> 26:11 93:9 <b>stabilizing</b> 23:13 <b>staff</b> 2:10,13 4:14,16 5:7 <b>stake</b> 30:2 <b>stand</b> 116:22 <b>standard</b> 85:5,5 95:10 111:13 <b>start</b> 89:15 112:23 <b>started</b> 36:24 48:21 <b>starting</b> 98:13 <b>state</b> 1:1 31:16 31:24 32:2 55:5,20,25 56:22 58:2 77:18 84:15 114:3,4 115:6 115:12 <b>stated</b> 12:18 57:24 115:24 <b>statelisted</b> 54:12 76:13 84:17 85:2 <b>statement</b> 57:12	76:12 77:21 78:3,6 87:10 <b>statements</b> 5:22 6:7,9 10:2 <b>states</b> 78:17 <b>stationary</b> 59:12 <b>statutes</b> 4:20 6:25 <b>stay</b> 25:19 104:15,24 113:14 <b>stealth</b> 41:23 113:23 <b>stealthing</b> 49:11 <b>stein</b> 1:19 4:6 118:7 <b>stephen</b> 18:22 <b>stiltgrass</b> 82:12 <b>stipulates</b> 78:20 <b>stone</b> 106:8,9,12 <b>stoop</b> 37:9 <b>storm</b> 24:6,8 29:3 <b>storms</b> 88:19 <b>stream</b> 52:21 53:5,18 96:14 97:16 98:9,12 <b>street</b> 1:14 2:20 38:21 40:13 53:7 91:12 118:8 <b>strength</b> 59:19 <b>strike</b> 7:14 <b>structure</b> 18:25 19:2,8 26:24 38:23 100:15 100:19 <b>structures</b> 24:13 36:3,25 73:23 <b>study</b> 70:8,18 75:1,4 <b>style</b> 51:1,23 <b>subadult</b> 83:11 <b>subbloie</b> 3:2 7:1 <b>subdivision</b> 51:7	74:5 <b>subject</b> 73:9 <b>submission</b> 21:11 107:22 <b>submit</b> 33:21 53:22 <b>submitted</b> 32:14 54:1 79:24 85:10 107:16 116:15 <b>subsection</b> 11:24 15:10 <b>substantial</b> 30:19 31:5 <b>substantive</b> 31:7 <b>substitute</b> 78:7 <b>sufficient</b> 51:16 81:13 <b>suggestion</b> 100:2 <b>suitable</b> 109:18 <b>suite</b> 118:16 <b>summary</b> 16:6 18:11 <b>supersedes</b> 71:6 <b>supplementing</b> 26:3 <b>support</b> 81:6 109:22 <b>supporting</b> 109:13 <b>suppose</b> 113:17 <b>supposed</b> 31:23 89:25 <b>sure</b> 19:5 21:10 26:25 27:6,12 38:17 39:22 42:2 44:25 46:9 49:8 55:6 55:13 63:5 81:24 89:12,23 89:24 90:20 91:9 97:24 99:13 102:25 108:17 116:2	<b>surface</b> 113:3 <b>surprise</b> 82:8,14 83:6,8 84:19 <b>surrounded</b> 50:25 <b>surrounding</b> 57:9 61:24 62:3 64:7,10 <b>survey</b> 32:24 97:13 110:11 110:11 <b>surveyor</b> 12:16 <b>surveys</b> 78:8 <b>swale</b> 21:22 22:25 23:24 24:1 27:8 28:15 <b>swales</b> 22:15 24:19 26:22 72:7 <b>sweep</b> 25:21 <b>sweeps</b> 80:4 <b>sworn</b> 10:19 11:12,20 <b>system</b> 29:6 52:21 53:5 59:17 63:13 67:6 68:3 70:18 89:16,24 90:14 96:14 97:16,18 98:10 98:12,18 <b>systems</b> 53:18	<b>tabulation</b> 39:19 <b>take</b> 7:15 23:16 24:20 28:14 45:10 47:3 77:20 85:1 86:23 88:21 108:2 113:12 <b>taken</b> 26:21 42:9 112:18 118:3 <b>talk</b> 68:21 113:14 <b>talked</b> 19:15 42:7 59:21 <b>talking</b> 23:10 24:3 37:4 41:7 45:16 46:7 67:4 71:3 89:10 113:21 <b>talks</b> 15:11 94:10 98:1 106:7 <b>tank</b> 87:12 <b>taper</b> 101:21 <b>technicians</b> 113:15 <b>technology</b> 10:23 11:10 67:9 68:8 <b>telecommunic...</b> 5:1 108:11 <b>telecommunic...</b> 1:9 71:18 118:6 <b>telephone</b> 67:17 <b>tell</b> 51:11 52:17 59:10,11 71:7 82:9 <b>telling</b> 40:2 <b>temporary</b> 80:22 <b>ten</b> 37:13 <b>tend</b> 36:7,13 39:25 <b>tenth</b> 89:10 <b>term</b> 91:3
---	--	--	--	---

<p><b>termed</b> 73:3  <b>terms</b> 42:24                  44:18 45:16                  60:19 66:1                  74:2  <b>terrain</b> 21:21                  25:16  <b>testified</b> 11:21  <b>testimony</b> 17:5  <b>text</b> 61:10 105:3  <b>texture</b> 48:23  <b>thank</b> 7:19 8:24                  10:7 15:1                  17:22 18:1,8                  19:13,25 27:19                  29:7 31:13                  34:2,3 35:5                  38:8 48:5                  51:25 52:5,7                  56:15 65:6,8                  65:22,23 68:12                  68:13,15 70:22                  71:24 72:20                  74:17 81:8                  82:4 86:2,5,9                  86:10,12 96:9                  98:20,25 102:2                  106:1,18                  107:11 110:17                  114:16 116:17                  117:3  <b>thats</b> 8:10,21,23                  8:25 12:25                  14:23,24 15:9                  16:12 18:21                  19:5 23:25                  28:8,15 30:14                  37:10,10,18                  47:1 48:10                  50:22,22 52:10                  53:4,4 56:3,11                  57:1 58:23,25                  60:1,2,22,22                  60:22,24 62:6                  62:17 63:3</p>	<p>64:22 66:23                  68:5 69:6,7,8                  69:11 70:10                  75:15 76:3                  78:3 79:2                  82:25,25 85:11                  87:18,20 88:15                  89:1,24 90:14                  91:2 93:8                  94:18,21,24                  95:16 97:9,21                  98:10 99:12                  102:25 106:15                  106:17 108:21                  110:15 113:10                  114:14 115:18  <b>theres</b> 6:23 15:7                  15:18 18:12,23                  19:8 20:10                  22:5 23:3,23                  23:23,23 24:16                  27:10 37:13                  38:20 40:7                  46:12 52:11                  56:21 73:22,23                  79:18,19 80:22                  83:3 84:11,11                  85:7 87:10                  88:19 93:7,19                  93:20 96:21                  97:15 98:12,12                  98:14 101:17                  102:23 106:12                  111:2 113:6,17                  114:5  <b>theyre</b> 53:20                  90:8 114:11                  115:12  <b>theyve</b> 32:4,20                  33:9 114:7,10  <b>thing</b> 7:14 28:22                  30:20 37:10                  58:20,25 72:3                  72:9 89:14                  108:25</p>	<p><b>things</b> 43:18                  46:14,17,22                  51:21 58:19                  72:3 88:25                  90:5,11,13                  109:4  <b>think</b> 12:1 21:15                  39:3 40:22,25                  41:5,11,13                  42:4,14,17                  46:17 47:3                  49:15,21 50:21                  51:15 58:9                  61:2,16 66:1                  73:5 84:15                  85:25 86:7                  87:10,22 88:8                  88:10 90:7                  91:23 92:3,8                  92:11,11 94:12                  101:14,16                  102:7 108:17                  110:15 111:4                  116:5  <b>thinking</b> 46:13                  97:22 112:12  <b>thought</b> 41:18  <b>thousandfoot</b>                  37:14,24 39:17  <b>three</b> 15:4,4                  16:5 62:3                  68:24 85:21                  89:7  <b>threshold</b> 58:19                  58:20,23 59:21                  60:15  <b>thresholds</b> 57:6                  57:13 58:22  <b>thumb</b> 96:2  <b>thursday</b> 1:15                  4:4 118:9  <b>tied</b> 22:7  <b>ties</b> 102:14  <b>time</b> 6:13,20 8:1                  11:12 32:5</p>	<p>35:17 40:22                  42:14 44:15                  46:7 52:4                  57:24 63:24                  71:3 81:3,5                  109:18 112:15                  113:11 115:4                  117:1  <b>times</b> 42:6 50:7                  87:8  <b>timing</b> 109:16  <b>tinsel</b> 46:5  <b>title</b> 4:19  <b>todate</b> 47:12  <b>today</b> 4:4 10:11                  19:16 32:7                  73:5 82:9                  92:18 116:4  <b>top</b> 24:4 46:22                  89:9,9 101:18                  103:7 106:12  <b>totally</b> 61:8,13  <b>touch</b> 36:18  <b>tower</b> 15:13                  30:4,7 34:9                  35:12 40:17,18                  40:22 41:18                  43:6,7,10                  44:19 47:11                  66:9 73:12                  79:1,5 82:7,10                  94:3,8,11,14                  103:23 104:4                  108:8,8,19                  109:10 115:4                  116:3  <b>towers</b> 44:24                  46:23 57:9                  71:18 112:3,6                  114:8  <b>town</b> 6:16 34:5,9                  34:16 41:1                  58:24 71:3,8                  71:17 95:11                  99:3,8</p>	<p><b>towns</b> 90:9                  116:1,12  <b>tradeoff</b> 50:1  <b>traditionally</b>                  47:5  <b>traffic</b> 49:6 57:7                  57:9,14 59:4,4                  59:7,13,16                  60:9,11,12                  62:13  <b>trail</b> 14:3,23                  38:21 40:20                  41:8  <b>transcript</b> 6:14  <b>transcription</b>                  118:3  <b>transects</b> 82:19  <b>transmission</b>                  67:12  <b>transmitting</b>                  67:8,15,24                  68:1,3  <b>travel</b> 94:19,24  <b>traveling</b> 80:9  <b>treatment</b> 29:3  <b>tree</b> 14:10 26:10                  35:12 38:23                  39:12 41:4,18                  43:3,6,7,10                  44:21 47:15,17                  47:21,23 48:10                  49:16,19,24                  50:12 51:19,24                  99:9,21 100:3                  100:18 101:17  <b>trees</b> 14:11,12                  25:1 26:1,8,16                  26:21,24 27:2                  38:13,24 39:1                  39:5,13 40:24                  41:6 42:15                  43:17,24 48:13                  51:2 93:21                  112:15,18,21  <b>trend</b> 60:11 66:7</p>
---	---	--	--	--

66:18	<b>typo</b> 81:23	<b>use</b> 24:8 36:8	<b>vernal</b> 16:8	41:17 55:6
<b>tribes</b> 33:9,10	<b>typographical</b>	51:5,8 60:12	80:14,17 81:11	93:24 97:23
<b>tried</b> 44:17	15:18	61:12 73:18	81:15 82:16,22	<b>warning</b> 103:17
49:12		95:8 96:1	83:14,24	<b>washing</b> 23:13
<b>trip</b> 48:19	<b>U</b>	100:1 105:1	<b>versus</b> 36:12	<b>wasnt</b> 30:19
<b>true</b> 16:15	<b>u</b> 11:14 108:9	107:6,7 112:20	67:4	44:25 57:24,24
<b>trumbull</b> 2:20	<b>uhhuh</b> 106:19	115:8	<b>view</b> 25:6 38:23	78:13 95:5
<b>try</b> 36:22 37:11	<b>unable</b> 6:5	<b>users</b> 64:2	<b>views</b> 31:2 37:5	116:2
41:23 90:4,15	<b>unchecked</b> 16:9	<b>usgs</b> 54:4	40:9 41:19	<b>water</b> 23:20
92:15 103:14	16:12	<b>usually</b> 46:21	50:1 93:18	24:20,23 27:18
113:14 114:20	<b>underlying</b> 68:7	102:20 114:19	94:11 95:11	27:23 28:1
<b>trying</b> 25:19	<b>underneath</b>	<b>utilities</b> 4:12	<b>visibility</b> 35:8,8	29:3 81:4
26:1,18 37:23	54:22	102:12	35:15 36:17	89:16 92:8,12
38:1 41:8	<b>understand</b>	<b>utility</b> 72:6	42:23	93:2 111:5
61:19 89:20,23	40:16 67:7	102:15,19,23	<b>visibilty</b> 39:2	<b>waterways</b>
94:2	92:22	<b>utilize</b> 23:16	<b>visit</b> 75:24	112:7
<b>turn</b> 18:11 21:8	<b>understanding</b>	83:7 103:1	<b>visited</b> 45:9	<b>waves</b> 67:10
62:21	8:21 37:3	111:7	<b>voice</b> 61:9 63:1	<b>way</b> 25:16 28:10
<b>turtle</b> 84:20,25	53:19 67:3	<b>utilized</b> 50:18	63:23,23 64:12	32:7 37:1 57:3
85:6	88:23 109:15	64:6 100:15	64:15 67:4,5,8	61:14 66:11,19
<b>turtles</b> 84:16	<b>understood</b> 93:5	111:10 114:10	67:8,15,22,24	67:5,16 73:1
<b>twenty</b> 87:19	<b>undeveloped</b>	<b>V</b>	68:1,4 105:3	91:21 108:17
<b>two</b> 18:23 22:5	73:15	<b>v</b> 11:18	<b>volumes</b> 115:21	113:3,12 115:9
22:10 24:5	<b>undisturbed</b>	<b>vacation</b> 34:13		115:14,15
25:1 26:8,16	28:23	<b>values</b> 8:5	<b>W</b>	<b>weather</b> 88:22
32:18 33:10,22	<b>unguided</b>	<b>various</b> 57:3	<b>w</b> 2:6	<b>wed</b> 40:6 83:18
37:25 42:4	108:13	73:10	<b>walk</b> 29:24	98:8 101:15
54:23 55:11	<b>uniform</b> 4:21	<b>vast</b> 113:1	30:22	<b>week</b> 32:18
58:19 65:24	<b>unintentional</b>	<b>vegetation</b> 28:23	<b>walked</b> 24:25	33:22 87:5,16
68:23 89:8	85:1	83:3 93:20	29:25 30:23	<b>weeks</b> 59:8
<b>type</b> 22:1 24:6	<b>unique</b> 88:21	<b>vendor</b> 44:2,6	39:7 82:10	87:18
24:22 30:17	<b>united</b> 118:16	<b>verbatim</b> 6:14	102:18	<b>weight</b> 6:10
32:17 35:2	<b>units</b> 46:19	118:3	<b>walking</b> 49:7	<b>welcome</b> 29:9
37:10 45:1	<b>university</b> 55:22	<b>verify</b> 12:24	51:8 103:6	52:2 56:17
46:2 47:18	<b>unlit</b> 108:14	90:22	<b>wall</b> 106:8,9,12	70:24 72:22
54:16 63:17	<b>unpackage</b> 73:1	<b>verizon</b> 1:5 2:17	<b>want</b> 47:15	74:19 86:4
68:8 78:23	<b>unsure</b> 19:9	4:23 33:17	58:15 60:7,25	96:11 98:22
90:11 100:1,15	<b>updated</b> 56:12	45:7,7 46:11	62:24 63:9	102:5 110:19
101:18	<b>uphill</b> 26:15	60:6 115:16	65:18 66:1,3	114:18
<b>typical</b> 21:12	27:10	118:4	66:25 67:2	<b>went</b> 73:5
108:3	<b>upland</b> 95:11,15	<b>vermont</b> 43:12	73:1 89:15	<b>west</b> 25:7 27:8
<b>typically</b> 24:10	<b>upper</b> 93:6	43:17 45:9	91:2,8 92:3	34:19 52:25
38:13 41:24	<b>upward</b> 66:18	47:16,17 48:3	94:9 106:4	96:14
48:14 95:14	<b>usage</b> 64:4,6	111:24	110:21 115:18	<b>westport</b> 3:7
103:14 113:21	86:19 107:1		<b>wanted</b> 8:22	<b>westward</b> 26:6

<b>wetland</b> 16:3,5 28:11,17,20 29:5 52:24 53:18 68:22,24 69:4,8,9,12,14 69:16,22 70:2 70:11,16,18 74:25 75:13 79:22 80:4,14 82:5,6,18,20 83:13,25 84:4 84:24 85:18,18 95:10,25 96:5 96:8,13,17,25 97:6,18 98:1 109:3	42:17 <b>wipe</b> 26:18 <b>wireless</b> 1:5 2:18 4:23 60:6 68:5 100:18 118:4 <b>wish</b> 5:23 6:3 9:14 <b>wishes</b> 6:20 108:21 <b>witness</b> 10:5,11 13:9,11,13,15 13:17,22 14:16 15:3,22,25 16:18,21,23,25 17:2,7,9,12,15 17:18 19:23 20:13,18,24 21:6,14,24 22:4,12,14,22 23:8,22 24:9 25:12,24 26:17 27:14,17 28:3 28:21 29:8,15 30:13,18 31:18 32:1 33:1 35:19 37:16 38:4,10,17,25 39:21 40:21 41:21 43:9,21 44:5,8,12,20 45:5 46:3 47:10,14 48:7 50:9,13,20 52:1,20 53:11 54:25 56:16 60:5,18 61:1 61:21 62:2,8 62:25 63:4,18 64:18,25 65:4 66:21 67:19 68:10 69:2 70:7,23 71:12 71:22 72:15,21 73:8,20 74:6 74:15,18,23	75:5,12,19 76:2,7,19 77:4 77:19 78:2,10 78:16 79:8,17 80:18 81:9,18 82:1,13 83:16 84:1,18 85:9 85:12,20 86:3 86:20 87:4,7 87:14,17 88:15 89:2,21 90:1 90:18 91:4,16 92:10,14,24 93:4,13 94:4,7 94:15,23 95:4 95:12 96:10,23 97:2,5,10,24 98:6,21 99:4 100:12,20,25 101:4,9,11 102:4,17 103:4 103:11,19,25 104:2,13,20 105:4,12,23 106:10,15,19 107:23 109:11 110:18,25 111:20 112:22 113:19 114:17 114:25 116:8 116:21 <b>witnesses</b> 5:25 11:12,19 119:2 <b>wondering</b> 47:8 <b>wood</b> 82:11 83:6 83:9 <b>wooded</b> 25:11 82:7 <b>word</b> 93:15 94:19 <b>words</b> 27:18 <b>work</b> 20:7 23:9 23:14 26:23 33:12 41:13 42:1 72:17	74:20 78:14 91:18 <b>working</b> 70:15 78:24 84:12 <b>works</b> 51:2 <b>worstcase</b> 44:18 <b>wouldnt</b> 29:4 31:7 59:9 66:17 73:25 83:6,12,17 84:19 85:13 101:7 109:25 110:4 <b>wrap</b> 47:18 48:2 49:15 <b>written</b> 6:7,9 116:13 <b>wrong</b> 7:1 <b>wrote</b> 115:15 <hr/> <b>X</b> <hr/> <b>x</b> 66:9,14 119:1 <hr/> <b>Y</b> <hr/> <b>y</b> 11:16,18 66:15 <b>yeah</b> 19:7 40:10 41:22 47:3 62:2 75:20 77:20,22 78:3 85:13 89:21 90:1 91:4,16 92:24 93:13 98:7 113:20 <b>year</b> 40:22 42:14 53:15 62:20 74:21,24 86:17 87:18,20 88:3 88:6,13 <b>yearround</b> 36:16 38:14,22 <b>years</b> 43:25 48:19 88:19 112:1 <b>yellow</b> 36:17 37:25	<b>yep</b> 97:4 <b>york</b> 114:5 <b>youd</b> 26:8 37:8 66:12 <b>youre</b> 19:9 21:21 22:10 29:9 40:16,17 42:18 44:3 45:16 48:25,25 52:2 56:7,17 58:8,16 59:24 61:8,9,19 64:24 68:25 69:23 70:3,24 71:9 72:21 73:17 74:19 86:4 87:15 88:12 89:8,10 89:13,16,20 90:4 91:9,24 92:22 93:11 96:11 98:22 102:5 104:16 104:20 110:19 114:18 115:10 116:16 <b>youve</b> 44:3 52:16 55:1 73:3 87:16 91:25 108:17 <hr/> <b>Z</b> <hr/> <b>zone</b> 80:1 <b>zones</b> 71:18 <b>zoning</b> 15:6,8 34:6,22 71:4 71:14,21 116:1 <hr/> <b>0</b> <hr/> <b>00</b> 1:16 4:5 <b>000</b> 37:21 38:16 88:5,14 <b>061033597</b> 2:21 <b>06114</b> 118:17 <b>06880</b> 3:7
--	--	--	--	--

<p style="text-align: center;"><b>1</b></p> <p><b>1</b> 9:17 11:24          14:10 15:17,17          16:1,15 26:9          37:21 38:16          52:24 69:4,8          70:11 89:19  <b>10</b> 20:25 21:13          52:10 57:17          60:8  <b>103</b> 118:16  <b>104</b> 69:9  <b>105</b> 69:9  <b>106</b> 33:8  <b>108</b> 28:13  <b>11</b> 7:3 16:2          72:24 75:15          95:7 119:8  <b>117</b> 118:2  <b>12</b> 15:7 43:24          54:15 112:1  <b>1221</b> 3:6  <b>13</b> 5:4 14:20          43:25  <b>14</b> 54:7  <b>1449</b> 102:24  <b>145</b> 116:11  <b>15</b> 14:4 21:16          43:17  <b>16</b> 4:19 15:8          68:20 71:5  <b>17</b> 1:15 4:4 42:8          118:9  <b>170</b> 91:15  <b>174</b> 88:2  <b>18</b> 15:6 28:12          34:6 42:9 71:2          71:16  <b>180</b> 91:15  <b>18inch</b> 96:15  <b>19</b> 68:20  <b>1900</b> 64:15,22          64:23 65:1          104:9 105:9,14  <b>1a</b> 102:11</p>	<p><b>1b</b> 87:24</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p><b>2</b> 39:24 54:8          57:1 69:14          75:14 82:5          83:13 85:18          90:7 96:13          108:6  <b>20</b> 21:13,16 25:3          87:5,8,16 88:5          104:5  <b>200</b> 70:9,20 95:8          95:25 116:13  <b>2014</b> 1:16 4:4          5:4 7:4 34:7          54:7 75:14          118:9  <b>203</b> 3:8  <b>20inch</b> 25:3  <b>21</b> 15:10 88:5,14  <b>210</b> 87:11  <b>2100</b> 63:22  <b>225</b> 116:15  <b>2279545</b> 3:8  <b>22a</b> 88:2  <b>23</b> 35:13  <b>2300</b> 62:17  <b>24th</b> 74:24 80:20  <b>250</b> 69:19,25          83:1  <b>2758200</b> 2:22  <b>28</b> 25:3  <b>280</b> 2:20  <b>211</b> 97:6</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p><b>3</b> 1:16 4:5 14:18          69:16 70:1,2          80:14 98:1          107:3 109:3  <b>30</b> 6:8 21:13  <b>300</b> 70:16 88:3          88:13 96:6  <b>34</b> 15:19,19</p>	<p><b>3b</b> 88:2  <b>3c</b> 88:4</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p><b>4</b> 12:12 14:10          30:6 87:7 91:7          115:7 117:5  <b>40</b> 69:8  <b>448</b> 1:4 118:4  <b>47</b> 30:5  <b>49</b> 87:12  <b>4c</b> 15:6</p> <hr/> <p style="text-align: center;"><b>5</b></p> <p><b>5</b> 15:19 16:2,3          30:6 81:22          94:12 96:12          101:19 108:6  <b>500</b> 37:21  <b>54</b> 1:14 118:8  <b>56</b> 9:17  <b>58</b> 117:5</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p><b>6</b> 11:25 14:22          15:19 39:4          40:20  <b>6foot</b> 94:13</p> <hr/> <p style="text-align: center;"><b>7</b></p> <p><b>7</b> 5:20,21 12:4          13:7,23 14:19          16:15 18:10          87:24 101:19          117:1  <b>70</b> 116:7  <b>700</b> 62:18 63:3          63:21,23  <b>721</b> 62:16  <b>770</b> 13:25 14:7</p> <hr/> <p style="text-align: center;"><b>8</b></p> <p><b>8</b> 56:23  <b>800</b> 64:14,23  <b>814</b> 18:21  <b>831</b> 1:10 5:2</p>	<p>118:6  <b>840</b> 14:2  <b>85</b> 29:1  <b>850</b> 64:15,24          104:12,23          105:5,9,15  <b>857</b> 118:15  <b>860</b> 2:22  <b>899</b> 14:1,8</p> <hr/> <p style="text-align: center;"><b>9</b></p> <p><b>9</b> 35:15 42:9  <b>90</b> 118:16  <b>905</b> 14:23,25  <b>911</b> 14:3</p>
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