



Transcript of the Hearing of

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Case: SITING COUNCIL - DOCKET 453

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 453

American Tower Corporation and
New Cingular Wireless PCS, LLC, Application
for a Certificate of Environmental
Compatibility and Public Need for the
Construction, Maintenance, and Operation of a
Telecommunications Facility Located at
Manchester Tax Assessor Map 133,
Block 3700, Lot 701, 701 Lydall Street,
Manchester, Connecticut

Continued Council Meeting held at the
Connecticut Siting Council, 10 Franklin
Square, New Britain, Connecticut, on March 3,
2015, beginning at 1:01 p.m.

H e l d B e f o r e:

ROBERT STEIN, Chairperson

Page 141

1 A p p e a r a n c e s :
2 C o u n c i l M e m b e r s :
3 S E N A T O R J A M E S J . M U R P H Y , J R . ,
4 V i c e C h a i r p e r s o n
5 P H I L I P T . A S H T O N
6 D R . B A R B A R A C . B E L L
7 D R . M I C H A E L W . K L E M E N S
8 C O M M . M I C H A E L C A R O N , P U R A D e s i g n e e
9 R O B E R T H A N N O N , D E E P D e s i g n e e
10 D A N I E L P . L Y N C H , J R .
11
12 C o u n c i l S t a f f :
13 M E L A N I E B A C H M A N , E S Q . ,
14 E x e c u t i v e D i r e c t o r a n d
15 S t a f f A t t o r n e y
16
17 D A V I D M A R T I N
18 S i t i n g A n a l y s t
19
20 F o r N e w C i n g u l a r W i r e l e s s , P C S , L L C , a n d
21 M e s s a g e C e n t e r M a n a g e m e n t , I n c . :
22 C U D D Y & F E D E R , L L P
23 4 4 5 H a m i l t o n A v e n u e , 1 4 t h f l o o r
24 W h i t e P l a i n s , N e w Y o r k 1 0 6 0 1
25 B y : L U C I A W . C H I O C C H I O , E S Q .

Page 142

1 T H E C H A I R M A N : G o o d a f t e r n o o n ,
2 l a d i e s a n d g e n t l e m e n . I ' d l i k e t o c a l l t o
3 o r d e r t h i s m e e t i n g o f t h e C o n n e c t i c u t S i t i n g
4 C o u n c i l t o d a y , T u e s d a y , M a r c h 3 , 2 0 1 5 , a t
5 p r o m p t l y 1 : 0 5 . M y n a m e i s R o b i n S t e i n . I ' m
6 C h a i r m a n o f t h e S i t i n g C o u n c i l .
7 T h i s h e a r i n g i s a c o n t i n u a t i o n
8 o f a h e a r i n g h e l d o n J a n u a r y 2 0 , 2 0 1 5 , a t t h e
9 L i n c o l n C e n t e r H e a r i n g R o o m i n M a n c h e s t e r .
10 I t i s h e l d p u r s u a n t t o t h e p r o v i s i o n s o f
11 T i t l e X V I o f t h e C o n n e c t i c u t G e n e r a l S t a t u t e s
12 a n d o f t h e U n i f o r m A d m i n i s t r a t i v e P r o c e d u r e
13 A c t u p o n a n a p p l i c a t i o n f r o m A m e r i c a n T o w e r s
14 C o r p . a n d N e w C i n g u l a r W i r e l e s s P C S , L L C , f o r
15 a c e r t i f i c a t e o f e n v i r o n m e n t a l c o m p a t i b i l i t y
16 a n d p u b l i c n e e d f o r t h e c o n s t r u c t i o n ,
17 m a i n t e n a n c e a n d o p e r a t i o n o f a
18 t e l e c o m m u n i c a t i o n s f a c i l i t y l o c a t e d a t 7 0 1
19 L y d a l l S t r e e t , M a n c h e s t e r , C o n n e c t i c u t . T h e
20 a p p l i c a t i o n w a s r e c e i v e d b y t h e C o u n c i l o n
21 N o v e m b e r 4 , 2 0 1 4 .
22 A v e r b a t i m t r a n s c r i p t w i l l b e
23 m a d e o f t h i s h e a r i n g a n d d e p o s i t e d w i t h t h e
24 t o w n c l e r k ' s o f f i c e s i n M a n c h e s t e r , B o l t o n ,
25 a n d V e r n o n f o r t h e c o n v e n i e n c e o f t h e p u b l i c .

Page 143

1 W e ' l l p r o c e e d i n a c c o r d a n c e
2 w i t h t h e p r e p a r e d a g e n d a , c o p i e s o f w h i c h a r e
3 a v a i l a b l e .
4 A n d f i r s t w e ' l l b e g i n w i t h t h e
5 c o n t i n u a t i o n o f A p p l i c a n t ' s p r e s e n t a t i o n ,
6 A m e r i c a n T o w e r C o r p . a n d N e w C i n g u l a r
7 W i r e l e s s , a n d v e r i f y n e w e x h i b i t s m a r k e d a s
8 R o m a n N u m e r a l I I , I t e m B , 8 a n d 9 o n t h e
9 h e a r i n g p r o g r a m .
10 A t t o r n e y C h i o c c h i o , w i l l y o u
11 b e g i n b y v e r i f y i n g n e w e x h i b i t s y o u ' v e f i l e d
12 i n t h e m a t t e r ? I d o n ' t k n o w i f y o u h a v e a n y
13 n e w w i t n e s s e s t h a t h a v e t o b e s w o r n i n .
14 M S . C H I O C C H I O : N o n e w
15 w i t n e s s e s t o b e s w o r n i n . W e d o h a v e
16 J e n n i f e r Y o u n g G a u d e t i s o n h e r w a y . S h e w a s
17 s t u c k i n t r a f f i c . S o s h e s h o u l d b e h e r e
18 s h o r t l y , b u t w e c a n s t a r t w i t h o u t h e r .
19 T h a n k y o u , C h a i r m a n .

Page 144

1 M A R T I N L A V I N ,
2 D A V I D J E R M A K I A N ,
3 B L A K E P A Y N T E R ,
4 M I C H A E L L I B E R T I N E ,
5 M A T T H E W G U S T A F S O N ,
6 S C O T T C H A S S E ,
7 J E N N I F E R Y O U N G G A U D E T ,
8 h a v i n g b e e n p r e v i o u s l y d u l y s w o r n , w e r e
9 e x a m i n e d a n d t e s t i f i e d f u r t h e r o n t h e i r
10 o a t h s a s f o l l o w s :
11 M S . C H I O C C H I O : S o , I ' l l s t a r t
12 b y a s k i n g m y w i t n e s s e s a s e r i e s o f q u e s t i o n s .
13 I ' l l s t a r t w i t h M r . L a v i n . D i d y o u p r e p a r e
14 a n d a s s i s t i n t h e p r e p a r a t i o n o f t h e e x h i b i t s
15 i d e n t i f i e d a s E x h i b i t 8 a n d 9 i n t h e h e a r i n g
16 p r o g r a m ?
17 T H E W I T N E S S (L a v i n) : M a r t i n
18 L a v i n . Y e s .
19 T H E W I T N E S S (J e r m a k i a n) :
20 D a v i d J e r m a k i a n . Y e s .
21 T H E W I T N E S S (P a y n t e r) : B l a k e
22 P a y n t e r . Y e s .
23 T H E W I T N E S S (L i b e r t i n e) : M i k e
24 L i b e r t i n e . Y e s .
25 T H E W I T N E S S (G u s t a f s o n) : M a t t

Page 145

1 Gustafson. Yes.
2 THE WITNESS (Chasse): Scott
3 Chasse. Yes.
4 MS. CHIOCCHIO: Do you have
5 any corrections or clarifications to the
6 information contained therein?
7 THE WITNESS (Lavin): Martin
8 Lavin. In Answer 1 to Question 1, third
9 paragraph, the first sentence should read "As
10 shown in the attached propagation maps, the
11 Box Mountain Tower does not provide adequate
12 coverage."
13 MS. CHIOCCHIO: Thank you.
14 Any other corrections?
15 THE WITNESS (Lavin): No
16 others, no.
17 THE WITNESS (Jermakian):
18 David Jermakian. No corrections.
19 THE WITNESS (Paynter): Blake
20 Paynter. No corrections.
21 THE WITNESS (Libertine): Mike
22 Libertine. No corrections.
23 THE WITNESS (Gustafson):
24 Matthew Gustafson. No corrections.
25 THE WITNESS (Chasse): Scott

Page 146

1 Chasse. No corrections.
2 MS. CHIOCCHIO: Is the
3 information contained therein true and
4 accurate to the best of your knowledge?
5 THE WITNESS (Lavin): Martin
6 Lavin. Yes.
7 THE WITNESS (Jermakian):
8 David Jermakian. Yes.
9 THE WITNESS (Paynter): Blake
10 Paynter. Yes.
11 THE WITNESS (Libertine): Mike
12 Libertine. Yes.
13 THE WITNESS (Gustafson):
14 Matthew Gustafson. Yes.
15 THE WITNESS (Chasse): Scott
16 Chasse. Yes.
17 MS. CHIOCCHIO: And do you
18 adopt these exhibits as your testimony in
19 this proceeding today?
20 THE WITNESS (Lavin): Martin
21 Lavin. Yes.
22 THE WITNESS (Jermakian): Davi
23 d Jermakian. Yes.
24 THE WITNESS (Paynter): Blake
25 Paynter. Yes.

Page 147

1 THE WITNESS (Libertine): Mike
2 Libertine. Yes.
3 THE WITNESS (Gustafson):
4 Matthew Gustafson. Yes.
5 THE WITNESS (Chasse): Scott
6 Chasse. Yes.
7 MS. CHIOCCHIO: We ask that
8 the Council accept these submissions as full
9 exhibits.
10 THE CHAIRMAN: Does any party
11 or intervenor object to the admission of the
12 new exhibits?
13 (No response.)
14 THE CHAIRMAN: I'm hearing and
15 seeing none. The exhibits are admitted.
16 (Exhibits II-B-8 and II-B-9:
17 Received in evidence - described in index.)
18 THE CHAIRMAN: We'll begin
19 with cross-examination or continue it with
20 staff.
21 Mr. Cunliffe?
22 MR. CUNLIFFE: Thank you,
23 Chairman.
24 Did American Tower fly a
25 balloon at the site on the day of the Council

Page 148

1 site visit?
2 THE WITNESS (Libertine): This
3 is Mike Libertine. Yes, we did for the
4 prescribed hours at the proposed location,
5 center line of the proposed monopole, and
6 that was tethered to a full height, as
7 proposed, and we had a 4-foot diameter
8 helium-filled balloon floating for the
9 prescribed hours.
10 MR. CUNLIFFE: And what were
11 the weather conditions that day, do you
12 recall?
13 THE WITNESS (Libertine): They
14 weren't ideal. We had some fairly strong
15 winds. The morning was fairly calm, but by
16 midmorning and throughout the rest of the
17 afternoon, we had some sustained winds,
18 anywhere from about 8 to 13 miles an hour.
19 MR. CUNLIFFE: And were the
20 weather conditions conducive to good
21 visibility?
22 THE WITNESS (Libertine):
23 Overall visibility was fine, but we certainly
24 would not have used those conditions for
25 doing the initial study. It was just too

1 breezy. So we did not sustain the full
2 height of the balloon for what I would feel
3 as a comfortable amount of time.

4 MR. CUNLIFFE: Thank you.
5 Describe the tower's alternate location
6 presented in the recent supplemental
7 submission using the context of the site
8 visit on the property.

9 THE WITNESS (Chasse): Scott
10 Chasse. The alternative location has been
11 relocated further to the southwest of the
12 initial location. The new facility location
13 is down towards Station 12 plus 25. The
14 square footage of the lease area is the same
15 as the original, 10,000 square foot, but this
16 one is a little more oblong shape and being a
17 75-by-133 instead of 100-by-100. The
18 compound, as it's relocated, is approximately
19 67 feet from the nearest wetland resource and
20 is approximately 609 feet from the end of
21 Deer Run Trail.

22 MR. CUNLIFFE: Since it is
23 closer to wetlands, would putting the
24 facility here have any long-term impact to
25 the wetlands?

1 THE WITNESS (Gustafson): This
2 is Matthew Gustafson. The relocated
3 alternate design would place the facility
4 within, as already noted, 67 feet to wetlands
5 and a similar distance to vernal pool
6 resources. This is within the 100-foot
7 vernal pool envelope, as established by
8 Calhoun and Klemens' Best Development
9 Practices. This would not conform to the
10 Best Development Practices established in
11 that document, and would therefore
12 potentially have long-lasting effects.

13 MR. CUNLIFFE: And have you
14 had discussions with the landowner about this
15 location?

16 THE WITNESS (Paynter): I can
17 speak to that. The landowner is amenable to
18 changing to this location, if necessary.

19 MR. CUNLIFFE: You had
20 provided some visibility analysis for this
21 alternate location. Would you characterize
22 or compare the two locations, the proposed
23 and the alternate, and in your opinion which
24 would benefit the facility site better, the
25 location?

1 THE WITNESS (Libertine):
2 Certainly. From a purely visibility
3 standpoint, whether we were to remain at the
4 original location or to consider moving to
5 the proposed alternate, there are pluses and
6 minuses essentially. We've got primarily
7 viewsheds to neighborhoods to the north and
8 to the east. And so what happens is
9 certainly a shift of whether it's 300 feet,
10 350 feet, whatever we determine, to the south
11 for the compound, certainly provides a
12 greater separating distance from the folks to
13 the north on Deer Run Trail. We start to
14 encroach a little bit further to the east,
15 and so my expectation is that some of the
16 views to folks at the southern end of that
17 drive, purely the east, are going to start to
18 have a little bit more of a direct view which
19 they wouldn't have at the proposed location.

20 All said and done, it's
21 essentially a trade-off. I think we're
22 talking about trying to strike a balance, but
23 in terms of overall visibility, there's not a
24 great overall benefit from my opinion in
25 terms of visibility.

1 MR. CUNLIFFE: From the
2 response to the interrogatory about the
3 possibility of locating this facility on
4 Manchester land trust property around Risley
5 Pond, it appears that this is out of the
6 question. Is this a fair conclusion?

7 THE WITNESS (Paynter): Yes,
8 it is what we concluded.

9 MR. CUNLIFFE: The coverage
10 maps generated from analysis of the Box
11 Mountain Tower seem to indicate that coverage
12 gets worse as the elevation gets higher.
13 Could you explain that phenomenon?

14 THE WITNESS (Lavin): Yes.
15 Any antenna has a vertical pattern to it.
16 It's more of a flashlight than a bare bulb
17 illuminating in every direction. There's
18 some -- the antennas we're using, they have
19 nulls below the horizon where the coverage is
20 weaker in certain situations as the terrain
21 falls away, and at much higher heights you
22 can see some weakness underneath from those
23 nulls in the pattern.

24 MR. CUNLIFFE: Would you
25 adjust the power because of the height

1 increases?
2 THE WITNESS (Lavin): We could
3 try to change antennas. It might improve the
4 situation somewhat, but we're probably just
5 trading one problem for another.

6 MR. CUNLIFFE: Thank you.
7 In the Section 106 review
8 material, it indicates that the Keweenaw Bay
9 Indian Community and the Lac Vieux Desert
10 Band of the Lake Superior Chippewa Indians
11 were consulted. Why would these tribes be
12 interested in the Central Connecticut
13 proposal?

14 THE WITNESS (Jermakian): This
15 is Dave Jermakian. The tribes that are
16 consulted with are determined by a database
17 contained in the FCC and are automatically
18 notified. The tribes themselves have set a
19 preference for the geographical region in
20 which they want to be consulted.

21 MR. CUNLIFFE: And would the
22 alternate location, if it were shifted 350
23 feet further south/southwest, would that need
24 another Section 106 review?

25 THE WITNESS (Jermakian): It

1 Bridle Path Lane would be greater at the
2 alternative site than at the original site?

3 THE WITNESS (Libertine): Yes.
4 The orientation of that road is east/west,
5 and it's to the east of the property itself.
6 And so what we found was during our initial
7 reconnaissance and balloon float for the
8 proposed site location, the views from the
9 east in those locations, Bridle Path Lane and
10 what I'll call the southern end of Deer Run
11 Trail, tend to be mostly buried in the trees.

12 When we start thinking about
13 bringing this closer to that location, it's
14 going to have a little bit of a higher
15 profile. So my expectation is that we're
16 going to start to eclipse that from some --
17 eclipse the canopy from some of those
18 locations. So it was my opinion that it
19 would just become a bit more prominent than
20 what we would experience if we remained in
21 the proposed location.

22 SENATOR MURPHY: Because I
23 thought, when I began to read this, that one
24 of the purposes of an alternative was to make
25 it less objectionable to people who are

1 certainly would need to be updated with the
2 new concurrence issued by the Chippewa.

3 MR. CUNLIFFE: Would you have
4 any sense the determination would be
5 different?

6 THE WITNESS (Jermakian): I do
7 not believe the determination would be
8 different. The archeology investigation
9 included the proposed alternative location,
10 and in terms of a visual component, there
11 would be no significant difference.

12 MR. CUNLIFFE: Thank you.
13 Those are my questions,
14 Mr. Chairman.

15 THE CHAIRMAN: Thank you.
16 We'll now continue with any
17 additional cross-examination by the Council.
18 Vice Chairman Senator Murphy.

19 SENATOR MURPHY: On the
20 visibility, Mr. Libertine, on the page
21 supplemental filing on the top of the page
22 with respect to visibility as to this
23 alternative location, I don't really
24 understand what it means. I heard what you
25 said, which I'll get to. The view from

1 living on Deer Run Trail, and so forth.

2 THE WITNESS (Libertine): Let
3 me make that distinction because without a
4 map it's a little more difficult to
5 understand.

6 SENATOR MURPHY: I'm looking
7 at, you know, the layout of it, which has
8 part of the roads there.

9 THE WITNESS (Libertine): Deer
10 Run Road originates off of Lydall Street and
11 then heads north before kind of curving back
12 and almost doing a not quite 180, but it's a
13 large sweeping curve that then comes back to
14 the south/southwest. So, I was trying to
15 make a distinction between what I'll call the
16 southern portion of that road versus the
17 northern portion, which is the northern
18 portion, from my perspective, was what is
19 abutting the north end of our property and
20 closest to the originally proposed site.

21 So you're right. I think one
22 of the discussions we had in the field at the
23 last hearing was could we do something to
24 maybe mute or at least buffer those views
25 from that end of the road. The problem is,

1 as I said earlier, we start to get into a
2 situation of now we're kind of pitting one
3 area against the other from a visibility
4 standpoint.

5 SENATOR MURPHY: And so
6 basically then, on balance, you don't think
7 it's a great benefit to the people as a whole
8 in this particular area to make this change
9 of location?

10 THE WITNESS (Libertine):

11 Well --

12 SENATOR MURPHY: You said it's
13 not a great benefit.

14 THE WITNESS (Libertine): It's
15 not a great benefit overall because, again,
16 we're trading one for the other. We could
17 split the difference and go maybe 200 feet,
18 and maybe that at least kind of balances it
19 out, but at the end of the day, it's going to
20 be visible to some folks in that area.
21 That's just the reality of the situation.

22 SENATOR MURPHY: So it really
23 comes down to it's just a question of who on
24 those two streets gets more of a view or less
25 of a view, depending on where you put it, if

1 THE WITNESS (Libertine): Upon
2 consultation, it appears as though he would
3 be amenable to that, in talking with
4 Mr. Chasse. It might actually provide him an
5 easier access to the field than the alternate
6 that we've been discussing at the 300 foot to
7 the south location.

8 SENATOR MURPHY: And so, in
9 your opinion, professional opinion, a move of
10 200 feet rather than 350 would be
11 advantageous to these people on these two
12 streets in comparison to the original
13 location and the 350, that would be the
14 better of the three? I know I got you on the
15 spot.

16 THE WITNESS (Libertine):
17 Yeah, you got me there. Obviously, it's a
18 great --

19 SENATOR MURPHY: I've got to
20 get you once in a while.

21 THE WITNESS (Libertine): It's
22 a great compromise between the two from a
23 purely overall visibility standpoint.

24 SENATOR MURPHY: Well, that's
25 what we're really getting at.

1 the tower is approved?

2 THE WITNESS (Libertine): I
3 will say, if this is helpful, the alternate
4 location or even an alternate of that,
5 because we also have some other
6 considerations there, if we were to shift the
7 original proposed location, and I'm just
8 going to throw out a number, 200 feet as
9 opposed to 350 feet, that probably strikes a
10 fair balance. We get a little bit more
11 distance from the folks to the north, and I
12 don't think we start to encroach quite as
13 close as that -- believe it or not, that
14 extra 150 feet or 200 feet to the east will
15 probably make a fairly dramatic difference.

16 SENATOR MURPHY: Okay. So the
17 basic question then: Is the landlord
18 agreeable to this location that Mr. Libertine
19 is talking about, 200 feet, a move of 200
20 feet rather than 350?

21 THE WITNESS (Libertine): I'd
22 have to defer on that because that might be a
23 little bit further into the field.

24 SENATOR MURPHY: Well, it
25 would be, as I look at it.

1 THE WITNESS (Libertine): I've
2 never had a real problem with the original
3 location. I will say when I saw the site
4 originally and did our work --

5 SENATOR MURPHY: There were
6 more trees.

7 THE WITNESS (Libertine): --
8 there was a different characteristic. So I
9 recognize we're now trying to balance that as
10 well. What I like about going to what I'll
11 call the compromise solution is it starts to
12 push it out of the 100 foot --

13 SENATOR MURPHY: Is that the
14 350 or the 200?

15 THE WITNESS (Libertine): The
16 200. And I'll call that the compromise as
17 opposed to the alternate and the original.

18 SENATOR MURPHY: All right.
19 Just so you know what we're talking about.

20 THE WITNESS (Libertine): But
21 I know because I'm anticipating that Dr.
22 Klemens will have some questions about this
23 shift. And we analyzed it, and our opinion
24 was that we need to move out of that 100-foot
25 critical habitat area, and that was something

1 we were going to have to advocate anyway. So
2 I think this is a very good compromise for a
3 number of reasons, but purely from a
4 visibility standpoint, it certainly does
5 provide a couple of extra hundred feet of
6 buffer from the folks to the north who
7 certainly would be most impacted from the
8 original location. And I think it does --
9 SENATOR MURPHY: So, in your
10 opinion, the 200 feet was a compromise
11 location, as you referred to it?
12 THE WITNESS (Libertine): I
13 think that's a fair representation.
14 SENATOR MURPHY: Is less
15 visible across the board than either of the
16 other two proposed locations?
17 THE WITNESS (Libertine): Yes.
18 In totality, yes, it would be.
19 SENATOR MURPHY: In totality.
20 Thank you. I have nothing
21 else, Mr. Chairman.
22 THE CHAIRMAN: I just have a
23 follow-up to that. I guess, the compromise
24 one, would that be 100 feet or more from the
25 vernal pool or are we still within --

1 THE WITNESS (Libertine): Yes,
2 we would clearly be able to be beyond the 100
3 feet, and in fact, we'd probably be closer to
4 a hundred and -- we're going to get a number.
5 So, it would be closer to 200 feet separating
6 distance from the vernal pool envelope.
7 THE CHAIRMAN: Thank you.
8 Dr. Bell?
9 DR. BELL: Thank you,
10 Mr. Chair.
11 Mr. Lavin, one of your
12 objections to the Box Mountain site, as I
13 understand it, was that it would interfere
14 with the site further on kind of a straight
15 line between the proposed site and the Box
16 Mountain site and the one beyond that. I
17 think it's 1069.
18 THE WITNESS (Lavin): To the
19 east, yes.
20 DR. BELL: What I don't
21 understand is why that even comes into play,
22 1069, because it looks as if, on the terrain
23 map that you supplied, it looks as if it's on
24 another ridge so that the signal going west
25 from that facility would have to go down

1 through a valley or across a valley and then
2 across the mountain where the Box Mountain --
3 Box Mountain --
4 THE WITNESS (Lavin): Yes.
5 DR. BELL: -- and then over to
6 the area that you want to cover. So I don't
7 even understand why that site is being
8 mentioned.
9 THE WITNESS (Lavin): The
10 height at Box Mountain would make it
11 interfere with what 1069 is serving, not so
12 much causing an impact in the proposed
13 coverage area for the new site, but
14 interfering going back toward 1069. There
15 would be a second signal almost as strong in
16 most of the places that 1069 covers, which
17 reduces capacity. It increases our noise by
18 having a second server. The problem would be
19 created not within --
20 DR. BELL: Okay. I think I
21 understand the answer, but couldn't you solve
22 that if you were genuinely interested in 1069
23 providing coverage, you could solve that by
24 directing the antenna into the sectors that
25 are relevant?

1 THE WITNESS (Lavin): With the
2 height it has on the elevation it has, it's
3 extremely difficult to control signals from
4 there to keep it out of the area of the 1069.
5 It's a slope that goes up to 1069, and Box
6 Mountain in that direction would illuminate
7 that whole area. On the western side of the
8 ridge that 1069 sits on top of, there's a
9 road that runs along that ridgetop, which is
10 rather unfortunate in this case in terms of
11 interference. Anyone going along there on
12 that western slope of the ridge would see
13 both sites equally.
14 DR. BELL: Thank you.
15 That's my question, Mr. Chair.
16 THE CHAIRMAN: Thank you.
17 Mr. Ashton?
18 MR. ASHTON: Thank you.
19 Just for clarification, the
20 Applicant is not proposing, under any
21 circumstances, to provide access to the site,
22 wherever it may land in this parcel, from
23 either Bridle Path, Leo J, or Deer Run, are
24 they?
25 THE WITNESS (Gaudet): No, we

1 are not.

2 MR. ASHTON: Thank you.

3 Mr. Gustafson, you made a
4 comment that I think I got that the effect at
5 the site, which is 67 feet more or less from
6 the wetlands boundary, may have severe
7 potential consequences; is that correct?

8 THE WITNESS (Gustafson): It
9 may have potential, not necessarily severe.

10 Because of the movement towards the wetland
11 and within the 100-foot vernal pool envelope
12 and the development changes in that area, it
13 may have effect on the dependent herpetofauna
14 that utilize the vernal pool and migrate from
15 the vernal pool.

16 MR. ASHTON: Could you
17 elaborate a little bit more on that? I'm
18 having trouble figuring out why this
19 development might have such consequences.

20 THE WITNESS (Gustafson): The
21 100-foot vernal pool envelope, which is a
22 buffer from the edge of the vernal pool
23 habitat, is a critical area for migrating
24 herpetofauna, things like frogs and
25 salamanders, that utilize those pools.

1 In this case these areas
2 aren't currently forested, which is typically
3 the higher quality habitat that they were
4 dependent on. However, the surface change
5 from a hay field to a gravel surface will
6 remove some habitat benefits in this
7 location; therefore, it's difficult, if not
8 impossible, at this point to quantify those
9 effects on those amphibians and reptiles, but
10 it is undeniable that it will have some
11 effect on those populations.

12 MR. ASHTON: Okay. And that
13 would be, once you get past the 100 feet,
14 you're all clear? Is that the gist of it?

15 THE WITNESS (Gustafson): No.
16 And this is in reference to conforming with
17 the best development practices, as
18 established by Calhoun and Klemens' document.
19 So this is a guidance document for general
20 conservation of pools; therefore, it's far
21 more critical in the 100-foot vernal pool
22 envelope than the 100 to 750 feet established
23 in the critical terrestrial habitat zone.

24 MR. ASHTON: Okay. As I look
25 at drawing SP-1 in the amended or

1 supplemental material, it looks as though the
2 corner of that site, as shown, is into the
3 67 -- where the 67 is measured. Did the back
4 corner get measured? How far away is that?
5 I can understand that there are consequences,
6 and it would be more meaningful if there was
7 a continuous paradigm, if you will, of the
8 boundaries, but where it's a point corner, I
9 begin to wonder about it.

10 THE WITNESS (Gustafson):
11 Certainly. And I think, to your point, the
12 effect may not be dramatic. So that's why I
13 wanted to clarify that it's not severe, and I
14 had qualified as potential effect, and it may
15 not be significant, but it's impossible for
16 us to qualify what that impact would be based
17 on just this analysis.

18 MR. ASHTON: Just this
19 analysis.

20 So what more analysis would be
21 required to get at that? I mean, what have
22 you got to do to show --

23 THE CHAIRMAN: This is it.

24 MR. ASHTON: Okay. Let me ask
25 a different question then. And it addresses

1 to you the contour lines shown on that are at
2 2-foot intervals. What's the possibility
3 that the site could be pushed into that bank
4 a little further without any meaningful
5 excavation of gravel? In fact, it's a gravel
6 operation.

7 THE WITNESS (Gustafson): I
8 think we're getting at the compromise
9 solution that we've been discussing; is that
10 correct?

11 MR. ASHTON: No. Right where
12 the site is shown, just move it to the left?

13 THE WITNESS (Gustafson):
14 Certainly moving it out of that 100-foot
15 vernal pool envelope, such that you're
16 suggesting, would have an improvement on the
17 effects on the buffering to the vernal pool.

18 MR. ASHTON: Okay. I have one
19 question that, unfortunately, came up in my
20 mind after the last hearing. And thinking of
21 alternate sites, did anybody think of an
22 alternate site of placing this facility
23 inside the excavated area?

24 THE WITNESS (Gaudet): When we
25 initially conducted the site search for this

Page 169

1 site, the search ring that was provided by
2 AT&T, the site that was originally
3 proposed -- I guess we're now referring to
4 that as the proposed site -- was barely
5 inside the search area. So we did focus on
6 the areas that were within the search ring.
7 We did look at the quarry area just to walk
8 the area a little bit, and they are still
9 using that area for some excavation
10 activities.

11 MR. ASHTON: So that are you
12 saying that moving this a couple hundred feet
13 west would present a problem from an
14 operating standpoint, never mind an
15 extraction of gravel standpoint.

16 THE WITNESS (Gaudet): No.
17 What I'm saying is that that was when we
18 found an area that appeared to be suitable,
19 keeping in mind that the vegetative screening
20 was much more significant at the time that I
21 first viewed the site, when we found an area
22 that met AT&T's initial criteria as well as
23 was acceptable to the property owner, we
24 located the site accordingly, and the quarry
25 location was not presented to AT&T for its

Page 171

1 discussion was very much in what Mr. Ashton
2 was saying. We were talking about pushing
3 that right up against the toe of that gravel
4 slope. There was a whole discussion in the
5 field about how close you could get to the
6 toe of that slope. And it's somewhat
7 difficult to see here, but it appears this is
8 not in the toe of the slope.

9 And I would certainly think it
10 could be moved closer, even ask whether it
11 could go near where that road, there was an
12 excess road across that glacial formation
13 going to the quarry. We're talking about
14 putting it down in there, which would really
15 get you away well beyond the 100 feet from
16 the wetland and sort of a variant of what
17 Mr. Ashton has just asked you.

18 MS. CHIOCCHIO: I'm sorry, Dr.
19 Klemens, what photo or --

20 DR. KLEMENS: I'm looking.
21 It's very hard because right here in the
22 Risley on the DEA there's a proposed lease
23 area looking south, and it sort of goes up
24 around and dips down. And my sense was that
25 it was going to be sort of right up against

Page 170

1 review.

2 MR. ASHTON: Okay. So there
3 has been no evaluation of that option at all?

4 THE WITNESS (Gaudet): From an
5 RF perspective, that's true.

6 MR. ASHTON: A ten-minute
7 discussion with the property owner?

8 THE WITNESS (Gaudet): That's
9 correct.

10 MR. ASHTON: So there's been
11 no discussion?

12 THE WITNESS (Gaudet): That's
13 correct.

14 MR. ASHTON: Nothing further.
15 Thank you.

16 THE CHAIRMAN: Thank you.
17 Dr. Klemens?

18 DR. KLEMENS: Thank you,
19 Mr. Chairman. I have some follow-up
20 questions along the same line.

21 When I was in the field -- and
22 I'm trying to sort of get everything to line
23 up. I'm looking at Photo Number 3 in the
24 Attachment Number 4, proposed lease area
25 facing south -- it's my recollection that the

Page 172

1 or into that area which would, on the
2 right-hand side of the photo, which would
3 certainly eliminate the intrusion into the
4 vernal pool envelope that Mr. Gustafson has
5 described. I guess what I'm saying is
6 basically I think your relocated area, your
7 alternative at 350 feet, is more in the
8 center of the field, and I thought when we
9 were out in the field we were talking about
10 tucking it right up against the glacial ridge
11 that Mr. Ashton has described. And I think
12 you would be able to get it 350 feet away and
13 get it away from the vernal pool by moving it
14 westward.

15 THE WITNESS (Chasse): I just
16 looked at the photographs, and I'm not sure
17 that it's truly indicative of where the
18 location that we're talking about. If you
19 refer back to SP-1 of the alternate location,
20 the 434, 435 contour pretty much is the toe
21 of that slope, and we did tuck it right up
22 against there. And granted there's a little
23 more tuck that we could do on that, but I was
24 trying to leave some area there for grading,
25 and so forth.

9 (Pages 169 to 172)

1 DR. KLEMENS: So you're saying
2 you're up against the toe of the slope
3 already at 434?
4 THE WITNESS (Chasse): There's
5 probably a 10-foot wiggle that we could move
6 a little bit further to the northwest.
7 DR. KLEMENS: Okay. All
8 right. Well, I think that would -- I'm
9 seeing what you're saying. And even when cut
10 into the slope a bit, one could do better.
11 THE WITNESS (Chasse): Yes,
12 given the amount of trees that have already
13 been felled versus this tree survey that was
14 done initially.
15 DR. KLEMENS: Who knows if
16 they're even there now. And frankly those
17 trees have little value to the neighbors.
18 The trees that have value to the neighbors
19 have been removed, which leads me to my next
20 question to Mr. Libertine.
21 You're talking about
22 visibility between the two. But isn't there
23 an important distinction that in the original
24 site there's very little -- the base of the
25 tower is going to be clearly visible because

1 the trees are gone, and isn't on the 350 foot
2 relocation that is well buffered because
3 there is a forested wetland between that and
4 the end of the Bridle Trail; is that correct?
5 THE WITNESS (Libertine): Yes.
6 The only thing I might qualify is that the
7 shape of that forested wetland is such that I
8 think the folks on the east side of the road
9 would be well shielded. I think there is
10 some locations on the west where there will
11 still be some direct views into that.
12 DR. KLEMENS: To the base of
13 the tower?
14 THE WITNESS (Libertine): To
15 the base of the tower. So it's not a perfect
16 situation just because of the kind of the
17 shape of the forest as it wraps around the
18 field. It's not a clear crescent. So,
19 there's definitely a benefit to it. It's
20 just not -- it's not going to alleviate all
21 the views of the base from all the locations
22 in that area.
23 DR. KLEMENS: But given that
24 on Deer Run, everyone can see it now because
25 of the deforestation, do you have any idea

1 how many homes, if we're trying to balance
2 this, how many homes would actually have that
3 direct view on Bridle Trail?
4 THE WITNESS (Libertine):
5 Well, it wouldn't be from Bridle --
6 DR. KLEMENS: I'm sorry,
7 Bridle Path.
8 THE WITNESS (Libertine): It
9 wouldn't be from Bridle Path.
10 DR. KLEMENS: It would be from
11 Leo J Lane?
12 THE WITNESS (Libertine): No.
13 It would actually be from the north -- I
14 guess to maybe make sure I'm following you, I
15 was under the impression you're talking about
16 the original location.
17 DR. KLEMENS: I'm talking
18 about the relocation.
19 THE WITNESS (Libertine): The
20 350 foot relocation?
21 DR. KLEMENS: Correct.
22 THE WITNESS (Libertine):
23 Okay. I think from there I would agree that
24 most folks to the east would still not be
25 impacted looking at the base.

1 DR. KLEMENS: Correct.
2 THE WITNESS (Libertine): From
3 the north, I think the folks on the east side
4 of that road would be shielded. I think
5 there are some homes on the west. So if I
6 had to give you a number, we're probably
7 talking about a handful of homes versus now
8 most of the homes on that northern end of
9 Deer Run Trail. So there would be an
10 improvement.
11 DR. KLEMENS: So there would
12 be an improvement for certainly there would
13 be minimal impact to Bridle Path and Leo J
14 Lane and a marked improvement to the
15 visibility on Deer Run Trail at the 350-foot
16 relocation area?
17 THE WITNESS (Libertine):
18 Certainly of the base of the facility,
19 absolutely.
20 DR. KLEMENS: Correct.
21 THE WITNESS (Libertine): Yes,
22 I would agree with that.
23 DR. KLEMENS: All Right. I
24 have no further questions, Mr. Chairman.
25 Thank you.

1 THE CHAIRMAN: Mr. Caron?
2 COMMISSIONER CARON: I guess I
3 would just follow up again on the trees that
4 have been cut down subsequently to the
5 original viewing. Is there anything
6 precluding the addition of some shrubs? We
7 talked about everyone is going to be able to
8 see the base. Is there some room for some
9 shrubbery to be put in that will at some
10 point within a couple, two, three seasons
11 shield a lot of that base, at least not have
12 the eye follow the tower upward from the
13 base?
14 THE WITNESS (Gaudet): Yes,
15 there is a provision. There's enough space
16 to add vegetative screening.
17 COMMISSIONER CARON: Okay.
18 Regardless of which ultimate --
19 THE WITNESS (Gaudet): Yes,
20 the general site design provides for a larger
21 lease parcel and ability to use that space.
22 COMMISSIONER CARON: That's
23 good for me, Mr. Chairman.
24 THE CHAIRMAN: Mr. Hannon?
25 MR. HANNON: Thank you,

1 problem that the road is in there. What we
2 have qualified is that the road follows an
3 existing travel path. The movement of the
4 alternate facility will exacerbate any
5 problems, and as we've already stated, cannot
6 quantify what those impacts would be, but
7 certainly because now we've increased the
8 amount of development within that 100 feet
9 substantially by adding compound over the
10 original facility design, that it will have
11 an adverse impact.
12 OMR. HANNON: If I remember
13 correctly, I believe that the current trail
14 that's out there is primarily dirt, maybe
15 mud, ruts, things of that nature. So going
16 in and actually putting in the gravel pathway
17 may also be a bit of a barrier too. Correct?
18 THE WITNESS (Gustafson): It
19 will have an effect. We cannot say that it
20 won't. However, because this is an unmanned
21 facility and typically a gravel road will not
22 inhibit herpetofauna migration across it, we
23 do not feel that it was a substantial effect
24 over this new redesign which will have a much
25 larger area of development within the vernal

1 Mr. Chairman. I did have one or two
2 questions.
3 I know we're talking about the
4 alternate site being 67 feet, give or take,
5 to the wetlands, and that could have an
6 adverse impact, but I guess the concern I
7 have is then what is the impact of having the
8 proposed roadway only 17 feet from the
9 wetlands?
10 THE WITNESS (Gustafson): Are
11 we talking about an evaluation of the
12 original versus the proposed or just in
13 general that road being located within 17
14 feet?
15 MR. HANNON: Even with the
16 alternate location, there are still two spots
17 where that proposed roadway is 17 feet from
18 the wetlands. So, if you're saying that
19 moving the compound to a spot that's 67 feet
20 away from the wetlands and it is within that
21 100-foot area, then why isn't it a problem
22 when the road is only 17 feet off the same
23 wetland?
24 THE WITNESS (Gustafson): We
25 aren't necessarily saying that it isn't a

1 pool envelope, even if it's marginal.
2 MR. HANNON: Thank you. I
3 have no further questions.
4 THE CHAIRMAN: Thank you.
5 Mr. Lynch?
6 MR. LYNCH: No questions.
7 THE CHAIRMAN: Dr. Klemens?
8 DR. KLEMENS: I just have a
9 follow-up question on that.
10 Let's follow up on what
11 Mr. Hannon said. I think, if I hear you
12 correctly, you're making a distinction
13 between a constructed compound, a structure
14 that is within the vernal pool envelope,
15 versus a road that the animals can cross back
16 and forth. You see that as two different
17 type of impacts; am I correct?
18 THE WITNESS (Gustafson): Yes,
19 yes. And specifically to clarify, as you're
20 getting at, the compound will be fenced which
21 can inhibit migration even though they'll
22 clearly be able to go around it. Like you're
23 saying, there is a difference in that type of
24 development, especially considering that the
25 access currently follows an existing travel

1 way.
2 DR. KLEMENS: So what you're
3 saying -- let me just try to make sure I
4 understand. What you're saying is, in the
5 case of the porosity of the site for
6 amphibian movement, in your professional
7 judgment, the roadway is not a significant
8 obstacle because it's not going to be used a
9 lot, whereas the compound, because it's
10 actually habitat being taken out of play, is
11 that what I'm --
12 THE WITNESS (Gustafson): I
13 don't believe it will be as significant.
14 DR. KLEMENS: Thank you.
15 THE CHAIRMAN: Dr. Bell?
16 DR. BELL: Just one more
17 question. We haven't had a discussion of the
18 silo alternative or idea, but you have
19 provided a simulation of that, so I gather
20 that's in play and the landlord is all right
21 with that?
22 THE WITNESS (Gaudet): The
23 landlord has not been specifically -- we have
24 not discussed with the landlord specific
25 types of alternatives, but ATC has the rights

1 to construct whatever type of structure
2 within its leased parcel, as required.
3 DR. BELL: So AT&T is offering
4 that as a possibility?
5 THE WITNESS (Paynter): Yeah.
6 Well, American Tower owned the facility, but
7 we definitely would --
8 DR. BELL: I'm sorry. Yes,
9 American Tower. Thank you.
10 Thank you, Mr. Chairman.
11 THE CHAIRMAN: So just to
12 follow up on that, Mr. Libertine, as far as a
13 visual impact of a silo?
14 THE WITNESS (Libertine):
15 Well, it certainly is a wider profile for the
16 entire height of the facility. At the end of
17 the day, the top height, at the top height
18 with a full array, we're talking generally
19 the same width or diameter, maybe a few feet
20 more, because we'd have housing around it. I
21 think in this case, certainly, when you're
22 talking about a facility at this height,
23 that's kind of pushing the height of a silo,
24 I think, that we see typically in New
25 England, but there's certainly some context

1 for having a silo in an agricultural area
2 like this.
3 So, these are a situation
4 where it really comes down to everybody kind
5 of having their own opinion on how these
6 things look, but certainly a silo is not out
7 of the question from a context standpoint.
8 THE CHAIRMAN: Mr. Hannon?
9 MR. HANNON: A follow-up
10 question on that. We've had discussions
11 about the complexity of expanding monopines.
12 Seeing as how there seems to be an issue
13 about going forward with a lot of towers and
14 going higher, what's the impact on a silo?
15 THE WITNESS (Libertine):
16 Well, it's more of a construction issue than
17 it is a visibility issue at that point.
18 THE WITNESS (Chasse): It
19 could be designed to have an extension on it.
20 There would have to be an initial
21 understanding of what that extension would
22 be, basically design it up front. This way
23 the top dome could come off. You could add
24 another 20-foot section. There would already
25 be plating there. The tricky part is really

1 for what the carriers will want because, for
2 a structure of that extent with stealthing,
3 you're going to want some steel structure to
4 support that in addition to the reinforced
5 polymer resins that are going on that are RF
6 friendly. So it would have to be planned up
7 front. Obviously, the footings for that silo
8 would have to be designed up front, as well,
9 to accommodate for that extension, but it is
10 doable.
11 MR. HANNON: I'm just checking
12 because we've had these discussions before.
13 THE WITNESS (Chasse): Going
14 into a tower, a monopine, and taking the top
15 off and putting another on, the activity for
16 construction to go in and actually take the
17 top of that would be more intense than it
18 would be for swapping out the top of a
19 monopine.
20 MR. HANNON: Thank you.
21 THE CHAIRMAN: Okay. We'll
22 now proceed with cross-examination by the
23 Intervenors, but I don't know if either of
24 them are present. Representative Luxenberg
25 and Senator Cassano?

1 (No response.)
2 THE CHAIRMAN: So, obviously,
3 we can't have any cross-examination by them.
4 I guess we won't be able to do that since
5 they're not present, but they did have an
6 opportunity at the prior hearing to provide
7 cross-examination.
8 Before closing the hearing,
9 the Siting Council announces that briefs and
10 proposed findings of fact may be filed with
11 the Council by any party or intervenor no
12 later than April 2nd of this year. The
13 submission of briefs or proposed findings of
14 fact are not required by this Council, rather
15 we leave it to the choice of the parties and
16 intervenors.
17 Anyone who has not become a
18 party or intervenor, but who desires to make
19 his or her views known to the Council, may
20 file written statements with the Council
21 within 30 days of the date hereof.
22 The Council will issue draft findings of
23 fact, and thereafter parties and intervenors
24 may identify errors or any inconsistencies
25 between the Council's draft findings of fact

1 and the record. However, no new information,
2 no new evidence, no argument and no reply
3 briefs without our permission will be
4 considered by the Council.
5 Again, copies of the
6 transcript of the hearing will be filed at
7 the Manchester, Bolton, and Vernon town
8 clerk's offices.
9 And I hereby declare this
10 hearing adjourned. Thank you all for your
11 participation. Drive home safely.
12 (Whereupon, the witnesses were
13 excused, and the above proceedings were
14 adjourned at 1:47 p.m.)
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25

1 CERTIFICATE
2 I hereby certify that the foregoing 39
3 pages are a complete and accurate
4 computer-aided transcription of my original
5 stenotype notes taken of the Continued
6 Council Meeting in Re: DOCKET NO. 453,
7 AMERICAN TOWER CORPORATION AND NEW CINGULAR
8 WIRELESS PCS, LLC, APPLICATION FOR A
9 CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
10 AND PUBLIC NEED FOR THE CONSTRUCTION,
11 MAINTENANCE, AND OPERATION OF A
12 TELECOMMUNICATIONS FACILITY LOCATED AT
13 MANCHESTER TAX ASSESSOR MAP 133, BLOCK 3700,
14 LOT 701, 701 LYDALL STREET, MANCHESTER,
15 CONNECTICUT, held before ROBERT STEIN,
16 Chairperson, at the Connecticut Siting
17 Council, 10 Franklin Square, New Britain,
18 Connecticut, on March 3, 2015.
19
20
21
22
23 _____
24 Lisa L. Warner, L.S.R. 061
25 Court Reporter

1 INDEX
2 WITNESSES MATTHEW GUSTAFSON
3 MICHAEL LIBERTINE
4 JENNIFER YOUNG GAUDET
5 DAVID JERMAKIAN
6 MARTIN LAVIN
7 BLAKE PAYNTER
8 SCOTT CHQASSE Page 144
9 EXAMINERS:
10 Ms. Chiochio
11 Mr. Cunliffe
12 Mr. Murphy
13 Dr. Bell
14 Mr. Ashton
15 Dr. Klemens
16 Mr. Caron
17 Mr. Hannon
18 EXHIBITS
19 (For Identification.)
20 EXHIBIT DESCRIPTION PAGE
21 II-B-8 Applicants' responses to 147
22 CSC interrogatories, Set II,
23 dated February 23, 2015
24 II-B-9 Applicants' supplemental 147
25 information, dated
February 23, 2015