

1
2 STATE OF CONNECTICUT
3 CONNECTICUT SITING COUNCIL
4

5 Docket No. 456

6 Application from Cellco Partnership d/b/a
7 Verizon Wireless for a Certificate of
8 Environmental Compatibility and Public Need
9 for the construction, maintenance, and
10 operation of a telecommunications facility
11 located at Plymouth Tax Assessor Map
12 054/065/0161A-1, 33 Keegan Road, Plymouth,
13 Connecticut
14

15 Council Meeting held at the Plymouth
16 Town Hall, Downstairs Community Room, 80 Main
17 Street, Terryville, Connecticut, Tuesday,
18 April 21, 2015, beginning at 3:00 p.m.
19

20 H e l d B e f o r e:

21 ROBIN STEIN, Chairperson
22
23
24
25

Robert G. Dixon, CVR-CM
Notary Public

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

2 Council Members:

3 SENATOR JAMES J. MURPHY, JR.,

4 Vice Chairperson

5 DR. BARBARA C. BELL

6 ROBERT HANNON, DEEP Designee

7 DANIEL P. LYNCH, JR.

8 PHILIP T. ASHTON

9

10 Council Staff:

11 MELANIE BACHMAN, ESQ.,

12 Executive Director and

13 Staff Attorney

14 ROBERT D. MERCIER

15 Siting Analyst

16

17 For Cellco Partnership d/b/a Verizon

18 Wireless:

19 ROBINSON & COLE

20 280 Trumbull Street

21 Hartford, Connecticut 06103-3597

22 By: KENNETH C. BALDWIN, ESQ.

23

24

25

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1 THE CHAIRPERSON: Good
2 afternoon, ladies and gentlemen. I'd like to
3 call to order the meeting of the Connecticut
4 Siting Council, today Tuesday, April 21, 2015
5 approximately 3 p.m.

6 My name is Robin Stein. I'm
7 Chairman of the Connecticut Siting Council.
8 Other members of the Council present are
9 Senator Murphy, our Vice Chairman;
10 Mr. Hannon, our designee from the Department
11 of Energy and Environmental Protection;
12 Mr. Ashton; Mr. Lynch and Dr. Bell.

13 Members of the staff present
14 are our Staff Attorney and Executive Director
15 Melanie Bachman and Robert Mercier our siting
16 analyst.

17 This hearing is held pursuant
18 to the provisions of Title 16 of the
19 Connecticut General Statutes and of the
20 Uniform Administrative Procedure Act upon an
21 Application from Cello Partnership d/b/a
22 Verizon Wireless for a Certificate of
23 Environmental Compatibility and Public Need
24 for the Construction, Maintenance and
25 Operation of a Telecommunications Facility

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1 Located at 33 Keegan Road in Plymouth,
2 Connecticut. This application was received
3 by the Council on February 13, 2015.

4 As a reminder to all, off the
5 record communication with a member of the
6 Council or the Council staff upon the merits
7 of this application is prohibited by law.

8 The parties in this proceeding
9 are the applicant Cello Partnership, and
10 Attorney Baldwin is their representative. We
11 will proceed in accordance with the prepared
12 agenda, copies of which are available at the
13 podium. Also available are copies of the
14 Council's Citizen Guide to Siting Council
15 Procedures.

16 At the end of this afternoon's
17 session we will recess and resume again at
18 7 p.m. The 7 p.m. hearing session will be
19 reserved for the public to make brief oral
20 statements into the record.

21 I wish to note that parties,
22 including their representatives and witnesses
23 are not allowed to participate in the public
24 comment session. I also wish to note for
25 those who are here and for the benefit of

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1 your friends and neighbors who are unable to
2 join us for the public comment session that
3 you or they may send written statements to
4 the Council within 30 days of the date hereof
5 and such written statements will be given the
6 same weight as if spoken at the hearing.

7 If necessary, party
8 presentations may continue after the public
9 comment session if time remains. Hopefully
10 we won't need to do that, but we will allow
11 time if necessary. A verbatim transcript
12 will be made of this hearing and deposited
13 with the town clerk's office in Plymouth for
14 the convenience of the public. Is there any
15 public official here who would like to make a
16 public statement, a statement?

17 (No response.)

18 THE CHAIRPERSON: Hearing and
19 seeing none, I'd like to call your attention
20 to those items shown on hearing program
21 marked as Roman numeral 1 D, items 1 through
22 61. Does the applicant have any objection to
23 the items that the Council has
24 administratively noticed?

25 MR. BALDWIN: No,

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1 Mr. Chairman.

2 THE CHAIRPERSON: Accordingly
3 the Council hereby administratively notices
4 these existing documents, statements and
5 comments.

6 And we'll now go to the
7 appearance by the applicant. And Attorney
8 Baldwin, would you present your witness panel
9 for the purpose of taking the oath?

10 MR. BALDWIN: Yes,
11 Mr. Chairman. Thank you. Good afternoon.
12 Kenneth Baldwin with Robinson & Cole on
13 behalf of the applicant, Cellco Partnership,
14 doing business as Verizon wireless.

15 Some old faces and some new
16 faces on the panel this afternoon,
17 Mr. Chairman. Speaking about young faces, at
18 the far, my far right, your left, Matt
19 Gustafson with APT Corporation. Seated next
20 to Matt is Mike Libertine. To my immediate
21 right is Carlo Centore with Centek Engineers,
22 a project engineer.

23 To my immediately left, a new
24 face. It's Tony Befera. Mr. Befera is the
25 manager of real estate and project

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1 implementations for Cellco Partnership, a new
2 face at these hearings, replacing Sandy
3 Carter for this afternoon.

4 To Mr. Befera's left is Mark
5 Brauer, a radiofrequency engineer responsible
6 for the Plymouth West relo cell site. And at
7 the far right-hand side of the table to you
8 is Alex Tyurin. Mr. Tyurin is the real
9 estate consultant that was responsible for
10 the site search efforts at this facility.
11 That is our witness panel, Mr. Chairman. I
12 offer them to be sworn at this time.

13 THE CHAIRPERSON: Please rise
14 to be sworn in.

15 M A T T G U S T A F S O N,
16 M I C H A E L L I B E R T I N E,
17 C A R L O C E N T O R E,
18 T O N Y B E F E R A,
19 M A R K B R A U E R,
20 A L E X T Y U R I N,

21 called as witnesses, being first duly
22 sworn by the Executive Director, were
23 examined and testified on their oaths
24 as follows:

25 MR. BALDWIN: Mr. Chairman, we

1 have no administrative notice items to offer
2 at this time. We do however have six hearing
3 exhibits to offer. There are five of them
4 already listed in the hearing program under
5 Roman 2, subsection B, items 1 through 5.

6 We did receive in fairly short
7 order a response to the applicant's
8 Exhibit 5, the eastern box turtle and wood
9 turtle protection plan dated April 20th. We
10 received just yesterday a letter from Dawn
11 McKay dated April 20th that has been handed
12 out to the Council this afternoon. We'd like
13 to include that as Applicant's Exhibit
14 Number 6 in the hearing program.

15 And we offer those exhibits at
16 this time for identification purposes subject
17 to verification by our witness panel.

18 THE CHAIRPERSON: I guess
19 there's really nobody here to object. So the
20 exhibits are admitted. And so we'll now
21 begin with cross examination by our staff,
22 Mr. Mercier.

23 MR. MERCIER: Thank you. I'd
24 just like to begin with some of the items
25 that were discussed at the field review. I

1 guess it pertains really to the access road.
2 Now looking at the access road entrance from
3 the street, what's the grade in that area
4 that's heading up the hill before it flattens
5 out?

6 THE WITNESS (Centore): Forty
7 percent as it exists today. Carlo Centauri,
8 40 percent at the entrance.

9 THE CHAIRPERSON: We have a --
10 Mr. Lynch?

11 MR. LYNCH: Just a point of
12 clarification, Mr. Baldwin. Sandy Carter is
13 referenced in the Exhibit 1. Is someone
14 going to be taking her testimony and
15 submitting her testimony?

16 MR. BALDWIN: I was going to
17 ask, Mr. chairman. I appreciate the
18 accommodation because there are no other
19 parties or intervenors, but I think for the
20 sake of the record if we could take the
21 opportunity and the time to verify our
22 exhibits, I would appreciate that. We do
23 have one or two minor corrections that I
24 think we'd like to make.

25 THE CHAIRPERSON: I apologize.

1 Will you now verify your exhibits?

2 MR. BALDWIN: Thank you,
3 Mr. Chairman.

4 For our witness panel, did you
5 prepare or assist in the preparation of the
6 exhibits and items listed in the hearing
7 program as modified under Roman II, section
8 B, items 1 through 6? Mr. Gustafson.

9 THE WITNESS (Gustafson):
10 Matthew Gustafson, yes.

11 MR. BALDWIN: Mr. Libertine?

12 THE WITNESS (Libertine): Yes.

13 MR. BALDWIN: Mr. Centore?

14 THE WITNESS (Centore): Yes.

15 MR. BALDWIN: Mr. Befera?

16 THE WITNESS (Befera): Yes.

17 MR. BALDWIN: Mr. Brauer?

18 THE WITNESS (Brauer): Yes.

19 MR. BALDWIN: Mr. Tyurin?

20 THE WITNESS (Tyurin): Yes.

21 MR. BALDWIN: And do you have
22 any modifications or clarifications you'd
23 like to offer to any of those exhibits, or
24 items in those exhibits? Mr. Gustafson?

25 THE WITNESS (Gustafson): No.

1 MR. BALDWIN: Mr. Libertine?

2 THE WITNESS (Libertine): No.

3 MR. BALDWIN: Mr. Centore?

4 THE WITNESS (Centore): Yes, I
5 do. On page 22 and 23 of the application,
6 the estimates need to be updated to
7 reflect -- on page -- page 22, the 878,000
8 needs to be updated to 1 million oh thirty
9 eight zero three eight thousand.

10 MR. ASHTON: Say that again?

11 THE WITNESS (Centore): The
12 overall, 1,038,000.

13 On page 23, the 360,000 needs
14 to be updated to reflect 520,000. Those
15 costs are additional costs that were -- were
16 not carried in -- in the estimate to do with
17 the retaining walls and/or blasting as
18 required to -- to create the access road.

19 The two more corrections. On
20 drawing T1 in the project summary in tower
21 coordinates, the ground elevation under tower
22 coordinates of 826.4 need to be updated to be
23 833.9 feet AMSL.

24 And the reference made to the
25 FAA 1A of January 21, 2015, needs to be

1 updated to be April 17, 2015.

2 One final correction. Drawing
3 C-1A of the site plan, the southerly most
4 catchbasin noted on the site plan that's
5 showing as new is actually an existing
6 catchbasin. And the proposed 12-inch HDPE
7 pipe across the road that's showing as new,
8 is an existing pipe. Those are my
9 corrections.

10 MR. BALDWIN: Thank you.

11 Mr. Befera, any corrections or
12 modifications?

13 THE WITNESS (Befera): No.

14 MR. BALDWIN: Mr. Brauer?

15 THE WITNESS (Brauer): No.

16 MR. BALDWIN: Mr. Tyurin?

17 THE WITNESS (Tyurin): No.

18 MR. BALDWIN: And with those
19 modifications and corrections, is the
20 information contained in the exhibits true
21 and accurate to the best of your knowledge?

22 Mr. Gustafson.

23 THE WITNESS (Gustafson): Yes.

24 MR. BALDWIN: Mr. Libertine?

25 THE WITNESS (Libertine): Yes.

1 MR. BALDWIN: Mr. Centore?

2 THE WITNESS (Centore): Yes.

3 MR. BALDWIN: Mr. Befera?

4 THE WITNESS (Befera): Yes.

5 MR. BALDWIN: Mr. Brauer?

6 THE WITNESS (Brauer): Yes.

7 MR. BALDWIN: Mr. Tyurin?

8 THE WITNESS (Tyurin): Yes.

9 MR. BALDWIN: And do you adopt
10 the information in those exhibits as your
11 testimony this afternoon?

12 Mr. Gustafson.

13 THE WITNESS (Gustafson): Yes.

14 MR. BALDWIN: Mr. Libertine?

15 THE WITNESS (Libertine): Yes.

16 MR. BALDWIN: Mr. Centore?

17 THE WITNESS (Centore): Yes.

18 MR. BALDWIN: Mr. Befera?

19 THE WITNESS (Befera): Yes.

20 MR. BALDWIN: Mr. Brauer?

21 THE WITNESS (Brauer): Yes.

22 MR. BALDWIN: Mr. Tyurin?

23 THE WITNESS (Tyurin): Yes.

24 MR. BALDWIN: Now I offer
25 them, Mr. Chairman. Thank you very much.

1 THE CHAIRPERSON: And I will
2 readmit the exhibits. So they're admitted.
3 And I don't know if that would answer
4 Mr. Lynch's question as to Ms. Carter was
5 listed and obviously she's not here. So is
6 one of the other people here involved in
7 that?

8 MR. BALDWIN: That's correct,
9 Mr. Chairman. Mr. Befera and Mr. Tyurin
10 should be able to address an addition to the
11 members of our -- the other members of our
12 panel anything that Mrs. Carter would have
13 otherwise addressed.

14 THE CHAIRPERSON: Okay. Thank
15 you.

16 Continue with Mr. Mercier's.

17 MR. MERCIER: Thank you. Now
18 I understand the grade, you know, starts off
19 at about 40 percent or so, and then it
20 travels uphill to the compound, to the level
21 up near the compound area. Could you just
22 please describe how you're going to describe
23 construct this access road and incorporating
24 those retaining walls and why you need two
25 separate retaining walls and along with

1 things of that nature?

2 THE WITNESS (Centore): Well,
3 what's being proposed now are retaining walls
4 on either side. There's a significant cut to
5 get the grades to drive -- drive low grades
6 to access this site. And to achieve that
7 we're basically routing out a road through
8 the -- through the hillside.

9 Retaining walls are required
10 on either side to maintain this, the grades
11 that we're proposing. Those could be
12 retaining walls and there's a possibility
13 that once -- once further investigation is
14 done during reconstruction, that the quality
15 of the rock is such that it will -- will
16 support the hillside and we won't need to
17 construct retaining walls, but there's --
18 there's a significant cut that we're going to
19 be dealing with.

20 The -- the need for blasting
21 has been confirmed. We did -- we did have a
22 geotechnical report conducted. We drilled up
23 the access drive to verify the -- the depth
24 of -- of ledge and it averages between three
25 and five feet below finished grades.

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1 And we've got, only at the
2 initial portion of the drive where we're
3 coming off the road, where we may have
4 between 12 and 16 feet of rock cut that would
5 be necessary to achieve the grades we're
6 looking for. As you get up in -- into the
7 plateau where the site levels out you're
8 looking at about two and a half to three feet
9 of rock cut that would be necessary to
10 achieve the access road.

11 THE CHAIRPERSON: Mr. Hannon I
12 believe has a follow-up.

13 MR. HANNON: Thank you. I
14 just want to make sure that I understand
15 this. So it's possible that you may not be
16 utilizing retaining walls. Correct?

17 THE WITNESS (Centore):
18 Correct.

19 MR. HANNON: Okay. If in
20 fact, that the rock ledge serves a suitable
21 purpose how do you plan on dealing with the
22 drainage?

23 THE WITNESS (Centore): That's
24 a good question. We do know that we're going
25 to need to do some over blasting to be able

1 to construct the roadbed, because we're not
2 going to be driving right on top of the rock.

3 We'll also have to create a
4 channel and riprap it to slow down any water
5 flow down, down the access road and reduce
6 any of the runoff that's going to be created
7 by the area that we're clearing.

8 I think with -- the goal here
9 is that there's ledge there now. You can see
10 that there's washout going out into the road
11 across from that site already. What -- what
12 we're proposing to do is by implementing
13 channels that are ripraped, is slowing down
14 any water flow going out into the road and
15 trying to maintain the same drainage pattern.
16 It's going to be a difficult build. I'll say
17 that.

18 MR. HANNON: I'm just a little
19 concerned about if you're blasting into ledge
20 and the entire road and drainage structure is
21 basically sitting on ledge. I'm not sure how
22 you're going to really deal that well with
23 the drainage. And I agree, it is going to be
24 a complicated situation. So --

25 THE WITNESS (Centore): And

1 we've put some thought into that and some of
2 that -- some of that is the need that there
3 would be some over blast that we'd want to do
4 to fracture some of the rock below. The idea
5 is to catch as much of that water as we can
6 as it comes down the hill.

7 We did do a -- we did do a
8 drainage study. We did figure that we would
9 be getting increased runoff due to that area
10 of improvement, due to the ledge and that,
11 that increase worked out be at about a
12 3 percent increase from the existing
13 condition. So we're -- we're pretty
14 comfortable that we can control this site
15 without causing any ill affects.

16 MR. HANNON: Okay. I'll
17 reserve the rest of my questions for later
18 on.

19 THE CHAIRPERSON: Thank you.
20 I guess Mr. Lynch, too, has one.

21 MR. LYNCH: Just a follow up,
22 Mr. Centore, what's the -- you said the
23 likelihood you could do it without building
24 the retaining walls. Are you leaning more
25 towards now the blasting and the riprap? Or

1 retaining walls? Give me a percentage, I
2 guess I'm asking.

3 THE WITNESS (Centore): A
4 percentage of what?

5 MR. LYNCH: Which? Which
6 system you're going to use.

7 THE WITNESS (Centore): Well,
8 the drainage swales with riprap are going to
9 be used whether there's a retaining wall
10 or -- or up the slope -- the idea is if
11 the -- if the natural slope will be stable on
12 it's own we don't need a retaining wall.

13 MR. LYNCH: Understood, but
14 what's the likelihood now if that doesn't,
15 the scenario doesn't hold of building the
16 retaining walls?

17 THE WITNESS (Centore): I
18 think there's probably a higher likelihood
19 that we won't need the retaining walls and
20 that we would be using -- that the existing
21 rock cut will be stable enough. The -- the
22 values that we retrieved, we only did one
23 bore, full depth boring to verify what the
24 quality of rock was, and that's at the tower
25 location. The rest were just probes to find

1 top of rock and that showed that the rock
2 quality was very strong, so it's not
3 fractured rock. So it's going to be -- it's
4 going to be pretty stable to be able to move
5 up the slope.

6 MR. LYNCH: Thank you. Thank
7 you, Mr. Chairman.

8 MR. MERCIER: Thank you. In
9 regards to the blasting, are there any
10 pre-blast surveys conducted of adjacent
11 residences or any structures or anything?

12 THE WITNESS (Centore):

13 There's a standard protocol
14 that would go into place with any -- with any
15 site when you're doing -- when you're doing
16 blasting. Typically what you want to do
17 is -- is survey any above ground structures
18 200 to 300 feet away from the proposed
19 blasting.

20 That's a number, I'll say that
21 it's a typical number. There's no regulation
22 for that, but that needs to be cleared with
23 the local fire marshal and that would be done
24 as part of the permitting process. The fire
25 marshal really would have jurisdiction over

1 how far he would want that, that survey
2 conducted. But like I said, typically 250 to
3 300 feet.

4 I'm just trying to see if I
5 had some other notes here.

6 Yes, part of that process
7 with -- with the blasting, we'd have to --
8 there would be a permit with the fire marshal
9 as well that would address those types of
10 things.

11 MR. MERCIER: Okay. Thank
12 you. Now looking at plan C1-A, I noticed the
13 drawing to it. I see the gravel road. Going
14 up the hill on either side there's a swale.
15 Is that how I'm reading it, so on either side
16 of the road there's going to a depressed area
17 filled with riprap?

18 THE WITNESS (Centore):

19 Correct. Correct.

20 MR. MERCIER: Now looking at
21 this plan on the south side of the access
22 road, is it a double retaining wall?

23 THE WITNESS (Centore): Yes,
24 and that's that the reason for the double
25 retaining wall is that rather than create one

1 very tall wall we were trying to engage and
2 use two six-foot tall walls, so we would have
3 a six-foot wall and farther back have another
4 wall. It softens the look going up. It
5 doesn't look like a channel driving up the
6 road.

7 MR. MERCIER: Okay. And
8 again, on the south side where you have the
9 double retaining wall, is that a swale on top
10 that you're going to construct?

11 THE WITNESS (Centore): It is.
12 It's to handle any runoff along the top of
13 the wall. That's -- that occurs on the south
14 and on the north side.

15 MR. MERCIER: And around the
16 compound area, I think I see four -- is it
17 four level spreaders?

18 THE WITNESS (Centore): Yes,
19 and the intent for those level spreaders is
20 to take any of the runoff from the compound
21 area and direct the water into the existing
22 flow pattern and maintain the existing flow
23 patterns so that nothing would -- would want
24 to work its way back down -- down the road.

25 MR. MERCIER: Now to install

1 this, this foundation would blasting be
2 required in that area, do you believe?

3 THE WITNESS (Centore): It may
4 be required. It's going to depend on the
5 foundation type. Let me just check one, one
6 reference.

7 Yes. To answer your question,
8 yes.

9 MR. MERCIER: Referring back
10 to the plan, on the north side near the
11 entrance you have the access road, you have
12 the primary swale, a retaining wall and then
13 a secondary swale, then there's like a
14 squiggly line, I'll call it. I can't see the
15 reference of what that is.

16 THE WITNESS (Centore):
17 That's -- that's silt fence
18 and it's in the legend. It's the last item
19 on the legend.

20 MR. MERCIER: Thank you. Is
21 there a paved apron on this access road where
22 it enters from Keegan Road, or is there just
23 going to be gravel right to Keegan?

24 THE WITNESS (Centore): Yes.
25 There's a -- we're proposing a bituminous

1 paved apron, 20 feet. It's called out on
2 detail 8 on C4. If you look to the notes
3 just above the wetland flagging, it's -- it's
4 right there.

5 MR. MERCIER: Okay. And you
6 said that extends up 20 feet roughly?

7 THE WITNESS (Centore): Yes.

8 MR. MERCIER: So that would
9 eliminate any kind of rutting or something
10 with gravel washing out onto the road?

11 THE WITNESS (Centore):

12 Correct.

13 MR. MERCIER: Okay. The
14 existing catchbasin at the base of the road,
15 did you say that there's an existing pipe
16 that discharges water from the existing
17 catchbasin across the street?

18 THE WITNESS (Centore):

19 There's -- there's a
20 catchbasin on the east side of the road which
21 is on our -- where our proposed parcel is and
22 there's another catchbasin on the west side
23 of the road that's connected with, what I
24 believe is a 12-inch pipe from I could tell.
25 I didn't to verify it today.

1 And that drains out in -- and
2 that second catchbasin has a 12-inch pipe
3 that drains out into the adjoining stream.

4 MR. MERCIER: So is Verizon
5 proposing any additional catchbasins?

6 THE WITNESS (Centore): They
7 are going -- we're proposing two catchbasins
8 at the base of the road which will catch
9 runoff coming from our drainage swales and
10 that water would be directed to the existing
11 catchbasin in back across the road.

12 MR. MERCIER: I guess one
13 other question I have regarding the site has
14 to do with visibility from the abutting
15 residents to the north. I don't know if you
16 have any sense of what the visibility from of
17 that abutter would be?

18 THE WITNESS (Libertine): Only
19 what we could tell from the road. It's
20 fairly heavily wooded there so there
21 certainly is an opportunity to the abutter
22 directly to the north which would be to the
23 north of the parcel that would be part of the
24 access road.

25 The -- the road itself is

1 going to be somewhat serpentine and that was
2 done both to kind of follow the contours as
3 well as not to provide a direct line of sight
4 towards the compound so there will be some
5 buffering. Again, I was not on that
6 property, but standing on the property and
7 looking through that area I think there are
8 going to be some seasonal views. I think
9 once the leaves are on the trees it's
10 probably going to be a nonissue.

11 It's also one of the reasons
12 why we have put on the table the
13 consideration of a monopine or the monopole,
14 I think. My sense is near views would
15 benefit from a monopine. Just because of
16 that reason any of those seasonal views it
17 would tend to soften those.

18 MR. MERCIER: I did see the
19 notation for a monopine. You include a
20 couple pictures. But did the landowner
21 request a monopine?

22 THE WITNESS (Libertine): The
23 land owner is -- yes, he has requested that
24 we consider the monopine. We've made it
25 clear that it's the Council decision, so we

1 put both on as options. And there's
2 obviously pluses and minuses to the
3 implementation of a monopine in this
4 location.

5 MR. MERCIER: Now standing out
6 at the compound site and looking over to that
7 abutting residence, did you see the
8 residence?

9 THE WITNESS (Libertine): Yes.

10 MR. MERCIER: And given that
11 the construction of the road swales,
12 retaining walls, that will probably require a
13 significant amount of tree removal. That
14 would obviously probably increase views?

15 THE WITNESS (Libertine): It's
16 certainly going to open it up, but as I said,
17 there are several trees that are intervening
18 and because it's not a straight direct line
19 of sight from that house looking up the road
20 I think there's still a fair -- fairly
21 substantial amount of trees, but certainly a
22 lot of trees are going to have to come down
23 as part of this.

24 MR. MERCIER: I did see some
25 notation on one of the plans, C2, that there

1 will be some white pines on the southwest
2 corner. Is it possible to put some white
3 pines along the access road near the compound
4 area, maybe to replace some of the trees that
5 are going to be cut down?

6 So that would be on the north
7 side, northwest side of the compound area or
8 maybe along the access road in that rear
9 area?

10 THE WITNESS (Libertine):

11 That -- that could be
12 accommodated. Those soils, although they're
13 thin, they would support that. They tend to
14 grow fairly well in those type of situations.

15 MR. MERCIER: And I have
16 another question regarding visibility. It
17 has to do with the State Historic
18 Preservation Office letter that was behind
19 tab 14, and it requested that the tower be
20 painted to match adjacent materials. Could
21 you specify exactly what they're talking
22 about?

23 THE WITNESS (Libertine): I
24 wish I could. This has been kind of a
25 carryover language we've seen from the agency

1 and in my discussions what they are trying,
2 at least my understanding of what they are
3 attempting to put forth with that language is
4 to consider something other than steel when
5 you have these types of situations.

6 So maybe at least a
7 consideration for some kind of -- I don't
8 want to use the word concealment because it's
9 really not something they tend to go down
10 that road, but I think they -- they would
11 prefer to see if there are options for a
12 brown pole or a, you know, some option other
13 than the -- the flat gray.

14 That's the best I can tell you
15 because we've seen the language not only in
16 these settings where we're in the woods,
17 we've seen it the next to buildings that have
18 existing infrastructure. So it is somewhat
19 open ended.

20 MR. MERCIER: Did they
21 identify any specific historic resource or
22 area that was impacted by this facility?

23 THE WITNESS (Libertine): No.
24 We actually had gone to the nearest historic
25 resources to the north out on Route 6 where

1 there is a small district. There are no
2 views of the facility from any of the
3 locations within the district.

4 And just for the record, we
5 had had an alternate location on this
6 property that was not even hundred feet from
7 where we are today. That was actually
8 submitted to the SHPO. We are since now in
9 the process of resubmitting this location.
10 So this letter actually from October 2014
11 relates to the original location that was
12 slightly shifted.

13 We went out and did another
14 float and visibility analysis from this site
15 and we confirmed again that there was no
16 visibility from any of those resources. So I
17 don't believe that there will be any change
18 to their determination, but I thought it was
19 fair to put that on the table and let you
20 know that was still in a consultation phase
21 with them on this.

22 MR. MERCIER: Okay, but that
23 just reminded me. Was there a change in the
24 height of the tower for this facility?

25 THE WITNESS (Libertine): I'm

1 going to let Carlos speak to that, but the
2 only change is that it's the amount of steel.
3 The plane or top of the facility is still at
4 the mean sea level height that is stated in
5 here, but because of some design
6 considerations instead of it being 140 feet
7 of steel, it's really going to be 130 feet of
8 steel and that will be made up for in a fill.

9 Did I steal your thunder?

10 THE WITNESS (Centore): No.

11 Thank you.

12 MR. MERCIER: Thank you. I'm
13 just going to switch. And here's a little
14 bit talking about the existing South Street
15 tower, I guess the purpose of this
16 application.

17 And I understand new lease
18 terms cannot be negotiated with the landowner
19 the South Street facility. At what time does
20 Cellco have to vacate that property? Is
21 there a certain deadline where you have to
22 have your equipment off.

23 THE WITNESS (Befera): We
24 discovered our inability to renegotiate
25 during a renewal three years ago, so we did

1 review the site at the existing rate about
2 two and half years ago and we're good there
3 until 2019 under that existing contract. We
4 can vacate any time prior to that.

5 MR. MERCIER: And when does
6 Cellco intend to construct this site if it
7 was approved?

8 THE WITNESS (Befera):
9 Immediately upon all approvals
10 received.

11 MR. MERCIER: And can you just
12 describe a little bit, say, once this
13 facility was constructed and if it was
14 approved, how long does it take to dismantle
15 the other site and what happens to the
16 existing equipment over there at the South
17 Street facility?

18 THE WITNESS (Befera): Well,
19 the construction of this facility could be
20 between four and six months from start to
21 finish. We need to be online at the new
22 facility and then we would deconstruct the
23 existing facility.

24 There may or may not be any
25 reuse of the actual antenna. There will be

1 no reuse of the co-ax. We probably would not
2 reuse the shelter because it was a shelter
3 that we inherited from the Alltel facility,
4 when we purchased the Alltel license in
5 Litchfield County.

6 Anything that we've upgraded
7 since then that is still in good working
8 condition we could reuse it at other
9 locations, but you know, we're not -- we're
10 not expecting to reuse the tower. It -- it's
11 insufficient from a structural capacity
12 standpoint for us to do anymore expansion
13 than what's on it now. And ourselves and
14 Metro PCS are the only occupants of that
15 tower now and I don't think that that's what
16 we need going forward to minimize the
17 proliferation of towers in -- in any area
18 that we go into.

19 So a final answer to your
20 question would be, it -- it really would only
21 take us about four to six weeks, four to six
22 weeks upon activation of the new location to
23 have the other site dismantled.

24 MR. MERCIER: Okay. Does that
25 include removal of the fencing around the

1 compound? And I'm not sure what kind of site
2 restoration you need to do for, say, the
3 gravel compound or for the existing access
4 road. What happens to those components?

5 THE WITNESS (Befera): Well,
6 we -- we have a, you know, we -- we would be
7 basically giving up the easement rights to
8 that road. I think the owner of the property
9 may have some requests as to what we do or do
10 not do to the access drive.

11 I think we are obligated to,
12 under our agreement, to remove foundation
13 below grade and -- and of course anything
14 that is above grade such as your fence and
15 any other equipment that's there.

16 THE CHAIRPERSON: Mr. Hannon,
17 I think, has a follow-up.

18 MR. HANNON: Thank you. I'm
19 confused about a statement that is in the
20 application behind tab 8, the first page. My
21 understanding is you're talking about right
22 now the existing tower is shared by Metro PC
23 and Verizon, but the first -- well, the
24 paragraph under site search process there's a
25 statement that says, AT&T has expressed an

1 interest in sharing the existing tower and
2 the proposed replacement tower.

3 So if that tower is coming
4 down how is AT&T expressing an interest in
5 that tower?

6 THE WITNESS (Befera): Well,
7 the -- the existing tower, sir, is -- does
8 not have the structural capacity to
9 accommodate AT&T. It would need to be
10 replaced. AT&T and Metro PCS have already
11 put applications in with us to co-locate on
12 the new location.

13 MR. HANNON: So part of what I
14 got out of this, it almost sounded like AT&T
15 was thinking about taking over the old tower.

16 THE WITNESS (Befera): No.
17 No.

18 MR. HANNON: I just want to
19 make sure because there is a statement in
20 here that said AT&T had an interest in that
21 old tower.

22 THE WITNESS (Befera): No.
23 They are -- no. There they're on board with
24 us to locate the new location if approved.
25 The existing location, we don't have the

1 ground space currently to accommodate their
2 ground equipment and the tower is
3 insufficient, not only for AT&T to co-locate
4 on it, or any others such as T-Mobile or any
5 others, but we can not deploy our AWS
6 service, high-speed data service at that
7 location without replacing the tower. So
8 the -- the existing site has its technical
9 deficiencies as it exists today.

10 MR. HANNON: And I just wanted
11 to make sure that the plan was that nobody
12 was staying at the old tower. It was coming
13 down.

14 THE WITNESS (Libertine):
15 Mr. Hannon, I think that
16 should have probably read, either/or, as
17 opposed to, and.

18 MR. HANNON: Thank you.

19 MR. MERCIER: One question
20 regarding the Metro PCS equipment. Is that
21 something that the tenants be transferred to
22 the new tower, or will they get a whole set
23 of antennas and cabinets and things?

24 THE WITNESS (Befera): I have
25 to assume, without trying to speak for Metro

1 PCS, that if they are active on the existing
2 tower, which I believe they are, that they
3 would purchase additional equipment for that.
4 And then similar to what we would do with the
5 salvaging of any reusable stuff. Then one
6 that new site is activated transfer that
7 equipment to a site somewhere else that
8 they're pursuing.

9 MR. MERCIER: And you may have
10 answered this, but maybe I have missed it,
11 but once this proposed Keegan Road site, if
12 it was approved, is constructed and it's
13 operational then Cellco would immediately
14 proceed to dismantle the old South Street
15 facility?

16 THE WITNESS (Befera): Yes.

17 MR. MERCIER: Okay. Thank
18 you. And one other question, Mr. Libertine.
19 Do you know if the existing South Street
20 facility is visible from the Plymouth
21 Historical District you were mentioning
22 earlier?

23 THE WITNESS (Libertine): It
24 is actually from a portion of that historic
25 district, which is at the intersection of 262

1 and Route 6. If you go back there's an
2 historical -- I'm not sure if it's an
3 historical society or if it's a library, but
4 there's a green there and it's certainly very
5 prominent on that hill.

6 MR. MERCIER: Okay. Thank
7 you. I have no further questions.

8 THE CHAIRPERSON: Thank you.
9 Now questions by councilmembers starting with
10 Senator Murphy.

11 SENATOR MURPHY: Thank you,
12 Mr. Chairman.

13 Just to follow up on moving
14 from the old towers to the new, which is kind
15 of unclear from the application -- at least
16 it was to be. So as I understand it, it's
17 more than just an inability to agree on a
18 rental that's causing Verizon to move? There
19 are structural problems with the old tower
20 and you, in effect --

21 Well, let me ask you this.
22 The new equipment coming on board for
23 Verizon, this tower as it stands now is
24 structurally not sound to handle that. Is
25 that correct?

1 THE WITNESS (Befera): Yes,
2 Senator. The existing tower was -- just
3 barely had the structural capability of
4 handling our new LTE service. We have a
5 supplement to that service probably known in
6 the public as XLTE, which we refer to as
7 advanced wireless service, AWS, which is a
8 higher frequency, higher speed data service
9 that requires equipment that this tower could
10 not be structurally upgraded to handle and
11 would need to be replaced.

12 SENATOR MURPHY: Okay. I see.
13 All right. So basically it's -- that tower
14 really is going to be ineffective for
15 yourselves or AT&T or other major carriers
16 based upon its structural soundness today?

17 THE WITNESS (Befera): Yes.
18 It has on it right now everything that it can
19 handle. Anything to -- anything additional
20 would require replacement and because it's a
21 monopole there's only so much structural
22 modification that can be done to it and that
23 has been maxed out.

24 SENATOR MURPHY: Okay. So in
25 the application it indicates that AT&T -- or

1 maybe it's in the response to
2 interrogatories -- there's not enough space
3 for AT&T. It's more than just that. It's
4 structurally not sound to a take AT&T now.
5 Is it?

6 THE WITNESS (Befera): Both of
7 those factors, yes.

8 SENATOR MURPHY: Okay. Thank
9 you. So it's not just a financial
10 consideration on the part of Verizon
11 considering the amount of money you're going
12 to spend to put this thing together.

13 In that regard, was any
14 consideration given in reference to the
15 access road of going up the landlord's
16 driveway and coming up from up above, which
17 it seems to me would cost a heck of a lot
18 less money?

19 I realize it would be
20 inconvenient for the landlord during that
21 period of time, but I would think with the
22 money you would save you might be able to
23 accommodate them with some consideration,
24 because once it's built you folks don't go
25 there that often. It's not really a traffic

1 problem. Was that ever taken into account?

2 THE WITNESS (Libertine):

3 Senator Murphy, my
4 understanding in talking to the property
5 owner is that it had been -- to answer your
6 questions, yes. We've actually looked at a
7 couple of different options there, all of
8 which have some limitations. We started
9 looking at just that, going up the driveway.

10 As you know it's fairly
11 constrained there so it's a tight fit. It
12 certainly could be done. It's certainly not
13 his preference and he expressed to me one of
14 his major concerns is that we have -- he owns
15 multiple parcels. The layout as it is
16 designed today would keep the road and the
17 tower all on one separate parcel.

18 And he had some concerns as he
19 gets on in age and starts to pass this off to
20 other family members, wanting to protect
21 their interests as well as Verizon's so that
22 there wouldn't be either a dispute or some
23 other complication down the road where it
24 spans two different parcels.

25 SENATOR MURPHY: Okay. So

1 basically, for the title purposes he wants
2 the access and the tower to be on a complete
3 package?

4 THE WITNESS (Libertine): That
5 is his preference, absolutely.

6 SENATOR MURPHY: So that he
7 can sell it, transfer it, or do with it as he
8 sees fit?

9 THE WITNESS (Libertine):
10 Correct. We did also look at,
11 if you go further south, down south on our
12 road, Keegan Road, he does own the whole,
13 what you probably saw was a grass field.

14 And we -- we thought about
15 could we access and kind of hug the field
16 against the trees and come in behind his
17 house. Access is tough there because we've
18 got some wetlands, and I can let
19 Mr. Gustafson speak to that a little bit
20 more, but again, when we balanced everything
21 out, although there's no perfect fit here.

22 SENATOR MURPHY: Yeah, but
23 this is a tough build?

24 THE WITNESS (Libertine):
25 Yeah, no question. It's is a

1 tough build.

2 THE CHAIRPERSON: Can I just
3 follow up? I mean, you said it's his
4 preference. I don't know how strong a word
5 that is, but I mean, there are ways through
6 easement, lot line adjustments that, you
7 know, the issues that he raises, I mean, it
8 is such an extreme case and also costly that
9 you know, I wish there was some way that may
10 be between now --

11 I don't believe I see that the
12 owner is here, and at dinner you could, you
13 know, look -- or ask the owner to rethink his
14 preference, because it would make a
15 significant difference if you are able to
16 look at that option, which again I think
17 whether it's through easement or just a lot
18 line adjustment, all of which I believe are
19 feasible from a, you know, a legal and
20 property unless --

21 Well an easement would not
22 make any property nonconforming. I don't
23 know what the zoning is, but presumably that
24 wouldn't either. I really, really think
25 that's something that should be looked at.

1 Sorry.

2 SENATOR MURPHY: Actually, my
3 questions have been answered, Mr. Chairman.

4 THE CHAIRPERSON: Mr. Ashton.

5 MR. ASHTON: Thank you.

6 In the order in which
7 Mr. Centore did some dialogue with the
8 Council, with regard to a rock wall, that's
9 almost a foregone conclusion. Isn't it?
10 Even if it's not competent, rock your slope
11 of the rock wall allows you to still use
12 rock?

13 THE WITNESS (Centore):

14 Correct.

15 MR. ASHTON: So we're not
16 likely to talk about a buildup of rock wall.
17 Isn't that fair to say?

18 THE WITNESS (Centore): That's
19 fair to say.

20 MR. ASHTON: Okay. Are there
21 any wells in the area or is this served by
22 water?

23 THE WITNESS (Centore): I'm
24 not sure, but I could take that as a homework
25 assignment to confirm. I don't know offhand.

1 MR. ASHTON: Okay. I have a
2 suspicion that there might be a well in the
3 adjoining house. It is far away in terms of
4 blasting, but to keep the homeowner satisfied
5 you might want to have a chat with them and
6 talk about accelerometers and things like
7 that that make it so blasting is in the realm
8 of the reasonable.

9 THE CHAIRPERSON: Yeah, you
10 can do your homework assignment over dinner.

11 THE WITNESS (Centore): Thank
12 you.

13 MR. ASHTON: Or climb down in
14 the well and tell us how deep it is.

15 You're talking about two new
16 drainage -- two catchbasins at the road going
17 into an existing catchbasin system with an
18 12-inch outlet on the west side of the road.
19 Would that outlet require a stilling basin of
20 some sort with the extra flow going into it?
21 Has that been considered?

22 THE WITNESS (Centore): I
23 think that that outlet would require a
24 stilling basin under it's existing
25 conditions, but --

1 MR. ASHTON: I noticed that
2 there are limits of problem there?

3 THE WITNESS (Centore): Yes.

4 MR. ASHTON: So that would be
5 something that would probably have to be
6 done, too?

7 THE WITNESS (Centore):

8 Would -- I'm not sure of
9 the -- I'm not sure what -- who that property
10 belongs for or how that gets -- that gets
11 implemented, but it's something that should
12 be considered and we note it today.

13 MR. ASHTON:

14 Characteristically, developers
15 get bagged with the little things like that.

16 THE WITNESS (Centore): Yeah.

17 MR. ASHTON: Okay. The
18 existing system, there's a couple of things
19 about this application that trouble me. I'm
20 not sure exactly where our jurisdiction
21 begins and ends on it, but \$1 million for a
22 new site is a lot of money and I have a
23 feeling that the loading on this site is not
24 as high as it might be in downtown
25 Terryville, for example.

1 And I wonder if this is
2 something that you have to give consideration
3 to as you look at sites, the call line. When
4 I mean, loading, I mean, call line. It's
5 that type of thing.

6 THE WITNESS (Brauer): Your --
7 your suspicions are certainly correct. It's
8 not quite as busy of an area as, certainly
9 say, a Bristol or a Hartford, or something
10 like that, but we do have quite a bit of call
11 volume just because of Route 6 and the -- and
12 Route 262.

13 If we were to not have this
14 site or if the site was somehow to go away we
15 would -- we would be -- we would have
16 coverage gaps along 262 and 6 and we would
17 need, you know, we would need to shore it up
18 somehow.

19 MR. ASHTON: Okay. The lease
20 terms for the new site. Are they similar to
21 the ones on the existing site? I'm not
22 looking for the dollar figure, the term
23 itself.

24 THE WITNESS (Befera): The
25 lease terms on the new site are closer to

1 market rate.

2 MR. ASHTON: I'm not looking
3 for dollar values. I know that's proprietary
4 and I don't want to get into that. I'm
5 looking for the term of lease?

6 THE WITNESS (Befera):

7 The length?

8 MR. ASHTON: Yes.

9 THE WITNESS (Befera):

10 Twenty -- it's up to 25 years.

11 MR. ASHTON: Five years with
12 each with four renewables on top?

13 THE WITNESS (Befera): With
14 four or five-year extension terms.

15 MR. ASHTON: Is that the same
16 as the existing tower head?

17 THE WITNESS (Befera): Maybe
18 originally when Alltel first leased it, but
19 with the renewal I don't think we did it that
20 long. We renewed it for five years. We only
21 renewed it for five years on the existing
22 location.

23 MR. ASHTON: What happens when
24 you get to the end of the 25 years of the
25 lease? Do you try to go back to the existing

1 owner and say we want to set up another lease
2 for another X years?

3 THE WITNESS (Befera):

4 Renewal, yes, sir. That's
5 exactly what -- and that's exactly what we
6 did at the other location.

7 MR. ASHTON: Are you hostage
8 then to a substantial increase in lease cost?

9 THE WITNESS (Befera): You can
10 be. That is why we approached --

11 MR. ASHTON: That's like, you
12 know, a little bit pregnant. But aren't you
13 in fact hostage?

14 THE WITNESS (Befera): We are
15 currently hostage in our existing location.
16 We -- when we went to renew if the landlord
17 worked with us a little better in that regard
18 to this lease that we inherited -- we did not
19 initiate this lease -- then we would have
20 asked for more than just a five-year
21 extension.

22 But due to their opportunistic
23 behavior we only asked for five additional
24 years and thought because of that in addition
25 to the technical inferiority of the location

1 that we were at, was going to require
2 replacement anyway, we figured it would be in
3 the best interests of the company, our
4 customers, the network and our shareholders
5 to get an entirely new site that could
6 accommodate -- be designed to accommodate all
7 co-locators interested in the location, all
8 future technologies by us or any of our
9 competitors and have the space to accommodate
10 their equipment on the ground.

11 And basically -- basically not
12 a site with problems. Basically start with a
13 fresh site that has all the accommodations
14 needed for the industry.

15 THE CHAIRPERSON: Mr. Lynch
16 has a follow-up.

17 MR. LYNCH: I did
18 Mr. Chairman, but I think Mr. Befera just
19 answered it.

20 MR. ASHTON: Notwithstanding
21 the economic issue, which I do appreciate it
22 can be a very thorny one, did the present
23 location allow you to replace that poll with
24 a more substantial one which would carry
25 future carriers and your own expanded

1 equipment?

2 THE WITNESS (Befera): I don't
3 believe that we broached that issue with the
4 landlord and Alex, if -- if you think -- if
5 you remember having any conversations in
6 regard to that. I did not deal directly with
7 the landlord, but Alex did.

8 THE WITNESS (Tyurin): No, I
9 did not have a conversation with the
10 landlord. I did not approach him. It was
11 the --

12 MR. ASHTON: So it was
13 basically an economic fight.

14 THE WITNESS (Tyurin): Correct,
15 yes.

16 MR. ASHTON: Mr. Brauer, is it
17 fair to say that that existing site is a
18 better one than you have now in that it's the
19 top of the hill? You're a little bit on a
20 side slope here and would not that existing
21 location give you better coverage?

22 THE WITNESS (Brauer): Well,
23 this -- it's -- it certainly would give you
24 more coverage as it is a taller structure on
25 a higher hill, but this particular area is

1 fairly mature as you can see with the plots
2 behind tab 6 in.

3 The -- when we inherited the
4 sites from Alltel and converted everything
5 over to Verizon's system we do have an
6 opportunity in this area to minimize what
7 we -- our overlap, as you can see, just
8 because there are so many other towers
9 already existing.

10 So although, yes, it does give
11 you more. Being on a shorter hill on a
12 shorter tower isn't a detriment because of
13 the maturity of the area.

14 MR. ASHTON: I guess, I'm
15 going to put my concerns out on the table. I
16 did it once. I'm not sure whether
17 Mr. Baldwin was the unfortunate bearer of the
18 bad news, but I'm very concerned about the
19 leasing arrangements where you have a
20 five-year lease and then renewal options,
21 because time flies when you're having fun on
22 those lease periods. The renewal periods
23 expire.

24 And I am concerned that there
25 is exposure to a lot of hostagetaking at the

1 end of a lease period. And we're placing as
2 a society a great deal of emphasis on the
3 reliability of this wireless network. And if
4 the landlords decide to play hardball
5 collectively or individually I'm not sure
6 there's good wisdom. I'm not sure of the
7 wisdom of just the five-year leases.

8 I have some experience with
9 real estate operations in my previous life
10 many years ago for Northeast Utilities. They
11 go for permanent easements with rare
12 exception. And in fact they've gotten away
13 from the permanent easement and go to fee
14 ownership now in their rights of way.

15 I wonder if -- I'm asking this
16 as a rhetorical question. I don't expect an
17 answer, but I'd like you to do some thinking
18 about it. I wonder if it would be better in
19 the long haul to try and get at least a
20 permanent easement, or a longer term easement
21 to avoid the kind of calamity that you've got
22 here with the regulatory loops and all the
23 other loops you have to dance and jump
24 through. I let it go at that.

25 Color, my favorite topic of

1 towers. Have you considered anything like
2 weathering steel as a color? Mr. Libertine,
3 you are guru on that. Aren't you?

4 THE WITNESS (Libertine):

5 Well, certainly I guess I'm
6 the guy to point to when we start talking
7 about colors and aesthetics. The weathering
8 steel, I can't speak to what maybe the
9 technical limitations are. I know we were at
10 one hearing and I don't want to put words in
11 the RF engineer's mouth, but I know that
12 someone had expressed some concerns in the
13 past about the rusting and how that may
14 affect RF.

15 So putting that aside and
16 consistent, I guess, with where the -- I
17 guess where the SHPO coming from, certainly
18 some color other than what I'll call the
19 dulled steel would -- would be a benefit
20 here.

21 MR. ASHTON: If you go from
22 the site north on Keegan Road for a short bit
23 and then I guess it's 202. Is that it?

24 THE WITNESS (Libertine): 262.

25 MR. ASHTON: Whatever road.

1 You'll notice there's an electric
2 transmission line?

3 THE WITNESS (Libertine): Yes.

4 MR. ASHTON: Those are
5 weathering steel poles.

6 THE WITNESS (Libertine):
7 Right.

8 MR. ASHTON: The concerned
9 that I'm not sure we're facing is that you
10 can get a bleeding from a weathering steel
11 pole and whether or not that would land on an
12 antenna and cause you problems, I don't know.

13 There are solutions to get
14 around that and that is by sandblasting the
15 structure in the manufacturer's yard you get
16 rid of the mill scale and weather it in the
17 manufacturer's yard, in effect. But there is
18 testimony before this agency that those polls
19 are cheaper than a galvanized pole and I'll
20 throw it out there.

21 THE WITNESS (Libertine):

22 Well, certainly from the
23 perspective of doing any kind of long-term
24 maintenance, I -- I'd prefer something like
25 that than painting, because obviously

1 painting runs into a lot of issues down the
2 road. So I think it's something certainly
3 worth considering.

4 MR. ASHTON: I'm very opposed
5 to painting of utility structures. It's
6 dangerous and potentially deadly.

7 THE WITNESS (Libertine):
8 And it doesn't always do the
9 trick, anyways.

10 MR. ASHTON: Would the new
11 structure be constructed to the proposed
12 weather extremes that we're considering, I
13 guess, it's the G rather than the F.
14 Mr. Centore, I'm sure you know what I mean.

15 THE WITNESS (Centore): Yes, I
16 do. What -- what we've been doing, because
17 Connecticut, as you know, is currently under
18 version F. What we've been doing on the
19 Verizon projects is designing the pole to
20 the -- to the controlling loading. So if
21 version G is more stringent than version F
22 then that's the design. If their version F
23 is more stringent that's the design that's
24 being used.

25 MR. ASHTON: I think that's a

1 prudent way to approach it. I applaud that.

2 Given the old structure,
3 you're getting off that and Metro is on that.
4 If Metro decides to bail out at the same time
5 are you responsible for taking the old
6 structure down and site remediation?

7 THE WITNESS (Befera): I'm
8 sorry. I don't think I understood your
9 question.

10 MR. ASHTON: Okay. The
11 existing structure?

12 THE WITNESS (Befera): Yes.

13 MR. ASHTON: A thousand feet
14 northwest or more than that, 1500 feet
15 northwest, if you get off that it leaves only
16 Metro on it. Is that correct?

17 THE WITNESS (Befera): Well,
18 we own that tower and Metro has already
19 agreed to go on a new tower.

20 MR. ASHTON: Point one, Metro
21 will come off. You still own the tower. Are
22 you charged then with removing that tower
23 under the lease provision?

24 THE WITNESS (Befera): Yes.

25 MR. ASHTON: So the lessor,

1 the landowner requires you to remove the
2 structure?

3 THE WITNESS (Befera): It is a
4 requirement under our agreement. I would not
5 be surprised if they asked us to leave it,
6 but I am not willing to leave it there. I
7 will be removing it for certain should we
8 have a new location.

9 MR. ASHTON: You're not going
10 to use it -- let them use it for a flagpole,
11 then.

12 THE WITNESS (Befera): No,
13 sir. I want to leave him -- I want to leave
14 the site as it was, as Alltel found it 23
15 years ago.

16 MR. ASHTON: Thank you. No
17 more questions.

18 THE CHAIRPERSON: Thank you.
19 Dr. Bell?

20 DR. BELL: Thank you,
21 Mr. Chair.

22 This, the site is listed as
23 having 55 trees cut down. What I'm curious
24 about is, how many of those are big trees?

25 THE WITNESS (Centore): Well,

1 those are -- typically there are trees
2 ten inches or larger in diameter that we're
3 culling out. We're not culling out anything
4 smaller than that. So those are larger trees
5 that are coming down.

6 DR. BELL: Okay. All right.

7 Just one question more to try
8 and clarify this retaining wall, if you had
9 to have the retaining wall. You're saying
10 that it would be six feet, you would have to
11 have six feet of wall. I didn't quite
12 understand that description. I mean, not
13 linearly but in height.

14 THE WITNESS (Centore): It's
15 going to be difficult to pick this up, but
16 I'm going to use my Italian and use my hands
17 a little bit to describe it.

18 But what's going to happen is
19 we're going to be cutting a trough, for lack
20 of a better description, through the
21 hillside. And the bottom of the trough, this
22 here, which is our access road and the grade
23 at the high point which I'm going to say is
24 about 23 feet out from the edge of the access
25 road, is going to be approximately 12 feet

1 hirer than where our road is in some
2 locations. It's going to vary, but at the
3 worst case it's about 12 feet higher.

4 So rather than create a
5 12-foot tall wall, what's being done is a
6 6-foot wall and a 6-foot wall to taper that
7 back in soften it. Now if the rock starts,
8 let's say, three feet down from the existing
9 grade so there's going to be considerable
10 cut, there will be some over blast. You
11 remove the loose rock and whatever is left is
12 stable slope, would remain intact and not
13 require a retaining wall.

14 The retaining wall is to keep
15 any soils from, you know, collapsing or
16 undermining. So I'm hoping that that helps
17 the description of what's going on there.

18 DR. BELL: Yeah, the first
19 part definitely does but let's say -- so what
20 you're saying is if you had -- you're
21 describing this stepped up arrangement. So
22 you would have to start with the bottom
23 portion in determining if the slope was
24 right. So if the bottom part of the slope
25 was okay with just the rock that you were in

1 and didn't need a retaining wall, then the
2 top part would have to be okay.

3 So you would never would have
4 to hold back that top part?

5 THE WITNESS (Centore):

6 Correct. You're either --
7 we're either going to have a stable slope
8 because it's ledge in rock, or you're going
9 to have an unstable slope which would require
10 a tiered retaining wall system. But based on
11 the -- the geotechnical information that we
12 have that was actually obtained during the
13 design process, we -- we had estimated
14 retaining walls as a worst-case scenario
15 from -- from a construction -- for
16 construction of those walls, but I think
17 we're going to be able to stabilize with
18 rock.

19 Again, there's -- there's not
20 a little. There's quite a bit more
21 engineering that needs to be done to kind of
22 finalize those.

23 DR. BELL: Okay. Thank you.
24 I just haven't seen one of these tiered
25 arrangements, so I didn't quite get it, but I

1 appreciate the clarification.

2 Those are my questions,
3 Mr. Chair.

4 THE CHAIRPERSON: Thank you.
5 Mr. Hannon?

6 MR. HANNON: Thank you
7 Mr. Chair.

8 I guess starting on a map
9 C-1A. I see that you're trying to grade the
10 swale that is on the northern side of that
11 access road to a catchbasin at the end of the
12 roadway itself. Wouldn't it make more sense
13 just to put in another catchbasin to make
14 sure that you catch that water?

15 Because what I'm concerned
16 about is if you don't catch the water it goes
17 across the street and in the wintertime you
18 create nothing but problems with icing. So
19 I'm almost thinking you may be better off
20 putting in that third catchbasin so that
21 you're picking up all of the swales in the
22 basins and it makes it a little bit easier.

23 THE WITNESS (Centore): And
24 just excuse me. If I understand this
25 correctly. You're saying to install another

1 catchbasin up -- up the road?

2 MR. HANNON: On the northern
3 side of the road you've got a swale outside
4 the retaining wall?

5 THE WITNESS (Centore):

6 Correct.

7 MR. HANNON: That looks like
8 you're trying to do so some adjustments
9 almost at street level to pick up the water
10 coming down that swale, if I understood you
11 correctly?

12 THE WITNESS (Centore): That's
13 correct, yes.

14 MR. HANNON: It almost seems
15 like you would better protect yourself and
16 residents driving on that road if there was
17 another catchbasin in that location so that
18 you don't run to the risk of having the water
19 start flowing across the road and creating
20 some severe icing conditions. I'm just
21 throwing that out.

22 THE WITNESS (Centore): No, I
23 understand your concern. Just as from a
24 design aspect, the water, whatever is coming
25 up along the top side of that wall is going

1 to be minimal and that's just to -- to catch
2 anything on the top side of the wall to keep
3 it from coming down into the -- into the
4 roadway.

5 MR. HANNON: If you would show
6 me the drainage calculations I would be happy
7 to look.

8 THE WITNESS (Centore): Yeah,
9 we can. Yeah, but that's -- that was the --
10 that's the concept is that we -- we believe
11 that we can catch most of that water down at
12 that catchbasin. Again, we'll evaluate the
13 drainage calcs and see what we need to put
14 there.

15 MR. HANNON: Okay. And my
16 next couple of questions kind of tie in with
17 the lease. If you look at tab 17 almost all
18 the way at the back end -- actually second to
19 the last page. I'm assuming that this was a
20 prior location that was being looked at?
21 There should be a map.

22 THE WITNESS (Gustafson):
23 Access option L1?

24 MR. HANNON: Yeah. Well, the
25 reason I'm raising the question there, is

1 because there on the west side of the street
2 there's a proposed 150-foot 12-inch storm
3 line. What happened to that proposed pipe
4 for upgrades?

5 THE WITNESS (Centore): This
6 is a lease document. And it says it right on
7 there it's very preliminary.

8 MR. HANNON: Okay.

9 THE WITNESS (Centore): Since
10 this we did do a drainage analysis. We did
11 revisit the grading. So that, that's a
12 worst-case scenario that something could
13 happen here that we have to get across that
14 road and -- and dig down, so this is very
15 preliminary.

16 MR. HANNON: Okay. No. I'm
17 just trying to double check, because there's
18 a map in there that shows maybe a 150-foot
19 length of pipe.

20 THE WITNESS (Centore): Yeah.

21 MR. HANNON: Staying with tab
22 17, the first page of the lease, the second
23 paragraph. I mean, that talks about the
24 20-foot wide right of way for the
25 installation and maintenance of utility

1 wires, pole, cables, conduits and pipes over,
2 under and along one or more rights of way in
3 the land space.

4 By the time you get done
5 looking at where the storm drainage is you're
6 out 70 to 80 feet. I didn't see anything in
7 this document that allows you to go in and do
8 any type of maintenance that may be required.
9 So can you explain how you deal with that if
10 you're limited to a 20-foot wide right-of-way?
11 What authority do you have to go and do the
12 maintenance outside of that right of way?

13 MR. BALDWIN: Mr. Hannon, if I
14 could address that and if Mr. Befera wants to
15 also assist, I can tell you that there isn't
16 a lease agreement that I'm aware of that
17 Verizon Wireless has been involved in, with
18 over the years that hasn't been modified at
19 some point during the course of the project.

20 Early on when lease agreements
21 are entered into the language we attempt to
22 incorporate language that gives us some
23 flexibility. And to the extent that further
24 down the road we discover construction issues
25 or other issues that require modifications,

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Notary Public

1 there are provisions in the lease agreement
2 that allows us to modify that agreement
3 without a lot of trouble because we know
4 about these things. We run into them all the
5 time.

6 And frankly, because these
7 lease agreements are entered into very early
8 in the process we don't always know what may
9 come along at a later date and we've been
10 very lucky, I think, overall with the
11 exception of the potential problems that we
12 had, or the problems that we had with the
13 South Street tower, our landlords have been
14 very cooperative with us and we've been able
15 to adjust those and make those modifications
16 as necessary to make these things work at
17 these sites.

18 So I think that's probably why
19 you may notice some discrepancies in the
20 existing land lease agreement based on -- as
21 opposed to what we're proposing at this
22 point.

23 MR. HANNON: That's fine. I
24 just wanted to make sure that that's an issue
25 that's addressed, I mean, because dealing

1 with real estate for a lot of years, I mean,
2 it can get to be a touchy subject if you're
3 doing work on somebody else's property and
4 you don't have the right to enter to do it.
5 So as long as that's an issue that can be
6 covered that's good.

7 Also with the lease just going
8 back, I think, to a question Mr. Ashton had,
9 the extensions in there, it talks about the
10 agreement automatically being extended for
11 four five-year periods. So in essence it
12 really is a 25-year agreement and I think it
13 lays out what the changes in the lease
14 amounts are for those 25 years, too. So I
15 think we're okay there.

16 And based on the work that you
17 need to do, sort of just a general question,
18 and this is item number 14 again with the
19 lease. And the lessee shall upon expiration
20 of the term or within 90 days thereafter
21 remove his buildings, antennas, equipment,
22 conduits, fixtures, all personal property and
23 restore the premise to the original
24 condition.

25 How do you propose to do that

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Notary Public

1 with all the blasting you need to do on this?

2 MR. BALDWIN: I think I would
3 argue that we would invoke the reasonable
4 wear-and-tear casualty provisions of the
5 lease, Mr. Hannon, and claim that we'd do the
6 best we can. Point taken.

7 MR. HANNON: Okay. And I just
8 want to go back to a comment that was made
9 earlier. I believe that you were saying that
10 the two catchbasins on Keegan Road, there are
11 two that it lists as proposed but they're
12 actually existing, and those are the
13 southern, the two southernmost basins, one on
14 each side of the road. Correct?

15 THE WITNESS (Centore): Yes,
16 one is shown as new when in fact it's
17 existing, and the other one is existing. And
18 then we showed a new line connecting.

19 MR. HANNON: Okay. Sounds
20 right. You're right, because it's a proposed
21 silt sack that goes in the existing basin
22 that's furthest? Okay.

23 THE WITNESS (Centore): Yeah.

24 MR. HANNON: And then the only
25 other question I have is on map C5. Can you

1 explain to me the meaning of impervious fill
2 at the base of the retaining wall if it's
3 needed?

4 I just want to get a better
5 understanding of what type of material you're
6 talking about putting there. I mean, is it
7 crushed stone? Things of that nature? And
8 I'm raising the question because you've got
9 drainage aggregate above it? So --

10 THE WITNESS (Centore): That's
11 correct. The idea there is by impervious
12 material that can get up to 95 percent
13 compaction that would -- would not allow
14 water to penetrate it. So that the water
15 would stay above and into the pipe and -- and
16 be able to drain.

17 MR. HANNON: Okay. All right.
18 Thank you. I have no further questions.

19 THE CHAIRPERSON: Mr. Lynch.

20 MR. LYNCH: Thank you,
21 Mr. Chairman. Most of the specific questions
22 I had have been asked and answered, but I do
23 have a couple of general questions, the first
24 one for Mr. Libertine.

25 You know I have an affinity

1 for monopines, so -- is Dr. Bell laughing?
2 Yeah.

3 In the application it talks
4 about, you know, just a monopole, but they do
5 have a design for a monopine top.

6 THE WITNESS (Libertine):

7 Correct.

8 MR. LYNCH: And it's peaked,
9 but in this circumstance could you do one
10 that's peaked or flat on top?

11 THE WITNESS (Libertine):

12 Certainly could do one that's
13 flat, absolutely.

14 MR. LYNCH: It just seems it
15 would fit in better. It's only my opinion,
16 but --

17 THE WITNESS (Libertine):

18 No. I think, yeah, certainly
19 it's an option. Either can be done.

20 MR. LYNCH: And another
21 general question just as a point of
22 clarification. It's my understanding from
23 reading that -- and this is Mr. Brauer, I
24 guess -- that this tower and other towers
25 coming in the future will all have voice on

1 the 700 frequency, or 1900?

2 THE WITNESS (Brauer): Well
3 the 700 frequency, the LTE service that we're
4 using, we are working towards making that
5 voice service capable right now.

6 MR. LYNCH: I misread it,
7 then. I thought you said it was going to be
8 in part of this application. So, sorry.

9 THE WITNESS (Brauer): Well,
10 we do have the -- the 850 CDMA services that
11 are going to be coming over to this new tower
12 because it is a replacement, not a -- not a
13 brand-new facility -- well, a brand-new
14 facility in terms of new -- new coverage.

15 MR. LYNCH: And lastly, I
16 think I understand it, but could you give a
17 little bit more of an understanding of the
18 reverse link operational path loss and how it
19 differs from what we're used to?

20 I know you say it generates
21 from the cell phone or tablet or whatever it
22 is you're using. Maybe I'm just not
23 understanding it, but could you help me out a
24 little bit?

25 THE WITNESS (Brauer): It's

1 actually it's -- it's a little bit different
2 way of looking at your link budget from point
3 A to point B, the site to user. In the past
4 with the CDMA service we've established a
5 signal level threshold that is considered
6 acceptable service.

7 MR. LYNCH: That part I got.

8 THE WITNESS (Brauer): Now
9 with the -- the 120dB OPL, operational path
10 loss, that simply means you can have
11 acceptable service when there is one 120 dB
12 of loss between the transmit antenna and the
13 receive antenna. That's a -- it's just a
14 path from point A to point B.

15 MR. LYNCH: So correct me if
16 I'm wrong, it has nothing to do with the
17 service as far as you're getting good quality
18 or bad quality? Like you're trying to stream
19 on something or download something?

20 THE WITNESS (Brauer):

21 Yeah, Verizon has established
22 with their service levels if you are within
23 this margin you will be able to use your
24 devices to the standards that Verizon sets
25 forth, a high enough speed to make multi

1 calls, high enough data throughputs to use
2 the service effectively.

3 MR. LYNCH: Okay. Thank you.
4 Thank you, Mr. Chairman.

5 THE CHAIRPERSON: Thank you.

6 A question relating to your
7 response to question 13 on the generators.
8 It's pretty certain that you're going to have
9 three carriers using this facility, if it
10 were to be approved and you do state that you
11 would -- which I guess you have to provide
12 space for generators.

13 You also state, no surprise to
14 this Council, that your preference would be
15 to have your own generator so you have three
16 separate generators, but I think you know the
17 preference of the Council. So the
18 question -- all I need is a yes or no. We
19 don't have to get into the philosophy of this
20 issue.

21 If you can somehow manage to
22 share a pole and somehow manage to share the
23 utilities going into it, would you object if
24 the Council were to approve -- if they were
25 to approve. I'm not saying we won't --

1 obviously at this point we would -- were to
2 put a condition that you have a shared
3 generator for the three carriers.

4 There is only one correct
5 answer, but you can also give us an incorrect
6 answer if you choose.

7 SENATOR MURPHY: It's truly
8 rhetorical.

9 THE WITNESS (Brauer): If it
10 were made a requirement of the approval I
11 would have no say in the matter. And of
12 course we would certainly put in an oversized
13 generator. And I -- and I did hear you say
14 you don't want to hear the reasons why we
15 don't prefer to do that.

16 THE CHAIRPERSON: Only because
17 we have heard them before and I suspect you
18 don't have any -- you may not have anything
19 new to add and we have -- whatever you might
20 attempt to say, if not the Chair, but someone
21 more articulate, like Mr. Ashton, would jump
22 all over you. So I think your answer is
23 sufficient. Thank you.

24 THE WITNESS (Brauer): Thank
25 you.

1 THE CHAIRPERSON: Mr. Mercier?

2 MR. MERCIER: I just have one
3 question regarding the All-Points Technology
4 letter of April 20th to Mrs. McKay. It
5 references a bird, the whippoorwill. Is that
6 a ground nester or is that a tree nesting
7 species?

8 THE WITNESS (Gustafson): That
9 is a ground nesting species.

10 MR. MERCIER: Has the
11 Department of Environmental Protection,
12 Energy and Environmental Production ever
13 approved going out looking for the nests so
14 you can get away from the --

15 THE WITNESS (Gustafson):
16 We are proposing a seasonal
17 restriction that will essentially alleviate
18 the need for surveying for the nesting as
19 well any -- the point of the seasonal
20 restrictions, obviously, the -- the birds
21 will have already fledged by the time we have
22 constructed, you know, we start construction
23 on the facility.

24 MR. MERCIER: Okay. So I
25 assume that's easier than going out and

1 trying to find them?

2 THE WITNESS (Gustafson):

3 Correct. They are well
4 camouflaged.

5 MR. MERCIER: All right.

6 Thank you.

7 THE CHAIRPERSON: Okay. Thank
8 you. The Council will now recess until
9 7 p.m. at which time we will commence the
10 public comment session of the hearing. Enjoy
11 dinner.

12 (Whereupon, the witnesses were
13 excused, and the above proceedings were
14 adjourned at 4:16 p.m.)

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CERTIFICATE

1
2
3 I hereby certify that the foregoing 77
4 pages are a complete and accurate
5 computer-aided transcription of my original
6 verbatim notes taken of the Council Meeting
7 in Re: Docket No. 456, APPLICATION FROM
8 CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR
9 A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
10 AND PUBLIC NEED FOR THE CONSTRUCTION,
11 MAINTENANCE, AND OPERATION OF A
12 TELECOMMUNICATIONS FACILITY LOCATED AT
13 PLYMOUTH TAX ASSESSOR MAP 054/065/0161A-1, 33
14 KEEGAN ROAD, PLYMOUTH, CONNECTICUT, which was
15 held before ROBIN STEIN, Chairperson, at the
16 Plymouth Town Hall, Downstairs Community
17 Room, 80 Main Street, Terryville,
18 Connecticut, on April 21, 2015.

19
20 -----
21 Robert G. Dixon, CVR-CM 857
22 Court Reporter

23 My Commission Expires: 6/30/2015
24
25

Robert G. Dixon, CVR-CM
Notary Public

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I N D E X

WITNESSES

Matt Gustafson

Mike Libertine

Carlo Centore

Tony Befera

Mark Brauer

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EXAMINATION

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