

In The Matter Of:
STATE OF CONNECTICUT SITING COUNCIL
PART 1

HEARING Docket No. 458
June 2, 2015

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 458

Florida Tower Partners LLC, d/b/a North
Atlantic Towers for a Certificate of
Environmental Compatibility and Public Need
for the construction, maintenance, and
operation of a telecommunications facility
at one of two locations at 62-64 Codfish
Hill Road, Bethel, Connecticut

Public Hearing held at the Bethel Town
Hall, General Purpose Room, 1 School Street,
Bethel, Connecticut, Tuesday, June 2, 2015,
at 3:05 p.m.

H e l d B e f o r e :

ROBERT STEIN, Chairman

SENATOR JAMES J. MURPHY, JR.,

Vice Chairman

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

2

3

 Council Members:

4

 PHILIP T. ASHTON

5

 DANIEL P. LYNCH, JR.

6

 LARRY LEVESQUE, ESQ.,

7

 PURA Designee

8

 ROBERT HANNON,

9

 DEEP Designee

10

11

 Council Staff:

12

 MELANIE BACHMAN, ESQ.

13

 Executive Director and

14

 Staff Attorney

15

16

 ROBERT MERCIER

17

 Siting Analyst

18

19

 For Florida Tower Partners LLC,

20

 d/b/a North Atlantic Towers:

21

 COHEN AND WOLF, P.C.

22

 1115 Broad Street

23

 Bridgeport, Connecticut 06604

24

 BY: JULIE D. KOHLER, ESQ.

25

 RACHEL A. SCHWARTZMAN, ESQ.

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

2

3 For New Cingular Wireless PCS, LLC

4 (AT&T):

5 CUDDY & FEDER LLP

6 445 Hamilton Avenue

7 14th Floor

8 White Plains, New York 10601

9 BY: DANIEL M. LAUB, ESQ.

10

11 For Codfish Hill Environmental Trust:

12 EVANS FELDMAN & AINSWORTH, LLC

13 261 Bradley Street

14 P.O. Box 1694

15 New Haven, Connecticut 06507-1694

16 BY: KEITH R. AINSWORTH, ESQ.

17

18 For Cellco Partnership, d/b/a Verizon

19 Wireless:

20 ROBINSON & COLE LLP

21 280 Trumbull Street

22 Hartford, Connecticut 06103-3597

23 BY: KENNETH C. BALDWIN, ESQ.

24

25

1 THE CHAIRMAN: Good afternoon,
2 ladies and gentlemen. I'd like to call to
3 order this meeting of the Connecticut Siting
4 Council today, Tuesday, June 2, 2015, at
5 approximately 3:05. My name is Robin Stein.
6 I'm Chairman of the Siting Council. Other
7 members of the Council present are Senator
8 Murphy, our Vice Chairman; Mr. Hannon, our
9 designee from the Department of Energy and
10 Environmental Protection; Mr. Levesque,
11 designee from the Public Utilities
12 Regulatory Authority; Mr. Ashton and Mr.
13 Lynch. Members of the staff present are
14 Executive Director and Staff Attorney,
15 Melanie Bachman and our Siting Analyst,
16 Robert Mercier.

17 This hearing is held pursuant to
18 the provisions of Title 16 of the
19 Connecticut General Statutes and of the
20 Uniform Administrative Procedure Act upon an
21 application from Florida Tower Partners LLC
22 d/b/a North Atlantic Towers for a
23 Certificate of Environmental Compatibility
24 and Public Need for the construction,
25 maintenance, and operation of a

1 telecommunications facility at one of two
2 locations at 62-64 Codfish Hill Road in
3 Bethel, Connecticut. This application was
4 received by the Council on March 19, 2015.

5 A reminder to all, off-the-record
6 communication with a member of the Council
7 or a member of the Council staff upon the
8 merits of the application is prohibited by
9 law.

10 The parties and intervenors are
11 as follows: The applicant, Florida Tower
12 Partners, Attorney Kohler from Cohen & Wolf;
13 intervenor, New Cingular Wireless PCS,
14 Attorney Laub; intervenor, Codfish Hill
15 Environmental Trust, Attorney Ainsworth;
16 intervenor, Cellco Partnership, d/b/a
17 Verizon, Attorney Kenneth Baldwin.

18 We will proceed in accordance
19 with the prepared agenda, copies of which
20 are available here. Also available here are
21 copies of the Citizen's Guide to the Siting
22 Council Procedures. At the end of this
23 afternoon's session we will recess and
24 resume again at 7 p.m. The 7 p.m. hearing
25 will be reserved for the public to make

1 brief oral statements into the record.

2 I wish to note that parties and
3 intervenors, including their representatives
4 and witnesses, are not allowed to
5 participate in the public comment session.

6 I also wish to note for you who are here and
7 for the benefit of your friends and
8 neighbors who are unable to join us for the
9 public comment session that you or they may
10 send written statements to the Council
11 within 30 days of the date hereof, and such
12 written statements will be given the same
13 weight as if spoken at the hearing. If
14 necessary, party and intervenor
15 presentations may continue after the public
16 comment session, if time remains. A
17 verbatim transcript will be made of the
18 hearing and deposited with the Town Clerk's
19 Office in Bethel for the convenience of the
20 public.

21 Is there any public official who
22 wishes to speak at this time?

23 (No response.)

24 THE CHAIRMAN: I wish to call
25 your attention to those items shown in the

1 hearing program marked as Roman Numeral I-D,
2 items 1 through 58.

3 Does the applicant or any party
4 or intervenor have an objection to the items
5 that the Council has administratively
6 noticed?

7 (No response.)

8 THE CHAIRMAN: Hearing and seeing
9 none, the Council hereby notices these
10 existing documents, statements and comments.

11 We will now continue with the
12 appearance of the applicant.

13 Will the applicant present your
14 witness panel for purposes of taking the
15 oath?

16 Attorney Kohler, when your light
17 turns green.

18 MS. KOHLER: It is green. Thank
19 you. Attorney Julie Kohler from Cohen &
20 Wolf, representing the applicant. I will
21 note for the record today that
22 Mr. Gustafson, who is anticipated to be one
23 of our witnesses, is significantly ill today
24 and is unable to be here for today's
25 hearing. Mr. Libertine will be handling

1 some of the questions from the wetlands
2 application -- wetlands aspect of the
3 application, and Mr. Gustafson will make
4 himself available for the next hearing
5 session if there are any questions.

6 So, to my right is Mr. Libertine,
7 Director of Siting and Permitting,
8 All-Points Technology; and to my right is
9 Carlo Centore, Professional Engineer, Centek
10 Engineering; to my left is Keith Coppins,
11 Principal and Owner of Phoenix Partnership;
12 and to his left is Rachel Schwartzman of my
13 office.

14 If you could all stand to be
15 sworn.

16 M I C H A E L P. L I B E R T I N E,
17 C A R L O F. C E N T O R E,
18 K E I T H E. C O P P I N S,

19 called as witnesses, being first duly
20 sworn by Ms. Bachman, were examined and
21 testified on their oaths as follows:

22 MS. KOHLER: The applicant offers
23 the exhibits that are indicated under Roman
24 Numeral II-B, 1 through 6, and if I could
25 offer those for identification purposes?

1 Mr. Libertine, did you supervise,
2 prepare or assist in the preparation of the
3 exhibits found listed in the hearing program
4 under Roman Numeral II-B-1, with the
5 exception of Exhibits G and K, Roman Numeral
6 II-B-3 and 5?

7 THE WITNESS (Libertine): Yes, I
8 did.

9 MS. KOHLER: Do you have any
10 clarifications to make to Exhibit 1, page
11 22?

12 THE WITNESS (Libertine): I do.
13 One reference in the second line on page 22
14 of Exhibit 1 should read "Site 1" and not
15 "Site 2." That's page 22 of part 1, Exhibit
16 1, in the executive summary. Again, at the
17 top of page 22, it's the second line.
18 That's the discussion of Site 1, so that
19 should be "Site 1" and not "Site 2."

20 MS. KOHLER: Do you have any
21 other clarifications, modifications or
22 additions to make to any of the other
23 documents I've listed?

24 THE WITNESS (Libertine): No, I
25 do not.

1 MS. KOHLER: And with that
2 clarification, are these documents and
3 information true and accurate to the best of
4 your knowledge?

5 THE WITNESS (Libertine): Yes.

6 MS. KOHLER: And do you adopt
7 them here today as your testimony?

8 THE WITNESS (Libertine): Yes.

9 MS. KOHLER: Thank you.

10 Mr. Centore, did you supervise,
11 prepare or assist in the preparation of
12 exhibits found listed in the hearing program
13 under Roman Numeral II-B-1, with the
14 exception of Exhibits G and K, Exhibits 3
15 and 6?

16 THE WITNESS (Centore): I did.

17 MS. KOHLER: And do you have any
18 corrections to make to Exhibit Roman Numeral
19 I?

20 THE WITNESS (Centore): I do.

21 MS. KOHLER: On page 2 and 3 of
22 the application under the executive summary,
23 can you please tell us what that correction
24 would be?

25 THE WITNESS (Centore): There's a

1 reference made to AT&T's 20 foot by 16 foot
2 equipment shelter, and it's the --

3 MR. ASHTON: Which page?

4 THE WITNESS (Centore): Page 2,
5 paragraph 3 under executive summary.

6 Reference is made to a "20 foot by 16 foot"
7 shelter. That needs to be corrected to a
8 "12 foot by 16 foot" shelter.

9 I'll continue to page 3,
10 paragraph one, the same correction, "20
11 foot" is changed to "12 foot" with reference
12 to the shelter size.

13 On page 7, paragraph 3, under
14 Roman Numeral III-A, the same correction,
15 "20 foot" in lieu of -- excuse me, "12 foot"
16 in lieu of the "20 foot" called out for the
17 shelter size.

18 And lastly, paragraph one on page
19 8, reference to the "20 foot" needs to be
20 changed to read "12 feet" with regard to the
21 shelter size. Those are my corrections.

22 MS. KOHLER: Do you have any
23 other clarifications, modifications or
24 additions to make to any of the other
25 documents I've listed?

1 THE WITNESS (Centore): I do not.

2 MS. KOHLER: And with that
3 clarification, are these documents and
4 information true and accurate to the best of
5 your knowledge?

6 THE WITNESS (Centore): Yes, they
7 are.

8 MS. KOHLER: And do you adopt
9 them here today as your testimony?

10 THE WITNESS (Centore): I do.

11 MS. KOHLER: Mr. Coppins, did you
12 supervise, prepare or assist in the
13 preparation of the exhibits found listed on
14 the hearing program under Roman Numeral
15 II-B-1, with the exception of Exhibit G and
16 K, Roman Numeral II-B-2, 3 and 4?

17 THE WITNESS (Coppins): Yes.

18 MS. KOHLER: Do you have any
19 clarifications to make to Exhibit 3 under
20 interrogatory 6?

21 THE WITNESS (Coppins): Yes, I
22 do. The question came up in the
23 interrogatory number 6 of why we switched,
24 we relocated the original lease area. And
25 one of the actual points about that was the

1 original lease, we let the option lapse,
2 which is attached to Exhibit Q of the
3 application on Exhibit B.

4 When we went back to the
5 landowner to get a different location, which
6 is Site No. 2, we moved it more to a more
7 centrally-located part of the property. We
8 relocated that Site No. 2, which you saw
9 today, as that was the original request from
10 the landowner that he didn't want to lease
11 that piece of the property any longer.

12 MS. KOHLER: Do you have any
13 other clarifications, modifications or
14 additions to make to any of the other
15 documents I've listed?

16 THE WITNESS (Coppins): No.

17 MS. KOHLER: And with that
18 clarification, are these documents and
19 information true and accurate to the best of
20 your knowledge?

21 THE WITNESS (Coppins): Yes, they
22 are.

23 MS. KOHLER: And do you adopt
24 them here today as your testimony?

25 THE WITNESS (Coppins): Yes.

1 MS. KOHLER: And with that, I'd
2 ask that these exhibits be made full
3 exhibits.

4 THE CHAIRMAN: Do any of the
5 intervenors or parties have any objection to
6 the admission of the applicant's exhibits?

7 (No response.)

8 THE CHAIRMAN: Hearing and seeing
9 none, the exhibits are admitted.

10 (Applicant Exhibits II-B-1
11 through II-B-6: Received in evidence -
12 described in index.)

13 THE CHAIRMAN: We'll now begin
14 with cross-examination of the applicant by
15 Mr. Mercier.

16 CROSS-EXAMINATION

17 MR. MERCIER: Thank you.

18 I'll just start with some of the
19 items at the field review today that were
20 discussed at the field review today.

21 Mr. Libertine, can you describe
22 the balloon fly up to the conclusion of the
23 field review?

24 THE WITNESS (Libertine):
25 Certainly. We've had two red weather

1 balloons filled to approximately 4 feet in
2 diameter at the sites tethered to 170-foot
3 strings. Site 1 went up at approximately
4 7:30 this morning, and Site 2 was launched
5 at about 7:45. Up until about the time of
6 the field review or maybe 20 minutes before,
7 maybe half an hour, we actually had very
8 calm conditions. Things did pick up wind
9 wise during the field review; however, it
10 has been intermittently raining with
11 precipitation pretty much full-time, not
12 heavy, but that obviously kept the clouds
13 low. So visibility has been fairly
14 restricted probably to three-quarters of a
15 mile or so in the immediate area of the
16 site, but we plan to have balloons up until
17 6.

18 MR. MERCIER: Thank you.

19 Did you say that both strings
20 were at 170 feet?

21 THE WITNESS (Libertine): That's
22 correct.

23 MR. MERCIER: Why is that? Why
24 would Site 2 not be at 150 feet?

25 THE WITNESS (Libertine): I'm

1 sorry, I'm thinking of Site 1. They were
2 tethered to the actual proposed heights of
3 170 and 150.

4 MR. MERCIER: Thank you.

5 Let's turn to the application,
6 Exhibit F. I think that's the Site 2 site
7 plan. That's plan number C-1A. And I
8 believe -- was Site 2 the first site we
9 looked at in the field review and stop and
10 discussed?

11 THE WITNESS (Centore): It is.

12 MR. MERCIER: Okay. While we
13 were at the compound area, I believe -- I'm
14 not sure if there was a relocation proposed
15 of the access road. Could you please
16 explain that?

17 THE WITNESS (Centore): There is.
18 And this is where the two site applications
19 get confusing. When we were at Site 2, I
20 need to make a correction to what I stated
21 out in the field. But when we were at Site
22 2, there exists a line of trees that borders
23 the field due east of the proposed compound.
24 That line of trees does show as existing and
25 not being removed on the site plan. We had

1 stakes that I saw in the field that showed
2 the center line of access road going through
3 those trees, and I mistakenly thought that
4 that was the access coming to Site No. 2.
5 To clarify that, Site No. 2 will not require
6 removal of those trees. But continuing
7 along that same discussion, Site No. 1
8 access road would come through that line of
9 trees. We can redirect the access road and
10 save the five trees that -- actually six
11 trees that are along the field. Those are
12 enumerated on the site plan C-1A for Site 2.
13 Those trees show up on C-1A for Site 2.
14 I'll call it around the first sharp bend
15 there's a line of trees along the stone
16 wall.

17 MR. MERCIER: You mean Site 1,
18 correct?

19 THE WITNESS (Centore): Excuse
20 me, yes, Site 1.

21 MR. MERCIER: Okay. Just to
22 recap, for the Site 2 plan, C-1A, that's
23 correct as shown?

24 THE WITNESS (Centore): That is
25 correct.

1 MR. MERCIER: In looking at this
2 plan, I believe it's Site 2, C-1A, do you
3 see where it says "Haybale check dam" in the
4 lower right?

5 THE WITNESS (Centore): Yes.

6 MR. MERCIER: I believe that's
7 the row of trees you're referring to next to
8 the stone wall?

9 THE WITNESS (Centore): That's
10 correct.

11 MR. MERCIER: Thank you.

12 Staying with this plan for Site
13 2, C-1A, up at the top left there's
14 information. It's called "miscellaneous
15 site information."

16 THE WITNESS (Centore): Yes.

17 MR. MERCIER: It says number of
18 trees to be removed for this particular site
19 it says 63.

20 THE WITNESS (Centore): Correct.

21 MR. MERCIER: Was there a
22 diameter used to determine that? Is it
23 6-inch diameter, 12-inch?

24 THE WITNESS (Centore): Ten-inch
25 diameter or larger.

1 MR. MERCIER: Also staying with
2 this plan for Site 2, down in the lower
3 portion there appears to be potentially an
4 old road with "Wetland 3" marked inside it?

5 THE WITNESS (Centore): Yes.

6 MR. MERCIER: And over to the
7 left it says "20-foot access and utility
8 easement" by the shed?

9 THE WITNESS (Centore): Yes.

10 MR. MERCIER: Is that where the
11 proposed utilities are coming into the site,
12 or is that an existing --

13 THE WITNESS (Centore): That is
14 an existing utility easement.

15 MR. MERCIER: And where would the
16 utilities extend for both of these sites?

17 THE WITNESS (Centore): At this
18 time a utility walk hasn't been done, but we
19 would propose to extend it below the access
20 drive or access road and the shoulder of the
21 access road.

22 MR. MERCIER: To both sites?

23 THE WITNESS (Centore): To both
24 sites.

25 MR. MERCIER: Up at the top again

1 in "miscellaneous site information" there's
2 "distance to nearest off site residence, 610
3 feet." I only note that because on page 29
4 of the application it lists the nearest
5 property line as 633 feet. So I'm just
6 curious if this somehow refers to the same
7 property and those numbers are in error, or
8 is the 633 feet referring to a different
9 property. If you could check that at some
10 point and get back to me on that, if you
11 don't have it off the top of your head.
12 Page 29 of the application, a third of the
13 way down the page, I'm just curious what the
14 "633" refers to.

15 THE WITNESS (Centore): Confirm
16 that the distance is 610 feet to the nearest
17 residence from Site No. 2?

18 MR. MERCIER: Correct. I'm just
19 curious what the "633" refers to.

20 THE WITNESS (Centore): It's the
21 nearest property line directly due west --
22 excuse me, directly due southeast of the
23 tower.

24 MR. MERCIER: So it's not the
25 same property as 74?

1 THE WITNESS (Centore): It's not.
2 If you refer to drawing C-1, it's lot number
3 65-57-121.

4 MR. MERCIER: Thank you.

5 In the response to question 7 of
6 the Council's interrogatories that had to do
7 with visibility, it was stated in the
8 interrogatory response that the property at
9 74 Codfish Hill could be seen from the I
10 believe the tower, proposed tower location.
11 I believe that's for site --

12 THE WITNESS (Libertine): Site 1.

13 MR. MERCIER: Site 1. Thank you.
14 So I guess what you're stating is the
15 compound will be visible seasonally from
16 that property?

17 THE WITNESS (Libertine): Well,
18 my experience from having done the floats in
19 the wintertime, you could actually see
20 through the vegetation portions of the house
21 if you walked the road back from the site
22 starting heading down the hill. During the
23 winter when we did do the floats, I could
24 see standing at the tower location through
25 the trees I could see a porch light. It was

1 obscured, but it was certainly there. So my
2 sense is that I don't think you're going to
3 have direct -- or I know you won't have
4 direct views into the compound. I think at
5 best what you're likely going to see from
6 around the house or the house itself perhaps
7 would be the upper portions through the
8 trees as it rises to the canopy itself. I
9 think it would be very difficult, just
10 because of the rise in nature there again.
11 I was looking at an illuminated object at
12 dusk. Most of the day I didn't see anything
13 from that area, but certainly from the
14 access road you can look down into portions
15 of that yard.

16 MR. MERCIER: So you don't
17 believe the compound would be visible,
18 you're thinking as the tower rises through
19 the trees that it may be visible seasonally?

20 THE WITNESS (Libertine): I think
21 there will be portions of the tower that
22 would be visible behind trees. It's
23 conceivable a portion of the compound could
24 be seen, but I think it's going to be so
25 obscured, even in the winter. There's

1 enough sufficient vegetation between that
2 yard and the actual proposed location that I
3 don't think it's going to be anything
4 substantive. You'd have to know what you're
5 looking for.

6 MR. MERCIER: In dealing with the
7 wooded vegetation, is there a certain
8 distance where, you know, between a receptor
9 and the say compound where it would just not
10 be visible due to the density of the
11 vegetation?

12 THE WITNESS (Libertine): Yes.
13 Typically yes, what I found is -- and I'm
14 going to be conservative. I use about 500
15 feet. If you're in a wooded block anywhere
16 within 500 feet, there is a chance, but
17 after a few hundred feet it gets very
18 difficult, you know, at ground level. We
19 don't have necessarily a solid block forest
20 here, but we've got certainly several what
21 I'll call tiers of vegetation between that
22 home and where the proposed Site 1 compound
23 is. So I think it's a fair estimation that
24 that would pretty much hold true, and that
25 certainly is in that neighborhood of 500 or

1 more feet from the home.

2 MR. MERCIER: Thank you.

3 While you were at Site 1 looking
4 around, did you notice any other properties
5 that might have -- did you see any other
6 properties from that location?

7 THE WITNESS (Libertine): No.

8 During the winter there is a development of
9 homes in the east, I want to say Twin Maple
10 Road, and I may have that wrong, but I
11 actually walked from our site beyond the
12 property line to get a sense of whether I
13 could actually see the backyards or homes in
14 the winter, and we could not. And then,
15 again, we drove that road, and from the
16 street level there was one or two locations
17 which we had photo documented where through
18 the trees we could see a red balloon heavily
19 obscured, but again, there's a very good
20 sufficient block of forest there today that
21 does a good job for buffering.

22 MR. MERCIER: We were just
23 discussing Site 1 regarding visibility from
24 the compound area, potential visibility.
25 Can you give me a sense of what Site 2 would

1 be like for any area abutters?

2 THE WITNESS (Libertine): Site 2
3 has actually got a little bit more screening
4 from any folks just because it's down a
5 little bit. There is actually a little bit
6 more intervening forest today before it
7 opens up to the field. I guess 74 Codfish
8 Hill Road would still be the closest
9 residence generally with a potential direct
10 line of sight. My feeling was -- and again,
11 I've been on the site now -- I was there
12 three separate times floating balloons, and
13 in all cases I felt as though both locations
14 worked very well from screening from
15 neighbors because we had a good distance.
16 So either site seems to equally be fairly
17 innocuous from that standpoint. Certainly
18 it's further away from that development off
19 to the east, so there's certainly even
20 additional distance, but both of them are
21 more or less, as I said earlier, they're
22 fairly innocuous in terms of the abutting
23 folks. It's really -- the visibility really
24 is more -- a little bit at distance where it
25 gets above the tree line. That immediate

1 area, if you did look today for balloons
2 regardless of the fact that we had some
3 softening conditions, along Codfish Hill
4 Road what you saw today is pretty much what
5 you see any time of year. They're both
6 fairly hidden and buried because their
7 distance off the road.

8 MR. MERCIER: You just mentioned
9 you had three balloon flies at different
10 times, I presume. Can you just describe
11 which site was better on a visibility
12 perspective from I guess the long distance
13 views?

14 THE WITNESS (Libertine): It's
15 kind of a trade-off with these two sites.
16 If you take a look at behind Exhibit I where
17 the two visibility analyses are, what we
18 tried to do was as best we could replicate
19 similar locations so that you have an
20 opportunity to kind of compare the two. And
21 what we found was that although the numbers
22 kind of flip-flop in terms of total
23 acreages, overall they're very similar in
24 nature. There's a little bit more overall
25 visibility with Site 2, but again, we're

1 talking at distance in some areas where it
2 either just clips the trees. There's a
3 large field associated with the high school
4 that tend to get some visibility a little
5 bit more with Site 2 just because of its
6 aspect of its overall height. So in general
7 they tend -- and my sense was they were
8 generally a wash from a visibility
9 standpoint, but certainly the Site 2
10 location has a little bit more from just a
11 purely numbers standpoint. I will state
12 that -- and this is why I've gone back and
13 forth on these -- from a total number of
14 residences, which was another question that
15 you asked, it impacts about half in terms of
16 some portions or views. I think I estimated
17 about 25 for Site 1 and about 12 from Site
18 2. And again, those are fairly heavily
19 obscured through the trees.

20 So again, if I had to pick one, I
21 think it would be very difficult here just
22 because when we balance everything out from
23 a visibility standpoint only, I think Site 2
24 probably has less overall visibility to
25 neighbors, but we balanced that with some of

1 the other factors as well.

2 MR. MERCIER: For the residences
3 quantify you just gave, I think 20 for Site
4 1 that could potentially see the tower and
5 12 for Site 2 could potentially see the
6 tower, that's year-round?

7 THE WITNESS (Libertine): That's
8 on a year-round basis, and it's a very
9 conservative probably overestimation, but
10 because again we don't have access to
11 private properties when we do these, I rely
12 more on a computer model and actually
13 overlay that on an aerial photo, and
14 actually using GIS I was able to pick up
15 structures. I may have double counted a
16 certain structure. There could have been an
17 outbuilding associated with a residential
18 property. And just because it falls within
19 what we're showing as a footprint of
20 potential visibility, it does not
21 necessarily mean that you're going to have a
22 direct line of sight from that location. It
23 just means there's the potential.

24 So, I will qualify it; but yes,
25 most of those views, as I said earlier, from

1 residences, and this is within -- I think
2 the question was within three-quarters of a
3 mile of the site, these are going to be very
4 heavily obscured views. And we tried to
5 represent that in a lot of the photographs
6 here from Codfish Hill Road and the
7 surrounding area because it was actually,
8 when you're using a red balloon, you can
9 fixate on that and you can actually see
10 that. When you have a structure that's
11 built and behind trees, it tends not to jump
12 out the way that a red balloon might.

13 MR. MERCIER: I just want to
14 clarify those quantities. The 20 and the
15 12, is that from residential properties, or
16 is that from actual structures that --

17 THE WITNESS (Libertine): I
18 actually counted structures on residential
19 parcels. And as I say, there were a couple
20 where I kept them in there, but they may
21 have been outbuildings associated with the
22 same residence.

23 MR. MERCIER: Thank you.

24 THE WITNESS (Libertine): You're
25 welcome.

1 MR. MERCIER: Based on your
2 visibility analysis of the three balloon
3 flies, would either of the two sites be
4 suitable for say a tree tower?

5 THE WITNESS (Libertine): I've
6 given this a lot of thought actually, and
7 we've talked about it as a team. The
8 advantage of a tree tower here would be if
9 there are some concerns with a neighbor or
10 two that feels as though they may be looking
11 into the lower portions or any part of the
12 facility during the winter months, it
13 certainly would help soften the effect. The
14 reason I tend to be a little bit hesitant on
15 this is because we're talking about some
16 fairly tall structures. In areas where they
17 are above the trees and can be seen from
18 those locations, it's fairly significant;
19 it's 30 or 40 feet above the tree line. So
20 now we're talking about a fairly bulky
21 object on the horizon that may draw the eye
22 a little bit more to it. One seventy, I
23 tend to think that's probably out of the
24 range of height; 150 is pushing it. It
25 could be done. In this case I'm not sure

1 from my own professional standpoint I'm not
2 sure that type of a disguise or concealment
3 is really necessary just because of the lack
4 of overall visibility.

5 One of the things I've been
6 thinking about if, again, there's some
7 sensitivity in terms of perception that
8 there may be views from neighbors, a dark
9 colored pole and painting the pole, you
10 know, to be more blend in as opposed to just
11 using a straight steel monopole. That may
12 be something that's worth considering but,
13 again, I'm not sure it's absolutely
14 necessary, but it may help to just, you
15 know, even soften the effect even more.

16 MR. MERCIER: When you were
17 driving around for the balloon flies, what's
18 the majority of the views? Are there any
19 hillsides where that tower is just exposed,
20 the tower is exposed above any type of
21 terrain?

22 THE WITNESS (Libertine): It's
23 twofold. To your point, most of the distant
24 views are above the tree line with no
25 backdrop, so it's a profile, a silhouette

1 against the sky. In the vast majority of
2 locations the tower does not eclipse the
3 actual treetops. They're looking through
4 trees at really lower portions of it and up
5 where you can see it, and that's in just a
6 few areas that are close by. So mostly
7 there is not an opportunity in this area at
8 the highest point in the area to really
9 afford that kind of backdrop.

10 MR. MERCIER: I just have a
11 question. If the facility was approved,
12 would the applicants construct this right
13 away? Does AT&T and/or Verizon seek to
14 locate on this facility immediately? Do you
15 have any sense of what type of schedule?

16 THE WITNESS (Coppins): If
17 approved, we would construct immediately.

18 MR. MERCIER: Has AT&T or Verizon
19 indicated that they would locate
20 immediately, or is it in their build plan
21 like a year out, a few years out?

22 THE WITNESS (Coppins): I'll find
23 that out for you, make a phone call.

24 MR. MERCIER: I was just
25 wondering if you had that information

1 offhand.

2 Thank you. I have no other
3 questions at this time.

4 THE CHAIRMAN: Thank you. We'll
5 now proceed with the Council members.

6 Senator Murphy.

7 SENATOR MURPHY: Thank you,
8 Mr. Chairman, just a few questions.

9 Just for the record, Mr. Coppins,
10 your resume and the card in front of you
11 indicates you're Phoenix Partnership, which
12 is really nothing as far as this record is
13 concerned as an applicant. I assume you're
14 an agent for the applicant; is that correct?

15 THE WITNESS (Coppins): Yes, I do
16 their development in the northeast.

17 SENATOR MURPHY: So, you had the
18 authority to speak for them and to negotiate
19 for them in this particular area?

20 THE WITNESS (Coppins): Yes,
21 within parameters.

22 SENATOR MURPHY: And when Mr.
23 Mercier asked you the question about when
24 they would build, that's a question that you
25 could answer within your parameters?

1 THE WITNESS (Coppins): Yes.

2 SENATOR MURPHY: Thank you.

3 Did you do the search for this
4 particular location or participate in it
5 yourself?

6 THE WITNESS (Coppins): Yes, I
7 did.

8 SENATOR MURPHY: Of course, and I
9 assume you are aware that AT&T had done its
10 search prior to your efforts?

11 THE WITNESS (Coppins): Yes, I
12 am.

13 SENATOR MURPHY: Were you privy
14 to the search ring that they had before you
15 started your search?

16 THE WITNESS (Coppins): No, I was
17 not.

18 SENATOR MURPHY: Some place in
19 the material before us there's a search ring
20 which is apparently theirs when they
21 abandoned their search, and this particular
22 property is outside of that original search
23 ring; were you aware of that?

24 THE WITNESS (Coppins): I wasn't
25 aware of their original search ring. I knew

1 that they were looking in the area down on
2 Dodgingtown Road, but I heard that they
3 abandoned it. And we had a facility that
4 looked good through our own RF engineer, and
5 that's why we proceeded with this one.

6 SENATOR MURPHY: So, in essence,
7 you had found this particular location?

8 THE WITNESS (Coppins): Correct.

9 SENATOR MURPHY: And you were
10 aware that AT&T had been looking but had
11 abandoned their search in this particular
12 general area?

13 THE WITNESS (Coppins): I knew
14 they were there. I'm not sure at what point
15 I knew that they abandoned theirs.

16 SENATOR MURPHY: But you knew
17 that they were interested in locating the
18 tower in this general vicinity?

19 THE WITNESS (Coppins): Yes.

20 SENATOR MURPHY: Were you privy
21 to what height might be of service to them
22 in your search?

23 THE WITNESS (Coppins): I was
24 not.

25 SENATOR MURPHY: You were not.

1 So, in essence, you found the
2 location, you went to them, and then they
3 did their diligence on RF, et cetera, and
4 Site No. 1 came onto the drawing board?

5 THE WITNESS (Coppins): Yes,
6 that's correct.

7 SENATOR MURPHY: And then it was
8 meeting with the town, and the town
9 suggested that the site be moved to the
10 central portion of the property and Site No.
11 2?

12 THE WITNESS (Coppins): That is
13 correct.

14 SENATOR MURPHY: Did you at any
15 time learn what if any sites or locations
16 AT&T may have looked at prior to your
17 beginning your search?

18 THE WITNESS (Coppins): Yes, they
19 gave us a list of all the sites that they
20 looked at.

21 SENATOR MURPHY: Did you double
22 check any of those sites?

23 THE WITNESS (Coppins): I double
24 checked on one of them down on Dodgingtown
25 -- actually, I'm sorry, two of them,

1 Dodgingtown Road at the one that they
2 abandoned.

3 SENATOR MURPHY: And that was
4 within their search ring, as I remember
5 looking at it?

6 THE WITNESS (Coppins): I believe
7 so.

8 SENATOR MURPHY: Mr. Libertine,
9 just going out there today, your visual and
10 the canopy of 50 feet seemed to me to be --
11 you're usually conservative, but that seems
12 to me to be real conservative.

13 THE WITNESS (Libertine): It's
14 extremely conservative.

15 SENATOR MURPHY: I'm curious.
16 You mentioned painting the pole a color
17 different. Can you give us a little bit
18 more on that?

19 THE WITNESS (Libertine): Well,
20 my thought was we had internally discussed,
21 you know, the options for concealment. And
22 again, my feeling was it really wasn't a
23 site that necessitated it, but I think my
24 only point in bringing it up when
25 Mr. Mercier asked about the tree was if

1 there is a thought of any type of
2 concealment again to soften the perception
3 of some views, I think it's portions of the
4 tower to the trees that might be seen during
5 the winter months. So my thought was a
6 darker color, a brown or a mottled color
7 such that it could more or less blend in
8 with the trunks of the trees that are there.
9 That's really what I was alluding to.

10 SENATOR MURPHY: I have to tell
11 you on some of the cell towers that we see
12 throughout the stages -- we drive around --
13 some of the antennas that are put up now are
14 white stand right out, and maybe the tower
15 wouldn't do any good with something --

16 THE WITNESS (Libertine): No, my
17 proposal or my recommendation if you were
18 going to go to the expense and time of
19 painting, you would want to do all the
20 appurtenances at the top as well. It just
21 tends to soften the effect. And you're
22 asking, right, especially on a bright day
23 those white antennas tend to --

24 SENATOR MURPHY: They really
25 attract your attention.

1 THE WITNESS (Libertine): Yes,
2 they do.

3 SENATOR MURPHY: No matter what.
4 I think at this point, Mr.
5 Chairman, I have no other questions of the
6 applicant.

7 THE CHAIRMAN: Thank you.
8 Mr. Ashton.

9 MR. ASHTON: Thank you.
10 On drawing C-1 it lists a couple
11 of parcels where there's a fractional
12 interest.

13 THE WITNESS (Centore): Site 1 or
14 Site 2?

15 MR. ASHTON: C-1 at the left-hand
16 side of the page at the top it says Settlers
17 Road -- oh, I'm sorry, it's Exhibit E. I
18 beg your pardon. It's drawing C-1 under
19 Exhibit E. I'm sorry.

20 Are you with me?

21 THE WITNESS (Coppins): I'm with
22 you.

23 MR. ASHTON: Under Settlers Road
24 it talks about "map/block/lot 77/57/048,"
25 and then it says "an open space with 1/9

1 interest."

2 Am I correct that assuming that
3 that plotted area, which is generally at the
4 upper side of your map, is a dedicated open
5 space owned by the people living on Settlers
6 Road and it is dedicated open space that
7 cannot be developed?

8 THE WITNESS (Centore): I would
9 need to confirm that with my surveyor. I
10 don't know the answer to your question.

11 MR. ASHTON: Well, a similar
12 question applies also under Hillside Court,
13 which is the next parcel east. There's a 4
14 or 5-acre parcel that shows "an open space
15 with 1/6 interest." Again, I assume that
16 refers to the interest being owned by the
17 residents on that street. And my question
18 is: Is it dedicated permanent open space?

19 THE WITNESS (Centore): We can
20 take that as a homework assignment. I'm
21 going to have to contact our surveyor to
22 take a look at --

23 MR. ASHTON: Okay. You might
24 want to read it in tonight --

25 THE WITNESS (Centore): Yes.

1 MR. ASHTON: -- into the record,
2 rather than a Late-File.

3 THE WITNESS (Centore): It's most
4 likely the case, but I'd like to confirm it.

5 MR. ASHTON: Okay. One of the
6 things I was impressed with the first site,
7 having visited, were the tree heights, Mr.
8 Libertine, I guess is there somewhere, 145,
9 135 feet; would you agree with that?

10 THE WITNESS (Libertine): They
11 are certainly approaching exceeding 100 feet
12 in that area.

13 MR. ASHTON: Approaching 100
14 feet?

15 THE WITNESS (Libertine): I did
16 not do a shot clinometer at this site, but
17 there's certainly -- I would not be
18 surprised if they were beyond 100 feet tall.

19 MR. ASHTON: And they're a little
20 higher at that site than they are at Site 1
21 by 15, 20 feet maybe?

22 THE WITNESS (Libertine): I would
23 say yes, at least. And you're right, I
24 think a lot of that is the soil conditions
25 where they're growing.

1 MR. ASHTON: The zoning R-80,
2 does that mean 2-acre zoning, 80,000 square
3 feet per lot, or did I throw you a curve?
4 Do you know what the site zone is?
5 Mr. Coppins, I see you're raising your hand.

6 THE WITNESS (Coppins): It is an
7 R-80. I'm just confirming whether it's
8 R-80 --

9 MR. ASHTON: If it's R-80, would
10 you believe that to be 80,000 square feet?

11 THE WITNESS (Coppins): It would
12 seem to think so, but I'd like to --

13 MR. ASHTON: More or less with 49
14 acres on the site, you could build 25
15 houses, more or less, on that site; is that
16 fair to say?

17 THE WITNESS (Libertine): Give or
18 take. There's some wetland areas on the
19 site, but give or take.

20 MR. ASHTON: You have to take out
21 a little bit for roads and so forth. So
22 that could be developed anyway, 25 houses,
23 whatever?

24 THE WITNESS (Libertine):
25 (Nodding head in the affirmative.)

1 MR. ASHTON: Okay. Visibility.
2 We've gone -- you and I particularly have
3 gone by this, you know, we had full heads of
4 hair and they were white -- not white
5 rather. When we talk visibility, what are
6 we talking about here, the full height of
7 the pole, or are we talking the top 20 feet
8 or --

9 THE WITNESS (Libertine):
10 Depending on where you are, we're talking
11 about the top upper anywhere from 10, in
12 some cases maybe pushing 30 or 40 feet.
13 Again, that's a distance that's a mile or
14 more away from elevated locations.

15 MR. ASHTON: For the nearby
16 houses, the ones that are in the vicinity,
17 what kind of visibility are you talking
18 there?

19 THE WITNESS (Libertine): We're
20 talking almost nonexistent this time of the
21 year, and during the winter months it will
22 not be something that eclipses the trees,
23 but rather there will be portions of the mid
24 to upper portions of the facility that will
25 be able to be seen.

1 MR. ASHTON: Would it be largely
2 spruce trees do you know?

3 THE WITNESS (Libertine):
4 Absolutely, yes. With the exception of on
5 the host property, perhaps some of the
6 portions of that adjoining parcel at 74 that
7 we are part of their lot that abuts the
8 property owner that's proposing the
9 locations, they really have no direct
10 unobstructed views.

11 MR. ASHTON: There isn't --

12 THE WITNESS (Libertine): There
13 are almost no one. There are some on
14 Codfish Road on some of the parcels that
15 have open fields. I do believe that there
16 will be some areas where it will slightly
17 eclipse, but it will not be something where
18 we're looking at, like I said, the high
19 school is probably the most significant view
20 in terms of how far above the tree line that
21 the facility might become, but again, we're
22 talking well over a mile away.

23 MR. ASHTON: I heard the word
24 "drainage" mentioned when we were out in the
25 field. What is the surface of the compound

1 that you are proposing to build? Is this an
2 asphalt surface that's impervious or what is
3 it?

4 THE WITNESS (Centore): It's a
5 gravel surface.

6 MR. ASHTON: It's a gravel
7 surface. So that any rain, any moisture
8 falling on it would soak in rather than run
9 off; is that fair to say?

10 THE WITNESS (Centore): That's
11 correct.

12 MR. ASHTON: So, is a gravel
13 surface compound likely to have any material
14 effect on drainage in the area?

15 THE WITNESS (Centore): You'll
16 have a slightly larger increase in runoff.

17 MR. ASHTON: I'm sorry?

18 THE WITNESS (Centore): You'll
19 get a slightly larger increase in runoff,
20 but it will hold most of the water that
21 comes down through the site.

22 MR. ASHTON: What is "a slightly
23 larger increase," 30 percent, 5 percent, 60
24 percent?

25 THE WITNESS (Centore): I would

1 say it's in the range of 5 to 10 percent
2 increase.

3 MR. ASHTON: It's a small
4 increase?

5 THE WITNESS (Centore): What we
6 do to mitigate that, if you don't mind me
7 continuing along that line, is what we do to
8 mitigate that is we use drainage swales to
9 catch that water and dissipate it in the
10 same pattern that it was originally draining
11 at at a slower rate.

12 MR. ASHTON: In regard to Site 2,
13 it appeared to me that there were some
14 depressions in the ground nearby. Could
15 they be used to divert water into those
16 things?

17 THE WITNESS (Centore): In taking
18 a closer look, if you take a look at our
19 drainage plan, we basically what we were
20 able to accomplish on Site 2 is to maintain
21 the same drainage patterns. There are some
22 swales there. What we've done is maintain
23 that swale to carry the same water it was
24 carrying before we get there, and the
25 drainage patterns off of the compound are

1 very similar, as close to similar as the
2 existing condition.

3 MR. ASHTON: Have you done any
4 probing of the soils to find out what their
5 characteristics are?

6 THE WITNESS (Centore): I've done
7 some visual observations on the site, and
8 there's a lot of ledge outcroppings there
9 and large boulders, but in terms of what the
10 makeup of the soil is I'm not sure. We
11 haven't done any geotechnical studies.

12 MR. ASHTON: That comes with the
13 D&M plan insofar as you get that far?

14 THE WITNESS (Centore): Correct.

15 MR. ASHTON: Two other questions.
16 The first one, what kind of a cyclone fence
17 are you proposing around this, 2-inch mesh?

18 THE WITNESS (Centore): Inch,
19 inch-and-a-half I think is our standard,
20 inch-and-a-half, inch-and-a-quarter. I'll
21 have to verify that.

22 MR. ASHTON: People are grinning
23 up here. They must think there's something
24 unusual about inch-and-a-half mesh.

25 THE WITNESS (Centore): I'm not

1 seeing it called out.

2 MR. ASHTON: Would it be
3 reasonable to assume that it will not be 2,
4 it will be something less than that?

5 THE WITNESS (Centore): It's
6 typically smaller than 2 to avoid people
7 being able to climb the fence.

8 MR. ASHTON: Thank you.

9 Last question. What kind of an
10 emergency generator are we talking up here?
11 Is Florida going to go into the power
12 business to provide emergency service for
13 all carriers?

14 THE WITNESS (Coppins): Are they
15 going into the wind business?

16 MR. ASHTON: No, the power
17 business.

18 THE WITNESS (Coppins): We don't
19 own any generators.

20 MR. ASHTON: You don't?

21 THE WITNESS (Coppins): No.

22 MR. ASHTON: Would you like to go
23 into business?

24 THE WITNESS (Coppins): I don't
25 know if we would.

1 MR. ASHTON: What's the chance of
2 getting -- I'll ask you -- and Mr. Baldwin
3 is back there somewhere I'm sure taking
4 notes furiously -- what are the chances of
5 having one generator for all carriers?

6 THE WITNESS (Coppins): We just
7 went through this process in New Canaan, and
8 during the hearing, because there was no
9 room on the site -- and I don't know if you
10 remember that site, a very tight site, New
11 Canaan Hospital, at Silver Hill Hospital,
12 there is one generator. However, to
13 maintain it it required a larger generator.
14 And there was a buy-in from a maintenance
15 schedule for each one for Verizon. They
16 weren't really thrilled about doing that.
17 They did it because it was requested of the
18 Siting Council and the state.

19 MR. ASHTON: To educate me
20 seriously, what is the problem? You say it
21 takes more to maintain it. Obviously
22 there's a difference between 15 kW or 30 or
23 100.

24 THE WITNESS (Coppins): I'm not
25 sure that I can answer.

1 MR. ASHTON: What's the issue?

2 THE WITNESS (Coppins): I'm not
3 sure that I can answer the issue with the
4 maintenance and whatnot. I know that there
5 was a maintenance agreement between Verizon
6 and AT&T. T-Mobile opted out of the
7 generator. But I can't answer what is the
8 main issue.

9 MR. ASHTON: You all use a common
10 pole. You could have one carrier or 25
11 carriers. There's a common pole. What's
12 the problem with a common generator? I
13 don't want --

14 THE WITNESS (Coppins): I'm not
15 sure if that --

16 MR. ASHTON: I have a technical
17 background, so you know better than to try
18 it on me.

19 THE WITNESS (Coppins): Oh, I
20 understand. I understand. I'm not sure
21 what the --

22 THE CHAIRMAN: You can also
23 answer you don't know, and then we can move
24 on.

25 THE WITNESS (Coppins): I just

1 don't know what the issue is.

2 MR. ASHTON: Thank you.

3 Nothing further, Mr. Chairman.

4 THE CHAIRMAN: Thank you.

5 Mr. Hannon.

6 MR. HANNON: Thank you, Mr.

7 Chairman. I do have a few questions.

8 I just want to follow up. I
9 believe earlier it was stated that utilities
10 would be underground?

11 THE WITNESS (Centore): Correct.

12 MR. HANNON: Also just having
13 said that eyeballing the site there's a lot
14 of ledge, would there be blasting to get the
15 utilities in?

16 THE WITNESS (Centore): I'm going
17 to guess, based on what I saw, that there's
18 a lot of large boulders and a lot of large
19 stone in there that could be moved by heavy
20 equipment. I don't see this as a site where
21 blasting would be necessary. I could see
22 some spot chopping or, you know, pneumatic
23 equipment used to break up rock to be able
24 to get the trench in there for underground
25 utilities. You could minimize the depth to

1 24 inches and encase it in concrete to save
2 the amount of rock removal, but I believe
3 they can go underground without needing to
4 blast there.

5 MR. HANNON: Now, if this were
6 approved as part of the D&M plan, would you
7 be doing a more thorough analysis on the
8 site conditions and be able to make a
9 determination as to if blasting is needed
10 and if so where?

11 THE WITNESS (Centore): We would
12 at the time of design for D&M do probes up
13 the access road to verify what the depth of
14 rock is and to see if blasting would in fact
15 be required. If that were the case, part of
16 the D&M submission would have the complete
17 plan to address the requirements for
18 blasting as far as notifications, safety
19 requirements and the like or code
20 requirements.

21 MR. HANNON: Okay. For Site 1,
22 map C-1A, where you have a level spreader
23 proposed, I think it's level spreader number
24 2, it almost looks like that's taking the
25 water that is currently flowing towards the

1 west, and the way your drainage swale is is
2 directing the water towards that level
3 spreader, but yet on site the natural
4 drainage appears to go south. So where
5 you've got the level spreader almost seems
6 to be rerouting some of the drainage.

7 THE WITNESS (Centore): I just
8 want to clarify. On this plan there are
9 four level spreaders starting from the south
10 and working north and then east. Which one
11 of those --

12 MR. HANNON: No. 2, C-4. It says
13 "proposed level spreader number 2."

14 THE WITNESS (Centore): Okay.
15 Thank you. I just want to make sure I had
16 the right one. Okay. That drainage pattern
17 kind of breaks there. You'll see that the
18 grade slope -- the grade starts at about
19 that stone wall. We have an elevation of
20 606, plus or minus, and it slopes due west.
21 And it breaks to the right and kind of
22 follows the existing access road and goes
23 directly west. There's part of that grading
24 that does go to the south, but I think what
25 we're doing with that level spreader is

1 maintaining that same drainage pattern where
2 we're directing the water that's coming off
3 of this road that it currently sheet flows
4 to the west. Now it's going to sheet flow
5 down the road, and we're catching it in the
6 level spreader, slowing it down, and
7 maintaining the same drainage pattern.

8 Do you see how it breaks off to
9 the left and goes towards the wetland, but
10 it also goes --

11 MR. HANNON: And that's part of
12 my concern is making sure that the water is
13 not diverted away from the wetlands.

14 THE WITNESS (Centore): We're
15 maintaining the same drainage pattern. What
16 we didn't want to do is add additional water
17 to that wetland as well.

18 MR. HANNON: Those questions have
19 been asked and answered.

20 And again, talking about the
21 details and terms of the construction
22 details, the proposed structure for the
23 utilities you have flexibility in that
24 depending upon what you find on site?

25 THE WITNESS (Centore): Correct.

1 MR. HANNON: So you could make
2 them much shorter than what's shown in the
3 details?

4 THE WITNESS (Centore): Correct.
5 Typically we try to get an excavated trench.
6 It's less expensive to construct, or we can
7 go shallower and encase the conduit in
8 concrete.

9 MR. HANNON: I have no further
10 questions. Thank you.

11 THE CHAIRMAN: Thank you.

12 Mr. Levesque.

13 MR. LEVESQUE: I guess my
14 questions are just for Mr. Libertine.

15 Can you look at your view
16 visibility map in Exhibit 1 for Site 1?

17 THE WITNESS (Libertine): Yes,
18 sir.

19 MR. LEVESQUE: First a comment.
20 They usually -- I understand that your team
21 sometimes assembles the book and changes the
22 scale from what you've done before, but
23 frequently we see visibility maps that are
24 full page or two pages. So if you can put
25 an 8-by-10-inch map on this

1 8-and-a-half-by-11 page, or frequently we've
2 even had two-page fold-out ones and get a
3 map that's say 8 by 10 times twice, it's
4 going to be at least 150 square inches. On
5 this one we have 5-inch square, and so it's
6 only 25 square inches, so the total size
7 it's only one-sixth of what we're used to
8 seeing.

9 THE WITNESS (Libertine): I
10 understand.

11 MR. LEVESQUE: So it's very hard
12 to see what the other significant properties
13 and elevations are. I can pick out your key
14 points barely, but it's a little small.

15 THE WITNESS (Libertine): It's a
16 good point. And actually I believe the
17 Council requested full-size maps as part of
18 the interrogatories.

19 MR. LEVESQUE: Great.

20 THE WITNESS (Libertine): Okay.

21 MR. LEVESQUE: I missed that.

22 THE WITNESS (Libertine): But
23 it's a good point. They should be the 11 by
24 17 full size as we see here.

25 MR. LEVESQUE: I'll look at the

1 computer.

2 THE WITNESS (Libertine): I
3 apologize for the inconvenience.

4 MR. LEVESQUE: And on your
5 simulation for that same site, photo 14, I
6 guess that's one of the more as far as the
7 house site, there are closer houses?

8 THE WITNESS (Libertine):
9 Correct.

10 MR. LEVESQUE: But this is an
11 example of one where there's a clear view.
12 What do you think about can you elaborate on
13 your comment of how a fake tree would look
14 there?

15 THE WITNESS (Libertine): I think
16 that a monopine certainly from a few of the
17 locations, this being a great example, would
18 really not be very effective. I think it
19 would show -- it's actually a bulkier pole
20 as well as with all the faux branches. I
21 think it would draw the eye more than just a
22 slim-style monopole. But you're right, and
23 that is an elevated location about
24 three-quarters of a mile away, and that is
25 probably the predominant or the most

1 significant view above the tree line that
2 would be achieved.

3 MR. LEVESQUE: So somebody from
4 their yard might see it well, but driving by
5 it would --

6 THE WITNESS (Libertine): Well,
7 actually it's a cul-de-sac out there, and I
8 was at the road curb. That property
9 actually dips down a little bit, so the
10 trees that are in the foreground will
11 actually serve to buffer that pretty
12 effectively, which is kind of nice. It's
13 kind of a worst case scenario when the
14 actual driveway kind of goes down. So that
15 perspective changes pretty dramatically in
16 the yard itself but certainly from --

17 MR. LEVESQUE: So in their
18 backyard they might have trees then?

19 THE WITNESS (Libertine): I
20 certainly think the background, and even I
21 believe they have a back porch there, I
22 think there are going to be trees that are
23 shielding that for the most part. It
24 certainly will not be as prominent above the
25 tree line.

1 MR. LEVESQUE: And how about
2 photo simulation number 7?

3 THE WITNESS (Libertine): Seven?

4 MR. LEVESQUE: That's much
5 closer. Do you think a fake tree would make
6 much difference there?

7 THE WITNESS (Libertine): Well,
8 see now this is where we start getting into
9 that economy, you're getting the trade-offs.
10 I think, again, when I look at this --
11 either location as having an opportunity to
12 do some kind of stealthing or concealment,
13 this is one where I think you could make the
14 argument that a tree would be fairly
15 effective. But again, I think it will be
16 just as effective if that was a brown pole
17 with brown appurtenances.

18 And again, one of the things I
19 know you folks are very familiar with these
20 analyses, but I just again want to go on the
21 record that these shots that we're showing
22 are basically worst case. We're talking
23 about static locations where we're literally
24 leaning to get a view of the balloon. So I
25 say that only because again this is going to

1 be a highly obscured view. That's the very
2 top of the facility, the red balloon there.
3 As you can see, there's quite a bit of
4 intervening trees there, so a brown pole
5 with brown painted antennas would be just as
6 effective, if not more so, than a tree in
7 that location.

8 MR. LEVESQUE: I just have a
9 quick -- it's not an important question, but
10 a question of interest. It's on page 27 --

11 THE WITNESS (Libertine): Sure.

12 MR. LEVESQUE: -- in the
13 application.

14 THE WITNESS (Libertine): The
15 executive summary?

16 MR. LEVESQUE: Yes. And then
17 it's also about the sheets that list the
18 individual native American tribes. The same
19 names appear but no more information.

20 MR. LYNCH: That's the same
21 question I had.

22 MR. LEVESQUE: Why was the
23 Keweenaw Bay Indian and the Lac Vieux Desert
24 Chippewa Indians, which seems to be a tribe
25 in Wisconsin, why inquire with them?

1 THE WITNESS (Libertine): Well,
2 several years back the FCC through the
3 Bureau of Indian Affairs worked with all
4 tribes to develop a database so that when
5 there were any federal action projects, in
6 this case because we have federal licensees,
7 it's considered a federal action under NEPA,
8 the National Environmental Policy Act. Long
9 story short, they developed this enormous
10 database, and all tribes are notified of
11 every single proposal that falls under
12 there.

13 So what happens is there are a
14 lot of tribes that are scattered throughout
15 the country who at one time or another lay
16 claim to having indigenous rights at one
17 point or another to areas all over the
18 country. So we often see tribes from
19 Delaware, from Oklahoma who will show
20 interest and want to at least review the
21 process.

22 MR. LEVESQUE: They just ask to
23 be on the list to be notified for
24 everything?

25 THE WITNESS (Libertine): Yes.

1 And there's a fee involved, so it's a
2 revenue generation for the tribes as well.
3 And they're very proactive. It's all done
4 electronically. So as soon as it's posted,
5 we often see -- we see the same tribes for
6 the most part in Connecticut. Depending on
7 where we are, some tribes are more
8 interested in the western hills than they
9 might be in the shore, but that's
10 essentially what it is. Every tribe -- I
11 believe there's over -- I know there's over
12 200, maybe even approaching 300 tribes that
13 are on that database.

14 Does that answer the question?

15 MR. LEVESQUE: Well, it's not
16 because they laid claim or want to open a
17 casino?

18 THE WITNESS (Libertine): I'll
19 give you an example. I haven't spoken to
20 the folks at those two tribes directly about
21 this, but I will say that I had extensive
22 conversations and coordination early on in
23 my career with the Narragansett Tribe. Now,
24 the Narragansetts claim everywhere in New
25 England. It doesn't matter where. I once

1 asked them innocently if they would develop
2 some sort of a map to show us where these
3 areas were so that we would know ahead of
4 time and we could actually work with them,
5 and I was told they will never produce a map
6 of that nature and that as far as they're
7 concerned all the states in New England they
8 at one time had rights to and they used it
9 for their spring migration season right
10 throughout the whole seasons for encampments
11 and that type of thing. And I think that is
12 essentially how most of the tribes that, you
13 know, they were wanderers or nomads in some
14 cases so -- that's probably not the right
15 word because they do encampments, but
16 essentially they moved, and so they saw a
17 lot of the country. So that's really how
18 this kind of developed. So, certain tribes
19 had small factions or large congregations
20 that at one time used the area.

21 MR. LEVESQUE: Are they good
22 about responding so it doesn't hold up your
23 work?

24 THE WITNESS (Libertine): All but
25 one tribe are very very good. We do have

1 some problems with one of the tribes in
2 terms of getting -- they will take the
3 information and they will take the check.
4 Getting the letter back sometimes can be a
5 challenge.

6 MR. LEVESQUE: Thank you very
7 much.

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

10 THE CHAIRMAN: Mr. Lynch.

11 MR. LYNCH: I actually had the
12 same question about the Chippewas that Mr.
13 Levesque had. So I was curious. I'm glad
14 you answered that. And I've dealt with the
15 Narragansetts, so enough said, and the Lac
16 Vieuxs too. It's a similar type wanderers
17 through New England.

18 THE WITNESS (Libertine): Right.
19 And in all honesty, they certainly have a
20 much stronger case certainly than I think
21 some of the folks that we see that are
22 remote in West of the Mississippi that might
23 chime in.

24 MR. LYNCH: Most of the questions
25 I do have relate to the carriers themselves,

1 so I'm going to wait for them to get up
2 here, but I do have a couple general
3 follow-up questions from earlier
4 discussions.

5 Mr. Libertine, we'll start with
6 you. And you know my feeling on monopines,
7 so we won't go there. But I do like -- I'll
8 agree with you on the coloring of the pole,
9 but I think in answering Senator Murphy's
10 question about the white antennas that you
11 see, now when they are -- are they painted
12 or are they covered when they -- I see them
13 on buildings on water towers and everything,
14 and they're a different color. Now, is that
15 paint, or is that some type of material that
16 allows the radio waves to go through?

17 THE WITNESS (Libertine): No,
18 they can be painted, and that is typically
19 paint.

20 MR. LYNCH: And that won't impact
21 any of the transmission --

22 THE WITNESS (Libertine): No,
23 it's a special paint similar to when you do
24 these faux concealments with the what they
25 call the radio frequently transparent

1 material. It was developed for that
2 application. You're right, when we see a
3 water tower against building facades, a lot
4 of times they'll paint those to match.

5 MR. LYNCH: I see them all the
6 time.

7 THE WITNESS (Libertine): Right.

8 MR. LYNCH: But I was just
9 curious whether they --

10 THE WITNESS (Libertine): They do
11 normally come white.

12 MR. LYNCH: My question really
13 was in painting them, does that change the
14 frequency or change any of the transmission
15 or anything like that?

16 THE WITNESS (Libertine): We have
17 some radio frequency engineers here, but my
18 understanding is no it can be used as long
19 as you use the right style of paint.

20 MR. LYNCH: I see them both
21 sitting back here. They'll get the same
22 question.

23 And I'm going to let the Chairman
24 deal with the emergency generator.

25 Mr. Coppins, when you were

1 talking about your search ring, you
2 mentioned that you have RF engineers at
3 North Atlantic. Now, can you give me a
4 little background? Do these RF engineers go
5 out searching for holes in sites and then
6 contact the carriers, or do they get
7 information from the carriers and go out and
8 look for sites?

9 THE WITNESS (Coppins): In this
10 particular site we had an RF engineer say
11 there's a site needed here, and North
12 Atlantic sent me the information and said we
13 need a site here, and that's how I got that.
14 They have hired RF engineers that they go
15 out and that's what they do, they find
16 holes, they find different things in rings.

17 MR. LYNCH: Now that leads to my
18 next question. Are the same RF engineers,
19 now that we're getting away from gaps and
20 can you hear me now coverage, doing the same
21 thing for delivering data to different
22 areas?

23 THE WITNESS (Coppins): I don't
24 know the answer to that.

25 MR. LYNCH: All right. Thank

1 you.

2 And those are all my questions,
3 Mr. Chairman. The rest are for the
4 carriers.

5 THE CHAIRMAN: Thank you. So,
6 since I guess I have to say something since
7 this really isn't a question for you and it
8 will not be a question for the two carriers,
9 but they know the Council's policy,
10 particularly when they come in together,
11 think of something like thou shalt use a
12 shared generating facility if and when this
13 were to be approved. So I'm not going to
14 belabor that. But the policy of the Council
15 is pretty clear, so you don't -- I know
16 everybody is looking at me strangely, but I
17 think some of you know that's the policy.

18 But I do have a question. On the
19 consultation with the municipality, I'm a
20 little bit -- and maybe it's just the
21 chronology -- but at one point on pages 34
22 and 35 it talks about they were meeting with
23 town officials, but it mentioned
24 specifically I think it was Mr. Palmer from
25 the town's I don't know whether it's land

1 use director was the one who recommended you
2 have a more -- find a more centrally-located
3 site on the property and that it says that
4 he -- I'll quote it, that if the facility
5 was to be located on the property more
6 centrally, he would support it. Is that
7 correct? I guess as of that date, which is
8 January.

9 And then we have a subsequent
10 letter from I think the first selectman
11 which says the town is opposed to it. Am I
12 understanding this right?

13 THE WITNESS (Coppins): You're
14 understanding it correctly, yes.

15 THE CHAIRMAN: Okay. So without
16 knowing anymore, that's the chronology of
17 first, the town's officials did look at this
18 site, did suggest the slightly different
19 location, which I guess is Site 2; is that
20 correct?

21 THE WITNESS (Coppins): That
22 would be correct, Site 2.

23 THE CHAIRMAN: And then
24 subsequent to that, for whatever reason, it
25 was at least at the level of the first

1 selectman a change in view; is that correct?

2 THE WITNESS (Coppins): I would
3 believe that's what happened, yes.

4 THE CHAIRMAN: Okay.

5 Mr. Mercier.

6 MR. MERCIER: Thank you.

7 I just had one other question on
8 the visibility analysis for Site 1, photo
9 14. I think we were talking about that
10 photo with regards to the tree tower
11 earlier. It says adjacent to number 9,
12 Wolfpits Road?

13 THE WITNESS (Libertine): Yes,
14 sir.

15 MR. MERCIER: I didn't find a
16 corresponding photo in the Site 2 photo
17 analysis for this particular location. I do
18 believe that Site 2 would also be visible
19 from here?

20 THE WITNESS (Libertine): Just
21 bear with me one moment. It would be a
22 similar view. What we did, we tried to
23 frame that. There are some photos of
24 proposed Site 2 actually in that general
25 area number 15, and that analysis gives a

1 kind of similar elevated view. It's just at
2 the location of Site 1, the photo for Site
3 1, I think it would kick over a little bit,
4 so that would certainly be similar in
5 nature. So, we tried to do something in
6 that general area. I think 15 is probably
7 the closest we have to that in the Site 2
8 location. And actually 14 is in that
9 general area too, but it's a little further
10 to the north. So yes, to answer your
11 question, it would be similar in nature.

12 MR. MERCIER: Okay. So somewhere
13 on that call it horizon the tree line it
14 would extend up to the right or the left?

15 THE WITNESS (Libertine): It
16 would actually be, if we're looking at it,
17 it would actually be almost be in the same
18 direct line of site slightly to the left.

19 MR. MERCIER: Thank you.

20 And just going back to the Site 2
21 of the closest residence to the residential
22 property line, I think the closest residence
23 was 610 feet away?

24 THE WITNESS (Libertine):
25 (Nodding head in the affirmative.)

1 MR. MERCIER: So wouldn't the
2 property line for a residential property be
3 a lot closer than 633?

4 THE WITNESS (Libertine): I'll
5 play Mr. Centore for just a moment. We were
6 looking at that earlier, and yes that lot
7 that is showing, going back to C-1 -- I'm
8 sorry. Going back to, yes, C-1 -- was that
9 for Site 2? I'm sorry, Mr. Mercier.

10 MR. MERCIER: Yes, Site 2.

11 THE WITNESS (Libertine): I think
12 what happened was when I looked at
13 Mr. Centore's notes, it appears as though
14 the closest residence is correct. And
15 you're right, that corner of the lot at
16 7757-119 would be closer obviously than 600
17 feet. I don't have that distance. I don't
18 know if you have that distance. Oh, here it
19 is, 475.

20 THE WITNESS (Centore): Four
21 seventy-five is the nearest property line.

22 THE WITNESS (Libertine): So it's
23 475 to the corner of that lot, and that
24 should be the closest lot to the compound,
25 yes.

1 MR. MERCIER: Again, that's Site
2 2, correct?

3 THE WITNESS (Libertine): That's
4 Site 2, correct.

5 MR. MERCIER: Thank you. No
6 other questions.

7 THE CHAIRMAN: We'll now proceed
8 with the next intervenor for cross
9 examination.

10 Attorney Laub, do you have any
11 questions? And I guess come to that table,
12 please.

13 MR. LAUB: For the record, Daniel
14 Laub with the firm of Cuddy & Feder on
15 behalf of the intervenor AT&T. No
16 questions.

17 THE CHAIRMAN: And the
18 intervenor, Codfish Hill Environmental
19 Trust, Attorney Ainsworth?

20 MR. AINSWORTH: Thank you very
21 much.

22 Now, Mr. Libertine, did you
23 consider whether that the use of a radome
24 cover on the antenna array might reduce the
25 visual mass for visual presentation of the

1 antenna arrays?

2 THE WITNESS (Libertine): In this
3 case I didn't consider that. That was not
4 proposed, so I was using what was actually
5 proposed, panel antennas in this case.

6 MR. AINSWORTH: And if the
7 applicant were to consider using radome, do
8 you have an opinion as to whether or not it
9 would present a less than visual mass
10 presentation?

11 THE WITNESS (Libertine): Any
12 time we're talking about an antenna profile
13 that is smaller in mass, it's certainly
14 going to reduce the visible aspects of the
15 top of the tower where the appendages are
16 affixed to the pole. So certainly it would
17 assist in minimizing or at least reducing
18 the overall mass.

19 MR. AINSWORTH: And have you
20 employed such radio covers elsewhere in
21 Connecticut?

22 THE WITNESS (Libertine): That
23 really wouldn't be a question for me. I'm
24 sure they exist. Maybe you can define
25 exactly what kind of radio antenna that

1 you're alluding to because I may be confused
2 as to what exactly you're getting at.

3 MR. AINSWORTH: Okay. Well,
4 first of all, do you know what a radome
5 cover is?

6 THE WITNESS (Libertine): Not
7 really, no.

8 MR. AINSWORTH: Okay.

9 THE WITNESS (Libertine): I don't
10 mean to be difficult. It's not a term I'm
11 familiar with.

12 MR. AINSWORTH: Any of these
13 questions are certainly directed to the
14 entire panel if there's another member of
15 the panel that understands the question
16 better.

17 THE WITNESS (Centore): Carlo
18 Centore from Centek Engineering. Radome is
19 the covering that covers the elements within
20 the antenna that make up the antenna. Each
21 manufacturer -- and it's typically a
22 fiberglass product. It's an RF transparent
23 product. And each manufacturer of antennas
24 has a different shaped radome or covering
25 over their elements. So it's difficult to

1 say. I don't understand what the
2 application that you're speaking of is. I
3 know that if there's a certain manufacturer
4 of an antenna, they have a radome or a cover
5 that covers their elements. There is some
6 technology that's been deployed for
7 stealthing of antennas which is another form
8 of radome which is an additional cover that
9 goes over the antennas.

10 MR. AINSWORTH: Correct. That's
11 what I'm referring to.

12 THE WITNESS (Centore): Very
13 rarely have I seen that utilized on towers.
14 We do utilize that application on rooftops,
15 specifically on smokestacks or chimney
16 stacks on rooftops. I would say at the top
17 of a tower if you start creating a radome
18 depending on the plan dimensions of that
19 antenna, some antennas are 12 inches wide,
20 so to create a cylinder to enclose or screen
21 that antenna, it could be upwards of 16 to
22 20 inches in diameter creating some
23 additional wind area, number one. Number
24 two, difficulty in servicing. And by
25 additional wind area, that would have

1 implications in terms of the amount of tower
2 you'd see. The tower would get somewhat
3 beefier to be able to manage those types of
4 covers. But I'm not sure where your
5 question is heading, but they can be
6 utilized. In my opinion, they are larger so
7 they would be more visible, if that's what
8 you're speaking of. Otherwise, it's going
9 to depend on the manufacturer of the antenna
10 or what the surface area or profile of the
11 antenna you'd see on the tower.

12 MR. AINSWORTH: But you would
13 agree with me that there are fiberglass
14 coverings that can be placed around antenna
15 arrays so that they don't present that
16 angular mass that you would normally see at
17 the top of a tower that's in the photo?

18 THE WITNESS (Centore): As I
19 stated, you would increase the mass of the
20 space occupied by that antenna because it
21 would need to be larger to accommodate the
22 antenna itself within the cylinder. It
23 would not be angular; it would be
24 cylindrical, if that's what is utilized, but
25 I don't know that it would reduce the

1 visibility of the view of the antenna.

2 MR. AINSWORTH: Perhaps from an
3 engineering standpoint. But maybe from a
4 visibility standpoint, maybe Mr. Libertine
5 could address that. Would this smoother
6 presentation for a cylinder type shape be
7 less of an object distraction than the
8 typical antenna array on a 12-foot platform?

9 THE WITNESS (Libertine): Well,
10 it's difficult only in the sense that we are
11 talking about a larger object, and again,
12 all things being equal, if you're talking
13 about the same antennas that are now going
14 to be enclosed with this radome. We're
15 talking multiple antennas at three different
16 sectors. I'm not convinced first blush that
17 that's going to be any less intrusive
18 because I think now we're talking about a
19 little bit more mass. I think certainly
20 there is going to be a -- there will be
21 certainly some viewers looking at it that
22 might be the roundness or the softness,
23 maybe, if that's the right word, but I think
24 we're talking about multiple arrays or the
25 multiple antennas with three sectors.

1 That's going to be a fairly substantial
2 structure if we start enclosing them.

3 MR. AINSWORTH: Could you reduce
4 the substantial structure size by close
5 mapping the antennas as opposed to putting
6 them on platforms?

7 THE WITNESS (Libertine): From a
8 visibility standpoint obviously anything
9 that starts coming in closer to the tower is
10 going to be less of a spread on the tops of
11 that. It certainly starts to soften things
12 and make it a lot more compact, yes, but I
13 know there are some technical issues
14 associated with that that I'm not really the
15 person to speak to about that. But yes, to
16 answer your question, sure.

17 MR. AINSWORTH: And did I hear
18 correctly earlier on cross-examination that
19 you believe that Site 2 has the lesser
20 visual impact of the two sites?

21 THE WITNESS (Libertine):
22 Slightly, but yes, I think, again, I'm
23 probably more sensitive to the fact that I
24 believe it probably has less of an impact,
25 and again very slightly, to what I'll call

1 the immediate area of Codfish Hill Road.

2 MR. AINSWORTH: Obviously you
3 have Site 1 and Site 2. Is anyone on the
4 panel aware of why there ended up with two
5 alternatives on this particular location? I
6 think there was a mention that one of them
7 had -- one of the leases had expired on one
8 of the sites. Do you have an idea of why
9 the owners let that lapse?

10 THE WITNESS (Coppins): I think
11 we didn't mean to let it lapse. Once it
12 lapsed, then we went back. The reason that
13 there's two sites on the property is we put
14 forward a technical report with Site 1, and
15 at the town meeting they requested that we
16 move the site to a more central location on
17 the property, which our landlord obliged us,
18 and we were able to do that. That's how we
19 came up with two sites on the site.

20 MR. AINSWORTH: When you say
21 "they requested," a more central location,
22 who is "they"?

23 THE WITNESS (Coppins):
24 Representatives from the town during our
25 public hearing at the -- I'm not sure where

1 it was. There was also a letter from Steve
2 Palmer, the town planner.

3 MR. AINSWORTH: And do you know
4 if Mr. Palmer was authorized to make that
5 recitation on behalf of the town when he
6 made that letter?

7 THE WITNESS (Coppins): I would
8 assume so, but I don't know that for a fact.

9 MR. AINSWORTH: I notice in
10 Exhibit I there's a 2-mile radius on the
11 visual impact study, but none of the
12 photographs are more than a mile and a
13 quarter away from the proposed site. What's
14 the purpose of having a 2-mile study area if
15 you don't take any sample photographs
16 throughout the site?

17 THE WITNESS (Libertine): Well,
18 we drive all the roads. In this case the
19 views that are at distance we've more or
20 less represented all those areas of
21 visibility. It doesn't extend out where we
22 could view it or could predict it beyond two
23 miles. So it's a matter of providing
24 representation throughout that whole area.
25 We do model it so in those areas where we

1 cannot actually physically gain access to
2 verify we want to show those because there's
3 a potential. But if you take a look at Site
4 1, you'll see that the majority, if not all,
5 of the areas depicted with some level of
6 visibility have some representative photo
7 locations.

8 What I have been doing lately in
9 the last year or so is provide a lot more
10 nonvisible photographs, and a lot of times
11 that does cover some of those distant areas,
12 that elevation, just to kind of show again
13 the general landscape and give the viewers
14 an idea of kind of what's going on within
15 that entire study area.

16 MR. AINSWORTH: With regards to
17 today's balloon float, I believe I heard you
18 comment in the field that you had some I
19 believe you called it deflection of the
20 balloons?

21 THE WITNESS (Libertine):
22 Certainly at Site 1 when we were at the site
23 walk today that was getting quite a bit of
24 wind above the trees at that time, so we
25 were getting a good amount of what I call

1 flexion or the balloon being pushed over at
2 an angle, so we were not achieving the full
3 height during the site walk certainly while
4 the winds were up.

5 MR. AINSWORTH: And was it also
6 true that the balloon on the string actually
7 the tether had tangled into the tree canopy
8 on both locations?

9 THE WITNESS (Libertine): Yes.
10 That happens, yes. Sometimes it actually
11 works to our advantage, believe it or not,
12 where it will actually get hung up on a
13 branch, and that will keep it straight
14 through the canopy and then it will deflect
15 at the top, but sometimes we just run into
16 those situations. We try to free it up when
17 we can. We're at the mercy of these days
18 when the Council has actually set the
19 hearing. Certainly when we're doing our
20 floats for purposes of these type of
21 evaluations, a day like today would never
22 have been considered just because a
23 combination of the wind and not having
24 the -- well, precipitation certainly usually
25 is something we don't like to deal with, and

1 we don't have the full visibility that we
2 like to have in terms of being able to see,
3 you know, several miles.

4 MR. AINSWORTH: And this is the
5 first time that the public has been notified
6 in advance of the balloon fly at this
7 location, correct?

8 THE WITNESS (Libertine): That I
9 don't know. I do know we did make a
10 courtesy call to the town before we flew
11 both of these sites; but beyond that, I'm
12 just not privy to that.

13 MR. AINSWORTH: So just for
14 purposes of the record, if members of the
15 public had wanted to take photographs
16 representative of their view or their
17 favorite view of the balloon float, it might
18 not be accurate in the sense that the
19 balloons were not the full height that they
20 should be, right?

21 THE WITNESS (Libertine): Today?

22 MR. AINSWORTH: Today.

23 THE WITNESS (Libertine): I can
24 speak to the time we were on the site as a
25 group that that is probably accurate. I

1 would say any time before that, any time
2 before quarter to 2, it would have been a
3 very accurate representation. We had very
4 favorable low winds early today.

5 MR. AINSWORTH: When you
6 calculate the number of trees that are being
7 removed, you noted that they use a 10-inch
8 diameter or larger tree. Why do you pick 10
9 inches as opposed to 6, 7, 8?

10 THE WITNESS (Centore): I believe
11 it's the standard that we've been using on
12 the Siting Council applications, 10 inches
13 and larger. And I'll have to check the
14 regulation where that comes from, and I'll
15 have to get back to you on that. I'm pretty
16 sure it's a guide that was provided as part
17 of the Siting Council applications.

18 MR. AINSWORTH: Would
19 Mr. Gustafson have a better knowledge of
20 what the value of various tree sizes would
21 be?

22 THE WITNESS (Libertine): Well, I
23 can't speak for Mr. Gustafson, but I can
24 tell you my experience is that the value of
25 the tree certainly from a resale standpoint

1 or being able to harvest, certainly as the
2 tree matures it gets larger in diameter, and
3 the potential goes up for it to be
4 marketable. But a lot of the trees also,
5 you know, it comes down to whether -- well,
6 what type of tree it is, its growth pattern,
7 whether or not you can get board length out
8 of it, otherwise it's going to be used
9 primarily for cord wood typically. A lot of
10 trees up on that property you probably
11 noticed some sugar maples which have their
12 own value. I'm not sure if the farm or the
13 owners actually tap into those or not. And
14 I do believe anywhere from 6 to 10 inches
15 tends to be the guidance that's used in most
16 of the applications that I've seen.
17 Anything below that tends to be certainly
18 not from a marketable standpoint. I think
19 most of the sites we see are not actively
20 used for that anyway, and the idea is to try
21 to minimize the tree cutting so we can
22 maintain as much screening as possible.

23 MR. AINSWORTH: And my question
24 is not only to the economic value of trees
25 but also to its natural resource value.

1 Would you agree with me that trees between 6
2 and 10 inches perform valuable natural
3 resources functions?

4 THE WITNESS (Libertine): I think
5 trees, yes, I think trees of, you know,
6 several girths will contribute. You're
7 talking about several different type of
8 functions, sure.

9 MR. AINSWORTH: There's no
10 guarantee that the vegetation on the site
11 will be maintained going forward other than
12 within the compounds that are within the
13 control of the Applicant, correct?

14 THE WITNESS (Libertine): I'll
15 answer that yes, there's never a guarantee.
16 We don't have to -- in this case North
17 Atlantic Towers would probably have control
18 over anything in the lease area.

19 MR. AINSWORTH: And on
20 cross-examination one of the Council members
21 asked isn't it true that the property could
22 have up to 25 homes, probably something
23 less, but up to 25 homes theoretically built
24 on the site, correct?

25 THE WITNESS (Libertine): That

1 was asked, yes, and answered.

2 MR. AINSWORTH: And if the site
3 were developed in that fashion for the
4 maximum number of homes, wouldn't a lot of
5 the assumptions for visual impact be
6 drastically altered?

7 THE WITNESS (Libertine): I don't
8 think they'd be drastically altered. And
9 the reason I say that is I think a lot of
10 the prime area on that site or that property
11 for redevelopment is fairly cleared land.
12 The areas that we're talking about is using
13 for what I'll call a buffer between
14 adjoining properties is kind of -- we're at
15 the more or less the edges of the property.
16 I mean, anything is possible with enough
17 money and engineering, but this starts to
18 drop off fairly steeply towards the south
19 towards Codfish Hill Road from Site 2, and
20 Site 1 is more or less in the eastern
21 portion of the property. So I think the
22 areas that I would have concern, if that's
23 the right word, in terms of buffering those
24 neighbors to the east and the south, I think
25 they would stay fairly intact in terms of

1 the tree cover that's there today. But
2 there's always a possibility. It depends on
3 what the lot layouts are and hypothetically
4 speaking some of those trees that I
5 anticipate staying could be removed as part
6 of that development. We do have some
7 wetland constraints over there that would
8 probably prohibit anything again to the
9 south of -- anything substantial to the
10 south of Site 2.

11 So, I understand your point, but
12 I think -- and when we take a look at the
13 whole property, there's quite a bit of open
14 field. I think that's probably the area
15 that would be most advantageous for building
16 new homes.

17 MR. AINSWORTH: You haven't
18 analyzed the site for where the suitable
19 locations would be for homes, have you?

20 THE WITNESS (Libertine): No,
21 this is just purely hypothetical based on
22 the conversation that started.

23 MR. AINSWORTH: And you were out
24 at the same site that I was. There were a
25 lot of trees around the compound areas; were

1 there not?

2 THE WITNESS (Libertine): Around
3 the two compound areas? Yes, absolutely.

4 MR. AINSWORTH: And all of those
5 trees are subject to be removed by the
6 current landlord, correct?

7 THE WITNESS (Libertine):
8 Certainly, outside of our lease area, yes.

9 MR. AINSWORTH: And within the
10 lease area most of the trees have been
11 removed?

12 THE WITNESS (Libertine): True.

13 MR. AINSWORTH: And so with
14 regard to Site 2, the more centrally-located
15 potential tower, there are houses to the
16 north and west that currently have some
17 screening from trees, at least from the
18 lower views of the tower; is that not true?

19 THE WITNESS (Libertine): Yes, it
20 is heavily screened if we're talking to the
21 north and to the northwest and even to the
22 northeast.

23 MR. AINSWORTH: And do you have
24 or does the applicant have any knowledge of
25 the owner's future plans for the property?

1 THE WITNESS (Libertine): I
2 don't.

3 THE WITNESS (Coppins): The owner
4 does not have any plans to at this point in
5 time to develop the rest of the property.
6 She hasn't conveyed that to me.

7 MR. AINSWORTH: And the site
8 currently is at least partially agriculture
9 use; is it not?

10 THE WITNESS (Coppins): I don't
11 know what they do with that property at this
12 point, whether it's agricultural or it's
13 just their land.

14 MR. AINSWORTH: Did any of you
15 notice the farming equipment that was near
16 the entrance road that we walked?

17 MS. KOHLER: I believe he
18 answered the question. He doesn't know what
19 the property is used for. He doesn't know
20 if it's agricultural land.

21 MR. AINSWORTH: Those were two
22 different questions. One was did you see
23 the farming equipment; in other words, do
24 you know how they use the property?

25 THE WITNESS (Coppins): I did not

1 notice the farming equipment.

2 MR. AINSWORTH: Did any of the
3 applicant's team members notice the large
4 field of highbush blueberries to the
5 southwest of Site 2?

6 THE WITNESS (Coppins): I did not
7 notice it.

8 MR. AINSWORTH: And Mr. Libertine
9 mentioned that there was a potential
10 limitation for activity due to wetlands.
11 Isn't it true that wetlands laws don't apply
12 to agricultural use?

13 THE WITNESS (Libertine): In
14 several cases there are opportunities to do
15 things from an agricultural component, but
16 there are still limitations as to what you
17 can do.

18 MR. AINSWORTH: I'd just ask the
19 Council to take administrative notice of the
20 wetlands laws that have an agricultural
21 exemption.

22 Now, would the applicant be
23 willing to place any kind of cedar fencing
24 or ground-level fencing around the compound
25 to mitigate any lower-level use from nearby

1 property owners?

2 THE WITNESS (Coppins): If it
3 were approved and the Council asked us to do
4 that, we would certainly be willing to do
5 that.

6 MR. AINSWORTH: Just out of
7 curiosity, I noticed that there was
8 testimony that there were three separate
9 balloon floats, but there are two sites.
10 Why were there three separate balloon floats
11 for two sites?

12 THE WITNESS (Libertine): We did
13 the full analyses individually for these,
14 and then I went a third time just to kind of
15 verify and do some additional work.

16 MR. AINSWORTH: Mr. Libertine,
17 you noted in your testimony that you said a
18 red balloon would jump out more than
19 potentially a monopole antenna array; am I
20 correct?

21 THE WITNESS (Libertine): Yes,
22 I'd like to qualify that. What I said was
23 or what I think I said, at least what I
24 meant was when we're out doing our analyses
25 in the field we use a red balloon. It's a

1 great focal point because it's often very
2 difficult to look through the trees and to
3 find what we're actually looking for. So my
4 only point was when you're looking for that
5 object, it's very easy or much easier for us
6 to pick out than an obscured pole that's
7 buried in the trees. That was my only
8 point.

9 MR. AINSWORTH: The balloon
10 itself is 4 feet in diameter, correct?

11 THE WITNESS (Libertine):
12 Correct.

13 MR. AINSWORTH: And what's the
14 diameter of the proposed tower at both
15 sites?

16 THE WITNESS (Libertine): The
17 tower tapers to 18 to 24 inches.

18 THE WITNESS (Centore):
19 Twenty-four inches.

20 THE WITNESS (Libertine): About
21 24 inches at the top, and then you've
22 obviously got the arrays at the top, which
23 are spread 12 foot across.

24 MR. AINSWORTH: What does the
25 tower start out at the base?

1 THE WITNESS (Libertine): They
2 vary a little bit, so that's why I'm
3 hesitating.

4 THE WITNESS (Centore): Depending
5 on the manufacturer or thickness of steel,
6 but anywhere from 4 to 6 feet in diameter.
7 I would say the 150-foot monopole would be
8 about 4 feet in diameter at the base, and
9 the 170-foot monopole would be closer to 6
10 feet at the base.

11 MR. AINSWORTH: And you mentioned
12 that the antenna arrays are 12 feet in
13 diameter, correct?

14 THE WITNESS (Centore): Twelve
15 feet face projection. There's a flat
16 surface area. The platform, it's a
17 triangle. One leg of the triangle is
18 approximately 12 feet across.

19 MR. AINSWORTH: And the antennas
20 themselves are how long?

21 THE WITNESS (Centore): They
22 vary. Typically we see antennas between 4
23 and 8 feet in height and about 8 inches to
24 12 inches in width.

25 MR. AINSWORTH: So you've got a

1 12-foot platform and perpendicular to it
2 you've got a 6 to 8-foot antenna?

3 THE WITNESS (Centore): Correct,
4 at approximately 4 feet on center.

5 MR. AINSWORTH: And the balloon
6 itself is floating on a very thin tether
7 compared to a tower, correct?

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

10 MR. AINSWORTH: So the visual
11 sight line intersects would be much harder
12 to see for the tether than it would be for
13 an actual pole; would it not?

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

16 MR. AINSWORTH: I'm getting
17 close.

18 You said you are able to speak
19 for the applicant but within parameters.
20 Can you explain what the parameters are?

21 MR. LYNCH: Mr. Ainsworth, can
22 you repeat that question? I just didn't
23 hear it at all.

24 MR. AINSWORTH: Certainly. I was
25 not looking at the microphone.

1 There was some testimony that the
2 applicant, Mr. Coppins, you testified that
3 you were authorized to speak for the
4 applicant but within parameters, and I was
5 wondering what the constraints might be.

6 THE WITNESS (Coppins): Well, the
7 parameters are, for instance, the fence that
8 you just asked me about, it falls within our
9 parameters to be able to do something like
10 that because obviously it did in your case
11 make sense for us to want to screen the
12 base, so that's why I answered that it's
13 reasonable and within reason. If it's
14 outside what I think would be reasonable, we
15 would have a conversation with the rest of
16 the owners of the company to determine
17 whether we should be able to do something.

18 MR. AINSWORTH: So it's in your
19 subjective determination of what's
20 reasonable?

21 THE WITNESS (Coppins): I'm not
22 exactly sure what you mean by that, but I
23 mean there are certain things that we've
24 done in the past and we continue to do them.
25 And if it's asked during a hearing or during

1 a construction meeting or during something,
2 we're able to make a decision on the spot to
3 do that, yes.

4 MR. AINSWORTH: Have there been
5 any soil probes done on the site yet?

6 THE WITNESS (Centore): No.

7 MR. AINSWORTH: You did notice
8 that there were significant outcroppings,
9 and I think you mentioned that there was
10 ledge that was visible on the site, correct?

11 THE WITNESS (Centore): Correct.

12 MR. AINSWORTH: Wouldn't -- well,
13 doesn't soil type impact the ability to
14 infiltrate storm water?

15 THE WITNESS (Centore): Yes.

16 MR. AINSWORTH: And without
17 having soil probes, you don't know whether
18 or not you may be hitting ledge which is
19 relatively impervious, correct?

20 THE WITNESS (Centore): I'm
21 sorry, but I don't understand your question.

22 MR. AINSWORTH: Certainly. Let
23 me see if I can rephrase it. Without having
24 soil probes, you don't know where the ledge
25 is other than where it appears on the

1 surface visible to someone walking by,
2 correct?

3 THE WITNESS (Centore): Correct.

4 MR. AINSWORTH: But you have
5 storm water infiltration designs or
6 conceptual plans in your site plans noted in
7 the application?

8 THE WITNESS (Centore): I do not.

9 MR. AINSWORTH: The level
10 spreaders are meant to direct storm water so
11 that it may infiltrate into the site?

12 THE WITNESS (Centore): No. The
13 level spreaders redirect the water and
14 reduce the rate at which it flows across the
15 surface. It's not intended to infiltrate
16 into the ground. It's maintaining direction
17 of water flow on the site.

18 MR. AINSWORTH: You were asked
19 some questions about there were depressions
20 nearby Site 2 that might be used for soil
21 infiltration of storm water, correct?

22 THE WITNESS (Centore): I don't
23 recall the term "infiltration." I think
24 what we're talking about here is runoff and
25 how runoff is maintained, but the site is

1 designed to maintain the current
2 characteristics of runoff. So if there are
3 existing ledge conditions and there are
4 existing rock outcroppings, that condition
5 is not being changed by the proposed design.
6 And what we're doing by adding additional
7 slightly less pervious material to the site
8 is we're redirecting those flows using level
9 spreaders so as to maintain the current
10 characteristics of drainage on that
11 property.

12 MR. AINSWORTH: Based on surface
13 observation?

14 THE WITNESS (Centore): Based on
15 drainage patterns.

16 MR. AINSWORTH: But those
17 drainage patterns are determined by surface
18 observations as opposed to soil testing?

19 THE WITNESS (Centore): The two
20 do not go along. You'd have to clarify your
21 question. But what we're doing, to be
22 clear, in terms of the design here is we're
23 not changing the characteristics of the
24 ground there. That site, as it exists today
25 and it's probably been like that for quite a

1 long time, has water that drains across it.

2 MR. AINSWORTH: But you're also
3 going to alter the road?

4 THE WITNESS (Centore): Correct.

5 MR. AINSWORTH: You're going to
6 be doing --

7 THE WITNESS (Centore): Correct.

8 MR. AINSWORTH: You're going to
9 remove earth?

10 THE WITNESS (Centore): Correct.

11 MR. AINSWORTH: And you're going
12 to compact soil?

13 THE WITNESS (Centore): Correct.

14 MR. AINSWORTH: And you'll be
15 removing ledge and probably some terrain to
16 level out the inclines?

17 THE WITNESS (Centore): Correct.

18 MR. AINSWORTH: And all of those
19 will have impacts on water flow; will they
20 not?

21 THE WITNESS (Centore): Exactly.

22 And that's why we've proposed to use level
23 spreaders to dissipate that water in the
24 same patterns as they do today. A full
25 drainage analysis will actually be prepared

1 as part of the D&M plan which will show any
2 increase or the significance of increased
3 runoff or flow on the site, and it's
4 addressed at that point in more detail.

5 MR. AINSWORTH: And directing
6 your attention to the Site 2 visual impact
7 analysis, photos 9 and 10, I think some
8 discussion was had about that being somewhat
9 representative of a more I guess broader
10 intersect with a larger portion of the
11 tower. Wouldn't a monopine or a concealed
12 tower of some sort be of assistance in
13 reducing the impacts for those particular
14 views and views like them?

15 THE WITNESS (Libertine):
16 Attorney Ainsworth, I just want to make
17 sure, 9 and 10 for Site 2? I just want to
18 make sure I'm looking at the right one.

19 MR. AINSWORTH: I'll confirm,
20 but I --

21 THE WITNESS (Libertine): No,
22 that's fine. I get what you're saying.
23 These two happen to be through trees with
24 the leaves off. And obviously when the
25 leaves are on the tree, you wouldn't be able

1 to see through there.

2 You know, when we talk about
3 concealing within a monopine, it's always a
4 very difficult discussion for me because I
5 tend to feel as though these type of views,
6 when you're looking, whether it's these type
7 of views or a little further away or even a
8 little closer where you have some aspect of
9 the tower, anything you can do to soften it
10 certainly is of benefit. And I think if
11 we're strictly talking about looking through
12 the trees from these two locations, then I
13 think from that aspect, yes, it could
14 probably help. We're still talking about a
15 structure that is, you know, from these
16 perspectives significantly above the tree
17 line with no backdrop.

18 So, you know, it's still going to
19 be a very very large object on the horizon
20 just because of the branching to conceal and
21 to give it some kind of a shape that would
22 look somewhat natural. I can't argue that
23 it wouldn't help soften it, but again, I
24 caution it's this trade-off because we could
25 be somewhere else at three-quarters of a

1 mile away and having a view that does not
2 have an obstruction and then it's going to
3 loom fairly largely year round. So it's a
4 balancing act. But yes, I think, you know,
5 for what you're asking certainly those two
6 locations it could help soften it. Someone
7 else may have another opinion and say, jeez,
8 that's a pretty big pine on the horizon.
9 But I think there are some others that I
10 think, you know, you pointed to one earlier.
11 And I apologize because I just don't have it
12 right at my fingertips which one it was, but
13 when that one did not eclipse the tree line,
14 and I think that's where it's much more
15 effective in those what I'll call mirror
16 views.

17 THE CHAIRMAN: Excuse me, we're
18 going to have to break now.

19 MR. AINSWORTH: Then we'll break.

20 THE CHAIRMAN: Okay. The Council
21 will recess until 7 p.m., at which time
22 we'll commence the public comment session of
23 the hearing.

24 (Whereupon, the witnesses were
25 excused and the above proceedings were

1 adjourned at 5:03 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 105 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Council Meeting in Re: DOCKET NO. 458, FLORIDA TOWER PARTNERS LLC, d/b/a NORTH ATLANTIC TOWERS, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT ONE OF TWO LOCATIONS AT 62-64 CODFISH HILL ROAD, BETHEL CONNECTICUT, which was held before ROBERT STEIN, Chairman, and JAMES J. MURPHY, JR., Vice Chairman, at the Bethel Town Hall, General Purpose Room, 1 School Street, Bethel, Connecticut, on June 2, 2015.



Lisa L. Warner, L.S.R., 061
Court Reporter

I N D E X

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2
3 WITNESSES MICHAEL P. LIBERTINE - Page 8

4 CARLO F. CENTORE

5 KEITH E. COPPINS

6
7 CROSS-EXAMINATION - Beginning on Page 14

8 Mr. Mercier

9 Senator Murphy

10 Mr. Ashton

11 Mr. Hannon

12 Mr. Levesque

13 Mr. Lynch

14 Chairman Stein

15 Mr. Ainsworth

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I N D E X (Cont'd)

APPLICANT'S EXHIBITS

(Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
II-B-1	Application for a Certificate of Environmental Compatibility and Public Need filed by Florida Tower Partners LLC d/b/a North Atlantic Towers, received March 19, 2015, and attachments and bulk file attachments including: a.) Town of Bethel Wetland and Watercourses Regulations, dated March 18, 2014 b.) Town of Bethel Zoning Regulations, effective August 15, 2014 c.) Town of Bethel zoning map d.) Town of Bethel Plan of Conservation and Development, effective October 15, 2007 e.) Applicant's technical report to the Town of Bethel	14

I N D E X (Cont'd)

EXHIBIT	DESCRIPTION	PAGE
II-B-2	Affidavit of sign posting with photographs, received May 26, 2015	14
II-B-3	Applicant's responses to Siting Council interrogatories, dated May 26, 2015	14
II-B-4	Pre-filed testimony of Keith Coppins, dated May 26, 2015	14
II-B-5	Pre-filed testimony of Michael Libertine, dated May 26, 2015	14
II-B-6	Resumes of witnesses: a.) Keith E. Coppins b.) Carlo F. Centore c.) Michael P. Libertine d.) Dean E. Gustafson	14

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