

In The Matter Of:

*Application from American Towers LLC, and New
Cingular Wireless PCS, LLC*

*Hearing Docket No. 463
December 15, 2015*

*BCT Reporting LLC
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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 463

Application from American Towers LLC, and New
Cingular Wireless PCS, LLC, for a Certificate
of Environmental Compatibility and Public
Need for the Construction, Maintenance, and
Operation of a Telecommunications Facility
Located At 351A Boston Post Road, East Lyme,
Connecticut

Siting Council Meeting held at the East
Lyme Town Hall, Upper Meeting Room, 108
Pennsylvania Avenue, Niantic, Connecticut,
Tuesday, December 15, 2015, beginning at 3:00
p.m.

H e l d B e f o r e :

ROBIN STEIN, Chairman

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

2 Council Members:

3 JAMES J. MURPHY, JR.,
4 Vice Chairperson

5
6 ROBERT HANNON,
7 DEEP Designee

8
9 LARRY LEVESQUE, ESQ.
10 PURA Designee

11
12 PHILIP T. ASHTON

13 DANIEL P. LYNCH, JR.

14
15 Council Staff:

16 MELANIE BACHMAN, ESQ.,
17 Executive Director and
18 Staff Attorney

19
20 ROBERT MERCIER
21 Siting Analyst

22

23

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

2

3 For AMERICAN TOWER CORPORATION & NEW

4 CINGULAR WIRELESS PCS, LLC:

5 CUDDY & FEDER, LLP.

6 445 Hamilton Avenue, 14th Floor

7 White Plains, New York 10601

8 By: CHRISTOPHER B. FISHER, ESQ.

9

10 For The Town of East Lyme:

11 WALLER, SMITH & PALMER, P.C.

12 52 Eugene O'Neill Drive

13 New London, Connecticut 06320

14 By: TRACY M. COLLINS, ESQ.

15

16 For BHSO Community Conservancy:

17 KEITH R. AINSWORTH, ESQ.

18 51 Elm Street, Suite 201

19 New Haven, Connecticut 06510

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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 December 15, 2015, at
5 approximately 3 p.m. My name is Robin Stein.
6 I'm Chairman of the Siting Council.

7 Other members of the Council
8 present are Senator James Murphy, our Vice
9 Chairman; Mr. Hannon, designee from the
10 Department of Energy and Environmental
11 Protection; Mr. Levesque, designee from the
12 Public Utilities Regulatory authority; and
13 Mr. Lynch.

14 Members of the staff present,
15 Attorney Melanie Bachman, who is our
16 Executive Director; and Mr. Mercier, our
17 Siting Analyst.

18 This meeting, or hearing is
19 held pursuant to provisions of Title 16 of
20 the Connecticut General Statutes and of
21 Uniform Administrative Procedure Act upon an
22 Application from American Towers, LLC, and
23 New Cingular Wireless PCS, LLC, for a
24 Certificate of Environmental Compatibility
25 and Public Need for the Construction,

1 Maintenance and Operation of a
2 Telecommunications Facility located at 351A
3 Boston Post Road, East Lyme, Connecticut.
4 The application was received by the Council
5 on October 6, 2015.

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

11 The parties to the proceeding
12 are as follows. The Applicant, American
13 Towers, LLC, and New Cingular Wireless PCS,
14 LLC, Attorney Fisher from Cuddy & Feder; the
15 Town of East Lyme, their Attorney Tracy
16 Collins; and BHSO Community Conservancy and
17 their attorney, Mr. Ainsworth.

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

1 for the public to make brief oral statements
2 into the record.

3 I wish to note that the
4 parties, including their representatives and
5 witnesses, are not allowed to participate in
6 the public comment session. I also wish to
7 note for those who are here and for the
8 benefit of your friends and neighbors who are
9 unable to join us for the public comment
10 session, that you or they may send written
11 statements to the Council within 30 days of
12 the date hereof and such written statements
13 will be given the same weight as if spoken at
14 the hearing.

15 If necessary, party
16 presentations may continue after the public
17 comment session if time remains. A verbatim
18 transcript will be made of this hearing and
19 deposited with the town clerk's office in
20 East Lyme for the convenience of the public.

21 Is there any public official
22 who would like to make a statement?

23 First Selectman Nickerson?

24 MARK C. NICKERSON: Thank you,
25 yeah.

1 I'm the First Selectman of
2 East Lyme. Mr. Chairman and Commissioners
3 and members of the public, and applicants,
4 welcome to East Lyme. Thank you for coming
5 out here and conducting this in public on
6 behalf of and in front of the town so we can
7 hear all the testimony. It's an important
8 part of the process and we do appreciate
9 that.

10 The Siting Council has been
11 here several times. We had a solar farm just
12 a couple of years ago that we're still
13 working out the details on. It isn't quite a
14 finished product, although it should have
15 been finished years ago.

16 And there was a cell tower a
17 couple of years back that came with some
18 controversy. But I welcome you back and I
19 want to welcome the process.

20 I will note for the record, I
21 believe one of the intervenors has negotiated
22 an extension of the lease of the current
23 tower that sits up on the hill now and that
24 is being used, that is to be replaced as part
25 of this application.

1 And we've identified another
2 site that's on the National Guard site that
3 we would urge the commission to at least
4 consider and do its due diligence, as I know
5 you do with every application and with every
6 idea, that there is an existing tower there
7 that we'd like to see an extension on.

8 It would benefit the Town
9 because we have public safety antennas on
10 there now and we would like to see that
11 extended. And I think it would be less
12 intrusive to -- I don't believe there's any
13 neighbors that would object to that. So do
14 least consider that in your deliberations.

15 But again, welcome to the
16 town. Have a good dinner in between. Enjoy
17 our town. We have a great downtown. The
18 shops are open tonight, too, so I hope you
19 brought your credit card.

20 Thank you.

21 THE CHAIRMAN: Well, if we can
22 end the evening session at a reasonable hour,
23 maybe we can enjoy your shops, but I guess we
24 can't guarantee that.

25 Thank you very much.

1 I wish to call your attention
2 to those items shown on the hearing program
3 marked as Roman numeral 1D, items 1 through
4 69. Does the applicant or any party have any
5 objection to the items that the Council has
6 administratively noticed?

7 MR. FISHER: No objections.

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

12 We'll now go to the appearance
13 by the applicant. Attorney Fisher, will you
14 present your witness panel for the purposes
15 of taking the oath, please?

16 MR. FISHER: Good afternoon,
17 Chairman and members of the Council.
18 Attorney Chris Fisher for the applicants,
19 American Tower and AT&T.

20 We do have several witnesses
21 who are listed in the hearing program, most
22 of all are here today. If you want to swear
23 them now -- if they would introduce
24 themselves for purposes of the Council?

25 MICHAEL LIBERTINE: Mike

1 Libertine with All-Points, handling the
2 environmental aspects of the project.

3 CAMILO A. GAVIRIA: Camilo
4 Gaviria with Centek Engineering, handling the
5 structural and civil aspects.

6 HARRY ROCHEVILLE: Harry
7 Rocheville also with Centek Engineering.

8 MARTIN LAVIN: Martin Lavin,
9 C-Squared Systems, doing the yard portion.

10 JENNIFER YOUNG GAUDET:
11 Jennifer Young Gaudet on
12 behalf of American Towers, and I'll be
13 addressing portions of the site acquisition
14 process.

15 DAN BILEZIKIAN: Dan
16 Bilezikian, SAI Communication, also will be
17 addressing portions of the site acquisition.

18 KEVIN MASON: Kevin Mason,
19 Area Manager, AT&T.

20 KELLY WADE BETTUCHI: Kelly
21 Bettuchi, Area Manager, AT&T, responsible for
22 government relations, community relations.

23 THE CHAIRMAN: Would you all
24 rise, and join Mr. Libertine, to take the
25 oath?

1 M I C H A E L L I B E R T I N E,
2 C A M I L O A. G A V I R I A,
3 H A R R Y R O C H E V I L L E,
4 M A R T I N L A V I N,
5 J E N N I F E R Y O U N G G A U D E T,
6 D A N B I L E Z I K I A N,
7 K E V I N M A S O N,
8 K E L L Y W A D E B E T T U C H I,

9 called as witnesses, being first duly
10 sworn by the Executive Director, were
11 examined and testified on their oaths as
12 follows:

13 MR. FISHER: Chairman, we have
14 items listed in the hearing program under
15 Roman numeral 2, capital B, 1 through 8,
16 which are the applicant's materials submitted
17 to the Council. If you would accept those
18 for identification I'll go through the
19 process of verifying them?

20 THE CHAIRMAN: Yes, please go
21 ahead.

22 MR. FISHER: I'd ask each of
23 the witnesses a few questions. If you could
24 each individually answer yes or no, or
25 provide any clarifications as necessary.

1 Did you prepare or assist in
2 the preparation and assemble the documents
3 that have just been identified in the hearing
4 program one through eight, under the
5 applicant's appearance?

6 THE WITNESS (Libertine): Mike
7 Libertine, yes.

8 THE WITNESS (Gaviria): Camilo
9 Gaviria, yes.

10 THE WITNESS (Rocheville):
11 Harry Rocheville, yes.

12 THE WITNESS (Lavin): Martin
13 Lavin, yes.

14 THE WITNESS (Gaudet):
15 Jennifer Young Gaudet, yes.

16 THE WITNESS (Bilezikian): Dan
17 Bilezikian, yes.

18 THE WITNESS (Mason): Kevin
19 Mason, yes.

20 THE WITNESS (Bettuchi): Kelly
21 Bettuchi, yes.

22 MR. FISHER: And having
23 reviewed those documents in preparation for
24 your testimony today, are there any
25 corrections or modifications that you

1 identified that need to be made for the
2 record?

3 THE WITNESS (Libertine): Mike
4 Libertine. I have no changes at this time.

5 THE WITNESS (Gaviria):
6 Camilo Gaviria, no changes at
7 this time.

8 THE WITNESS (Rocheville):
9 Harry Rocheville, I have two
10 changes. It's going to be on the site plan,
11 the CSK-1.

12 There are two trees to the
13 southwest of the southern retaining wall that
14 we have deemed we'll be able to protect
15 rather than remove. They are the two trees
16 right at the southwest corner of the southern
17 retaining wall that are not touching it.

18 MR. FISHER: And just for the
19 record, that's interrogatory responses and
20 it's behind exhibit tab D.

21 MR. LYNCH: Mr. Fisher, you're
22 going to have to speak up. I'm having a hard
23 time hearing you.

24 MR. FISHER: Yes, Mr. Lynch.
25 And additional corrections

1 that you have at this time?

2 THE WITNESS (Rocheville):

3 Yeah, the second correction
4 would be to interrogatory response 15. There
5 will be 45 trees removed with a 12-inch
6 diameter breast height. I believe the
7 interrogatory currently says 96 trees, and
8 that should be corrected to 45.

9 MR. FISHER: Mr. Lavin?

10 THE WITNESS (Lavin): Martin
11 Lavin, no changes.

12 THE WITNESS (Gaudet):

13 Jennifer Young Gaudet. I do
14 have one change which would appear in three
15 locations. This is with respect to the date
16 at which the site search process began.
17 Those, the date currently reads 2014.

18 In fact, the site search dates
19 back to approximately August of 2013, and
20 those corrections would be made in the
21 introduction section at pages 3 and 14, as
22 well is in the section entitled, site search
23 summary.

24 MR. FISHER: And that change
25 should also be made in the statement of

1 facts, the third bullet point down.

2 Mr. Bilezikian?

3 THE WITNESS (Bilezikian): Dan
4 Bilezikian, no changes at this time.

5 THE WITNESS (Mason): Kevin
6 Mason, no changes at this time.

7 THE WITNESS (Bettuchi): Kelly
8 Bettuchi, no changes at this time.

9 MR. FISHER: And with the
10 corrections and modifications that were just
11 made, are the documents true and accurate to
12 the best of your belief?

13 THE WITNESS (Libertine): Mike
14 Libertine, yes.

15 THE WITNESS (Gaviria): Camilo
16 Gaviria, yes.

17 THE WITNESS (Rocheville):
18 Harry Rocheville, yes.

19 THE WITNESS (Lavin): Martin
20 Lavin, yes.

21 THE WITNESS (Gaudet):
22 Jennifer Young Gaudet, yes.

23 THE WITNESS (Bilezikian): Dan
24 Bilezikian, yes.

25 THE WITNESS (Mason): Kevin

1 Mason, yes.

2 THE WITNESS (Bettuchi): Kelly
3 Bettuchi, yes.

4 MR. FISHER: And for purposes
5 of your testimony today, do you adopt them as
6 your sworn testimony?

7 THE WITNESS (Libertine): Yes
8 I do. Mike Libertine.

9 THE WITNESS (Gaviria): Camilo
10 Gaviria. Yes, I do.

11 THE WITNESS (Rocheville):
12 Harry Rocheville, yes.

13 THE WITNESS (Lavin): Martin
14 Lavin, yes.

15 THE WITNESS (Gaudet):
16 Jennifer Young Gaudet, yes.

17 THE WITNESS (Bilezikian): Dan
18 Bilezikian, yes.

19 THE WITNESS (Mason): Kevin
20 Mason, yes.

21 THE WITNESS (Bettuchi): Kelly
22 Bettuchi, yes.

23 MR. FISHER: Thank you.

24 Chairman, I would ask that the
25 applicant's exhibits be accepted into

1 evidence at this time.

2 THE CHAIRMAN: Thank you.

3 Do any of the parties object
4 to the admission of the applicant's exhibits?

5 (No response.)

6 THE CHAIRMAN: Okay. Seeing
7 none, the exhibits are admitted. We will now
8 begin with the cross-examination by
9 Mr. Mercier.

10 MR. MERCIER: Thank you.

11 I'd just like to review some
12 of the items that were discussed at the field
13 review today. First off, would you please
14 describe the conditions today for the balloon
15 that was to be flown at the site the same
16 height of the tower?

17 THE WITNESS (Libertine):

18 Certainly. As the
19 Councilmembers I'm sure are aware as soon as
20 they stepped out of the car, it's a
21 challenging day out there to maintain any
22 type of height with a balloon.

23 But we were able to have a
24 five and half foot diameter balloon. It was
25 red and yellow tethered to 194 feet at the

1 centerline of the proposed tower. And that
2 was up from seven o'clock this morning until
3 about shortly after 1, about 1:15 or so.
4 That was punctured in multiple locations.

5 We then attempted three
6 separate consecutive floats with a four-foot
7 diameter red balloon to no avail. It's just
8 at this point we have winds anywhere from 10
9 to 25 miles an hour with gusts pushing
10 upwards of 30 or 40 miles an hour. And so
11 it's -- we're going to continue to try if we
12 get some calm spots this afternoon.

13 I'll be apprised of the
14 situation, but it certainly was not what we
15 would call anything close to an ideal day to
16 simulate the height.

17 MR. MERCIER: Thank you.

18 Now as we walked up the paved
19 driveway to the dirt access way across the
20 property, is the paved driveway a shared
21 driveway with the property to the north? I
22 think that's 351B Boston Post Road.

23 THE WITNESS (Rocheville):

24 Yes, that's a shared driveway.

25 MR. MERCIER: Okay. Is that

1 driveway on the property owner's, the tower
2 lessor's property itself? Or is there some
3 type of an arrangement where it's on both
4 properties?

5 THE WITNESS (Rocheville):

6 Yeah, it's on both properties.
7 As the property owner explained to us in the
8 field, the property line runs right down the
9 middle of the driveway.

10 MR. MERCIER: Would there be
11 any type of legal restriction on the use of
12 that driveway for this type of installation?

13 MR. FISHER: I'm not aware of
14 any legal restriction. I did check with
15 American Tower after the site visit, which
16 their in-house counsel would have done title
17 review. And they did share the title with
18 me. I took a very quick look at it, but I'm
19 not aware of any restriction.

20 If there is a restriction,
21 certainly between our land or the property
22 owner and the adjacent property owner we
23 would like to be apprised of that, but
24 there's nothing that shows up in the title
25 from what I'm advised from American Tower.

1 MR. MERCIER: Thank you.

2 For the section of the paved
3 driveway going up to the proposed dirt access
4 way, is it necessary to the clear any trees
5 along the driveway, the paved driveway that
6 is?

7 THE WITNESS (Rocheville):

8 There might be clearing of
9 branches, but no full trees will be coming
10 down for the -- during the construction time.

11 MR. MERCIER: Okay. As we
12 walked along the proposed gravel driveway, I
13 believe you mentioned the average grade of
14 the driveway. Do you have that figure?

15 THE WITNESS (Rocheville): For
16 the proposed or existing driveway?

17 MR. MERCIER: The proposed
18 driveway from the paved area to the tower
19 site?

20 THE WITNESS (Rocheville):

21 Yeah, the average grade is
22 between 3 and 5 percent for the most part
23 within there, and the maximum gets up to
24 about 8 percent on that little knoll.

25 MR. MERCIER: Now as we walked

1 along the proposed access way, you had the
2 centerline marked out with some stakes. And
3 it appeared that in some locations the
4 centerline kind of passed at the edge of the
5 woods. And maybe to the right or left there
6 were some cleared areas.

7 Is it possible to reconfigure
8 the road slightly to take advantage of those
9 cleared areas rather than cutting larger
10 diameter trees?

11 THE WITNESS (Rocheville):

12 Yes, it's certainly possible.
13 And we will look at that at the D and M
14 phase.

15 THE WITNESS (Libertine):

16 Mr. Mercier, we also have had
17 a few discussions with the property owner and
18 their preference would be to take advantage
19 of those as much as we possibly can. So that
20 is certainly something they would be amenable
21 to.

22 MR. MERCIER: Thank you.

23 THE CHAIRMAN: Mr. Lynch has a
24 follow up.

25 MR. LYNCH: When Mr. Mercier

1 asked you about the grade to the access road,
2 does that also include -- are you including
3 in that the paved shared portion of the
4 driveway?

5 THE WITNESS (Rocheville): No,
6 that was specifically for the proposed gravel
7 section that we would be coming off of.

8 MR. LYNCH: And what would the
9 grade be on that part of the access road?

10 THE WITNESS (Rocheville): The
11 existing driveway?

12 MR. LYNCH: Yes.

13 THE WITNESS (Rocheville):
14 That grade is approximately
15 15 percent on average.

16 MR. LYNCH: Could you repeat
17 that? Sorry, I just didn't hear.

18 THE WITNESS (Rocheville): The
19 existing paved driveway is about 15 percent
20 on average.

21 MR. LYNCH: Thank you.

22 Thank you, Mr. Mercier.

23 MR. MERCIER: Thank you.

24 At the compound location out
25 in the field you discussed some of the

1 earthwork that needs to be done to create a
2 level surface. Could you just please repeat
3 some of the information you talked about?

4 THE WITNESS (Rocheville):

5 Yes, absolutely. The existing
6 conditions at the compound, the grade drops
7 about 12 feet over the span of the compound.
8 So what we plan to do is keep the centerline
9 about where it is at the 200-foot contour
10 where the tower will be located, and
11 essentially balance our cut and fills with a
12 six-foot cut-in retaining wall and then a
13 six-foot fill retaining wall and level that
14 surface out.

15 MR. MERCIER: Would any type
16 of drainage features be necessary right at
17 the compound area itself?

18 THE WITNESS (Rocheville):

19 Yes, we -- we anticipate a
20 riprap swale on along the southern retaining
21 wall at the top to catch any water that would
22 run off over the retaining wall into
23 neighboring properties, and directs that
24 swale to meet up with another swale on the
25 access drive eventually leading to some

1 detention on the site.

2 MR. MERCIER: When you say,
3 detention, there will be some type of shallow
4 basin? Or can you describe what it might be?

5 THE WITNESS (Rocheville):

6 Right now we anticipate some
7 sort of maybe CULTEC systems. It is very
8 preliminary at this point. We still have a
9 lot more homework to do on what type of
10 detention we're going to actually go with.

11 MR. MERCIER: For the
12 preliminary design of the road you have shown
13 here on the interrogatories as tab D, I see
14 two level spreaders along the access drive.
15 Is that the extent of the drainage necessary
16 for the access drive at this point?

17 THE WITNESS (Rocheville): At
18 this -- at this preliminary phase, yes, and
19 the idea would be to -- to have some sort of
20 catchbasin at the edge of -- at the end of
21 those level spreaders leading to the
22 detention systems where the dashed lines
23 would be.

24 I anticipate probably needing
25 another one down towards the basin extending

1 that swale all the way along the southern
2 portion of the access drive to -- to catch
3 any increase in runoff that we may cause
4 during this, constructing this site.

5 MR. MERCIER: I'm sorry. You
6 said the catchbasin at the base of the paved
7 portion. Is that what you just stated, or
8 no?

9 THE WITNESS (Rocheville): No,
10 there -- there isn't actually a catchbasin
11 down at the -- at the -- where the paved road
12 meets the street as far as we know from our
13 surveys. So we would have to detain all
14 water on this site. There's really no other
15 way to tie it into existing systems. All --
16 all increase in runoff will have to be
17 detained.

18 MR. MERCIER: On this figure
19 you show a number of trees that will be
20 removed. I counted about 71, so I'm not sure
21 if this was based on a 6-inch diameter breast
22 size or 12 or what?

23 THE WITNESS (Rocheville):
24 Yeah, that 70 number is based
25 on 6-inch.

1 MR. MERCIER: Okay. Would the
2 installation of the underground detention
3 system -- I see two marked here. Would that
4 require additional, some type of additional
5 clearing?

6 THE WITNESS (Rocheville): It
7 may. That would -- we would need to get back
8 out with the survey crew to determine the
9 size and quantity of trees in those areas.
10 We would like to place it somewhere where we,
11 you know, can minimize any additional
12 clearing.

13 MR. MERCIER: Now for the
14 underground system I know you stated some
15 type of name. How does it actually work? Is
16 it, to say, a chamber that fills up with
17 water?

18 THE WITNESS (Rocheville):
19 Essentially, yes. It would be
20 a series of chambers that would fill up water
21 to their maximum volume, but there would also
22 be gravel two feet around it in all
23 directions for infiltration.

24 MR. MERCIER: And what type of
25 design is that? Is that a hundred-year rain

1 event, or something of that nature?

2 THE WITNESS (Rocheville):

3 Yes, per in our legwork
4 looking through the zoning regulations for
5 the Town they need a hundred-year storm. You
6 can't have any increase in runoff for a
7 hundred-year storm.

8 MR. MERCIER: Now for the
9 western end of your access drive where it
10 meets the paved driveway, is there any type
11 of runoff concern you have in that location
12 where dirt or gravel will rush down the paved
13 driveway towards the street?

14 THE WITNESS (Rocheville): The
15 idea will be to stop it before it can get to
16 the paved drive, and hopefully it will all
17 just be the same existing runoff that would
18 be the case if the site wasn't here. That
19 would go down the existing paved drive. We
20 want to catch all of our additional runoff at
21 that point.

22 MR. MERCIER: Back to your
23 level spreaders and your underground system.

24 THE WITNESS (Rocheville):

25 Uh-huh.

1 MR. MERCIER: On most of the
2 sites I haven't seen that particular
3 underground system. Is that just because the
4 property line is so close to the south that
5 there's some concern that diverted runoff
6 along those ditches and spreaders will just
7 travel downhill to the adjacent homes?

8 THE WITNESS (Rocheville):

9 Yes, it is. That is part of
10 it where you have all the residences directly
11 downhill from -- from this location, and
12 another part is the size of this compound
13 being a lot bigger than other compounds,
14 being 60 by a hundred.

15 It's almost double the size of
16 other cell sites we usually deal with. So
17 that -- so that counts for an increase in
18 runoff right there as well.

19 MR. MERCIER: Is there any
20 particular reason why the compound is sized
21 so large, if it's not normally large as you
22 stated?

23 THE WITNESS (Rocheville):

24 The -- the size that's shown
25 in our plans are the dimensions that were

1 given to us from American Tower, for the
2 60-by-100 compound and the 70-by-120 lease
3 area.

4 MR. MERCIER: Okay. Thanks.
5 Thank you.

6 Have you done any subsurface
7 investigation in regards to potential need
8 for site blasting at this particular location
9 to put in a tower foundation?

10 THE WITNESS (Rocheville): We
11 have not had a Geotech performed at this
12 time.

13 MR. MERCIER: In the field you
14 also talked about emergency power generation
15 at the site, and I believe you said it's
16 designed for shared use. How many tower
17 users could be supported by the generator
18 that's proposed?

19 THE WITNESS (Rocheville):
20 Yeah, the shared generator
21 would be up to four carriers at the site.

22 MR. MERCIER: And what is its
23 power source? Is it diesel or propane?

24 THE WITNESS (Rocheville):
25 Diesel.

1 MR. MERCIER: What type of
2 containment features does the generator have
3 to ensure there's no spill into the ground?

4 You could get back to me on
5 that if it's necessary.

6 THE WITNESS (Rocheville): I
7 know there is something. I just don't know
8 the exact --

9 MR. MERCIER: Okay. So other
10 than manufacturers, it's self contained.
11 There's nothing extra that AT&T is going to
12 be doing?

13 THE WITNESS (Rocheville):
14 Correct.

15 MR. MERCIER: Okay. Thank
16 you.

17 And do you know the runtime?
18 Assuming there was four carriers using power
19 off the generator, is it something like three
20 days, four days?

21 THE WITNESS (Rocheville):
22 That would be specific to the
23 gallon, the gallon of the tank that we use.
24 But for a -- I believe it's -- a 300-gallon
25 tank would run for 48 hours, approximately.

1 A 300-gallon tank would run for 48 hours.

2 MR. MERCIER: And that was at
3 full capacity, all four tower users utilizing
4 the generator?

5 THE WITNESS (Rocheville): Yes.

6 MR. MERCIER: Just turning
7 briefly to the tab one, the coverage models.
8 The last page of that tab had a coverage
9 model showing coverage lost with the new
10 proposed facility. And I believe that's
11 shown in light green. Is that correct? This
12 light green is coverage lost if this proposed
13 site was on air, and the other site was
14 decommissioned?

15 THE WITNESS (Lavin): That's
16 for attachment three. The light green shows
17 the coverage of the original site that is not
18 recovered by the new one.

19 MR. MERCIER: Okay. So that,
20 that light green area there will still be
21 some type of service, in there, in that along
22 Scott Road, say?

23 THE WITNESS (Lavin): That
24 will be coverage that's lost. It's not -- it
25 is not regained by the new site.

1 MR. MERCIER: So totally cut
2 off, no service whatsoever?

3 THE WITNESS (Lavin): Had
4 coverage before the decommissioning of the
5 current site and will not have it after the
6 new one is built.

7 MR. MERCIER: Now is that
8 based on your reliability signal threshold?
9 Or is that just no service whatsoever?

10 THE WITNESS (Lavin): It's
11 based on measurements. It's no reliable
12 coverage. And being on the other side of the
13 hill it's probably very likely to be
14 virtually no coverage.

15 MR. MERCIER: Now is there any
16 potential plan by AT&T to provide service
17 into that coverage lost zone that's also
18 areas to the north?

19 THE WITNESS (Lavin): At some
20 point. There isn't anything specific in the
21 development pipeline at the moment, no.

22 MR. MERCIER: Okay. Now I
23 understand there's a site up there on Scott
24 Road. I believe it's site number nine on
25 your site summary, the Connecticut State

1 Police Tower?

2 THE WITNESS (Lavin): Yes.

3 MR. MERCIER: And in the
4 responses to the interrogatories -- let me
5 find the right question -- number 18,
6 response C. Yes, just reading that I just
7 want to understand.

8 So a height of 199 feet, if
9 this site was available for a tower would
10 work and provide similar?

11 THE WITNESS (Lavin): It would
12 not work.

13 MR. MERCIER: It would not?

14 THE WITNESS (Lavin): We -- we
15 checked it up to the height that would
16 require lighting. At that point it still
17 didn't provide coverage. It is on the wrong
18 side of the hill that the current site is on.
19 It is very likely it would take well over a
20 hundred more feet of tower at least, if not
21 even more than that, to reach over the hill.

22 So it became impractical. We
23 checked it specifically up to that, and it
24 was not even close to being able to cover.

25 MR. MERCIER: Okay. Because

1 reading it, it implies that a tower up to 199
2 could work, but you don't have the lease. A
3 lease would not be available?

4 THE WITNESS (Lavin): That
5 would be a leasing issue. In terms of our RF
6 analysis we went up to the height that would
7 require lighting, and it wasn't close to
8 covering then. It would take substantially
9 more height and require lighting and/or
10 possibly marking. So we -- we didn't look
11 any further into that.

12 MR. MERCIER: Is the area a
13 concern -- I assume would be Route 1?

14 THE WITNESS (Lavin): The
15 eastern side of the hill of Boston Post Road,
16 right. Yes.

17 MR. MERCIER: Because it's
18 down in the valley.

19 THE WITNESS (Lavin): It's
20 completely blocked by the hill that the
21 current site is on.

22 MR. MERCIER: Okay. Thank
23 you.

24 And the answer to D, site 15,
25 I believe that listed in your site search

1 summary was another potential tower at the
2 former airport of the Stones Ranch Military
3 Base?

4 THE WITNESS (Lavin): The
5 airstrip, yes. It's said that, yeah.

6 MR. MERCIER: Is there a tower
7 proposed in that location by some other
8 entity?

9 THE WITNESS (Lavin): You
10 would have to ask site acquisition about
11 that. I'm not sure how that came up as a
12 candidate.

13 THE WITNESS (Bilezikian): My
14 predecessor approached the state police.
15 This -- there was a tower proposed there, but
16 it's -- AT&T proposed to put a new tower
17 there, but that was rejected.

18 MR. MERCIER: Okay. Just
19 reading the site summary down to number 15 it
20 says, a new tower location was rejected by
21 AT&T's radio frequency engineers. So I'm a
22 little confused as to whether AT&T proposed
23 the tower there, or it was some other entity.

24 MR. FISHER: I'm not aware of
25 any other entity proposing a tower there.

1 This information obviously comes from ATC and
2 AT&T. I guess one point I would make is that
3 because of the nature of the proceeding the
4 site acquisition efforts have been quite
5 expansive. So they've proposed things that
6 may not meet necessarily even our RF needs.
7 So I would defer to my witnesses on how to
8 further answer those questions.

9 THE WITNESS (Bilezikian):

10 Yeah, it was rejected by
11 AT&T's radiofrequency engineers. Yeah, my
12 predecessor did approach them.

13 MR. MERCIER: What you're
14 saying is ATC approached Stones Ranch
15 property for a tower, but meanwhile AT&T
16 rejected that proposed tower location?

17 MR. FISHER: I think it was
18 AT&T approached it, and ATC did not.

19 Jennifer, you want to clarify
20 that?

21 THE WITNESS (Gaudet): That's
22 correct. American Tower did not approach the
23 state police or any of the Stones Ranch
24 properties.

25 MR. MERCIER: Okay.

1 MR. FISHER: Essentially we've
2 had not quite simultaneous, not quite
3 concurrent site searches going on by ATC, by
4 AT&T and even third parties who are not part
5 of the proceeding.

6 MR. MERCIER: Okay. Thank
7 you.

8 Now just stepping to page 4 of
9 the application. It talks -- it's a
10 continued paragraph from the previous page,
11 and then the first full paragraph talks about
12 site search over on the Ancient Highway area,
13 Wilson Hill. And that the site was rejected
14 because the tribal review by the Mohegans
15 stated it would severely impact various
16 ceremonial landforms.

17 What actual parcel has these
18 ceremonial landforms?

19 THE WITNESS (Libertine): It's
20 our understanding that an adjacent parcel to
21 the Ancient Highway parcel that AT&T was
22 interested in at one point actually held some
23 of these features. That was expanded to the,
24 essentially to the entire area once the tribe
25 came out and did a walk back in June.

1 They felt as though there were
2 other features in a general landscape form
3 that suggested these were ceremonial lands at
4 one time. And so at that point it became
5 clear that we were going to get an adverse
6 decision from the tribe. And we also had
7 already been looking at 351 Boston Post Road.

8 So once that determination
9 came from the tribe, the property on -- the
10 reason I'm hesitating is because I know
11 there's several properties along that road,
12 and we did look at a few. That was
13 officially terminated by AT&T and we focused
14 on 351 Boston Post Road, because we -- that
15 was a clear site from that standpoint.

16 But in general the tribe,
17 after walking -- we walked that site. We
18 walked the entire road and then we ended up
19 walking all the way to the southern extent of
20 the road up on top of a hill where there was
21 another property that was at one point under
22 consideration.

23 I don't believe it really was
24 a formal site in terms of a lease, but again
25 once they walked that entire area the feeling

1 was that that entire road and it's immediate
2 environs represented very sensitive areas.

3 MR. MERCIER: So they didn't
4 draw, like, a circle on a map and say this is
5 the limit of our concern. They just
6 basically walked up and down the road?

7 THE WITNESS (Libertine):

8 That's correct. And it was
9 really their feeling that there would be an
10 adverse visual impact of this ceremonial
11 landscape. So yes, you're right. There was
12 no -- there's nothing formal from a mapping
13 standpoint, or delineation of the beginning
14 or the end of that particular landscape
15 feature.

16 MR. MERCIER: Was it only
17 properties abutting Ancient Highway? Or was
18 it properties east or west of the Ancient
19 Highway, too?

20 THE WITNESS (Libertine): We
21 were only informed of the properties that
22 were on either side of the Ancient Highway
23 Road. So they would be abutting the actual
24 access road.

25 MR. MERCIER: There was a site

1 in your site search summary that was number
2 22. It was known as the Gateway Development
3 property. Do you know if the multifamily
4 units are actually under construction on that
5 property?

6 It talks about there's a
7 planned development to put in multifamily
8 units. Reading from the tab two language,
9 that was your initial site C, which was given
10 no adverse environmental effect?

11 THE WITNESS (Libertine): It's
12 286 Flanders Road, but that Gateway
13 Development -- there is a large development.
14 I'm not sure if this is a bit confusing and
15 if that may be under the same property
16 ownership.

17 MR. FISHER: I can provide
18 information for the Council. The Town
19 actually had suggested that parcel as part of
20 our consultations. And I spoke with the, I
21 presume him to be a principal of the
22 developer there. They do have development
23 that has been completed. Some of them
24 multifamily use, but there's also additional
25 development to take place there.

1 And my understanding is that
2 the area of land that we were focused on as a
3 possibility per se was what would be the back
4 of the Gateway Development, but is off of
5 Ancient Highway.

6 THE WITNESS (Libertine):

7 Right. There, there is
8 access. It's actually the hill that I was
9 explaining earlier. It's at the terminus of,
10 or the south end of Ancient Highway, although
11 it has a mailing address or, an address of
12 Flanders Road.

13 And that there is a large
14 multifamily or multiunit development just
15 south of there, and again held in ownership
16 by Gateway Development.

17 MR. MERCIER: I guess my
18 question is, is if the site is already
19 compromised, I say it's being built upon and
20 there's buildings and things?

21 THE WITNESS (Libertine): No,
22 this -- this parcel is a separate undeveloped
23 parcel. It's probably the highest point on
24 that road and it's just immediately north of
25 the large development as part of Gateway. So

1 it has not been from -- there is a
2 single-family residence, I believe, on one
3 portion of the property, but it's about a
4 26-acre parcel and it's mostly a rounded
5 hilltop undeveloped.

6 MR. MERCIER: For the portion,
7 I guess, the adjacent parcel to the hilltop
8 that you're talking about that's already
9 been -- has apartment construction on it,
10 multifamily. Did you look at that particular
11 parcel since it's already been built upon as
12 part of it?

13 THE WITNESS (Libertine):

14 We -- I didn't from an
15 environmental perspective. I'm sure we did,
16 but I'll have to turn that --

17 MR. FISHER: David Vivian
18 who's no longer an employee of the
19 applicant's did this site search with me at
20 that time. He was the individual responsible
21 for those conversations. My belief is, and
22 I'd have to get the tax maps to verify this,
23 that those are assembled parcels and they
24 are, for purposes of the Town, they're viewed
25 the same.

1 So I believe the answer to
2 your question is, yes, that it's just a
3 portion of that property that extends further
4 up the Hill from the Gateway Development to
5 Ancient Highway.

6 MR. MERCIER: I guess my
7 question is could you put a tower, you know,
8 near the developed area on, you know, near
9 the apartment complex? Was that ever
10 examined since it's already been developed
11 and potentially not going to impact the
12 ceremonial features that are in the area?

13 MR. FISHER: Understood. That
14 would be a question for Martin.

15 THE WITNESS (Lavin): I
16 believe that would be too far down the slope.

17 MR. MERCIER: Have you looked
18 at the elevation of that area?

19 THE WITNESS (Lavin): And if
20 I'm thinking of exactly the right area. I'm
21 not sure from --

22 MR. FISHER: Let's look at a
23 map just so we can --

24 Mr. Mercier, I'm referring
25 behind tab two of the application, to the

1 aerial map which shows the tax parcels, and
2 in blue. And then it has the red kind of
3 search rings and some pin drops.

4 MR. MERCIER: Yeah, I tried to
5 blow that up, yes.

6 THE WITNESS (Lavin): Yeah,
7 I -- I believe that location is too close to
8 95, too far down the eastern slope of that
9 hill to be used.

10 MR. MERCIER: Okay. Yes, the
11 parcel I'm referring to is just to the left
12 of number 30 where it says 95. There appears
13 to be some kind of building?

14 THE WITNESS (Lavin): Yeah,
15 number 22.

16 MR. MERCIER: South of 22?

17 THE WITNESS (Lavin): Oh,
18 south of 22. So that would definitely be --
19 the elevation is very low there, and that
20 would not be able to see you back over the
21 hill of the Ancient Highway. And where the
22 search ring is, is an elevated area. You
23 would have to see over that back to Boston
24 Post Road, and not at any practical height
25 could we do that.

1 MR. MERCIER: Okay. So I
2 assume this number 22 is near the summit of
3 that hill, or along that hill ridge. And
4 then you're saying it slopes, the elevation
5 slopes downward towards 95?

6 THE WITNESS (Lavin): Yes, and
7 it's at the far side of the sort of flattish
8 top, too, so it has trouble seeing over the
9 other side.

10 MR. MERCIER: Thank you.

11 When they were talking about
12 visual impacts of these ceremonial mounds,
13 I'm not really sure what they meant by that.
14 It's just a tower, or any structure in the
15 area would impact the characteristics of the
16 mounds. Is that what they're getting at?

17 THE WITNESS (Libertine): I
18 wish I had a definitive answer for you. This
19 has been a very frustrating process all
20 around. The best I can tell you is that the
21 feeling was that -- and I don't want to put
22 words in, certainly, any of the
23 representatives from the tribe's mouths.

24 But the answer that we got
25 was, yes, there would be -- a tower would

1 create an adverse visual impact on a
2 ceremonial landscape, and that is -- that was
3 the extent of our conversation.

4 MR. MERCIER: Okay. Thank
5 you.

6 THE WITNESS (Libertine):
7 You're welcome.

8 MR. MERCIER: I'm going to
9 switch to a couple environmental questions.
10 Application tab nine, there's a document
11 called the IPAC Trust Resource Report.

12 THE WITNESS (Libertine): Yes.

13 MR. MERCIER: I've never seen
14 a report like that before. Is that something
15 that's mandated by the U.S. Fish and Wildlife
16 Service? Or is that a new type of filing?

17 THE WITNESS (Libertine):

18 Well, no. It's actually part
19 of the FCC process going through the
20 compliance for NEPA. So under the National
21 Environmental Policy Act, we are, or the
22 applicants who hold federal licenses are
23 required to consult with certain state and
24 federal agencies.

25 And in this case with U.S.

1 Fish and Wildlife Service, the first step is
2 to run a IPaC which is their electronic
3 system to understand what may or may not be
4 in the vicinity of your site.

5 Based upon the results of that
6 particular screening process, then you have a
7 determination whether or not you may have a
8 conflict and have to go through a formal
9 section seven consultation with that agency.
10 So it's kind of a prescreening tool, very
11 similar to what we do with the Natural
12 Diversity Database to get an understanding of
13 whether or not -- the kind of a big-picture
14 planning tool.

15 MR. MERCIER: Now I understand
16 you did this preliminary search as you just
17 described with the U.S. Fish and Wildlife
18 Service?

19 THE WITNESS (Libertine):
20 That's correct.

21 MR. MERCIER: And then you
22 also did the Natural Diversity Database
23 screening?

24 THE WITNESS (Libertine):
25 Correct.

1 MR. MERCIER: How come the two
2 entities or lists don't match up? Say, for
3 this particular site I understand you have a
4 red bat that could potentially occur in the
5 wooded area.

6 THE WITNESS (Libertine):
7 Right.

8 MR. MERCIER: But as the U.S.
9 Fish and Wildlife Service report states,
10 maybe the long-eared bat might be there also?

11 THE WITNESS (Libertine):
12 Yeah, there -- there are
13 inconsistencies at times depending upon the
14 timing and the data that's been provided to
15 DEP. They don't necessarily share all that
16 specific data with U.S. Fish and Wildlife,
17 and vice versa. So there are discrepancies
18 at times.

19 In this case, it may have just
20 been the timing in terms of what may have
21 been listed or not listed at the time of the
22 initial database. I don't know if that is
23 the case. I can find that out in this, but
24 we've seen that it's not uncommon to have
25 multiple, or I should say different species

1 identified by each of the agencies.

2 MR. MERCIER: Okay. Thank
3 you.

4 THE WITNESS (Libertine):

5 You're welcome.

6 MR. MERCIER: And I understand
7 the materials from the Department of Energy
8 and Environmental Protection that there was a
9 proposed restriction to protect potential red
10 bats roosting on the wooded area?

11 THE WITNESS (Libertine):

12 That's correct.

13 MR. MERCIER: Does the
14 long-eared bat have a similar breeding
15 period? Do you know that?

16 THE WITNESS (Libertine): We
17 will know after January 1st. What's happened
18 at the federal level with northern long-eared
19 bat is that they have been inundated with
20 requests over the past six months to a year,
21 and because of the decimated populations with
22 bats in general and in particular with
23 northern long-eared bat, they have taken the
24 approach in the last month or two where they
25 are essentially waiting to hear from the

1 federal level down to their regional level to
2 give some guidance.

3 I think the easy answer for
4 today is that there will be a restriction on
5 cutting. We just don't know if it's going to
6 be substantially a longer time period, if
7 they're going to go with what they've been
8 using as kind of their protocol for the last
9 couple of years.

10 We have not been able to get a
11 firm answer and we've been told, you will not
12 get an answer until after the first of the
13 year. So we're kind of in a holding pattern
14 in terms of being able to give a specific
15 timeframe to our clients.

16 MR. MERCIER: Okay. Thank
17 you.

18 Mr. Libertine, to the
19 responses to the Council's interrogatories,
20 you gave some information in response eight.
21 Then you submitted a supplemental visibility
22 analysis. So I'm just wondering if the
23 information in response eight needs revision?
24 Or is the information in there still valid
25 based on your supplemental visibility

1 analysis?

2 THE WITNESS (Libertine): I
3 would say the information is still valid and
4 you know, those are approximate numbers, but
5 there -- they're certainly in that immediate
6 ballpark.

7 We -- we did find a few new
8 things just for the Council's benefit. The
9 original visibility analysis was actually
10 conducted in the field back in June when we
11 had a full leaf-on condition. And I'll also
12 note, although we spent a full long day
13 almost -- I think it was almost on the
14 longest day of the year we were out here. We
15 were actually evaluating three separate sites
16 at that time. So we relying heavily on the
17 computer models for some areas.

18 What we were able to do on our
19 most recent work last week was to focus on
20 this site and also assess things from a
21 leaf-off perspective. So that's why some of
22 the numbers in some of the areas were tweaked
23 a little bit. We were able to get a little
24 bit more focused in on the site.

25 But to answer your question, I

1 don't think it substantially changes the
2 number of properties that would have views of
3 the tower.

4 MR. MERCIER: Now I notice
5 that was a seasonal, based on seasonal views.
6 Did you have any information on potential
7 year-round views for the half a mile?

8 THE WITNESS (Libertine): I
9 don't off the top of my head, but I can
10 certainly get that for you folks. That's not
11 a problem.

12 MR. MERCIER: Okay. In the
13 last sentence in response eight it talks
14 about intervening tree masts will act as
15 screening for the facility.

16 When you develop the model for
17 the site is there a minimum distance you use
18 from the tower that is automatically deemed
19 visible? You know, for instance, you know, a
20 distance out to 500 feet. Someone looking
21 through trees, you'll definitely see it?

22 THE WITNESS (Libertine):

23 Correct, yes. We use, as a
24 rule of thumb, we use 500 feet as a minimum
25 distance because my experience has been that

1 although you will probably have a highly
2 obstructive view, you still may be able to
3 see portions of the tower at those distances.

4 It depends on the matrix of
5 the forest and the density of the trees, but
6 for the most part we found working throughout
7 Connecticut that that seems to be a good
8 general rule of thumb.

9 MR. MERCIER: Would that be
10 the same for the compound? A compound in
11 general just as a level?

12 THE WITNESS (Libertine): Yes,
13 but again depending on the forest, we have a
14 lot of understory. That can be reduced
15 substantially. In the particular case of
16 this site we do have a fairly amount of -- a
17 fairly substantial amount of understory
18 there, so I'd say it would probably be
19 somewhat a little bit less than 500 feet.

20 MR. MERCIER: The area around
21 the proposed tower, did you have an estimate
22 of the tree heights?

23 THE WITNESS (Libertine):

24 Yeah. Those trees range --
25 they probably range in height, the mature

1 trees are probably pushing 75 to 80 feet.
2 And then we've got several that are probably
3 down in the 45 to 50-foot range as well.

4 MR. MERCIER: Now in the
5 responses to the Council's interrogatories,
6 the last page of the filing that's tab E
7 there's a property map. And I'm looking at
8 the map, Mr. Libertine. If you could just
9 please describe what the residents to the
10 north may see. That's the 351B parcel.

11 THE WITNESS (Libertine):

12 Certainly. From the residence
13 itself there's probably going to be some
14 seasonal views. As they move eastward on
15 their property into the open fields there's
16 very little dense coverage in that southeast
17 corner of their lot.

18 So I think, you know, from my
19 perspective they've probably got a fairly
20 substantial view certainly above the trees
21 when the leaves are on the trees, and then a
22 fair amount of the tower within the mast of
23 the trees when the leaves are off. I'm not
24 sure the compound is going to be highly
25 visible from their locations unless they're

1 right up against the property line.

2 MR. MERCIER: Is that property
3 at a higher elevation than the proposed
4 tower?

5 THE WITNESS (Libertine): It
6 does rise some, yes. I don't have the
7 specific topography right here, but that does
8 begin to rise up the hill.

9 MR. MERCIER: So as it rises
10 obviously there would be less tree shielding,
11 because the trees would be lower?

12 THE WITNESS (Libertine):
13 Depending upon perspective,
14 yeah, as you move away from the treeline,
15 certainly. And I was told from -- as we get
16 from the tower location to that property line
17 that's a rise of about 15 feet, and it
18 certainly goes up from there.

19 MR. MERCIER: Okay. Thank
20 you.

21 How about the property looking
22 at the map again that abuts 351B to the east?
23 It's developed. It appears to have a pool
24 and it's off a cul-de-sac?

25 THE WITNESS (Libertine):

1 Right. We -- we drove that
2 both in the summer and most recently last
3 week. From the end of the cul-de-sac looking
4 down we could not see anything through the
5 trees. That's not to say that once this is
6 constructed that there may not be some views
7 in the wintertime, but it's not a substantial
8 view.

9 We were there were for quite a
10 while. And again, we had a five and half
11 foot balloon at 194 feet that was highly
12 visible in those locations where you could
13 see it. So I'm fairly confident that the
14 density of the woods as they exist today are
15 probably providing a pretty good visual
16 buffer.

17 MR. MERCIER: I think that is
18 24 Sunset Trail, according to the map. But I
19 was just looking at the rough bar scale here
20 and it appears to be within from 500 feet.

21 THE WITNESS (Libertine): As I
22 say, there's a potential, but we could not
23 see it and I can't confirm that. It's very
24 dense in that area even this time of year.
25 So I would surmise that if there are views

1 during a leaf-off condition, that they are
2 going to be highly obstructed. It certainly
3 does not break the treeline from the -- from
4 the cul-de-sac.

5 So my sense is if you were in
6 the backyard and kind of enveloped by those
7 trees that it's going to be even more
8 shielded from that perspective. Again,
9 through the trees this time of year certainly
10 there's potential portions of the pole that
11 will be visible.

12 MR. MERCIER: And moving to
13 the south along Boston Post Road there
14 appears there are about seven residences that
15 abut the property. Could you describe what
16 these residents might be able to see of the
17 facility?

18 THE WITNESS (Libertine):
19 Yeah. I think, again we've
20 shown that all in seasonal visibility. My
21 sense is standing at the back of the property
22 lines and looking through, I don't believe
23 the tower itself is going to eclipse the
24 trees from the perspective in those
25 backyards.

1 But through the trees
2 certainly at those distances there's a good
3 chance that portions of the pole will be
4 visible through the trees during this time of
5 year.

6 MR. MERCIER: Now looking
7 directly north there appears to be some type
8 of dirt roadway or clear-cut area. I don't
9 know the date of this picture, but are there
10 houses in that area now? It looks like a
11 proposed roadway.

12 THE WITNESS (Libertine): It
13 is proposed. There's quite a bit of
14 development going on. I don't believe that's
15 been fully developed in this, in that
16 location. There is -- and again, off this
17 aerial to the north and to the northwest it
18 continues to be built out.

19 So they are heavily under
20 construction, but my recollection from last
21 week and I can double check my photographs, I
22 don't believe there's a lot of new
23 development to the east. There may be a few
24 homes, but I don't think that's been
25 certainly developed out.

1 MR. MERCIER: Again, on your
2 supplemental visibility analysis there was a
3 chart provided on page 2 that had no road
4 locations. Several of the roads were
5 repeated. You know, obviously different
6 photos from the same road. Did you have any
7 corresponding house numbers that you were in
8 front of that you could submit?

9 THE WITNESS (Libertine): I
10 could do that at a later date. I would have
11 to just have to verify that, but yes.

12 MR. MERCIER: Okay. Thank
13 you.

14 THE WITNESS (Libertine): What
15 we try to provide, and I can see where --
16 because we have several from Harbor Crossing,
17 which is a little bit to the west off of this
18 map. And then Plum Hill Road, which is
19 essentially the main road that you're seeing
20 in that development going -- you can actually
21 see the -- the label is cut off at the lower
22 left-hand side.

23 Plum Hill Road runs from
24 Boston Post Road up into that neighborhood.
25 We took several -- wanted to show different

1 perspectives. It's a very steep rise in that
2 particular development, so the views tend to
3 vary.

4 One of the things that struck
5 me, though, was that this particular proposal
6 at 194 feet really does not eclipse the
7 treeline from these, you know, these areas.
8 And as you first drive into Plum Hill Road,
9 of course, the existing tower is on the top
10 of the hill on a very prominent feature. So
11 from that perspective I almost -- my initial
12 feeling was that this was an improvement
13 from -- from a visibility standpoint.

14 MR. MERCIER: Going back to
15 the near views that we just discussed from
16 the abutting properties, would a brown
17 painted pole be any benefit here in your
18 belief?

19 THE WITNESS (Libertine): I
20 don't, you know, this time of year when you
21 take a look at the -- the matrix of trees
22 that are out there there's really a gray
23 undertone going on there. So brown on a
24 certain day may actually jump out a little
25 bit more.

1 If -- if we were thinking
2 about doing some type of camouflaging, I
3 think actually a steel pole unpainted may
4 work, but I think perhaps doing something
5 with the antennas, whether that's brown or a
6 modeled gray brown may -- may actually be a
7 bigger benefit because, again most of the
8 views, near views don't really look up and
9 see anything eclipsing over the trees.

10 But as you're looking up
11 through the trees this time of year I think
12 white antennas may actually jump out at you a
13 little bit more than they might normally.
14 Obviously, once we get further away and there
15 are views above the treeline, I'm not sure it
16 really matters, but certainly from close
17 views, yeah. Certainly some painting scheme
18 could certainly be an improvement.

19 MR. MERCIER: Okay. Thank
20 you. I have no other questions at this time.

21 THE CHAIRMAN: We'll now go to
22 questions by the Council.

23 Senator Murphy.

24 SEN. MURPHY: Thank you,
25 Mr. Chairman.

1 First off, the First Selectman
2 mentioned the site with the National Guard.
3 Is that something that's under discussion and
4 is it realistic?

5 MR. FISHER: Subject to any
6 corrections by the First Selectman, I believe
7 the National Guard site is what we've
8 referred to as either the Stones Ranch U.S.
9 Military Installation or the state police
10 tower. Those have been used somewhat
11 interchangeably.

12 SEN. MURPHY: They've already
13 been discussed?

14 MR. FISHER: They have been,
15 yes.

16 SEN. MURPHY: And as I
17 recollect your testimony, you've ruled those
18 out?

19 THE WITNESS (Lavin): From an
20 RF standpoint, yes, we have.

21 SEN. MURPHY: You have? Okay.
22 To follow up on the question I asked in the
23 field regarding the foundation that will be
24 constructed for the placement of this tower
25 if it's approved, I realize that in most

1 instances the foundation is put in, keeping
2 in mind that possibly the tower will be
3 raised up above the initial construction
4 height, which today is 194 feet.

5 Is the intention of American
6 Towers to have the construction of the base
7 foundation made in such a way that the tower
8 can be raised up above 194 feet without any
9 additional construction? You know my real
10 concern is once you hit 200 feet, is you've
11 got to put lights on, and lights are just
12 another bugaboo that we have.

13 THE WITNESS (Gaudet): I don't
14 believe that American Tower has made a final
15 determination about how the foundation would
16 be designed.

17 In general it's safe to say
18 that as a tower owner in the business of
19 making space available for multiple carriers
20 that they would generally want to do all they
21 can to make it usable in the future. In this
22 instance --

23 SEN. MURPHY: Usually they're
24 not interested in going to 200 feet because
25 of the lighting requirement and the expenses

1 involved, but go ahead. I'm sorry to
2 interrupt.

3 THE WITNESS (Gaudet): That --
4 that's correct. In general, American Tower
5 would look to avoid having a tower higher
6 than 200 feet, but also want to be responsive
7 to the needs of carriers. Now the proof, of
8 course, would have to be made at the time any
9 kind of change of that nature were to be
10 made.

11 So I guess the best answer I
12 can give you, Senator Murphy, is that at this
13 point we don't know, but certainly American
14 Tower would respond affirmatively to -- to
15 any directive from the Council, either to
16 beef that foundation up so that it could be
17 used in the future, or -- or to restrict it
18 in some way.

19 SEN. MURPHY: So if the
20 Council should approve this and in its
21 decision indicate that it was our opinion
22 that we did not want the tower to be
23 increased in height above the initial 194,
24 there may not be objection from the
25 applicant?

1 THE WITNESS (Gaudet): I'm
2 not -- I guess I am not --

3 SEN. MURPHY: That's putting
4 you on the spot, isn't it?

5 THE WITNESS (Gaudet): It is.

6 SEN. MURPHY: I'll withdraw
7 the question.

8 THE WITNESS (Gaudet): I
9 should note, though, that there are other
10 reasons that one might want to -- to beef a
11 foundation up and that is, you know, over the
12 years we have certainly seen increased loads.

13 SEN. MURPHY: I understand
14 that, but in that regard the propagations
15 from this particular tower, or should it be
16 approved at 194 feet, those going down
17 underneath AT&T and presumably T-Mobile
18 become important. And I haven't seen any
19 propagations below the 190 from AT&T and I'm
20 sure you've done them. What sort of a
21 dropoff is there?

22 THE WITNESS (Lavin): If we
23 were trying to, of course, replace the -- the
24 site way up on the top of the hill which
25 is --

1 SEN. MURPHY: And I realize
2 from some of the inference from your answers
3 is you're not totally happy with your
4 replacement. You would prefer to have the
5 other one, but we've got to deal with what
6 you've got. So go ahead.

7 THE WITNESS (Lavin): Nothing
8 we'd like better than to stay exactly where
9 we are. When -- if we drop from 190 we start
10 to lose connection into the area around the
11 public safety complex at the northeastern end
12 of Boston Post Road. Any further and we
13 loose more coverage there and some of the
14 bottom as well.

15 So even a small reduction from
16 that starts to hit us in terms of overlapping
17 with our current coverage from the remaining
18 sites.

19 SEN. MURPHY: If the tower at
20 Docket Number 67 were to continue to be
21 available, would you be contemplating putting
22 this tower in at all?

23 THE WITNESS (Lavin): If the
24 original site as it is were staying there?
25 No.

1 SEN. MURPHY: Okay. You could
2 provide me with -- provide the Council,
3 rather, with a propagation at ten feet
4 underneath your proposed height, and at your
5 convenience before the next hearing. I guess
6 we would probably have another hearing.

7 I realize that T-Mobile is on
8 the Docket Number 67 tower and is shown in
9 the application to be on this tower. Is
10 T-Mobile committed to go in this, this tower?
11 I haven't seen anything to that effect, but I
12 guess that's the question for American Tower.

13 THE WITNESS (Mason): Yes,
14 Kevin Mason.

15 They've been involved in this
16 entire site search and had expressed a
17 complete interest in getting a replacement
18 site as well. I don't think they formalized
19 a lease. That's probably just a procedural
20 process with American Tower, not leasing it
21 up until approved.

22 SEN. MURPHY: So you don't
23 have a lease with them finalized, but all the
24 discussions would indicate that they're going
25 to go to this tower when it goes up as a

1 replacement?

2 THE WITNESS (Mason):

3 Absolutely.

4 SEN. MURPHY: And they've done
5 their propagations and what have you, and for
6 whatever satisfaction they have they're
7 willing to go in this tower?

8 THE WITNESS (Mason): Yes.

9 That's my understanding, yes.

10 SEN. MURPHY: I think that's
11 all I have right now, Mr. Chairman, because
12 we'll be meeting again. Thank you very much.

13 THE CHAIRMAN: Thank you.

14 Mr. Hannon?

15 MR. HANNON: Thank you,
16 Mr. Chairman.

17 I do have some questions.
18 There was a document that was submitted by
19 the Town to intervene and on the last page of
20 that document there is a list of, like, six
21 locations. I'm trying to match up what the
22 Town had versus what you're showing behind
23 attachment two.

24 And so I think the first one
25 that you had mentioned was -- it's number

1 nine, the 6 Stones Ranch Road military
2 reservation. That is the National Guard
3 location.

4 MR. FISHER: Just a moment.

5 MR. HANNON: No problem.

6 Their map was the very last page.

7 MR. FISHER: We have their
8 aerial map of the site survey. And sorry,
9 just if you could repeat?

10 MR. HANNON: I think it's
11 number nine, but I just want to make sure.

12 MR. FISHER: Attorney Collins
13 and I were just conferring on the map and the
14 indication was that Stones Ranch was not on
15 their list on this map.

16 MR. HANNON: Okay.

17 MR. FISHER: On this map it's
18 to the upper-left corner.

19 MR. HANNON: Okay. So I guess
20 the Scott Road water tower, I think that's
21 number 18 with your locations. Correct? I
22 mean, it's listed as the water tank, so I'm
23 assuming that that's one and the same?

24 THE WITNESS (Gaudet): Yes,
25 that is correct.

1 MR. HANNON: Okay. The next
2 one, UBS Lumber, I think that matches up with
3 your number 30?

4 THE WITNESS (Bilezikian):
5 Forty-nine Industrial Park
6 Road.

7 MR. HANNON: Yes. I mean, it
8 looks pretty close, so just trying to get a
9 verification.

10 THE WITNESS (Bilezikian): Yes.

11 MR. HANNON: Okay. Then
12 Norwich Orthopedic, that's listed as your
13 site number 29?

14 THE WITNESS (Bilezikian):
15 Eleven Industrial Park Road,
16 Herb Chambers.

17 MR. HANNON: Yes. Then the
18 East Lyme ECO, I believe that's your site
19 number eight?

20 THE WITNESS (Bilezikian): 171
21 Boston Post Road, Flanders Safety Center.

22 MR. HANNON: Then True Value,
23 I think is your site location number 28.

24 THE WITNESS (Bilezikian): 300
25 Flanders Road, Cash Home Center, Inc.

1 MR. HANNON: And then the KSK
2 Associates, that's your site number 27.
3 Correct?

4 THE WITNESS (Bilezikian): Yes.

5 MR. HANNON: Okay. So I'm
6 just trying to make sure that what was listed
7 on that map you also showed what you're
8 listing of the 30 different sites. Thank
9 you.

10 Going to tab number eight in
11 the application, on photo six. It's, I
12 think, the second one on six and the second
13 one on the nine. I just want to make sure
14 that the cell tower that looks like it's off
15 to the right is the existing tower?

16 THE WITNESS (Libertine):

17 Could you repeat that?

18 MR. HANNON: Sure. It's photo
19 number six and photo number nine. It's the
20 second page on both of those which shows the
21 locations. I just want to make sure that the
22 tower on the right is the existing tower.

23 THE WITNESS (Libertine): That
24 is correct. I'm checking number 9 to make
25 sure I have the orientation correct, but yes,

1 on six that is correct. And yes, the same
2 with the nine, yes.

3 MR. HANNON: Okay. Then a
4 question I asked out in the field was we've
5 seen the number of cell towers where they
6 originally come in at a certain height and
7 then they come back for an extension. This
8 being at 194 based on the numbers I read in
9 the report talks about if you go -- 200 seems
10 to be the magic number. You go above the
11 200, that's going to trigger lighting.

12 With the analysis that you did
13 in terms of the site view, how much more of
14 an impact would potential lighting have on a
15 cell tower? Because to me it would seem like
16 it would draw more attention to it than
17 what's maybe currently proposed.

18 THE WITNESS (Libertine): I
19 would agree with that. And the 200-foot rule
20 we kind of all go by doesn't mean absolutely
21 you have to light it. There may be a
22 painting requirement as opposed to lighting,
23 or it may be both.

24 But your point is well taken.
25 One way or the other it is going to be much

1 more highly visible, certainly to those areas
2 where you've got -- well, view six is
3 probably a great example where it is
4 significantly above the treeline. You would
5 be talking about some type of flashing light
6 or steady stream light.

7 So either way, yes, it would
8 certainly bring your eye to it. And I think
9 it would probably have more of an impact also
10 this time of the year on some of the closer
11 neighbors who might, through the trees now,
12 start to see that, that light.

13 MR. HANNON: Thank you. In
14 the responses to the Siting Council
15 interrogatories on the map CSK-1 can you give
16 me a little more detail? I'm not looking for
17 absolute specifics, but can you give me a
18 little more detail on the proposed
19 underground storm water detention system?

20 And the reason I'm asking is
21 if you've got an approximate size of them,
22 because in walking this site there's a lot of
23 ledge. So I'm wondering if you're even going
24 to be able to put something like that in.
25 And if you are, my guess is you'd need more

1 blasting there, or the possibility of
2 blasting is greater there than it would be
3 conceivably for the roadway and the
4 underground utilities. So I don't know if
5 you want to comment on that.

6 THE WITNESS (Rocheville): So
7 we basically did this approximation by
8 looking at other jobs that we've used these
9 detention systems on before. And those were
10 about 24 of those CULTEC systems I described.
11 And they are about two feet in diameter,
12 eight feet wide.

13 So you probably have about an
14 8-by-24 footprint at both locations. And
15 they would go down about six feet deep with
16 when -- after you have the gravel all around
17 it with the two feet above it, above and
18 below the chambers.

19 So as you said, with the ledge
20 outcrops definitely visible, we would -- and
21 after the Geotech came back and if it was the
22 case that there was too much ledge to use
23 those systems we would have to look at some
24 other, whether it's a detention basin or some
25 sort of detention pond, rain garden system,

1 anything that we could -- or maybe a
2 combination of all of them, anything that we
3 could do to combat the excess runoff on this
4 site.

5 MR. HANNON: Okay, because I
6 just see that as a bit automatic because of
7 actual site conditions.

8 THE WITNESS (Rocheville):
9 Absolutely.

10 MR. HANNON: And then the last
11 couple of questions I have is because I have
12 old eyes. So -- and I even had the
13 magnifying glass out on this, and I couldn't
14 find it.

15 So for example, on the
16 supplemental information that came in, on
17 photo number 17, can you tell me where the
18 green arrow is? Because you're saying it's
19 seasonal visibility, but I can't find a green
20 arrow or where the balloon was.

21 THE WITNESS (Libertine):
22 We're very conservative in our
23 approach when we say that, so I'm not
24 surprised. There are a lot of views where we
25 call it seasonal because, again we were using

1 a highly colored bright red and yellow
2 combination balloon. So conceivably I could
3 see it in the field, but certainly, and I
4 think that's one of the examples. If a tower
5 was built, I don't think unless you knew
6 exactly what you were looking for you would
7 be able to pick it out in that mass.

8 MR. HANNON: I was just
9 thinking, because I couldn't find it and on
10 almost all the others I saw the green arrows.
11 So --

12 THE WITNESS (Libertine): And
13 it may be. It may have been omitted from
14 that one, and I'm not sure. I don't have the
15 copy right in front of me. Excuse me one
16 second.

17 MR. HANNON: And then on --

18 THE WITNESS (Libertine):

19 Yeah, Mr. Hannon, just so
20 you'll know, that that particular view does
21 not have the green arrow in it, and it
22 should. It is buried in there. It's very
23 difficult to see and it is behind a tree, but
24 there is a small splotch of red that can be
25 seen, but you have to really know what you're

1 looking for.

2 MR. HANNON: And then on 24,
3 25, pretty much right is the center, and I
4 think on 26, is that the existing tower?

5 THE WITNESS (Libertine): Yes,
6 it is. On both 24 and 25, that's the
7 existing tower. And again we wanted to show
8 from those perspectives along those stretches
9 of the road that the new facility, or the
10 proposed location would not be visible from
11 those.

12 MR. HANNON: Okay. Thank you.
13 I do not have any other questions.

14 THE CHAIRMAN: Thank you.

15 Mr. Levesque?

16 MR. LEVESQUE: The applicant
17 was asked about the intensification of the
18 use of the shared driveway and the answer
19 was, I took a brief look at the title search.
20 Can you give us a copy of the deeds and the
21 maps that created that shared use of the
22 driveway?

23 MR. FISHER: Yeah, I'll have
24 to go do some additional research and get
25 that information, but certainly that's

1 publicly available information. We can
2 organize it and provide it to the Council.

3 MR. LEVESQUE: Okay. That's
4 the only thing I have.

5 THE CHAIRMAN: Mr. Lynch?

6 MR. LYNCH: That would be
7 helpful, Mr. Fischer, to get that
8 information.

9 Mr. Mercier did a good job of
10 asking a lot of my questions, but I still
11 have one or two as usual. I'm going to
12 continue to beat this dead horse on the
13 height of tower. From what I understand, the
14 FCC does have a procedure where someone could
15 actually go above the 200-foot line and then
16 the tower, of course as you said
17 Mr. Libertine, could be lighted or marked,
18 and/or both.

19 Now is it possible that if it
20 doesn't go above 200 feet, and let's say we
21 get up about, you know, at least you get that
22 10-foot separation so you're up a little
23 higher, would the proximity of two commercial
24 airports, one in Groton and one in New Haven
25 have that tower, cause that tower to be

1 lighted? I didn't see an FAA report,
2 Mr. Fisher, so if it's in there I missed it.
3 I'm sorry.

4 THE WITNESS (Libertine):

5 Yeah, I don't know. Your
6 questioning is -- the intent of your
7 questioning is absolutely correct in that if
8 there are flight paths in the area then those
9 tolerances become much tighter. So it's
10 conceivable in some cases we could have a
11 140-foot tower that requires some type of
12 lighting or painting just because of its
13 proximity to an airport.

14 I don't know the specifics of
15 this. That's why I said 200 feet here may
16 not require lighting. It may just require a
17 simple marking, which is usually kind of the
18 combination orange and white, or red and
19 white painting. But that we would have to go
20 and actually take a closer look and see
21 what -- what height would actually trigger
22 that in this particular location.

23 MR. FISHER: Mr. Lynch, just
24 for the record, it's behind tab four of the
25 application. And it just references that

1 the -- there's no airport within
2 eight kilometers or five miles, so there
3 would be no registration or lighting
4 requirement here.

5 MR. LYNCH: Okay. Thank you
6 Mr. Fisher.

7 Mr. Lavin, I think it's
8 probably a boilerplate part now of your
9 application where you talk -- well, and it's
10 been in the last few, where wireless
11 communications are supplanting wireline
12 communications.

13 THE WITNESS (Lavin): Yes.

14 MR. LYNCH: You say it hasn't
15 really happened in Connecticut, but myself
16 having been with a bunch of techies and not
17 knowing what the hell they're talking about
18 last week, they were saying that if you take
19 the cumulative aggregate of everything that's
20 wireless, you know, whether it's, you know,
21 wireless modems, wireless TVs, wireless
22 whatever, they're out there, they were saying
23 that it far surpasses any type of wired
24 support. And I'm just asking whether that's
25 your feeling, too?

1 THE WITNESS (Lavin): What
2 kind? Wireless, all that wireless as opposed
3 to using a wired support?

4 MR. LYNCH: Yeah, wired
5 support. You know, whether it's telephone or
6 cable or anything like that?

7 THE WITNESS (Lavin): I don't
8 know offhand. Fiber interconnects a lot of
9 our sites, which has tremendous capacity far
10 above what we have. To get everything back
11 to the switch is normally not done
12 wirelessly.

13 So everything that travels on
14 a licensed wireless system like ours,
15 generally it's the wired system to reach
16 other systems. And even unlicensed Wi-Fi and
17 things of that nature end up going to a cable
18 modem and back through a wired system to the
19 rest of the world.

20 MR. LYNCH: Like I said,
21 they're all 20 and 30, so I have no idea what
22 the hell they're talking about. So I figured
23 I'd ask.

24 To the AT&T people down on the
25 end here. In recent years you've come before

1 us and have applied usually with a tower
2 builder for a facility to put your antennas
3 on. But then afterwards you kind of stall
4 and you don't really build them and they get
5 delayed and delayed and delayed.

6 My question to you is, what
7 basically is the cause of these things? Does
8 it have to do with your recent acquisitions
9 and, you know, other situations that are
10 going on with AT&T? It seems like you're
11 banking these sites rather than using them.

12 THE WITNESS (Bettuchi): I
13 mean, those are all taken as a business
14 decision and it's something that is reviewed
15 continuously. So it's certainly not
16 triggered by any one event. We are
17 consistently and constantly looking at our
18 overall wireless coverage.

19 I think in this particular
20 example it's a little bit of a different
21 scenario mainly because we're already serving
22 these customers today and that's what's
23 brought forth a sense of urgency.

24 MR. LYNCH: I agree with you
25 on that part, correct. You know, because

1 this is a replacement, but in some of the
2 other facilities that you applied for, like I
3 said different tower builders, they seem to
4 be getting delayed. And it hasn't been a
5 policy of the Council in the past to bank
6 sites. And things change, so that could be
7 changing, too. You know, so I just want to
8 inquire as to, you know, what brought that
9 about or what's bringing that about. That's
10 all.

11 And coming back to the
12 emergency generator, the 300 gallons. You
13 said a 48-hour capacity, but that's when it's
14 topped off?

15 THE WITNESS (Rocheville):

16 Correct.

17 MR. LYNCH: Now, if you have
18 it -- it runs about once a week, once a
19 month. What do you have in place to tell you
20 when that tank is below, for regular
21 maintenance below, let's say, 150 gallons,
22 which would only give you 24 hours?

23 Do you have regular -- let me
24 ask it this way. Do you have someone under
25 contract that would regularly go out and

1 check this and fill the tank? Or is it done
2 on a, you know, by-need basis?

3 THE WITNESS (Libertine):

4 That's electronically
5 monitored back at the -- one of the switches.
6 So that there are alarms for low -- I don't
7 know what the values or what the typical
8 levels are when they have to go back out and
9 fill them, but that is not -- it's not
10 something that needs to be done as a routine
11 inspection.

12 MR. LYNCH: Those are all my
13 questions, Mr. Chairman. Thank you.

14 THE CHAIRMAN: Mr. Hannon has
15 a question.

16 MR. HANNON: I just want to
17 follow up on Mr. Lynch's question about the
18 generators.

19 Now we start getting weather
20 reports that there may be a blizzard coming
21 in. I mean, do you have somebody under
22 contract that theoretically might go out
23 before the storm hits to be able to top off
24 these tanks? Or -- and I don't know what the
25 policy is. I'm just curious about that.

1 THE WITNESS (Gaudet): Because
2 it's American Towers' generator and it's
3 shared we can find out for you what their
4 particular protocol is for addressing that.

5 MR. HANNON: I'm just curious,
6 because if it's a hundred gallons left and we
7 get a blizzard we may be without power for a
8 number of different service carriers. So
9 thank you.

10 THE WITNESS (Gaudet):
11 Understood. We'll find out.

12 THE CHAIRMAN: Thank you.
13 Just a couple questions. I guess this was a
14 response to some of the Siting Council
15 questions. Anyway, it's dated December 3rd.
16 And after tab A there's a noise evaluation
17 report.

18 I just want to make sure I
19 understand this correctly. Page 2 of that
20 noise evaluation, it states the allowable
21 noise levels, residential, day and night.
22 And I assume you have to, and correct me, you
23 have to meet the night standard. I mean, the
24 noise isn't going to just turn off at night.

25 Anyway my question is, when

1 you go through your results, all your results
2 are 45 DBA or less except for one which is
3 55 -- okay. I'm being corrected. This would
4 be if the emergency generator was on. Is
5 that where these numbers are, which is exempt
6 from the standard?

7 THE WITNESS (Gaviria): Yes,
8 that's correct.

9 THE CHAIRMAN: Okay. So
10 again, these levels are if for the emergency
11 generator, which is by state statute, exempt
12 from those standards. Okay. And in any
13 case, the worst case is the 55 even if the
14 emergency generator was triggered?

15 THE WITNESS (Gaviria): That
16 is correct.

17 THE CHAIRMAN: Okay. Thank
18 you. The other question is I just want to
19 make sure, because we have a letter from, I
20 guess, it's the adjoining property. I
21 believe it's to the east, of 335 Boston Post
22 Road.

23 And it's talking about a
24 proposed -- although I don't know if it's
25 actually been mapped -- 335B flag lot. Of

1 course, the property owner would like you to
2 show some interest in their property. Did
3 you look at that property to see if that was
4 a possible site?

5 THE WITNESS (Gaudet): We did
6 not specifically look at that individual
7 property. We did however look exhaustively
8 at the entire area, basically taking all
9 areas down from the top of the hill where the
10 existing site is located.

11 In general, because that
12 property would be a smaller one, and in
13 particular because of the narrow, relatively
14 narrow width, as well as what appears to be a
15 pretty steep grade coming up from Boston Post
16 Road without the existing driveway that's in
17 place for the proposed site, we would not
18 have pursued that in comparison to the
19 proposed site.

20 THE CHAIRMAN: Okay. Thank
21 you.

22 Is there anybody else from the
23 Council?

24 MR. LYNCH: Mr. Chairman, I
25 have one more question.

1 I'm looking at the design area
2 of CSK-1, and maybe I'm reading this wrong.
3 If you could help me. Mr. Ashton is not here
4 so I don't know about utilities, but your
5 proposed AT&T access easement for the
6 utilities seems to start up right where the
7 paved road ends and your new gravel road will
8 start. Is that where you're tapping into, or
9 do you come up from the street?

10 THE WITNESS (Rocheville): No,
11 that access -- that access easement, access
12 and utilities is going to actually extend all
13 the way down the street. And just, yeah, it
14 is cut off here on this, on the CSK-1. It
15 does go, in fact, all the way down the street
16 line where there is a utility pole.

17 MR. LYNCH: Are you using an
18 existing trench? Or are you going to dig a
19 new trench?

20 THE WITNESS (Rocheville):
21 These will be two trenches.

22 MR. LYNCH: All right. Thank
23 you.

24 Thank you, Mr. Chairman.

25 THE CHAIRMAN: Okay. We'll

1 now go to the party, the Town of East Lyme, I
2 guess, next to Mr. Libertine. I don't know.
3 If you could come up so you could -- Attorney
4 Collins, I assume?

5 MS. COLLINS: I only have a
6 few questions.

7 THE CHAIRMAN: Do you have any
8 exhibits?

9 MS. COLLINS: No.

10 THE CHAIRMAN: All right. Go
11 ahead with cross examination.

12 MS. COLLINS: I wanted to
13 follow up on the Stones Ranch site briefly
14 that the First selectman had mentioned. And
15 it's my understanding, is it true that that
16 site, it didn't pass the engineering
17 examination? Is that why you chose not to
18 follow up on that site?

19 THE WITNESS (Lavin): The RF
20 engineering study showed it wouldn't provide
21 the coverage we needed.

22 MS. COLLINS: Okay. And did
23 you ever look for whether the coverage in the
24 Gateway site would provide the coverage that
25 you need, assuming that it's out of the

1 Ancient Highway ceremonial grounds area?

2 THE WITNESS (Lavin): Gateway
3 is --

4 Site 22, we did look at it.
5 It is on the backside of that flat top of the
6 hill. It has lost some elevation and has to
7 look all the way back over the top of the
8 hill to get to Boston Post Road, which it
9 doesn't do at any feasible height.

10 MS. COLLINS: Okay. Those are
11 the only questions I have.

12 THE CHAIRMAN: Thank you.

13 And we'll now continue with
14 cross examination by Attorney Ainsworth.

15 MR. AINSWORTH: Thank you.

16 There we go. And I'm going to
17 go in no particular order, but one of the
18 first things that came up was that -- the
19 title search. Did I understand correctly
20 that you would be submitting a copy of the
21 deeds that show the easement access to the
22 property?

23 MR. FISHER: I'm going to
24 provide a copy of the deed. I don't know
25 whether it will show -- I just received the

1 title report, so -- but I'll provide a copy
2 of the deed. That's what the Council asked
3 for, yes.

4 MR. LEVESQUE: And the map?

5 MR. FISHER: Yeah, deed, or
6 maps, yes.

7 MR. LEVESQUE: And then any
8 land-use decisions that got it approved?

9 MR. FISHER: We can try to
10 find that from the Town. I may actually
11 interrogatory the Town to actually get that.

12 MR. LEVESQUE: Thank you.

13 MR. AINSWORTH: And so how
14 much fuel will be stored on the site for the
15 generators?

16 THE WITNESS (Rocheville):

17 There are multiple capacities
18 of the diesel generator that could be used.
19 The one we're talking about right now is a
20 300-gallon diesel tank.

21 MR. AINSWORTH: And does it
22 have secondary containment around the tank?

23 THE WITNESS (Rocheville):

24 Within the -- within the tank.

25 Within the generator itself it does have a

1 secondary. If there was ever a spill inside
2 it has a means to catch that spill within
3 the, you know, infrastructure of the -- of
4 the generator.

5 THE WITNESS (Libertine): And
6 they're typically referred to as
7 double-walled so that if the internal breach
8 occurs then the outer tank is actually a
9 reservoir to hold the fluid.

10 MR. AINSWORTH: So it's a
11 double-walled tank that's actually inside the
12 structure of the generator container?

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

15 MR. AINSWORTH: And coming
16 back to the police tower on Scott Road, you
17 mentioned that it was on the, what you said
18 was the wrong side of the hill and it was
19 blocked by the existing hill where the
20 existing tower is.

21 THE WITNESS (Lavin): Yes.

22 MR. AINSWORTH: But did you
23 explore any possibility for a two-tower
24 solution that would involve two shorter
25 towers than a single 194-foot tower?

1 THE WITNESS (Lavin): We
2 hadn't found any really feasible scenarios
3 there, where our approach was to replace one
4 tower with another tower. And probably once
5 we go down that road to find multiple towers
6 that won't be objectionable to anyone, we
7 could easily be looking at three or four to
8 possibly do this. So we haven't gone -- we
9 haven't really identified any two-site
10 solution.

11 MR. AINSWORTH: Okay. Well,
12 but the police tower, the state police tower
13 at the reservation is currently existing. Is
14 it not?

15 THE WITNESS (Lavin): Yes, it
16 is.

17 MR. AINSWORTH: And so if you
18 were try to light up or cover the eastern
19 side of the existing tower's hill you could
20 provide that coverage with one tower. Would
21 you not be able to do that?

22 THE WITNESS (Lavin): It
23 wouldn't be -- it wouldn't be the state
24 police tower. The State police tower
25 essentially won't do anything on the eastern

1 side of Boston Post Road and that whole
2 stretch. It really contributes almost
3 nothing there. It's thoroughly blocked by
4 Plum Hill.

5 MR. AINSWORTH: Correct, and
6 that's my point, is that with the state
7 police tower you cover that western portion
8 where you're losing coverage. And you would
9 only need then a single tower in the eastern
10 side of Plum Hill to cover the eastern area
11 of coverage?

12 THE WITNESS (Lavin): Which
13 would be the one we're proposing, yes.

14 THE WITNESS (Bilezikian): The
15 tower is not available for lease.

16 MR. AINSWORTH: And actually
17 following up on that question, with whom did
18 you inquire regarding the state police
19 tower's availability?

20 THE WITNESS (Bilezikian): I
21 don't know the individual, but my predecessor
22 did contact them and was told that the tower
23 is not available, that they were trying to
24 renegotiate a lease with the government and
25 they had no intention of leasing space to

1 AT&T.

2 MR. AINSWORTH: Was that the
3 government having no interest? Or the state
4 police having no interest?

5 THE WITNESS (Bilezikian): The
6 state police.

7 MR. AINSWORTH: Did they give
8 a reason why they wouldn't share their tower?

9 THE WITNESS (Bilezikian): No.

10 MR. AINSWORTH: Now with
11 regard to the -- actually let me see if I
12 could get the list -- the water tank, the
13 state -- excuse me, the town owned property
14 with the water tank. I believe that was
15 modeled at 45 feet.

16 Did you consider modeling that
17 one at a higher height perhaps with putting
18 the tower either adjacent to it, or some sort
19 of extension pole off the tower?

20 THE WITNESS (Lavin): Yeah, I
21 don't have the plot with me, but I did look
22 at that. And it doesn't -- it leaves a half
23 a mile to a mile gap at the 199-foot magic
24 height above which it would require lighting
25 at the very least. At that height it still

1 doesn't cover all the way up. It covers more
2 than at 45, but doesn't complete the coverage
3 going out there, no.

4 MR. AINSWORTH: And when you
5 said, it doesn't complete the coverage, going
6 in which direction?

7 THE WITNESS (Lavin): It
8 doesn't complete the coverage going toward
9 the northeastern end of Boston Post Road.

10 MR. AINSWORTH: Okay. And did
11 you prepare a coverage map or coverage
12 analysis?

13 THE WITNESS (Lavin): I looked
14 at it on my screen. I did not print out a
15 hardcopy or submit it to the Council, no, but
16 we could.

17 MR. AINSWORTH: Would you be
18 willing to print out a run of that analysis?

19 THE WITNESS (Lavin): We can
20 provide that, sure.

21 MR. AINSWORTH: Now there were
22 a number of -- I mean, you looked at a number
23 of alternative potential sites and there were
24 sort of blanket statements that said, you
25 know, these sites were rejected by AT&T's RF

1 engineers. Were there actual coverage plots
2 generated for those particular alternatives?

3 THE WITNESS (Lavin): We
4 produced the plots that were requested by the
5 Siting Council. We looked at all the sites
6 and produced plots and submitted them for the
7 ones that were requested.

8 MR. AINSWORTH: And so for the
9 ones that, say, they were rejected but there
10 weren't requests for plots, do you have plots
11 available?

12 THE WITNESS (Lavin): Not with
13 me. We could produce those.

14 MR. AINSWORTH: And what
15 Heights did you look at when you reviewed
16 those other sites?

17 THE WITNESS (Lavin): They
18 were all evaluated up to 199 feet.

19 MR. AINSWORTH: Would the
20 applicant be willing to restrict the height
21 of the tower to 194 feet voluntarily so that
22 it wouldn't go beyond that height?

23 MR. FISHER: That's something
24 we'd take under advisement and speak with
25 American Tower and get back to you and the

1 Council on that.

2 MR. AINSWORTH: And now with
3 regard to the access driveway, who arranges
4 to plow the driveway so that if one were to
5 top off the tanks that could be accomplished
6 after a storm?

7 THE WITNESS (Gaudet): We can
8 provide the answer to that question as part
9 of the information that we're determining
10 about American Towers' protocol for
11 addressing filling tanks.

12 MR. AINSWORTH: Thank you.

13 And we may have already
14 covered this in general, but with regard to
15 the Gateway site number 22, I believe the
16 answer that was given just now is that the
17 site doesn't work from an RF perspective.

18 Again, was there a plot
19 submitted that shows what coverage it might
20 provide?

21 THE WITNESS (Lavin): It
22 was -- been studied. A plot was not
23 submitted. I don't think it was requested as
24 part of the interrogatory, but it can be
25 supplied.

1 THE WITNESS (Libertine):

2 Could we just clarify?

3 Because I think the original number 22 site
4 may be the site at the end of Ancient
5 Highway. And so I think we're talking about
6 the Gateway Development site at the toe of
7 the hill further south. Is that correct?

8 MR. AINSWORTH: Right. And
9 just to clarify, I'm not referring to the
10 previous application for the Ancient Highway
11 site, but the Gateway Development that's
12 south of it.

13 MR. FISHER: It's a good point
14 and I think just for our purposes as a
15 witness panel, Gateway is what I understand
16 to be one parcel. Twenty-two is also in our
17 site search summary, and I believe that is
18 something that, in our consultations with the
19 Town, we called site C.

20 Gateway, the actual developed
21 areas are areas down the slope and something
22 else altogether. So we should be really, I
23 think, clear about what we're being asked to
24 produce if it's 22 site C, or it's Gateway,
25 the developed area. But when we look at

1 Gateway we have probably two different
2 physical areas we're talking about.

3 MR. AINSWORTH: Agreed. I
4 mean, the Gateway development is a PDD, so
5 it's a fairly large conglomeration of
6 parcels. And so when I refer to the Gateway,
7 there's actually the residential version and
8 there's also the commercial version. I
9 believe the commercial version is closer to
10 the highway which would be further down the
11 hill. I'm talking the residential or the
12 northern portion of the commercial
13 development. They're both controlled by the
14 same party.

15 But in general, my inquiry on
16 behalf of my client is whether or not there
17 were areas that didn't run afoul of the
18 ceremonial landscape problems, but were still
19 on the northern portion of either of those
20 commercial developments?

21 THE WITNESS (Libertine):
22 Thank you for the
23 clarification.

24 MR. AINSWORTH: Behind number
25 2 there was a Town of East Lyme site, 171

1 Boston Post Road and it says there's a
2 125-foot lattice work tower.

3 I'm not sure I have a sense of
4 why that one wouldn't have provided some
5 relief for coverage purposes?

6 THE WITNESS (Lavin): It's not
7 an especially tall tower in a very low spot.
8 And it is also blocked by the highway that
9 our previous -- one of our previous -- the
10 Ancient Highway, the mound, the ceremonial
11 landscape hill blocks it from coming very far
12 down Boston Post Road.

13 We'd have to rebuild and I
14 think it's 75 feet from the elementary
15 school, or something like that. Yeah,
16 it's -- it's packed in pretty tightly there.
17 It's a very light-duty tower. I don't
18 suspect it would hold up. It's a very
19 light-duty tower. I don't suspect it would
20 hold up our installation and T-Mobile's.

21 It would have to be rebuilt at
22 a much higher height and even then it still
23 wouldn't cover down southwest on Boston Post
24 Road.

25 MR. AINSWORTH: One moment.

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I have no further questions at
this time. Thank you.

THE CHAIRMAN: Thank you,
Attorney Ainsworth.


The Council will now recess
until 7 p.m., at which time we'll commence
the public session of this hearing. See you
all then.

(Whereupon, the witnesses were
excused and the above proceedings were
concluded at 4:49 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 102 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Siting Council Meeting in Re: Docket No. 463, APPLICATION FROM AMERICAN TOWERS LLC, AND NEW CINGULAR WIRELESS PCS, LLC FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED IS FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 351A BOSTON POST ROAD, EAST LYME, CONNECTICUT, which was held before ROBIN STEIN, Chairman, at East Lyme Town Hall, Upper Meeting Room, 108 Pennsylvania Avenue, Niantic, Connecticut, on December 15, 2015.



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My Commission Expires: 6/30/2020

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I N D E X

WITNESSES

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Camilo A. Gaviria
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