

In The Matter Of:
STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 486 - Regular Hearing
September 19, 2019

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 486

Application for a Certificate of Environmental
Compatibility and Public Need for the Construction,
Maintenance, and Operation of a Telecommunications
Facility Located at 796 Woodin Street, Hamden,
Connecticut

Regular Hearing held at the Hamden
Legislative Council Chambers, Memorial Town Hall, 2372
Whitney Avenue, Hamden, Connecticut, Thursday,
September 19, 2019, beginning at 3 p.m.

H e l d B e f o r e :

ROBERT SILVESTRI, The Hearing Officer

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

2 Council Members:

3 ZACHARY ALEXANDER, ESQ.

4 PURA Designee

5

6 ROBERT HANNON,

7 DEEP Designee

8

9 DANIEL P. LYNCH, JR.

10 MICHAEL HARDER

11 EDWARD EDELSON

12

13 Council Staff:

14 MELANIE BACHMAN, ESQ.,

15 Executive Director and Staff Attorney

16

17 ROBERT MERCIER,

18 Siting Analyst

19

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21

22

23

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25

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

2 For TARPON TOWERS II, LLC:

3 COHEN AND WOLF, P.C.

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5 Orange, Connecticut 06477

6 By: VINCENT MARINO, ESQ.

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10 For CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS:

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18 For SBA COMMUNICATIONS:

19 LAW OFFICES OF KEITH R. AINSWORTH, ESQ., LLC

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25

1 THE HEARING OFFICER: Good afternoon,
2 all. This hearing is called to order this
3 Thursday, September 19, 2019, at 3 p.m. My name
4 is Robert Silvestri, member and presiding officer
5 of the Connecticut Siting Council. Other members
6 of the Council are Mr. Robert Hannon, designee for
7 Commissioner Katie Dykes of the Department of
8 Energy and Environmental Protection; Mr. Zachary
9 Alexander; designee for Chairman Marissa Paslick
10 Gillette from the Public Utilities Regulatory
11 authority; Mr. Daniel P. Lynch, Jr.; Mr. Michael
12 Harder; and Mr. Edward Edelson.

13 Members of the staff are Ms. Melanie
14 Bachman, Executive Director and Staff Attorney;
15 and Mr. Robert Mercer, siting analyst.

16 This hearing is held pursuant to the
17 provisions of Title 16 of the Connecticut General
18 Statutes and of the Uniform Administrative
19 Procedure Act upon an application from Tarpon
20 Towers II, LLC, for a certificate of environmental
21 compatibility and public need for the
22 construction, maintenance and operation of
23 telecommunications facility located at 796 Woodin
24 Street in Hamden, Connecticut. This application
25 was received by the Council on July 15, 2019.

1 As a reminder to all, off-the-record
2 communication with a member of the Council or a
3 member of the Council staff upon the merits of
4 this application is prohibited by law.

5 The parties and interveners to this
6 proceeding are as follows. The applicant, Tarpon
7 Towers II, LLC, and its representative Vincent M.
8 Marino, Esquire, of Cohen and Wolf, PC; intervener
9 Cellco Partnership, doing business as Verizon
10 Wireless, it's representative Ken C. Baldwin,
11 Esquire, of Robinson & Cole, LLP.

12 We will proceed in accordance with the
13 prepared agenda, copies of which I believe are
14 available in the back of the room. Also available
15 there are copies of the Council's citizens guide
16 to Siting Council's procedures.

17 At the end of this afternoon's
18 evidentiary session we will recess and resume
19 again at 6:30 p.m. for the public comment session.
20 The 6:30 p.m. public comment session will be
21 reserved for the public to make brief oral
22 statements into the record.

23 I wish to note that the applicant and
24 interveners, including their representatives and
25 witnesses are not allowed to participate in the

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

9 A verbatim transcript will be made of
10 this hearing and deposited with the Town of Hamden
11 and the City of New Haven's Clerks' offices for
12 the convenience of the public.

13 Is there any public official here at
14 this time that wishes to now make a public
15 statement?

16
17 (No response.)

18
19 THE HEARING OFFICER: Hearing and seeing
20 none, we will proceed.

21 There is a request from SBA
22 Communications Corporation doing business as MCM
23 Acquisition 2017, LLC, for intervener and CEPA
24 intervener status in this proceeding. The
25 applicant objects to this request, and SBA replied

1 to the objection.

2 Attorney Bachman may wish to comment.

3 MS. BACHMAN: Thank you, Mr. Chairman.

4 SBA Communications filed a request for
5 intervener status under the Uniform Administrative
6 Procedure Act, and under the Public Utility and
7 Environmental Standards Act, as well as
8 Connecticut Environmental Protection Act status
9 under General Statutes Section 22a-19.

10 If I could perhaps, Mr. Chairman, ask
11 Attorney Ainsworth a few questions, please?

12 Attorney Ainsworth, are you a member of
13 the Connecticut Council on Environmental Quality?

14 MR. AINSWORTH: I am.

15 MS. BACHMAN: And when were you
16 appointed to the CEQ?

17 MR. AINSWORTH: I believe March or April
18 of this year.

19 MS. BACHMAN: And were you present at
20 the August 28, 2019, CEQ meeting?

21 MR. AINSWORTH: I'd have to check. I
22 believe I may have been. I know I missed one of
23 them because I was on vacation.

24 MS. BACHMAN: Administrative notice
25 items number 55 and number 56 are the CEQ minutes

1 from March 27, 2019, and August 28, 2019, that
2 indicate that you were present?

3 MR. AINSWORTH: Then that's probably
4 accurate.

5 MS. BACHMAN: And did you participate in
6 the discussion about submitting comments relative
7 to this application?

8 MR. AINSWORTH: I'm not certain I did,
9 but I was present for whatever discussion was
10 going on at the time.

11 MS. BACHMAN: I'm going to just ask
12 Attorney Marino and Attorney Baldwin if they have
13 any objection to Attorney Ainsworth representing
14 SBA communications of the matter?

15 MR. MARINO: May I have a moment to
16 confer?

17 While the applicant has concern because
18 Attorney Ainsworth would have been a member of the
19 body --

20 MR. LYNCH: Can't hear you.

21 MR. MARINO: I apologize. While the
22 applicant has some concern and reservation because
23 Attorney Ainsworth would have been one of a body
24 of a larger number, his voice alone would not
25 likely have controlled the outcome of that

1 proceeding. So we're not going to assert any
2 affirmative objection at that point.

3 MS. BACHMAN: Attorney Baldwin?

4 MR. BALDWIN: We do not object.

5 MS. BACHMAN: Okay. Thank you.

6 MR. AINSWORTH: And to the extent that
7 the Council is curious I would of course recuse
8 myself of any discussion going forward.

9 MS. BACHMAN: Thank you, Attorney
10 Ainsworth.

11 Mr. Chairman, now ensuring there's no
12 objection to Attorney Ainsworth's participation,
13 staff recommends that the request for intervener
14 and CEPA intervener status submitted by SBA be
15 granted.

16 MR. HANNON: I'll move it.

17 THE HEARING OFFICER: I have a motion.

18 MR. ALEXANDER: Second.

19 THE HEARING OFFICER: I have a second.

20 Any discussion?

21 Hearing none -- oh, I'm sorry.

22 Mr. Lynch?

23 MR. LYNCH: Now just for clarification
24 is Attorney Ainsworth recusing himself, or not
25 recusing himself?

1 MS. BACHMAN: He is not recusing himself
2 as neither of the other attorneys for parties in
3 the matter have any objection to his
4 participation.

5 MR. LYNCH: What if we have an
6 objection?

7 MS. BACHMAN: We'd vote no on the
8 motion.

9 THE HEARING OFFICER: Anything else,
10 Mr. Lynch.

11 MR. LYNCH: No.

12 THE HEARING OFFICER: Any other
13 comments? Mr. Harder?

14 MR. HARDER: The motion is to approve
15 the intervention request?

16 THE HEARING OFFICER: Yeah, for
17 intervener and CEPA intervener status.

18 Any other comments?

19

20 (No response.)

21

22 THE HEARING OFFICER: Hearing none, we
23 do have a motion and a second. All those in favor
24 signify by saying, aye.

25 THE COUNCIL: Aye.

1 THE HEARING OFFICER: Any opposed?

2 Mr. Lynch?

3 MR. LYNCH: No.

4 THE HEARING OFFICER: Any abstentions?

5

6 (No response.)

7

8 THE HEARING OFFICER: Then the motion
9 carries.

10 Continuing, I wish to call your
11 attention to those items shown on the hearing
12 program marked as Roman numeral one D, items 1
13 through 75.

14 Does the applicant or any party or
15 intervener have an objection to the items that the
16 Council has administratively noticed?

17 MR. MARINO: No, Mr. Chairman.

18 THE HEARING OFFICER: Thank you.

19 MR. BALDWIN: No objection.

20 THE HEARING OFFICER: Thank you.

21 MR. AINSWORTH: No objection.

22 THE HEARING OFFICER: Thank you.

23 Accordingly, the Council hereby
24 administratively notices these existing documents,
25 statements and comments. Will the applicant

1 please present it's witness panel for purposes of
2 taking the oath, and the Council Staff Attorney
3 will administer the oath?

4 MR. MARINO: Thank you, Mr. Chairman.
5 Good afternoon. My name is Vincent Marino. I'm
6 with the Law Firm of Cohen and Wolf on behalf of
7 the applicant Tarpon Towers II, LLC.

8 To my immediate left is Mr. Keith
9 Coppins who's the Principal of Phoenix Partnership
10 and is representing Tarpon Towers II, LLC, today.

11 To his left and my far left is Doug
12 Roberts. Mr. Roberts is a senior project manager
13 for Hudson Design Group.

14 To my right is Dean Gustafson.
15 Mr. Gustafson is the senior wetland scientist also
16 with All Points Technology, Inc, with his
17 associate Mike Libertine to his right who is the
18 Director of Siting and Permitting with All Points
19 Technology, Inc.

20 Mr. Chairman, at this moment I would
21 offer these witnesses to be sworn in.
22
23
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25

1 KEITH COPPINS,
2 MICHAEL P. LIBERTINE,
3 DEAN E. GUSTAFSON,
4 DOUGLAS J. ROBERTS,

5 called as witnesses, being first duly sworn
6 by the Executive Director, were examined and
7 testified on their oaths as follows:

8
9 THE HEARING OFFICER: Attorney Marino,
10 if you could please begin by numbering exhibits of
11 the filing you've made in this matter making a
12 request to administrative notice the existing
13 documents and verifying all exhibits by the
14 appropriate sworn witnesses?

15 MR. MARINO: Thank you, Mr. Chairman.
16 We have eleven exhibits listed in the hearing
17 program under Roman numeral two, section B, items
18 one through eleven. I offer them for
19 identification purposes at this time, subject to
20 verification by our witness panel.

21 The panel can assist me by verifying
22 these exhibits. We'll proceed. I'm going to
23 start to my left and go around all the witnesses
24 to go through each of these. Thank you.

25 Did you prepare or assist in the

1 preparation of the exhibits listed in the hearing
2 program under Roman numeral two, section B, items
3 one through eleven, Mr. Coppins?

4 THE WITNESS (Coppins): Yes, I did.

5 MR. MARINO: Mr. Roberts?

6 THE WITNESS (Roberts): Yes, I did.

7 THE WITNESS (Gustafson): Dean
8 Gustafson, yes.

9 THE WITNESS (Libertine): Mike
10 Libertine, yes.

11 MR. MARINO: And do you have any
12 corrections, modifications or amendments to offer
13 to any of these exhibits at this time,
14 Mr. Coppins?

15 THE WITNESS (Coppins): No, I don't.

16 MR. MARINO: Mr. Roberts?

17 THE WITNESS (Roberts): Yes, I do. We
18 have a request of a change in the plans which we
19 would move compound approximately 22 feet north
20 northwest of where it is. The tower itself would
21 stay in that location where it was flagged.

22 So our visibility was shown within the
23 exhibit. It's at the flood zone. It would give
24 us a little bit of a buffer to the wetlands,
25 additional buffer to the wetlands. And I have

1 brought 15 copies with me.

2 MR. MARINO: Okay. In addition -- I'm
3 sorry. Do you have a copy of those plans with
4 you?

5 THE WITNESS (Roberts): Yes.

6 MR. MARINO: May I present those plans?

7 THE HEARING OFFICER: Yes, please.

8 We'd like to distribute these first
9 before you continue.

10 MR. MARINO: I will not proceed until
11 they have been accepted.

12 THE HEARING OFFICER: I want to get them
13 stamped in and distributed accordingly.

14 Mr. Roberts, for clarity could you again
15 repeat what you had stated about these drawings?

16 THE WITNESS (Roberts): I would be happy
17 to. What we did was we shifted the compound
18 itself 22 feet to move it away from the wetlands
19 to give us an additional buffer to that resource.

20 We kept the tower itself where it would
21 stay in its exact location. Nothing really has
22 changed on the grading of the access road. That
23 was reduced by approximately 22 feet. And our
24 cuts and fills would vary slightly from where it
25 was presented within the interrogatories.

1 Everything else would be the same, the
2 access road and access to the site itself. Staked
3 today was the original location. The tower again
4 would stay the same. It would just shift it sort
5 of up gradient away from the resource.

6 THE HEARING OFFICER: Thank you for the
7 clarification. We'll continue.

8 MR. MARINO: Thank you, Mr. Chairman.
9 And Mr. Roberts, and just for a
10 reference there this refers to a modification to
11 the application, Exhibit E?

12 THE WITNESS (Roberts): That is correct.

13 MR. MARINO: Thank you. And are there
14 any other corrections or modifications that you
15 have to add?

16 THE WITNESS (Roberts): None at this
17 time.

18 MR. MARINO: Mr. Gustafson. Have there
19 been any corrections or modifications that you're
20 aware of?

21 THE WITNESS (Gustafson): No, no
22 corrections or modifications.

23 MR. MARINO: Mr. Libertine?

24 THE WITNESS (Libertine): None at this
25 time.

1 MR. MARINO: And with these corrections
2 and modifications, is the information contained in
3 the exhibits true and accurate to the best of your
4 knowledge, Mr. Coppins?

5 THE WITNESS (Coppins): Yes, they are.

6 MR. MARINO: Mr. Roberts?

7 THE WITNESS (Roberts): Yes, they are.

8 MR. MARINO: Mr. Gustafson?

9 THE WITNESS (Gustafson): Yes, they are.

10 MR. MARINO: Mr. Libertine?

11 THE WITNESS (Libertine): Yes.

12 MR. MARINO: And do you adopt the
13 information in these exhibits as your testimony in
14 these proceedings, Mr. Coppins?

15 THE WITNESS (Coppins): Yes, I do.

16 MR. MARINO: Mr. Roberts?

17 THE WITNESS (Roberts): Yes, I do.

18 MR. MARINO: Mr. Gustafson?

19 THE WITNESS (Gustafson): Yes, I do.

20 MR. MARINO: Mr. Libertine?

21 THE WITNESS (Libertine): Yes.

22 MR. MARINO: Mr. Chairman, I offer these
23 exhibits as full exhibits at this time.

24 THE HEARING OFFICER: Does any party or
25 intervener object to the admission of the

1 applicant's exhibits?

2 MR. BALDWIN: No objection.

3 MR. AINSWORTH: None.

4 THE HEARING OFFICER: Thank you. The
5 exhibits are so admitted.

6 MR. MARINO: Thank you, Mr. Chairman.

7 THE HEARING OFFICER: We will now begin
8 with cross-examination by the applicant by
9 Mr. Mercier.

10 MR. MERCIER: Thank you. Just a little
11 bit of the new plans in relation to the field of
12 view. Just so I -- I wasn't sure if I understood
13 correctly, but the size in the field, the size of
14 the tower -- are compound flags that we observed
15 today, was that based on the new plan or the old
16 plan?

17 THE WITNESS (Roberts): That is the
18 original plan. Not -- not the one in the docket,
19 but the one that was provided within the
20 interrogatories.

21 MR. MERCIER: Interrogatory set two?

22 THE WITNESS (Roberts): Yes.

23 MR. MERCIER: Okay. Thank you.

24 THE WITNESS (Roberts): So again, to not
25 confuse issues we wanted to make sure we all

1 looked at it.

2 MR. MERCIER: And just so I understand
3 what you might have said, I saw on both plans just
4 a quick glance the distance of the access road is
5 700 feet. So now it's 700 feet minus 22 roughly?

6 THE WITNESS (Roberts): Yes, correct.

7 MR. MERCIER: Okay. And did you revise
8 the cut and fill estimates that originally --

9 THE WITNESS (Roberts): We haven't
10 revised them, but it will vary slightly due to
11 that change.

12 THE HEARING OFFICER: Mr. Mercier, if
13 you would pause for one second?

14 I'm having a hard time hearing. It
15 could be my location, but could we adjust that?

16 Thank you, Mr. Mercier.

17 MR. MERCIER: Thank you. Now out on the
18 field review for the flagged wetland locations is
19 it fair to say pretty much they follow kind of
20 like these gully systems on either side of the
21 flagged compound area?

22 THE WITNESS (Gustafson): Yes. Yeah
23 there -- there are seasonal eroded swales that
24 fall, that essentially drain down on either side
25 of the proposed access and where the compound is

1 located.

2 MR. LYNCH: Mr. Gustafson, could you
3 move the microphone a little closer?

4 THE WITNESS (Gustafson): Sure.

5 THE HEARING OFFICER: And could you
6 repeat your answer, please?

7 THE WITNESS (Gustafson): No problem.

8 Yes, the proposed compound and where the
9 tower is located near the wetland corridor, narrow
10 seasonal wetland corridor seeps that run on either
11 side and drain away from the proposed development.

12 MR. MERCIER: Would it be fair to say
13 during, like, a high rain event that would be
14 highly erosive on those gullies? A lot of water
15 collecting and traveling down there causing that
16 erosion -- those steep banks there?

17 THE WITNESS (Gustafson): Yes. So we
18 did see -- we did see, during our original
19 delineation we did see some water seepage through
20 there. And based on evidence of physical
21 attributes within those gully systems there would
22 be some water running down there, those wetland,
23 now wetland corridors particularly during the
24 spring melt off.

25 We wouldn't expect a lot of water

1 through there. Probably the most -- the depth of
2 water would be less than two feet, but there, you
3 know, you are running through some moderate
4 topography through that area. So you would see
5 some moderate flows within those.

6 They're pretty well in size gully
7 systems. So the water doesn't spread out much
8 beyond where they wetland boundaries have been
9 delineated.

10 MR. MERCIER: Thank you. Now looking at
11 the plan I did notice that the compound was moved
12 away from, I guess I'll call it the main body of
13 the wetlands. And it pretty much, according to
14 your revised plan, it's only four feet from the
15 gully to the east.

16 As you develop the compound area with
17 the fill and other construction out there, moving
18 the dirt around I assume you obviously have
19 erosion controls, but on the south end where you
20 have a built up step, it looks maybe about six,
21 seven feet looking at this plan.

22 How would that be stabilized to protect
23 against any kind of rain, high rain event, you
24 know, to prevent rilling or anything like that
25 from washing into the wetland to the south there?

1 THE WITNESS (Gustafson): Are you
2 talking --

3 MR. MERCIER: During construction you
4 have, you know, an exposed slope. And I did see a
5 note you're going to put some seed and straw down,
6 but what if there's a high rain event? That could
7 wash some of that away. Or if it's in the
8 wintertime how would that area be kind of
9 stabilized to protect that small fill area, that
10 slope there to the south, and from any kind of
11 erosion going down into the adjacent wetland?

12 THE WITNESS (Gustafson): Just a point
13 of clarification. Your -- your concern is during
14 construction before the slope gets prematurely
15 stabilized --

16 MR. MERCIER: Correct.

17 THE WITNESS (Gustafson): Okay. Thank
18 you. What we would recommend in this particular
19 case is, you know, I believe what is proposed
20 right now is a standard sill fence. We would
21 recommend that that is backed up with additional
22 erosion protection measures, either some type of
23 compost filter sock or a straw wattle to provide
24 additional protection measures.

25 That isn't a particularly long slope.

1 It's a fairly short steep slope. So we don't
2 think there's a significant risk for erosion, but
3 adding some additional protections, essentially
4 belts and suspenders would be advisable just
5 because we are fairly close to wetland resources.

6 In that same vein we would recommend,
7 should this facility get approved by the Council,
8 during the development management planning process
9 that we include a wetland protection plan which
10 we've done on similar dockets in front of the
11 Council.

12 And that would include contractor
13 awareness training at a preconstruction meeting,
14 and then third-party monitoring by All Points of
15 the installation of the erosion control measures
16 before they start earthwork. And then periodic
17 monitoring of the construction and make sure the
18 ENS controls are being properly maintained during
19 the life of the construction project until it's
20 permanently stabilized.

21 MR. MERCIER: Okay. That brings up
22 another point. I was reading your prefilled
23 testimony and I think in your response seven it
24 said that you would recommend what you just
25 mentioned as a wetland protection program, but

1 then in response eleven it said you will be
2 providing it. So I'm not sure.

3 Is this something that Tarpon has
4 already agreed to? Or is this still a
5 recommendation?

6 THE WITNESS (Gustafson): No. Maybe I
7 misspoke on referencing the D and M plan phase.
8 And we can certainly provide the details of that
9 as a late file to the Council as opposed to
10 waiting for implementing it during the dam
11 process.

12 No, it's already been discussed with the
13 project team. Everyone is in agreement that that
14 should be included.

15 MR. MERCIER: Thank you.

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

18 MR. MERCIER: Now I understand Cellco,
19 who's here as an intervener in, now located in the
20 compound. And I believe in the interrogatory
21 responses you have T-Mobile under an executed
22 lease to also locate at the site at some point in
23 the future. Is that correct?

24 THE WITNESS (Coppins): Yes, it is.

25 MR. MERCIER: Do you know what height

1 T-Mobile might locate at?

2 THE WITNESS (Coppins): They are at
3 110 feet.

4 MR. MERCIER: Okay. Do you know what
5 their equipment needs would be? Are they going to
6 do cabinets or anything?

7 THE WITNESS (Coppins): I believe I have
8 that in my lease, and they -- they're equipment
9 specific. I think they're doing cabinets.

10 MR. MERCIER: Okay. So it would be on a
11 pad.

12 THE WITNESS (Coppins): It would be on a
13 pad, correct.

14 MR. MERCIER: Do you know if they have a
15 separate fuel tank, kind of like Cellco set up in
16 the site plans?

17 THE WITNESS (Coppins): If you'll give
18 me a minute I can see what it says that they're
19 doing.

20 MR. MERCIER: Check on that. I guess my
21 point is that you have a 70 by 40 compound
22 shrunken down from 70 by 70 initially. Would
23 there be enough room for multiple carriers that
24 might carry their own fuel sources in addition to
25 their cabinets?

1 THE WITNESS (Coppins): I have spoken
2 with Mr. Roberts. I'm going to let him answer
3 that.

4 THE WITNESS (Roberts): One of the
5 problems, of course, is when you have wetlands
6 most -- most of all the carriers will elect either
7 to not have a backup generator, or they'll use a
8 propane tank. And with a propane tank --

9 THE REPORTER: I'm having trouble
10 hearing you.

11 THE WITNESS (Roberts): Sorry. I'll
12 repeat myself.

13 The carriers that would have a generator
14 there due to the close proximity would either --
15 well, they would either have a generator, a
16 propane generate or would elect not to have a
17 generator there, and use batteries as their main
18 backup.

19 The problem you have with propane tanks
20 is the ten-foot spark clearance. And when you
21 have multiple generators with multiple propane
22 tanks, this clearance, you know, eats up a lot of
23 real estate as opposed to a diesel scenario which
24 we're all accustomed to. We don't have those
25 clearance problems. So that's why it's a little

1 bit bigger, 70-foot than -- than normally we would
2 provide.

3 THE HEARING OFFICER: Mr. Lynch.

4 MR. LYNCH: Mr. Roberts, did I hear you
5 right that each carrier would have to have its own
6 private, separate propane tank?

7 THE WITNESS (Roberts): That would be
8 correct.

9 MR. LYNCH: Thank you.

10 THE HEARING OFFICER: Thank you,
11 Mr. Lynch.

12 MR. MERCIER: If there was an issue with
13 the size of the compound, assuming a propane tank
14 or just more equipment that was necessary, would
15 Tarpon try to expand this compound towards one of
16 the wetland areas? Or is this 70 by 40 going to
17 be -- I understand your lease is 75 by 75, but I
18 just want to know where would the expansion occur
19 if there was one?

20 THE WITNESS (Coppins): I can answer
21 that. If anything, we would -- our goal -- our
22 goal right now is not to expand the compound. I
23 think we can make everything work in there,
24 however if we did we would not expand the compound
25 toward -- toward a wetland.

1 And back to your question earlier, the
2 T-Mobile does have a generator, 25 kW generator --
3 going to be going on the site.

4 MR. MERCIER: Is that the diesel setup?

5 THE WITNESS (Coppins): Yes, it is.

6 MR. MERCIER: Thank you. I just saw one
7 note in the site of the elevation part in the
8 application. It did list the ground elevation
9 initially at 123, so I wasn't sure if there was
10 actually another location on the property that was
11 initially contemplated before you shifted it down
12 towards the wooded area.

13 Was that just a misprint? It was in the
14 appendix E, the first, the first entry on the
15 basis ground elevation 123. So I wasn't sure
16 where that figure came from.

17 THE WITNESS (Coppins): So I understand
18 you're talking about appendix E?

19 MR. MERCIER: Yeah. Correct. It said,
20 ground elevation 123. I guess my point was, can
21 you move the tower even further to the northwest
22 closer to more of the pasture areas rather than
23 going way into the woods adjacent to all the
24 wetlands?

25 THE WITNESS (Coppins): That's correct.

1 MR. MERCIER: I mean, can you move it
2 even farther back towards the pasture area? Can
3 you move this site? Would the landowner be
4 amenable to moving this site towards the pasture
5 area?

6 THE WITNESS (Coppins): I did have a
7 conversation with -- with the landowner, and if it
8 was a requirement of the Council we would be able
9 to move it.

10 MR. MERCIER: Is there any discussion of
11 actually maybe using that asphalt road we walked
12 on at the field review to get back there?

13 THE WITNESS (Coppins): We -- we had
14 discussions with them, but the other owner, as you
15 can see, has a -- they have a rescue, a large
16 animal rescue business there. And they, they have
17 plans for that whole area for expansion, maybe
18 another paddock or maybe another barn, which is
19 why it's limited, you know, why we have been
20 limited to where we're going.

21 MR. MERCIER: So beyond the cleared area
22 that's there presently they might take out some
23 more trees, potentially build another paddock and
24 a barn potentially?

25 THE WITNESS (Coppins): That is correct.

1 Those are future plans.

2 MR. MERCIER: Okay. I guess
3 Mr. Libertine, that you can talk about today's
4 balloon fly, please. What time you started and
5 what happened at the field review while you were
6 there?

7 THE WITNESS (Libertine): Sure. Well,
8 for the first time in a long time we had actually
9 some very good weather to be able to conduct this
10 on the day of the hearing, so that was a benefit.

11 We've had the balloon up there at about
12 15 feet offset of the proposed centerline of the
13 tower due to the canopy that was just too thick
14 for us to get the balloon up through, but we've
15 had a real helium filled balloon about
16 approximately four feet in diameter up since about
17 a quarter to eight this morning. It will be kept
18 up until six this evening per The Council's
19 request.

20 And as I said, it's just been really a
21 superb day for overall visibility and very, very
22 low winds. That balloon has not really moved at
23 all.

24 MR. MERCIER: Thank you. Just going to
25 the visibility report. You know, I was looking at

1 the visibility map, the area that was provided at
2 the end of -- what's that? Exhibit H?

3 THE WITNESS (Libertine): Yes.

4 MR. MERCIER: I see the larger scale map
5 that shows a two-mile radius -- smaller scale,
6 excuse me. About a two-mile radius is shown on
7 the left. And up on the upper right is the blowup
8 of the site.

9 And I just noticed looking at the tower
10 location, looking at a two-mile radius map to the
11 left of the tower it shows quite a bit of
12 year-round visibility, but on the blowup on the
13 top it doesn't show the visibility that's to the
14 west side. So I was trying to figure out what the
15 year-round visibility would be from the west
16 location, which I believe is the West Rock Nature
17 Center?

18 THE WITNESS (Libertine): Yes. And this
19 is one of the limitations we have with the number
20 of colors we can use. Actually what you're
21 looking at on the two-mile radius portion of that
22 map essentially where photo -- the numeral 2, 28,
23 and 27 and 26 are all located, that actually, that
24 particular color is not yellow. That's actually
25 the color to note the park that you just

1 referenced.

2 So I apologize. It's very -- it's very
3 close. Now that I'm looking at it, it can be a
4 little confusing. Similarly there are areas
5 further to the west up on West Rocks Ridge that
6 are in a similar orange, that are in land trust.
7 Those are not areas of seasonal visibility.

8 So that's something we'll try to
9 straighten out for our next rendition of these
10 maps, because they're very, very close in color.
11 So I can see the confusion there. But -- and I
12 can certainly speak to the visibility within that
13 part. We walked those trails.

14 MR. MERCIER: Yeah. Thank you for the
15 clarification. I'm just wondering how close the
16 trails come to the property line, and if someone
17 is walking trails would they see the compound, the
18 lower part of the tower? What exactly would they
19 see, do you believe?

20 THE WITNESS (Libertine): Sure. We've
21 had the luxury of actually evaluating the site
22 both during leaf-on and leaf-off conditions during
23 a period of about a year and a half. Granted, the
24 tower location has moved, been shifter by 30,
25 40 feet one way or another, but essentially it

1 remains static in a similar ground elevation.

2 What we found was that most of the
3 activity in that park, in the nature center itself
4 and the majority of trails are mostly in the
5 southern portion of the park. So where you see
6 photos 26, 27 and in that location, that's the
7 main use of the park itself.

8 What has -- what we did find when the
9 leaves were off the trees is that as you get to
10 the northern portion there is one trail. You will
11 be able to see through the trees the upper
12 portions of the tower. I don't know if you had
13 the opportunity when we were out there on the
14 field review, but when we were standing generally
15 within the compound, if you looked towards the
16 south, towards that area the topography does rise
17 slightly.

18 And that actually works to our advantage
19 from the standpoint of when you're on any of the
20 trails and that northern portion of the center,
21 the nature center, you will not have a direct line
22 of sight that would go into the compound. We
23 actually have a little bit of a slight rise, so
24 that does help.

25 I would point to either photo 28 or

1 photo 24 that gives you a pretty good idea of what
2 you would see during the wintertime, again when
3 the leaves are off the trees.

4 And Mr. Mercer, I do want to apologize.
5 I think I misspoke earlier. What I meant to say
6 on that map, that color, that actually is supposed
7 to be seasonal visibility. That is overlaid on
8 the green, and that's why we're getting that kind
9 of in between yellow, and that's consistent with
10 what you're seeing on the inset that just goes a
11 thousand-foot radius -- or a half mile radius,
12 excuse me.

13 So I apologize, because I think I
14 confused myself on that. But essentially to
15 answer your question, we were aware of the nature
16 center and its importance. And so that's
17 something that we also needed to balance between
18 how far we could push it south to satisfy the
19 landlord with also trying to avoid wetlands. So
20 we came up with what we felt was a fairly happy
21 medium that works pretty well.

22 So there's minimal visibility. Really
23 no visibility when the leaves are on the trees.

24 MR. MERCIER: Great. Thank you.
25 Looking at the inset map again, it does show

1 seasonal visibility from Woodin Street right in
2 front of the property and some areas of year-round
3 visibility.

4 So I'm just trying to get a sense --
5 essentially on Woodin street -- I'm just trying to
6 get a sense of what the abutters to the east of
7 the host property potentially could see. Would it
8 be year round or seasonal?

9 THE WITNESS (Libertine): From the road
10 itself we confirmed that it was going to be
11 seasonal at best. If you take a look at photo
12 seven which was taken from the front of the
13 driveway -- actually beyond the house where we
14 parked. This is -- the shot is actually at our
15 landlord's property overlooking his house.

16 And you can actually also see the
17 balloon today between the two trees even with the
18 leaves on it. We did not see anything similar to
19 that up and down the road. Most of what was shown
20 as the year-round visibility on any of the
21 properties that would be south of Woodin Street
22 are on private property.

23 So my guess is that there are going to
24 be some locations in between tree canopies where
25 you may be able to see the balloon. And I would

1 say as a worst-case, a view similar to seven, but
2 I can't verify that and I would be hard-pressed to
3 think that it would be quite as dramatic only
4 because the canopy tends to thicken as you move
5 eastward in the back sides of those properties.

6 I had the opportunity when we flew the
7 balloons to walk the perimeter of our property,
8 the northern perimeter so at least I can look into
9 folks' backyards. The treeline continues fairly
10 deeply further north into those backyards.

11 So my guess is that there will probably
12 be some areas where you can see it particularly
13 during the seasonal times of the year when the
14 leaves are off the trees, but I don't believe
15 there are going to be dramatic views of the tower
16 on any type of year-round basis.

17 And I don't believe it will really
18 eclipse any of the canopy other than maybe
19 something similar to photo seven where in one
20 location you may be able to look between two
21 treetops.

22 MR. MERCIER: When you were walking
23 around along the perimeter of the host property
24 looking at the abutting properties did you get a
25 sense of what the tree heights were in that

1 location?

2 THE WITNESS (Libertine): They're --
3 they're all pretty consistent as you get east.
4 It's still a fairly mature forest. So I'm not
5 sure, Doug, if you shot any of those trees. We
6 were looking at, you know, somewhere in anywhere
7 between 60 and 80 feet for the mature trees in
8 that general area.

9 And the other thing I might point to
10 that might be helpful, if you compare photograph
11 number 23 which is more on the eastern end of
12 Woodin Street, again it's further away, but I
13 think it will give you a pretty good idea as -- if
14 you recollect, we kind of drove into a hollow and
15 then rose up to our properties, our landlord's
16 property.

17 You tend to draw quite a bit of
18 elevation along the road in some of those
19 properties. And so I think 23 just gives you an
20 idea of how all of the sudden the tower starts to
21 drop into the trees themselves as opposed to
22 eclipsing the trees.

23 That you'll see in photo seven just to
24 kind of -- and we did that purposely to give you
25 folks kind of a reference of the extent of that

1 visibility along that road.

2 MR. MERCIER: On page 1 of your report
3 under project undertaking it listed an above mean
4 sea level height of 185.

5 THE WITNESS (Libertine): I'm sorry.
6 Could you -- under project undertaking?

7 MR. MERCIER: The third line.

8 THE WITNESS (Libertine): That is a --

9 MR. MERCIER: That wasn't the value to
10 get to the model?

11 THE WITNESS (Libertine): No, it's not.
12 That is a misprint and I apologize for that. No,
13 the model is actually -- because it's developed
14 through a digital surface model which has the
15 topography in the actual data, it's accurate to
16 the LIDAR data itself. So I apologize. It should
17 have been corrected.

18 THE HEARING OFFICER: Mr. Libertine,
19 just a clarification. The 185 is not affecting
20 the model?

21 THE WITNESS (Libertine): It does not
22 affect the model in any way. No, that's just
23 strictly a typo for the narrative itself.

24 THE HEARING OFFICER: Thank you.

25 THE WITNESS (Libertine): Yeah, there

1 are no manual inputs anymore. In the old days we
2 did. We're now using LIDAR detection that can be
3 created into a digital surface model. So all
4 those values are inherent in the data package
5 itself.

6 MR. MERCIER: I'm going to look at the
7 inset map again on the ariel imagery. To the
8 northwest is Lake Wintergreen, which is shown in
9 little blotches of yellow here and there. I know
10 in your prefiled you said the top of the tower may
11 be visible. When you say, top, do you mean the
12 other platforms?

13 THE WITNESS (Libertine): Yeah, I would
14 say at best we'd be talking about the very top 10,
15 potentially 15 feet. I did ask one of my
16 associates this morning after the balloon was
17 aloft to go and actually recheck the western
18 shoreline as close as they could, and there was no
19 visibility whatsoever.

20 I think that's likely somewhat of an
21 over prediction. That tends to happen with the
22 model itself, and it's clearly shown over the open
23 water only.

24 MR. MERCIER: And I'm looking at the
25 .5-mile radius line that goes around that inset,

1 and pretty much due west of the tower where the
2 line hits West Rock it appears there's a
3 structure. Do you know if that's the existing
4 towers up on West rock?

5 THE WITNESS (Libertine): If it's just
6 beyond?

7 MR. MERCIER: Yeah, just beyond
8 the dashed line there some type of structure?

9 THE WITNESS (Libertine): Yeah. So
10 there are a few towers up in that general area.
11 So I believe that it is.

12 THE HEARING OFFICER: Given its high
13 elevation and maybe the tower heights, which are
14 not listed anywhere, however would you
15 believe that is it possible those towers would be
16 visible from Lake Wintergreen as someone might be
17 along the shoreline in other areas, especially to
18 the east side?

19 THE WITNESS (Libertine): Based on
20 topography and location, and distance, and just my
21 general knowledge of driving down the Merit,
22 extrapolating my guess is that, yes, they would.
23 Those are fairly prominent towers on top of the
24 ridge itself.

25 MR. MERCIER: Okay. Thank you. I have

1 no other questions at this time.

2 THE HEARING OFFICER: Just before we
3 continue, a couple points I have. Mr. Libertine,
4 you're going to provide a revised color-coded map?

5 THE WITNESS (Libertine): I certainly
6 can if the Council wishes. That's --

7 THE HEARING OFFICER: I think that would
8 be helpful.

9 THE WITNESS (Libertine): Sure.

10 THE HEARING OFFICER: Then Mr. Roberts,
11 when we were talking about the size of the
12 compound with the potential for more generators
13 from other carriers, hence more fuel storage, has
14 there been any thought or discussion about sharing
15 a fuel tank?

16 THE WITNESS (Roberts): There hasn't
17 been discussion. Sometimes -- many times in years
18 past they certainly did common generators and
19 common fuel sources. Now it tends to be each man
20 for themselves, or team for themselves. We
21 certainly can look into that.

22 THE HEARING OFFICER: And I bring that
23 up that if size becomes a factor and you don't
24 want to expand the compound, that might be an
25 option.

1 THE WITNESS (Roberts): Thank you. Yes.

2 THE HEARING OFFICER: And Mr. Libertine,
3 one other fine point. Wilbur Cross Parkway is
4 what we call it in this area. The other side is
5 the Merit.

6 THE WITNESS (Libertine): Did I say the
7 Merit? My apologies.

8 THE HEARING OFFICER: There's a fine
9 point. Everybody calls it the Merit and -- yeah.

10 THE WITNESS (Libertine): But there is a
11 distinction, so I'm glad you --

12 THE HEARING OFFICER: Oh, very much.

13 THE WITNESS (Libertine): Thank you.

14 THE HEARING OFFICER: Thank you. We'll
15 continue with Mr. Alexander.

16 MR. ALEXANDER: If you could turn to
17 sheet number A-3 of the site plan. Sheet A-3
18 shows some floodlights. If you would just talk
19 about the number of lights and the configuration
20 of such lights?

21 THE WITNESS (Roberts): Sure. Those are
22 service lights for the equipment when a cell tech
23 would go to a site and, you know, it needs service
24 and a start. When we do the -- the lights
25 themselves are on timers.

1 Usually we have them on eight-hour
2 timers. So in fact the cell tech would come, turn
3 his light on, do the maintenance if that's the
4 case. And then he would either turn it off, or it
5 would automatically go off after that duration.

6 MR. ALEXANDER: So they would only be
7 used when a technician is out for service?

8 THE WITNESS (Roberts): Correct.

9 MR. ALEXANDER: If you look at
10 application page 18, it mentions that space will
11 be available for emergency communication
12 equipment. Has the Town of Hamden or any of their
13 emergency responders expressed interest in
14 locating at the site?

15 THE WITNESS (Roberts): They have not at
16 this time, but in the event they do in the future
17 we would gladly provide space for them.

18 MR. ALEXANDER: Okay. And if you could
19 make an estimate on how much space a first
20 responder might need within the compound, what
21 would you guess that would be?

22 THE WITNESS (Roberts): I would think
23 they would -- I would think they probably need,
24 like, an eight by eight in the compound.

25 MR. ALEXANDER: And then lastly if we

1 could look at Exhibit F, the 700 megahertz
2 coverage map -- oh, I'm sorry. I'll save that for
3 Verizon or Cellco.

4 Thank you. I'm all set.

5 THE HEARING OFFICER: Thank you,
6 Mr. Alexander.

7 Mr. Harder?

8 MR. HARDER: Thank you. I have several
9 questions that I guess deal with what I mentioned
10 to a few people on the site, is that what I see is
11 the weirdness of this site. And it doesn't really
12 have anything to do -- or not much to do, anyway,
13 with the cell, the tower location itself in the
14 compound. It's the access road and its proximity
15 to the house and to the various structures on the
16 property.

17 You show the access road -- well, let me
18 ask a question first. Does the access road -- my
19 understanding is the first several feet of roadway
20 is what? Is now a driveway?

21 THE WITNESS (Roberts): That is correct.

22 MR. HARDER: And I'm kind of
23 interpreting one of the drawings to indicate that
24 part of the roadway that I guess you're more
25 responsible for starts about at the back corner of

1 the garage. It shows dashed lines for the
2 first -- I don't know, 70 or 80 feet and then a
3 solid line roadway from the corner of the garage
4 all the way back.

5 Am I reading too much into that? Or
6 does that --

7 THE WITNESS (Roberts): No, that is
8 correct. We're going to utilize the existing
9 driveway that is there to the farthest north
10 property line. We'll utilize that. We're, you
11 know, utilizing or planning to utilize the
12 existing pole that's at the corner of that
13 property for our -- our underground electric and
14 telco service.

15 So you're absolutely right. We're going
16 to come in along that, that side.

17 MR. HARDER: But it shows -- so it's in
18 obviously very close proximity to the roadway to
19 the structures. By these drawings, anyway, it
20 shows them basically right next to each other and
21 in some of the locations, some of the stretches of
22 the access road and the driveway.

23 When you come to that first kennel
24 structure it shows the roadway basically right up
25 against the back of the kennel. It seems obvious

1 that you're going to have to have a really good
2 relationship with that property owner.

3 And a lot of times we see access
4 roads -- usually we see access roads somewhat
5 distant from structures that are houses or barns,
6 or whatever on pieces of property. I don't recall
7 seeing any one like this where it's right up
8 against structures, right up against the house.

9 There's a fairly tight turn when you
10 come in. It jogs to the right and then back
11 around to the left to go behind the garage. You
12 know, you're going to have some really good
13 drivers and some people paying attention. I mean,
14 does that cause you any concern at all in terms of
15 access?

16 THE WITNESS (Roberts): Well, you bring
17 up a good point. One of the things we have talked
18 about with the owner is possibly relocating that.
19 Again, it's just a kennel. It's no foundations.
20 It's a "shed," for lack of a better term, and
21 possibly just relocating it, you know, ten feet to
22 the south to free up some of that area.

23 MR. HARDER: Will the property owner
24 have any right of usage of the access road beyond
25 the existing driveway.

1 THE WITNESS (Coppins): They absolutely
2 can use it. It's not -- it's not exclusive to us.

3 MR. HARDER: All the way back on the
4 property? I mean, I understand maybe the compound
5 itself, there would be restrictions on that, but
6 the roadway itself?

7 THE WITNESS (Coppins): We have had
8 other -- we have other ones, other roadways that
9 we put into sites and all landowners have access
10 all the way up to it.

11 MR. HARDER: There's a retaining wall
12 shown at the very beginning on the north side, I
13 guess, of the driveway. Does that exist now, or
14 is that proposed?

15 THE WITNESS (Roberts): That is an
16 existing retaining wall.

17 MR. HARDER: Okay. Will you have
18 responsibility for all maintenance activities of
19 the access road and all the way out to the road
20 including that retaining wall?

21 THE WITNESS (Coppins): That that's
22 correct, we will maintain that road.

23 MR. HARDER: Okay. I believe
24 Mr. Roberts, you and I talked about -- and there
25 was a question. One of the interrogatories dealt

1 with this question of the option, or the
2 possibility of locating the compound further to
3 the north, I guess, to get it away from those
4 wetlands even more than you've already proposed.

5 THE WITNESS (Roberts): Yes.

6 MR. HARDER: And I guess the property
7 owner has indicated an interest in constructing
8 new structures, or new facilities in that area.
9 If not for that issue, would your preference be to
10 locate it further in that direction than you've
11 already indicated?

12 THE WITNESS (Roberts): Well, we've
13 submitted drawings showing the -- the shifting of
14 the compound, but keeping the monopole itself as
15 located. And that will give us some additional
16 breathing room between the wetland resource and
17 any construction activity.

18 You know, it's -- it's kind of in a
19 finger of dry land in between two, two resources.
20 So we're kind of like moving it back on them.
21 We're not getting farther away from them, but if
22 we do make the shift, which we've proposed that
23 22 feet to the northwest west -- it should be --
24 should be farther away.

25 MR. HARDER: At least from the wetland

1 map I think it showed, again aside from, I guess,
2 the property owner's desire to reserve some of
3 that area for future activities, I thought it
4 showed an area more distant from the wetland
5 before the access road makes the bend down toward
6 the compound area. And I'm just wondering if, you
7 know, your preference would be not just that
8 20-foot adjustment, but a more significant
9 adjustment basically away from those finger, you
10 know, wetland areas.

11 I mean, it may be a moot point if the
12 property owner is saying, you know, no way are we
13 going to allow that. I'm just wondering, you
14 know, if your interest aside from that point would
15 allow you to put it further up north?

16 THE WITNESS (Roberts): Well, from my
17 perspective -- and I'll look for Dean's input as
18 well -- we're sort of going between two wetlands
19 onto this dry land, if you will, which has
20 wetlands surrounding it. And we're moving it up
21 and down on this peninsula, if you will.

22 We're never really getting any farther
23 away from the wetlands by moving the compound up
24 closer to the northwest. You know, we still have
25 wetlands along that parcel, the property line

1 right there itself.

2 You know, we certainly could move it.

3 THE WITNESS (Gustafson): If I could
4 jump in? Just it might be fruitful for this
5 discussion to reference sheet number C-2, the site
6 plan.

7 So on that plan where the proposed
8 revised compound -- the tower is in the same
9 location, but the compound has been shifted
10 slightly to the north, northwest. On the
11 right-hand side or the eastern side of the
12 compound you see a projection of a narrow wetland
13 finger that ends at wetland flags 1-39 and 1-38.

14 So we have that narrow projection of
15 wetland C. That kind of creates a limiting
16 factor. If we -- if we shift the compound to the
17 northwest, or north northwest it does give us a
18 greater buffer distance to the wetlands on either
19 side. Like you see the flag number 1-57, 58
20 through the 60 series. And then on the opposite
21 side you see flag series 1-21, 22, 23.

22 So if you do shift it into that area it
23 does gain you a little bit greater buffer to those
24 wetland areas, but the limiting factor is 1-39 and
25 38. You're still going to be in very close

1 proximity to that.

2 So it might gain you a little bit from
3 the larger surrounding wetlands, but that narrow
4 seep, that's still kind of a limiting factor for
5 modifying the design and trying to create a
6 overall greater buffer distance to wetland area.

7 So it certainly is a feasible
8 alternative to shift it that way, but in the grand
9 scheme of things, in the context with the
10 different wetland seeps in this area I don't think
11 you would gain all that much by shifting it into
12 that area.

13 MR. HARDER: I guess the only thing I'll
14 say -- because I think it is a moot point, but I
15 wasn't talking about, you know, a relatively small
16 shift. I was talking about leaping over that area
17 around 1-38 and 39 up into that, that area just as
18 the access road bends down.

19 But I'm assuming that that's where the
20 property owner is talking about potential future
21 activities. I mean, on the face of it, it looks
22 like a better location for your tower than where
23 you've got it.

24 THE WITNESS (Gustafson): Yeah, you can
25 certainly shift it into that area. You're still

1 going to be with the grading limits of the
2 compound. You're still going to be in relatively
3 close proximity to those wetlands areas.

4 You could have pinch points at 1-21 and
5 1-65. So you may be able to gain yourself a
6 little bit greater buffer difference from 1-39 and
7 38, but you're -- you are still constrained by
8 that, that wetland pinch kind of once you make
9 that turn off the access road by the mulch pile.

10 You still have some limiting factors of
11 nearby wetland resources. So it is something that
12 we did look at. It would gain a bit extra buffer,
13 but you know, right now the compound, the grading
14 limits of the revised compound -- or the closest
15 proximity for the actual fenced compound is about
16 16 feet.

17 Maybe you could expand that to 25 feet,
18 but from a wetland impact perspective that isn't
19 that big of a difference in my mind.

20 MR. HARDER: Okay. Thank you.

21 THE WITNESS (Gustafson): You're
22 welcome.

23 MR. HARDER: Do you know that culvert
24 there, the riprap which I guess that comes in from
25 Route 15, do you know how much drainage area that

1 culvert receives, or receives runoff from?

2 THE WITNESS (Gustafson): Yeah. I mean,
3 there is some drainage that comes from the Wilbur
4 Cross Parkway. As far as the actual contributing
5 drainage area we did not look into that at all.
6 And typically from the wetland science perspective
7 we would rely on the engineer to look at that, but
8 we're not affecting that, that culvert at all.

9 So I, you know, I rely on -- on Doug
10 Roberts to make any -- make any inference on what
11 the drainage, the drainage area -- but maybe if we
12 can understand maybe the point you're getting at
13 you can help us answer the question.

14 MR. HARDER: Well, I'm just wondering if
15 there's any potential, significant potential for,
16 you know, a catastrophic runoff event that would
17 affect the access road.

18 Mr. Roberts, I think you said that, you
19 know, you weren't sure -- hadn't seen or hadn't
20 found where that drainage system comes out. It's
21 underground for some distance and it goes, you
22 know, down the slope and you didn't know where it
23 came out.

24 So I'm just wondering if, you know, you
25 feel there's any potential -- if you looked at

1 that potential for any, you know, any significant
2 storm event causing a problem there?

3 THE WITNESS (Gustafson): Yeah. I
4 can -- thank you for that clarification. I can at
5 least provide some of our observations during our
6 delineation, and then let Mr. Roberts expand upon
7 the discussion.

8 Obviously, it's a relatively small pipe.
9 It's a 14-inch pipe. We did look, and obviously
10 our wetland delineation extended further into the
11 property kind of to eastern side. We couldn't
12 find the outlet of that pipe.

13 We assume that it's out-letting
14 somewhere into that, deeper into that wetland
15 system and it just goes underneath some of the
16 barns and paddock areas. But our observations of
17 that section of flagging that we did from 1-150 to
18 1-155, it's a fairly narrow drainage way, and
19 obviously it is armored with riprap.

20 From our delineation and observation of
21 any flow characteristics it -- it never looked
22 like it over topped that inlet. And it looks like
23 it's fairly shallow flows, at least from our
24 observations. So that's just anecdotal
25 information, but I'll let Mr. Roberts expand.

1 THE WITNESS (Roberts): During my visits
2 to the site we were looking at running that along
3 that area. It wasn't grown up like it was today,
4 and there's multiple little fingers like that sort
5 of cut in.

6 It looks like what they put in, in the
7 parkway that they created little channels for the
8 water to just sort of shoot out after it reached a
9 certain point. And then this one, it looks
10 like they just captured it and piped it back so
11 they could possibly utilize the existing area for
12 their paddock and kennels.

13 MR. HARDER: But you're not aware of
14 from, I guess, from any discussions with the
15 property owner of any issues, any storm related
16 issues causing any problems there?

17 THE WITNESS (Roberts): No, we -- we've
18 not had that, you know. And I've been there
19 multiple times. We never really saw anything.

20 MR. HARDER: Okay. Thank you.

21 I had a question on the site search.
22 Just a general question first. And this is true
23 in a lot of situations where other possible sites,
24 there's an indication of no interest on the part
25 of the property owners of those other sites.

1 In this case was that lack of interest
2 demonstrated by specific comments, conversations
3 with those property owners? Or was it lack of a
4 response to an inquiry?

5 THE WITNESS (Coppins): So some of them
6 were actual conversations, one with the Town,
7 Mr. Lang. We had -- I had a conversation with
8 him.

9 The other site that I had a conversation
10 with is the -- the water company, that they
11 physically -- I mean, they specifically said we
12 don't have any land up there for you to lease.

13 The -- another one we -- I had, I sent
14 out letters. I didn't -- it's a bigger property
15 and I just need to find what exhibit that's under,
16 because I want to reference that first one.

17 So St. Mary's Unison Free Will Baptist
18 Church, I thought that was a really good site. I
19 thought it was a possible actually great site. I
20 sent letters more than once. Then I sent
21 certified letters that came -- that never got
22 picked up. I figured one day I'd go down on a
23 Sunday and see if they were there.

24 I went during the week and nobody was
25 there in the office in New Haven. I figured,

1 well, maybe they have church on Sunday. I'll see
2 if I can go to their church. So they didn't have
3 church. So I haven't been able to contact them
4 even after several attempts, but I did think that
5 was a great site.

6 MR. HARDER: Yeah, when we see sometimes
7 possible sites that are churches, or owned by
8 religious organizations it always seems like, you
9 know, a lot of them are not flush with cash. And
10 you know it might be something they'd be
11 interested in looking into. It's always
12 surprising that that usually isn't the case.

13 THE WITNESS (Coppins): I agree with you
14 and that's why I made several attempts to try to
15 get to those people. I think they use it as a
16 farm, but I went to the farm one day and tried to
17 talk to somebody, and they weren't part of the
18 church. So that's -- that's kind of how I came up
19 with those.

20 MR. HARDER: Okay. Just one other very
21 minor question. There was an indication in some
22 of the discussion on the coverage, the existing
23 coverage, I think a reference to a very short
24 section of the Wilbur Cross Highway in the tunnel,
25 and there were no units. I think it makes

1 reference to a 0.1 segment of the highway. I
2 assume that's a 0.1 miles?

3 THE WITNESS (Coppins): We may want to
4 let Verizon answer that at the time that you --

5 MR. HARDER: Actually it's -- excuse me.
6 It's a response to one of the interrogatories
7 where that's mentioned.

8 MR. BALDWIN: I think that is one of our
9 interrogatory responses, Mr. Harder. We're happy
10 to answer that after we swear our witnesses in.

11 MR. HARDER: Thank you. That's all I
12 have.

13 THE HEARING OFFICER: Mr. Lynch, did you
14 have comment or question?

15 MR. LYNCH: I'll wait for my turn.

16 THE HEARING OFFICER: Very good. Thank
17 you, Mr. Harder.

18 Mr. Hannon?

19 MR. HANNON: Good afternoon. I'm really
20 confused as to what I'm looking at here. I
21 understand it's a cell tower, but there, going
22 through the documents there are a number of
23 different lease areas that are identifying
24 different sizes. The same thing with a fenced
25 area.

1 So for the record, can you please tell
2 me exactly what we're looking at right now for a
3 leased area and for a fenced area for the
4 compound? And if you want, I can go back and tell
5 you where a lot of these different numbers are,
6 because they're scattered throughout the document.

7 THE WITNESS (Roberts): We've leased a
8 75 by 75 --

9 MR. LYNCH: Mr. Roberts, we can't hear
10 you.

11 THE WITNESS (Roberts): Sorry. We've
12 leased a 75 by 75 foot section of land. And we
13 are going to fence in 40 by 70. The original
14 application I understand was 70 by 70, but then we
15 pulled those sides in to allow for a buffer to the
16 wetlands.

17 MR. HANNON: I'm just trying to make
18 sure I know exactly what we're looking at. A
19 comment was made earlier about moving -- was it
20 just the compound? Or was it also the cell tower?

21 THE WITNESS (Roberts): The drawings
22 that we provided, which would be on four, is just
23 the compound itself moving. The tower itself
24 would stay in the exact location as well as the
25 heights, so it would not affect any of the visuals

1 as well as any of the filings.

2 MR. HANNON: Then some of the numbers
3 that are different on C-2 updated to 9/17/'19,
4 when compared to C-2 that was 6/14/'19, that's
5 because you reduced the size of the compound?
6 Because it looks like on the plans C-2 dated
7 6/14/'19, that looks like it might be the 75 by 75
8 compound?

9 THE WITNESS (Roberts): That is correct.

10 MR. HANNON: Okay. I just want to make
11 sure because the numbers line up in terms of where
12 the tower is, but you've got numbers that have
13 changed. So it's just kind of confusing. So
14 thank you for clarifying that.

15 On tab I, page 2, under historic
16 preservation office, comment one, the antennas and
17 associated equipment will be designed, painted to
18 match adjacent materials and installed as
19 nonvisible as possible. So A, can you explain
20 what that means; and B, how do you plan to comply?

21 THE WITNESS (Libertine): On that I
22 would say, heck no. I can't explain it. This is
23 standard language we're seeing, and I think that
24 usually is something we'll see on attachments to
25 existing structures like buildings or water tanks

1 where you do have a surrounding architectural
2 feature and colors.

3 I just believe they have more or less
4 used that language almost ubiquitously in all of
5 their responses. So I don't think it really means
6 anything from this particular submission. We
7 don't have any resources anywhere close to this
8 from an historic -- our perspective, so.

9 MR. HANNON: So you're not proposing to
10 go in with camouflage paint and things of that
11 nature?

12 THE WITNESS (Libertine): I don't think
13 there's any reason to do anything here for this
14 particular application.

15 MR. HANNON: Okay. But again, I mean,
16 those are their conditions, so that's why I'm
17 asking. So that may be something you need to take
18 up with them.

19 And I think I know what this is, but
20 again, it goes back to some of the numbers I've
21 read. In a number of places the height of the
22 monopole is 120 above ground elevation. With the
23 top antenna it's 124. But in -- is it this one?

24 It was the July 1. The answer to A-9,
25 because it talks about clarifying the ground tower

1 elevation. And you say, the ground tower
2 elevation is 124 feet above ground level. It
3 doesn't say that's with antenna. It just says
4 that tower elevation is 124.

5 So I just want to get a clarification
6 that the 120 is the height of the tower. The 124
7 is with the antenna at the top end?

8 THE WITNESS (Libertine): That is
9 correct. That should have the highest
10 appurtenance. I estimate that -- and if I could
11 just go on the record --

12 THE HEARING OFFICER: Could you use your
13 microphone, please?

14 THE WITNESS (Libertine): I just want to
15 add that I didn't include the balloon height. I
16 thought we should go on the record. We did float
17 the balloon today at a tethered height of 120 feet
18 above the ground, and the 4 feet for the balloon.

19 So the bottom of the balloon represents
20 the top of the actual structure, and then the
21 additional four feet represents the top of the
22 antennas.

23 THE HEARING OFFICER: Mr. Lynch?

24 MR. LYNCH: I had a similar question to
25 Mr. Hannon, the old Molinski factor for the height

1 of the tower, the additional four feet for the
2 antenna.

3 But my question -- I think Mr. Coppins
4 said you would give emergency services, you know,
5 rights to the tower. Wouldn't they need a whip
6 antenna that would actually go on top of the tower
7 so that would make it taller?

8 THE WITNESS (Coppins): That is correct.
9 That would be the only -- I think that would be
10 about the only place that they could go, because
11 they use those long whips.

12 MR. LYNCH: You'll have to adjust the
13 height of the tower. Most of these whips are, you
14 know, 14, 15 feet?

15 THE WITNESS (Libertine): That's
16 correct. They're typically twenty feet,
17 typically. But you're correct, typically they
18 would go at the top of the collar arrangement in
19 then and extend above that.

20 MR. LYNCH: Thank you. Thank you, Mr.
21 Chairman.

22 THE HEARING OFFICER: Thank you, mr.
23 Lynch.

24 Mr. Hannon, please continue.

25 MR. HANNON: I'm done. I'm going to

1 quit while I'm ahead.

2 THE HEARING OFFICER: Thank you, Mr.
3 Hannon.

4 Mr. Edelson?

5 MR. EDELSON: So just for the record.
6 Mr. Coppins, the relationship between Phoenix
7 Partnership and the applicant, can you describe
8 that?

9 THE WITNESS (Coppins): Yes. I do a lot
10 of the consulting work with -- with the Tarpon
11 Towers. I think I've done all of Tarpon Towers'
12 sites in Connecticut, brought them from -- from
13 the very beginning all the way to the very end.
14 I'm not related with the Tarpon other than a
15 contractual relationship.

16 MR. EDELSON: The decision on the
17 500-gallon tank, whose decision was that? Was
18 that a Cellco decision, or was that a Tarpon Tower
19 decision?

20 THE WITNESS (Roberts): A propane tank
21 for 500 gallons is pretty much a standard size
22 for -- for them. That gives them an X amount of
23 day runtime at load, and that's what they're
24 looking for. Again, we're looking for an
25 emergency service where, you know, a hurricane

1 came in. We'd be down with no commercial power.
2 That generator will run for its -- three, four
3 days straight.

4 MR. EDELSON: And X equals three to
5 four?

6 THE WITNESS (Coppins): Correct, at full
7 load.

8 MR. EDELSON: If you turn to the
9 visibility, I think it's number 22. I was
10 wondering if somebody could -- Mr. Libertine,
11 maybe you can speak to the -- it seemed like a
12 strange angle on that particular visibility
13 picture. Let's see if I can bring it up.

14 THE WITNESS (Libertine): This was taken
15 from the road itself. The road is a little bit
16 lower in elevation than the -- there's, like, a
17 common drive that goes in front of these homes.

18 And so that's why you see the cars that
19 are parked in the foreground. Is just that we're
20 at a lower elevation than the private lane that
21 goes in front of these homes.

22 MR. EDELSON: Could you just move
23 yourself up to where the car was at a normal
24 person's height of five feet, or four to five
25 feet? It would be a very different image.

1 THE WITNESS (Libertine): Certainly the
2 perspective would change. I would agree with
3 that.

4 MR. EDELSON: And the decision to do it,
5 almost looks like ground level, which I don't ever
6 recall seeing a picture like that before.

7 THE WITNESS (Libertine): Again, what
8 we're looking at, we're at the curb level of the
9 road and that's a private drive that we're looking
10 up. So the property rises.

11 MR. EDELSON: And that's done where a
12 person would be standing, as opposed to -- the way
13 the ground is there it almost seems like the point
14 of reference is on the ground. But you're saying
15 that someone, or that simulation is as if the
16 visibility was from someone at a normal standing
17 height?

18 THE WITNESS (Libertine): No -- yeah,
19 we -- we're at eye height at the point where the
20 camera is. And so it has created a little bit of
21 an odd angle just because of the slope of the --
22 of the yard. Am I not answering the question?

23 MR. EDELSON: Again, I just -- when I
24 see the tops of the cars there and I see the tower
25 right in the back there it just seems like it was

1 almost deliberately done to mask where the tower
2 would be visible from those two houses, or from
3 where the cars are?

4 THE WITNESS (Libertine): Well, I can --
5 I can assure you that was not an intentional
6 trying to do anything, other than just to depict
7 what you would look at if you were on the public
8 road from where we took that photo.

9 THE HEARING OFFICER: Mr. Libertine,
10 you're at standing height when you took that
11 picture on a public road which you have access to,
12 but you would not be able to get up to the hill
13 because it's private property in that picture?

14 THE WITNESS (Libertine): That's
15 correct. And what we often find, and I -- I
16 understand that perhaps the concern that you have,
17 but you need to understand when we're taking these
18 photos in this day and age we often get questioned
19 as to why we're even taking photographs.

20 So we're very careful not to step on
21 lawns. Or -- we have been -- literally had the
22 police called on us. So we are very careful.

23 I will say this. If you did walk to
24 those homes that balloon that you're seeing in
25 photo 22 and the actual tower would actually be at

1 a lower -- you would actually be closer to the
2 treeline because of perspective.

3 But -- granted you would be closer, but
4 it would actually have the balloon -- it would
5 actually bring the balloon down in the perspective
6 closer to the treeline. So if anything, that is
7 what I'll call a worst case scenario from that
8 general area.

9 MR. EDELSON: I'm looking at the photo
10 shown -- this is my own curiosity I think I see
11 the red balloon. Is the tower -- it looks like a
12 tower, I would say, about an inch to the left of
13 that on the horizon. Is that the existing SBA
14 tower?

15 THE WITNESS (Libertine): On the actual
16 ridgeline?

17 MR. EDELSON: Yes.

18 THE WITNESS (Libertine): Yes -- well,
19 actually I will not speak to that. I am not sure
20 if that's the police tower or the SBA tower.
21 There are a few towers up on that ridgeline.

22 MR. EDELSON: At this point all we know,
23 it's a tower?

24 THE WITNESS (Libertine): I just can't
25 say for sure. I apologize. I just don't -- I

1 know there are multiple towers up there. There's
2 only one in this view and it's in the general area
3 of the SBA, but I'd hate to go and characterize it
4 as that and then find out later that that may not
5 be the exact tower.

6 But it's certainly one of the towers
7 on -- on the ridgeline. I apologize for not being
8 able to say with all certainty.

9 MR. EDELSON: I think you said earlier
10 you had the ability to walk some of the trails at
11 the nature center. Did you go on your own, or
12 were you accompanied by anybody from the nature
13 center?

14 THE WITNESS (Libertine): We do that
15 independently. It's open to the public.

16 MR. EDELSON: Any conversations with
17 people at the nature center?

18 THE WITNESS (Libertine): No, it was
19 actually fairly quiet both times that we went
20 there. It was during the week midday and there
21 was some activity. There were some people
22 walking, but we didn't see anybody who seemed to
23 be affiliated with the park itself.

24 MR. EDELSON: I don't think I have any
25 further questions.

1 THE HEARING OFFICER: Thank you,
2 Mr. Edelson.

3 Mr. Lynch?

4 MR. LYNCH: I have a few questions,
5 Mr. Chairman, but some of them may pertain to this
6 applicant and some of them may pertain to Verizon
7 as far as our record is concerned.

8 If you want to pass it back and forth
9 you can -- but first off, I already got to the
10 height of the tower. Is there any plan, emergency
11 preparation plan, you know, in place for when we
12 know there's, like, a major hurricane coming last
13 week, or a blizzard, to go into a check of the
14 site to make sure the tanks are topped off,
15 everything is secure? Is there anything in place
16 like that?

17 And again, if this is yours or Verizon's
18 I'll just pass it on to them. They heard it.
19 They can answer it later.

20 THE WITNESS (Coppins): I think it's
21 Verizon.

22 THE HEARING OFFICER: Yeah. I was going
23 to say, I don't want to interject because I don't
24 have Verizon sworn in or anything at this point.
25 So all questions really got to go to you people at

1 this point.

2 MR. LYNCH: No, no, Mr. Chairman.
3 They're going to be coming up. So I'll just pass
4 it on to them.

5 THE HEARING OFFICER: Okay.

6 MR. LYNCH: And this question is
7 probably theirs also. In an emergency situation,
8 you lose your phone line -- I think this is
9 theirs, so I'll wait.

10 Could you explain to me you've got a
11 propane tank and a diesel. Quickly, it could be,
12 you said, Mr. Coppins, a diesel they may use. Can
13 you explain to me the pros and cons of using a
14 propane tank, or using a diesel generator to -- or
15 diesel to run a generator?

16 You know, we get this all the time. I
17 should have asked this question a long time ago,
18 but what's the benefit of propane and what are the
19 you know, the cons? Go ahead, Mr. Roberts.
20 You're up.

21 THE WITNESS (Roberts): I'll give you
22 the pros and cons. The pros of diesel is it's --
23 many times it's a self-contained tank, you know,
24 belly tank as we knows. You know, when we had
25 shelters the generator was -- the fuel tank was

1 below the generator in the shelter.

2 Now they have smaller footprints,
3 smaller generators, less load. So we still have
4 that containment within that generator. The good
5 thing is it's all self-contained. There's, you
6 know, a double-walled tank and a lot of belts and
7 suspenders notifications.

8 What happens is large companies don't
9 want to have any kind of risk associated with a
10 wetlands problem. So that's why we go with
11 propane, because propane would just evaporate.

12 The disadvantages of propane is -- and
13 we learned that basically a 500-gallon tank has
14 400 gallons of fuel, but that's at an ambient
15 temperature of, like, 65 degrees. As it gets
16 really cold it's not drawing liquid, it's drawing
17 the vapors that are off-gassing.

18 So in fact we've had to -- one that
19 sticks in the top of my mind is in Greenwich at
20 the Round Hill Church. I think we put three tanks
21 there because we couldn't get -- we didn't need
22 the runtime. We needed the amount of surface area
23 for the large generator to be able to run at that
24 zero degrees. State police traditionally have
25 used them and they bury them so that they stay

1 warmer.

2 MR. LYNCH: We can cover that too,
3 because I was talking to some of the propane
4 people. And they say the problem them have,
5 especially in cold weather is the generators tend
6 to freeze -- I mean, the regulators tend to freeze
7 up.

8 And so is that why -- where is the
9 regulator, I guess, is my question?

10 THE WITNESS (Roberts): Well, there's a
11 regular -- a regulator right on the top of the
12 tank itself that regulates how much gas can
13 actually enter into the -- into the pipe that
14 feeds the generator itself.

15 MR. LYNCH: Now with the shrinking of
16 the compound that you mentioned earlier that you
17 could have a problem getting a number of tanks in
18 there. Could you get a lesser tank than
19 500 gallons? Could you put in 250 and, you know?

20 THE WITNESS (Roberts): Well, what else
21 kind of happens is it's that 500-gallon tank, the
22 spark distance is always interpreted by the local
23 fire marshal, but it's to the regulator itself
24 when you think about it.

25 You know, they want nothing within

1 ten feet of that. That could off gas. It's
2 not -- the end of the tank is not going to lite.
3 It's going to be where, you know, a leak could
4 happen and a spark from a plug. So you know, a
5 500-gallon tank is one -- if we put two or three
6 120s, well, actually it might be a bigger area.

7 MR. LYNCH: You pretty much answered my
8 next question, too. But I do have a question with
9 regards to the batteries at the facility. When
10 would batteries kick in? Is there a fast start?
11 Do they kick in first, or is there a fast start
12 for the generators?

13 THE WITNESS (Roberts): I'm going to --
14 can I answer this on behalf of Verizon?
15 Ultimately the radios are like a laptop computer.
16 They're always running on a battery. Your laptop
17 doesn't know if it's plugged into the wall or not.
18 It does when the battery goes dead, but ultimately
19 it just says, hey, I have, you know, 24 volts or
20 12 volts depending on what it is, and that's how
21 the radios work in those shelters.

22 They don't see a loss of commercial
23 power at all. They're just working on the
24 batteries, and the batteries are the ones that
25 say, hey, wait. I'll need to charge or loss of

1 commercial power will immediately kick on the
2 generator to keep those batteries charged.

3 MR. LYNCH: What would be under a full
4 emergency, full load situation in the lifetime of
5 these batteries, the running lifetime of these
6 batteries?

7 THE WITNESS (Roberts): Without a backup
8 generator they're usually, I believe, sized for
9 four hours, though that changes from time to time.
10 If we can't do a generator we'll -- we'll
11 sometimes put in eight hours worth of batteries,
12 and I'm assuming that's at full load, which very
13 few sites are at a hundred percent full load.

14 MR. LYNCH: I'm skipping back and forth
15 here in my questions. You were talking earlier
16 about alternative sites and I noticed this a lot
17 when they're being described. I think it's, you
18 know, in set two with question twelve or
19 something.

20 You know, there's a standard answer.
21 I'm unable to get in touch with the owner, or
22 owner not interested. And it kind of tells me --
23 I remember Senator Murphy said the same thing. It
24 kind of tells me you're not really investigating
25 alternate sites. I know it's a loaded question,

1 but --

2 THE WITNESS (Coppins): It could be, and
3 some site act people don't do really good site
4 search. I'm not one of those. I really do
5 research sites. I look at them first. If I think
6 it's a good site -- I've been doing this a long
7 time.

8 I mean, I can tell if something is going
9 to be a good site, or a site that's going to be
10 quite difficult. I don't pursue those as hard,
11 but I want to look at them. But I certainly -- I
12 certainly have for years made sure that I've done
13 a great site search summary.

14 MR. LYNCH: But you can understand when
15 you see the same answer over and over again. It
16 looks like, you know, someone is not really paying
17 any attention.

18 THE WITNESS (Coppins): If I could --
19 some of those -- of the owner, I can see some of
20 those. They kind of backed up. They were on
21 the -- what is it? The west side of the -- the
22 northwest side of the Wilbur Cross. They
23 actually -- they were -- they were houses, but
24 they backed up to that. I thought they might
25 work.

1 It was just something that I wanted to
2 cover myself, but they never really answered and I
3 really -- I'm not sure I really wanted to pursue
4 it in the first place, but I -- but I put it in
5 there because it could have been a possible site.

6 MR. LYNCH: Thank you. It's just
7 something I wanted to get on the record. Thank
8 you.

9 And in the application you mentioned
10 that you do not think there's going to be any
11 blasting involved at the site, and I take that.
12 That's fine. My question is, if you find out you
13 do have to blast, would you put out a notice to
14 all the neighbors, the time and the day of the
15 blasting?

16 THE WITNESS (Roberts): I would suggest
17 we are -- yeah, you're right. We see we're not
18 going to blast, and what we'd have in that case
19 is, you know, we have -- we're bringing in fill to
20 raise the compound slightly. So we do have
21 some -- some room there, too.

22 Geotech will tell us whether the rock is
23 suitable or if it's just something, you know, for
24 rock anchors and/or if it's easily just hammered
25 out. Most of the time we've been able to hammer

1 out rock. We saw that sort of riprap-y hillside.
2 If you were there in the winter you would see that
3 whole hill is --

4 MR. LYNCH: I just want to -- just so --
5 in the extreme situation where you would have
6 to -- I just wanted to make sure that the
7 neighbors and the police were all notified.

8 THE WITNESS (Libertine): We would have
9 to follow protocols for a blasting plan. So yes,
10 there would be notifications involved.

11 MR. LYNCH: Mr. Libertine, I'm glad you
12 answered that because I have a question for you.

13 THE HEARING OFFICER: Mr. Hannon has a
14 followup.

15 MR. HANNON: If you have to do the
16 blasting the fire marshal is going to be dealing
17 with that. But anyway, with some of the protocols
18 I don't know if this is something that would be
19 considered, but I would recommend it if you do
20 have to blast is to try to make arrangements with
21 the homeowner and take before and after pictures.

22 You'd be amazed at how many foundations
23 cracked that did not get a single vibration. So
24 just a word of safety.

25 THE HEARING OFFICER: Thank you,

1 Mr. Hannon.

2 MR. LYNCH: Mr. Libertine, on your
3 Native American archaeological survey that you
4 sent in you reference, of course, the locals, the
5 Mohicans the Pequots. I'll give you the
6 Delawares, but I don't understand where the
7 Chippewa is coming from. You know, they're South
8 and Midwest. Is there a national or regional
9 archaeological group you have to go to?

10 THE WITNESS (Libertine): Yes. Actually
11 as part of the NEPA compliance for the National
12 Environmental Policy Act there are requirements.
13 And the FCC developed a notification process so
14 that when you apply for clearance, they have a
15 system in place. So you electronically notify the
16 FCC.

17 They have actually worked with the
18 National Bureau of Indian Affairs to essentially
19 be in touch with all of the recognized federal
20 tribes. They have all joined this notification
21 system all, almost 300 tribes.

22 And so anytime a new tower is proposed
23 it must be posted and if a tribe weighs in with
24 interest, then you are then to consult with them.

25 So to answer your question, we have had

1 interest from tribes as far away as the West Coast
2 who have claimed that at some point in their
3 tribal history they have used this region perhaps
4 for summer hunting grounds, migration routes, that
5 type of thing. So it's not uncommon to see tribes
6 from all over the country.

7 We typically get in Connecticut anywhere
8 from six to ten different tribes weighing in at
9 any given time. So that's why you see those,
10 those tribes from out of state.

11 MR. LYNCH: It was mostly a curiosity
12 question, but thank you. And now it also
13 referenced in the application, or interrogatory,
14 that T-Mobile would be interested in going on the
15 site. If they are, have they given you any
16 timetable or schedule for when they might come
17 onto the site after it's done?

18 THE WITNESS (Coppins): They said if the
19 site is approved they would come in for a tower
20 sharing application immediately. We have, in our
21 lease we have -- we actually have a mechanism
22 to -- for them to act to actually go on.

23 MR. LYNCH: A tower sharing application,
24 it could be immediate, right after the tower is
25 built or it could be a year or so later. So my

1 question is really did they give you a timetable
2 on that application for tower sharing?

3 THE WITNESS (Coppins): When I have
4 spoken with them they have said that as soon as
5 this is -- if this gets approved they would --
6 they would come in immediately for a tower sharing
7 application.

8 MR. LYNCH: Thank you. And my last
9 question I guess for this panel -- the rest I
10 guess are all RF questions. You have referenced
11 in here to the nearest school or the nearest
12 daycare, but the daycare are commercial daycares.

13 Is there any place you can go to get
14 private daycare where they daycare for six
15 students and under? Is that available anywhere?

16 THE WITNESS (Libertine): That list, you
17 would have to actually do a search like a Google
18 search essentially for the immediate area, which
19 we do as part of this. But we do maintain a
20 database of all of the licensed daycares.

21 MR. LYNCH: That's all my questions for
22 this panel, Mr. Chairman. Thank you.

23 THE HEARING OFFICER: Thank you,
24 Mr. Lynch.

25 I have a couple for you, and I wanted to

1 start back with the 500-gallon propane tank. The
2 drawings actually have that tank, but if you could
3 turn to page 22 of your application in the
4 beginning it states that provisions have been made
5 for a permanent on-site diesel generator. Could
6 you explain that to me?

7 Page 22 right in the beginning. It's in
8 section D, other environmental factors?

9 THE WITNESS (Coppins): Can you
10 reference where you're seeing that, please?

11 THE HEARING OFFICER: Yeah. Page 22,
12 you have -- on the top of the page it's "D" in
13 bold, other environmental factors. And this is
14 the second to the last sentence in the first
15 paragraph. And if you would like my book I can
16 give you my book.

17 MR. MARINO: We have it. Thank you.

18 THE WITNESS (Coppins): So I have -- I
19 think that's referring to Verizon's on-site
20 generator, and I -- I recognize the fact that it's
21 now -- now it's a propane generator.

22 So my application says, diesel, what
23 they came to me with, and that's probably where it
24 came from, but then it was changed on the plan.
25 So I think that --

1 THE WITNESS (Libertine): If I just may
2 make just an observation? This often happens.
3 Typically diesel is the preferred choice in these
4 cases, but speaking on behalf of Verizon, having
5 done work with them on the environmental end for
6 close to 20 years, if we have proximity to
7 wetlands they would prefer to use propane just so
8 that they do not have the potential for any type
9 of catastrophic issue reaching to the wetlands.

10 We also changed from diesel to propane
11 if we know there's contamination on-site just so
12 that there wouldn't be a potential for mixing back
13 down the road if there had been a spill, and then
14 someone pointing the finger at Verizon. So these
15 things do change in flux, and that's strictly each
16 commercial carrier is different.

17 T-Mobile has just recently in the past
18 year and a half been installing generators as --
19 at a lot of their existing facilities, and I have
20 not seen any propane tanks ever installed.
21 They -- they seem to go solely with diesel
22 regardless. So I think it really comes down to
23 each carrier's risk tolerance.

24 THE HEARING OFFICER: But the
25 application in front of us is for a 500-gallon

1 propane tank?

2 THE WITNESS (Libertine): That is
3 correct.

4 THE HEARING OFFICER: And then the
5 thought might be if somebody else comes in and
6 you're thinking of having space available for a
7 diesel generator. Would that be correct?

8 THE WITNESS (Coppins): My T-Mobile
9 application and their lease does state that they
10 have a 25-kW diesel generator.

11 THE HEARING OFFICER: Okay. And that
12 might be where that came from. Okay. Staying
13 with the 500-gallon propane tank. Mr. Roberts,
14 you mentioned maybe a three to four-day full load
15 operation. What's a full load operation?

16 THE WITNESS (Roberts): It's full
17 kilowatt hours -- or it's full load. In other
18 words, if it's a 35-kW generator it would put out
19 that maximum load, which we normally wouldn't.
20 They're sized and the loads for the equipment
21 itself, usually they're running at less than half.

22 THE HEARING OFFICER: And the amount of
23 kilowatts from a generator would rise because of
24 everything going on with all the providers on a
25 cell tower?

1 THE WITNESS (Roberts): Just the Verizon
2 equipment, yes.

3 THE HEARING OFFICER: So you would be
4 loaded basically to the maximum, which is why the
5 generator has to run at full load?

6 THE WITNESS (Roberts): Correct.

7 THE HEARING OFFICER: Is the three to
8 four-day full load run based on 500 gallons from
9 the propane tank?

10 THE WITNESS (Roberts): Yes.

11 THE HEARING OFFICER: The propane tank
12 would only hold 400 gallons, though?

13 THE WITNESS (Roberts): Correct.

14 THE HEARING OFFICER: So I would think
15 that it would be based on 400 gallons, not 500.

16 THE WITNESS (Roberts): Well, it's
17 400 gallons of run. 400 gallons of usable fuel in
18 a 500-gallon tank. Correct.

19 THE HEARING OFFICER: Thank you. If I
20 could have you look at the first page of the site
21 search summary, which is Exhibit G? And I'll turn
22 it so I have a reference in front of me. The very
23 bottom of the first paragraph. Why Naugatuck?

24 THE WITNESS (Coppins): That's a typo.

25 THE HEARING OFFICER: It should be?

1 THE WITNESS (Coppins): It should be
2 Hamden. I apologize.

3 THE HEARING OFFICER: Hamden. Okay.

4 The site itself that you're looking at,
5 do you know if there's any legalized hunting in
6 the area?

7 I'll tell you the reason I'm asking.
8 You have a 500-gallon propane tank. I don't know
9 if an errant shot would go off from somebody that
10 might be hunting in the area, and look at that
11 tank. That's my question?

12 THE WITNESS (Roberts): Fully
13 understood. Very good point. I don't know what
14 the hunting restrictions are in that area itself,
15 but a 500-gallon propane tank would be something
16 that many people that have a gas furnace that
17 don't have natural gas available, that would be
18 something they'd have at their house.

19 You know, I have done homes in
20 Woodbridge with thousand-gallon propane tanks.

21 THE HEARING OFFICER: Again, I'd look at
22 it being out of the woods and, you know, if there
23 is legalized hunting maybe you want to consider
24 just some kind of protection?

25 THE WITNESS (Roberts): Sure. We -- we

1 have -- we have done protection around propane
2 tanks for that reason as well. Sometimes they're
3 in hunting areas and sometimes they're even at
4 shooting, whatever -- people go to show their
5 guns.

6 THE HEARING OFFICER: Ranges?

7 THE WITNESS (Roberts): Ranges. So you
8 know, there's active people around where this
9 wouldn't be that.

10 THE HEARING OFFICER: Let me move onto
11 another question. My understanding is that the
12 Department of Transportation is contemplating
13 adding a third tunnel to Heroes Tunnel there on
14 the Wilbur Cross Parkway.

15 Should that go through, do you see any
16 potential impacts from their construction on
17 building a new tunnel to what you're proposing for
18 the tower?

19 THE WITNESS (Roberts): From my
20 perspective I would see absolutely nothing except
21 a lot of delays and a lot of, you know,
22 construction activity, but it's all south on the
23 parkway.

24 THE HEARING OFFICER: Okay. I just
25 wanted to check, because I don't know when that

1 might happen. It's been contemplated for years.

2 THE WITNESS (Roberts): Centuries.

3 THE HEARING OFFICER: Yeah. Okay. The
4 other questions I have, they're going to border
5 again between you and Verizon. So if it's a
6 lateral to Verizon we can take care of it another
7 time, but at least let me pose them to you now.

8 If you look at page 2 of the application
9 in your executive summary it has service provided
10 by Verizon's Hamden cell site; has grown to be
11 more problematic causing interference with several
12 of its surrounding sites.

13 So if I referenced the existing adjacent
14 towers map in Exhibit G. That's the site search
15 map. The question I have first off is, who owns
16 all the towers that are in Exhibit G? Are those
17 all Verizon towers or somebody else's towers?

18 THE WITNESS (Roberts): I'll speak --
19 not having the map, and Keith is going to look for
20 the map, but certainly the one that's sort of
21 directly over the tunnel is the state police
22 facility that does have cellular carriers on it.

23 I know AT&T is on it. I believe
24 T-Mobile is on it. There is in fact two
25 1,000-gallon propane tanks up there. Just because

1 of the accessibility as one would imagine in the
2 wintertime if there is an outage they can't --
3 can't easily refill those.

4 The towers that are up to the north
5 would be the SBA, and I think they referred to it
6 as the MCM, the Center Management Tower. And
7 there's two or three other towers in that
8 immediate area. I don't know if they're just
9 relics of ham radio or something, but there it
10 looks like they're somewhat abandoned.

11 THE WITNESS (Libertine): To answer the
12 question, it's multiple tower owners. Verizon is
13 on the towers, but they do not own those towers.

14 THE HEARING OFFICER: So Verizon is on
15 all these towers that are in this map?

16 THE WITNESS (Libertine): That's
17 correct.

18 THE HEARING OFFICER: This one here?

19 THE WITNESS (Libertine): Yeah -- no,
20 I'm sorry. I misspoke. I thought the -- I
21 thought we were showing this existing -- oh, these
22 are just adjacent towers. I'm sorry. My
23 apologies. I thought it was the neighboring
24 towers.

25 We normally show a list where Verizon is

1 on, but to answer the question it's multiple tower
2 owners, and i don't think we even have -- we could
3 cross-reference all these against the database
4 from the Siting Council, but it's -- it's multiple
5 owners.

6 THE HEARING OFFICER: No, that's why I
7 said my, you know, I'm kind of bordering on what
8 you have for an application and what questions I
9 have for Verizon. And I'm going to hold and wait
10 for the time for Verizon on that one.

11 THE WITNESS (Libertine): I'm sorry to
12 add to the confusion.

13 THE HEARING OFFICER: No, but thank you.
14 This, this might be a Verizon one, too,
15 which would be my last question at this point. If
16 you look at -- you provided us with propagation
17 plots that are in Exhibit F. And first of all,
18 I'll ask -- any questions I have on the plots,
19 would they be for you, or would they be for
20 Verizon?

21 MR. BALDWIN: I think they would be
22 Verizon.

23 THE HEARING OFFICER: Then I won't go
24 any further. All right. Thank you. Let me ask
25 the councilmembers if they have any follow-up

1 question, or Mr. Mercier, if you have any
2 follow-up questions, please?

3 MR. MERCIER: I just have a couple of
4 follow-ups based on some of the earlier comments.
5 One has to do with the potential for a whip
6 antenna going at the top.

7 And Mr. Libertine, if you could speak to
8 if a 15 or 20-foot whip antenna was placed on top
9 of this tower at some point in the future, how
10 would that affect the visibility from area
11 resources such as Lake Wintergreen or the Wilbur
12 Cross Parkway?

13 THE WITNESS (Libertine): I'm going to
14 assume that most likely it would be a two-inch
15 dipole antenna. So these are, you know, very low
16 price -- very low profile.

17 At the distances, you know, once you get
18 beyond an eighth of a mile or so away from these
19 things they really do not become a prominent
20 feature on the tower. So I would say from --
21 certainly from Lake Wintergreen and most locations
22 moving along the Wilbur Cross Parkway, unless
23 you're right up against the property I don't think
24 it would really make any type of a difference in
25 terms of the visibility.

1 MR. MERCIER: Okay. But since an eighth
2 of a mile, so it may be discernable from Woodin
3 Street in front of the host property?

4 THE WITNESS (Libertine): Certainly,
5 yeah. Certainly, if you were to take a look at
6 photograph number 7 which is out right in front of
7 the property, anything along that road you
8 certainly would be able to see that there's a whip
9 on top of it.

10 MR. MERCIER: Thank you. My other
11 question has to do with site plan C-2 that was
12 submitted today. To expand on Mr. Harder's
13 comments regarding the entranceway, there was kind
14 of a retaining wall there. There was kind of
15 sharp angles due to the existing structures, like
16 the garage and an electric meter, a deck.

17 Are construction vehicles going to be
18 able to access this type of configuration? Or are
19 they going to have to go in through the existing
20 asphalt type road that goes through the middle of
21 the property?

22 THE WITNESS (Roberts): Well, when we
23 did this plan we were -- we were contemplating,
24 you know, utilizing that as access for
25 construction vehicles today.

1 MR. MERCIER: Utilizing what?

2 THE WITNESS (Roberts): The proposed
3 access. You know again, it's going to be, you
4 know, once we have our crane work done and our
5 heavy excavation done and backfilling, I mean,
6 it's not a lot of vehicles that are large. There
7 are, you know, small vehicles --

8 MR. MERCIER: No, I guess my question
9 was, how are you going to get the crane back
10 there?

11 THE WITNESS (Roberts): That was our
12 plans to come through that area. It's a pinch
13 point. You know, the owner knows that we are
14 going to have to access that, and I don't know if
15 he planned for that big road that he placed in the
16 middle -- but that would work good for our
17 construction.

18 MR. MERCIER: Okay. And I'm looking at
19 the road adjacent to the kennel. I'll just call
20 it the right side. Is that a drainage ditch, or
21 is that just like a slope. Like, where it says --

22 THE WITNESS (Roberts): A swale.

23 MR. MERCIER: A swale.

24 THE WITNESS (Roberts): Yeah, some
25 draining so that we don't pond water against the

1 back of the building.

2 MR. MERCIER: Which way is it draining
3 to?

4 THE WITNESS (Roberts): In that case
5 we're -- we're actually draining to the southwest.

6 MR. MERCIER: To the kennel?

7 THE WITNESS (Roberts): No, that would
8 be southwest. The kennel would be to the south --
9 to the -- it would be just draining towards the
10 tower itself.

11 MR. MERCIER: Okay. I'm talking about
12 the, I guess, the north side of the kennel where
13 it says 140 between the giant tree?

14 THE WITNESS (Roberts): Yeah. There
15 we're draining all the water. We're dropping --
16 our grading in is dropping down towards the tower.
17 So we're -- we're going to be draining along that
18 backside.

19 MR. MERCIER: Okay. It just appears
20 that the water is going into the kennel. That's
21 all. I'm talking the right side of the kennel.

22 THE WITNESS (Roberts): Yeah.

23 MR. MERCIER: Okay. So on the left side
24 of the kennel that's just going to drain. Is
25 there a flat point northwest of the barn that's

1 marked with a little fence?

2 THE WITNESS (Roberts): Yeah, where we
3 have construction siltation fence. Yeah, we're
4 just really capturing the water on the side of the
5 road.

6 MR. MERCIER: So is it continued
7 flowing? Or is it just kind of a flat part where
8 it discharges right in the path?

9 THE WITNESS (Roberts): It's -- there's
10 not a lot of grade. It's not like we're putting a
11 swale next to a steep, you know, 15 percent grade
12 road. It's, you know, it's dropping at two feet.
13 So it's just sort of like a drainage area along
14 the side for water to collect.

15 MR. MERCIER: Okay. And expand upon
16 that, that pipe that may be there. I think I see
17 it. So that the discharge pipe from the Wilbur
18 Cross Parkway does go across the road into your --
19 this proposed swale, if it's there?

20 THE WITNESS (Roberts): Yeah, if it
21 exists underneath. I'm sure when we're doing our
22 utility work we'll -- we'll uncover it.

23 MR. MERCIER: If it is there and you're
24 installing your utilities what are you going to do
25 if it's underneath the soil in that area? Do you

1 anticipate it's going to extend it?

2 THE WITNESS (Roberts): Work around it,
3 yeah. We would just replace in kind. It's
4 draining. It must have some gradient to it.

5 MR. MERCIER: If you do interfere with a
6 potential pipe from the Wilbur Cross Parkway, is
7 that a permit to the DOT that might own that?

8 THE WITNESS (Roberts): I honestly don't
9 know. I would think not, because it's on private
10 property. It's not on a road, public roadway. I
11 don't think the DOT placed it in there. I think
12 it was a landlord that said, well, if I can
13 capture this water over here and get it to the
14 other side I have usable land. I don't have to
15 jump across the street.

16 MR. MERCIER: All right. Thank you. No
17 other questions.

18 THE HEARING OFFICER: Thank you, Mr.
19 Mercier.

20 Yes, Mr. Edelson.

21 MR. EDELSON: I should have followed up
22 before. This is on the wetlands -- I think it's
23 Exhibit M, page 2 of 2 of the delineation. So on
24 the first line under general comments it says,
25 Phoenix Partnership is proposing, but I think that

1 should be Tarpon Towers is the one proposing, not
2 Phoenix partnership. You're a consultant to, so
3 that might be an update.

4 But my real question is at the bottom.
5 I'm just a little unclear on -- I think this would
6 be for Mr. Gustafson. The third to last line, it
7 says that APT will provide a wetland impact
8 evaluation under separate cover upon receipt of
9 project site plans. Is that underway, or is that
10 something you're waiting for the D and M? Or
11 what's the timing on that?

12 THE WITNESS (Gustafson): We actually
13 completed the impact analysis. The office work,
14 as far as generating an actual document, that's
15 still in the work. So that can either be a late
16 file to the Council, or we can incorporate that
17 into the D and M process should the Council
18 approve the facility.

19 We probably -- we already have -- we're
20 already going to provide the wetland protection
21 plan as a late file. So I think we'll incorporate
22 that into our wetland impact assessment document.

23 THE HEARING OFFICER: We're going to
24 have a continuation obviously on this one. Could
25 you get it in enough time that we could examine it

1 before the continuation hearing?

2 THE WITNESS (Gustafson): That will not
3 be a problem at all.

4 THE HEARING OFFICER: Thank you.

5 Mr. Hannon?

6 MR. HANNON: Thank you. Based on the
7 revised plans that came in today on map C-2 and
8 C-3 my question is, there's a bunch of grading
9 that's proposed. Is the grading within the
10 proposed lease area? Or does it also extend
11 outside the lease area?

12 THE WITNESS (Roberts): There's grading
13 that's outside the lease area as well as along the
14 access way as well.

15 MR. HANNON: Okay. Thank you.

16 THE HEARING OFFICER: Mr. Lynch?

17 MR. LYNCH: In order to ask my question
18 I want to get a clarification on who's responsible
19 for maintaining the propane tank. Yourself, or
20 would that be Verizon?

21 THE WITNESS (Coppins): It would be
22 Verizon.

23 MR. LYNCH: Thank you.

24 THE HEARING OFFICER: All right. With
25 no further questions the Council will recess now

1 until 6:30 p.m., at which time we'll commence the
2 public comment session of this hearing.

3 And thank you.

4
5 (Whereupon, the above proceedings were
6 concluded at 4:55 p.m.)

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1 CERTIFICATE

2
3 I hereby certify that the foregoing 99
4 pages are a complete and accurate computer-aided
5 transcription of my original verbatim notes taken
6 of the Regular Hearing in Re: DOCKET NO. 486,
7 APPLICATION FOR A CERTIFICATE OF ENVIRONMENTAL
8 COMPATIBILITY AND PUBLIC NEED FOR THE
9 CONSTRUCTION, MAINTENANCE, AND OPERATION OF A
10 TELECOMMUNICATIONS FACILITY LOCATED AT 796 WOODIN
11 STREET, HAMDEN, CONNECTICUT, which was held before
12 ROBERT SILVESTRI, The Hearing Officer, at the
13 Hamden Legislative Council Chambers, Memorial Town
14 Hall, 2372 Whitney Avenue, Hamden, Connecticut,
15 Thursday, September 19, 2019.

16
17 
18

19 Robert G. Dixon, CVR-M 857
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I N D E X

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