

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Docket No. 487

5 Homeland Towers, LLC and New Cingular
6 Wireless PCS, LLC d/b/a AT&T application for a
7 Certificate of Environmental Compatibility and
8 Public Need for the construction, maintenance, and
9 operation of a telecommunications facility located
10 at 183 Soundview Lane, New Canaan, Connecticut
11

12
13 VIA ZOOM AND TELECONFERENCE
14

15
16 Public Hearing held on Thursday, July 9,
17 2020, beginning at 2 p.m. via remote access.
18

19
20 H e l d B e f o r e:

21 ROBERT SILVESTRI, Presiding Officer
22

23
24
25 Reporter: Lisa Warner, CSR #061

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

2
3 **Council Members:**

4 **ROBERT HANNON**

5 **Designee for Commissioner Katie Dykes**
6 **Department of Energy and Environmental**
7 **Protection**

8 **LINDA GULIUZZA**

9 **Designee for Chairman Marissa Paslick Gillett**
10 **Public Utilities Regulatory Authority**

11 **JOHN MORISSETTE**

12 **MICHAEL HARDER**

13 **EDWARD EDELSON**

14
15 **Council Staff:**

16 **MELANIE BACHMAN, ESQ.**

17 **Executive Director and**
18 **Staff Attorney**

19
20 **MICHAEL PERRONE**

21 **Siting Analyst**

22
23 **LISA FONTAINE**

24 **Fiscal Administrative Officer**

25

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

2
3 **For Homeland Towers, LLC and New Cingular**
4 **Wireless PCS, LLC d/b/a AT&T:**

5 **CUDDY & FEDER, LLP**

6 **445 Hamilton Avenue, 14th Floor**

7 **White Plains, New York 10601**

8 **BY: LUCIA CHIOCCHIO, ESQ.**

9 **DANIEL PATRICK, ESQ.**

10
11 **For Soundview Neighbors Group:**

12 **CUMMINGS & LOCKWOOD LLC**

13 **6 Landmark Square**

14 **Stamford, Connecticut 06901**

15 **BY: JOHN W. CANNAVINO, ESQ.**

16
17 **St. Luke's School/St. Luke's Foundation, Inc:**

18 **JULIA GABRIELE**

19 **CHRISTOPHER ROSOW**

20
21 **Host: Aaron DeMarest**

22
23
24 ****All participants were present via remote access.**

1 MR. SILVESTRI: All right. Ladies and
2 gentlemen, good afternoon. This remote public
3 hearing is called to order this Thursday, July 9,
4 2020 at 2 p.m. My name is Robert Silvestri,
5 member and presiding officer of the Connecticut
6 Siting Council.

7 I'll ask the other members of the
8 Council to acknowledge that they are present when
9 introduced for the benefit of those who are only
10 on audio.

11 So I'll start with Mr. Robert Hannon,
12 designee for Commissioner Katie Dykes of the
13 Department of Energy and Environmental Protection.
14 Thank you, Mr. Hannon.

15 MR. HANNON: I'm here by voice only.

16 MR. SILVESTRI: Got you. Thank you.

17 Ms. Linda Guliuzza, designee for
18 Chairman Marissa Paslick Gillett from the Public
19 Utilities Regulatory Authority.

20 MS. GULIUZZA: (No response.)

21 MR. SILVESTRI: Linda?

22 MS. GULIUZZA: (No response.)

23 MR. SILVESTRI: I thought she was on,
24 but I don't see her on my screen, so we'll come
25 back to her in a minute.

1 Mr. John Morissette.

2 MR. MORISSETTE: Present.

3 MR. SILVESTRI: Thank you. Mr. Michael
4 Harder.

5 (Pause.)

6 MR. HARDER: Sorry, my microphone was
7 muted. I am present.

8 MR. SILVESTRI: Thank you, Mr. Harder.
9 Mr. Edward Edelson.

10 MR. EDELSON: Present.

11 MR. SILVESTRI: Thank you. I'll move
12 right now to members of staff. Ms. Melanie
13 Bachman, executive director and staff attorney.

14 MS. BACHMAN: Present. Thank you.

15 MR. SILVESTRI: Thank you. Mr. Michael
16 Perrone, siting analyst.

17 MR. PERRONE: Present. Thank you.

18 MR. SILVESTRI: Thank you. Ms. Lisa
19 Fontaine, our fiscal administrative officer.

20 MS. FONTAINE: Present.

21 MR. SILVESTRI: Thank you. And I just
22 want to check back with Ms. Linda Guliuzza. Are
23 you here?

24 MS. GULIUZZA: (No response.)

25 MS. BACHMAN: I think Ms. Guliuzza was

1 in the meeting and may have exited the meeting.
2 So we will announce her presence as soon as she
3 pops up in the waiting room again.

4 MR. SILVESTRI: Very good. Thank you,
5 Attorney Bachman.

6 Please note for everyone that there is
7 currently a statewide effort to prevent the spread
8 of Coronavirus. This is why the Council is
9 holding this first-ever remote public hearing, and
10 we do ask for your patience. If you haven't done
11 so already, I'll ask that everyone please mute
12 their computer audio and/or telephone now.

13 This hearing is held pursuant to the
14 provisions of Title 16 of the Connecticut General
15 Statutes and of the Uniform Administrative
16 Procedure Act upon an application from Homeland
17 Towers, LLC and New Cingular Wireless PCS, LLC,
18 doing business as AT&T, for a Certificate of
19 Environmental Compatibility and Public Need for
20 the proposed construction, maintenance and
21 operation of a telecommunications facility located
22 at 183 Soundview Lane in New Canaan, Connecticut.
23 This application was received by the Council on
24 February 7, 2020.

25 The Council's legal notice of the date

1 and time of this remote public hearing was
2 published in The New Canaan Advertiser on June 4,
3 2020. Upon this Council's request, the applicants
4 erected a sign at the proposed site so as to
5 inform the public of the name of the applicants,
6 the type of facility, the remote public hearing
7 date, and contact information for the Council,
8 which included the web site and phone number.

9 As a reminder to all, off-the-record
10 communications with a member of the Council or a
11 member of the Council's staff upon the merits of
12 this application is prohibited by law.

13 The parties and intervenors to the
14 proceeding are as follows: The applicants,
15 Homeland Towers, LLC and New Cingular Wireless
16 PCS, LLC, its representatives Lucia Chiocchio,
17 Esquire and Daniel Patrick, Esquire from Cuddy &
18 Feder, LLP. The party Soundview Neighbors Group,
19 its representative John W. Cannavino, Esquire from
20 Cummings & Lockwood LLC. The party St. Luke's
21 School/St. Luke's Foundation, Incorporated, its
22 representatives Julia Gabriele and Christopher
23 Rosow. And I hope I pronounced that correctly.

24 We will proceed in accordance with the
25 prepared agenda, a copy of which is available on

1 the Council's Docket No. 487 web page, along with
2 the record of this matter, the public hearing
3 notice, instructions for public access to this
4 remote public hearing, and the Council's Citizens
5 Guide to Siting Council Procedures.

6 Interested parties may join any session
7 of this public hearing to listen, but no public
8 comments will be received during the 2 p.m.
9 evidentiary session. At the end of the
10 evidentiary session, we will recess until 6:30
11 p.m. for the public comment session. And please
12 be advised that any person may be removed from the
13 remote evidentiary session or public comment
14 session at the discretion of the Council.

15 The 6:30 p.m. public comment session is
16 reserved for the public to make brief statements
17 into the record. And I wish to note that the
18 applicants, parties and intervenors, including
19 their representatives, witnesses and members, are
20 not allowed to participate in the public comment
21 session.

22 I also wish to note for those who are
23 listening and for the benefit of your friends and
24 neighbors who are unable to join us for the remote
25 public comment session that you or they may send

1 written comments to the Council within 30 days of
2 the date hereof, either by mail or by email, and
3 such written statements will be given the same
4 weight as if spoken during the remote public
5 comment session.

6 A verbatim transcript of this remote
7 public hearing will be posted on the Council's
8 Docket No. 487 web page and deposited with the
9 Town Clerk's office in New Canaan for the
10 convenience of the public.

11 I'll also note that the Council will
12 take approximately a 10 to 15 minute break at a
13 convenient juncture somewhere around 3:30 p.m.
14 this afternoon.

15 I wish to call your attention now to
16 those items that are shown on the hearing program
17 marked as Roman Numeral I-C, Items 1 through 75,
18 that the Council has administratively noticed.

19 Does any party or intervenor have an
20 objection to the items that the Council has
21 administratively noticed? Attorney Chiocchio.

22 MS. CHIOCCHIO: No objection. Thank
23 you.

24 MR. SILVESTRI: Thank you. Attorney
25 Cannavino.

1 MR. CANNAVINO: No objection.

2 MR. SILVESTRI: Thank you.

3 Ms. Gabriele and Mr. Rosow, any objections?

4 MS. GABRIELE: No objections.

5 MR. SILVESTRI: Thank you kindly.

6 Accordingly, the Council hereby administratively
7 notices those items.

8 (Council Administrative notice taken of
9 Items I-C-1 through I-C-75.)

10 MR. SILVESTRI: Will the applicants
11 present its witness panel for the purpose of
12 taking the oath? And once presented, Attorney
13 Bachman will administer the oath.

14 Attorney Chiocchio.

15 MS. CHIOCCHIO: Thank you. The
16 applicants' witness panel includes Ray Vergati,
17 regional manager of Homeland Towers; Harry Carey,
18 external affairs with AT&T; Robert Burns,
19 professional engineer, project manager, All-Points
20 Technology; Michael Libertine, director of siting
21 and permitting, All-Points Technology; Brian
22 Gaudet, project manager, All-Points Technology;
23 Martin Lavin, radio frequency engineer, C Squared
24 Systems on behalf of AT&T; and we also have Dan
25 Stebbins who is AT&T's FirstNet network consultant

1 for any questions regarding emergency
2 communication services.

3 MR. SILVESTRI: Thank you, counselor.
4 Going forward, I don't know if we could increase
5 your audio on our side, or if you might be able to
6 increase your audio on your side. I did hear you,
7 but barely. So that would be appreciated.

8 Attorney Bachman, would you please
9 administer the oath?

10 R A Y M O N D V E R G A T I,
11 H A R R Y C A R E Y,
12 R O B E R T B U R N S,
13 M I C H A E L L I B E R T I N E,
14 B R I A N G A U D E T,
15 M A R T I N L A V I N,
16 D A N S T E B B I N S,

17 called as witnesses, being first duly sworn
18 (remotely) by Attorney Bachman, were examined
19 and testified on their oaths as follows:

20 MR. SILVESTRI: I think we got
21 everybody in there, Attorney Bachman.

22 Attorney Chiocchio, could you please
23 begin by verifying all the exhibits by the
24 appropriate sworn witnesses?

25 MS. CHIOCCHIO: Thank you. Is this

1 better as far as audio level?

2 MR. SILVESTRI: A little bit. If you
3 can increase it even more, that would be
4 fantastic. I even have headphones on to block out
5 any stray noise.

6 DIRECT EXAMINATION

7 MS. CHIOCCHIO: On behalf of the
8 applicants, we have ten exhibits to be offered.
9 And I'm going to walk my witnesses through a
10 series of questions with respect to those exhibits
11 and ask each to identify themselves when they
12 answer the question.

13 Did you prepare and assist in the
14 preparation of the exhibits as identified?

15 THE WITNESS (Vergati): Ray Vergati,
16 Homeland Towers. I did.

17 THE WITNESS (Burns): Robert Burns,
18 All-Points Technology. I did.

19 THE WITNESS (Carey): Harry Carey,
20 AT&T. I did.

21 THE WITNESS (Lavin): Martin Lavin, C
22 Squared. Yes.

23 THE WITNESS (Libertine): Michael
24 Libertine, APT. Yes.

25 THE WITNESS (Gaudet): Brian Gaudet,

1 APT. Yes.

2 MS. CHIOCCHIO: Do you have any
3 corrections or updates to the information
4 contained in the exhibits?

5 THE WITNESS (Lavin): Martin Lavin.
6 No.

7 THE WITNESS (Libertine): Michael
8 Libertine. No.

9 THE WITNESS (Gaudet): Brian Gaudet.
10 No.

11 THE WITNESS (Vergati): Ray Vergati.
12 No.

13 THE WITNESS (Burns): Robert Burns.
14 No.

15 THE WITNESS (Carey): Harry Carey. No.

16 MS. CHIOCCHIO: Is the information
17 contained in the exhibits true and accurate to the
18 best of your belief?

19 THE WITNESS (Lavin): Martin Lavin.
20 Yes.

21 THE WITNESS (Libertine): Michael
22 Libertine. Yes.

23 THE WITNESS (Gaudet): Brian Gaudet.
24 Yes.

25 THE WITNESS (Carey): Harry Carey.

1 Yes.

2 THE WITNESS (Vergati): Ray Vergati.

3 Yes.

4 THE WITNESS (Burns): Robert Burns.

5 Yes.

6 MS. CHIOCCHIO: And do you adopt these
7 exhibits as your testimony in this proceeding?

8 THE WITNESS (Lavin): Martin Lavin.

9 Yes.

10 THE WITNESS (Libertine): Michael
11 Libertine. Yes.

12 THE WITNESS (Gaudet): Brian Gaudet.

13 Yes.

14 THE WITNESS (Carey): Harry Carey.

15 Yes.

16 THE WITNESS (Vergati): Ray Vergati.

17 Yes.

18 THE WITNESS (Burns): Robert Burns.

19 Yes.

20 MS. CHIOCCHIO: Thank you. We ask that
21 the Council accept the applicants' exhibits.

22 MR. SILVESTRI: Thank you, counselor.

23 Does any party or intervenor object to
24 the admission of the applicants' exhibits?

25 Attorney Cannavino.

1 MR. CANNAVINO: No objection.

2 MR. SILVESTRI: Thank you.

3 Ms. Gabriele and Mr. Rosow.

4 MS. GABRIELE: No objection.

5 MR. SILVESTRI: Thank you also.

6 (Applicants' Exhibits II-B-1 through
7 II-B-10: Received in evidence - described in
8 index.)

9 MR. SILVESTRI: I do see on my screen
10 that Ms. Guliuzza did join us. Thank you. We
11 lost you there for a second.

12 Okay. We will now begin with
13 cross-examination of the applicants by the
14 Council, starting with Mr. Perrone.

15 MR. PERRONE: Thank you, Mr. Silvestri.

16 CROSS-EXAMINATION

17 MR. PERRONE: Referencing Tab 6 of the
18 applicants' bulk file exhibit, we have the
19 Wireless Market Study for the Town of New Canaan,
20 and Table 6 and 7 list the property evaluations.
21 My question is, given that a few of the municipal
22 properties were identified as next likely and most
23 likely for AT&T, in the applicants' consultations
24 with the town did the availability of any
25 municipal properties come up or were certain

1 municipal sites offered as alternatives besides
2 the Clark property noted in the application?

3 THE WITNESS (Vergati): Ray Vergati,
4 Homeland Towers. Regarding the Centerline
5 wireless report that was prepared, I believe it
6 was 2014, of a number of municipal properties,
7 just by way of a brief history how we arrived here
8 at this particular site at 183 Soundview Lane.
9 The town issued an RFP back in 2016. Homeland
10 Towers was awarded that RFP over other telecom
11 tower providers. We actually worked with the town
12 to site some towers on municipal properties from
13 that list. Two of those properties were Irwin
14 Park as well as West Elementary School off of
15 Ponus Ridge Road. We did site visits, visuals,
16 had some meetings in town. It became clear and
17 evident to us that the town wanted a more
18 comprehensive plan to address the coverage needs
19 in the northeast, north central and the northwest.
20 So before the town wanted to move forward on
21 those, Irwin Park and the West Elementary School,
22 they asked that we look at properties up in the
23 northeast corner.

24 We did. There were no town properties
25 available. There was mention of the Clark

1 property. That is a town-owned property that is
2 encumbered by restrictions in the deed, also it's
3 wet. And Verizon had vetted that property a
4 number of years ago. Homeland did look at it.
5 It's in our alternate site analysis. The town did
6 not wish to do, or could not do anything with that
7 property. So there were no other town properties
8 that checked the four criteria boxes that we look
9 for, so we ended up on a private property which is
10 where we are today.

11 MR. PERRONE: Okay. Turning to Tab 4
12 of the application, there is the memo on the yield
13 point or hinge point. I have a few questions
14 about that.

15 THE WITNESS (Burns): Robert Burns, PE.

16 MR. PERRONE: Does this yield point or
17 hinge point, does it mean that the lower 52 foot
18 section of the tower is somewhat overdesigned
19 relative to the top 38 feet?

20 THE WITNESS (Burns): That's correct.
21 The tower itself is designed to withstand the
22 load, and then at that hinge point and below it is
23 beefed up so that it breaks at that point if that
24 happens during a catastrophic event, so yes.

25 MR. PERRONE: And with that, what would

1 be the risk of failure in the lower 52 foot
2 section or perhaps at the base?

3 THE WITNESS (Burns): It would be less,
4 number one, because the tower is beefed up.
5 Number two is you're removing much of the wind
6 load which takes place on the antennas and the
7 appurtenances, plus the weight. That weight is
8 above that, so it would be significantly less.

9 MR. PERRONE: And while the monopole
10 itself is physically 85 feet, in the yield point
11 memo it adds up to 90 because we're also allowing
12 for that treetop at the top; is that right?

13 THE WITNESS (Burns): Correct, in order
14 to make it more appear like a pine tree that
15 there's a 5 foot topper on the top.

16 MR. PERRONE: Could the tower be
17 physically located such that the setback radius is
18 on the property and the yield point would not be
19 necessary?

20 THE WITNESS (Burns): From a design
21 standpoint, the tower is located where the
22 landlord requested plus one of the higher points
23 on the property. Anywhere else on the property
24 may constitute a taller tower.

25 MR. PERRONE: Moving on to Tab 10 of

1 the application, this is the municipal P&Z letter,
2 dated January 2nd of 2020. And Item Number 4
3 recommends a more robust landscaping plan with
4 native plantings. And my question is, have the
5 applicants considered any changes or updates to
6 its landscaping plan in response to the town
7 comments?

8 THE WITNESS (Vergati): I believe in
9 the current application we've added some 8 foot,
10 three of them Norway spruces, in front of the
11 site. We also have seven 8 foot hemlocks
12 surrounding the compound as well. And if there
13 are suggestions with additional landscaping,
14 Homeland Towers would be open to that. We have
15 also had discussions with our landlord, and he
16 would allow additional landscaping, obviously, for
17 screening.

18 MR. PERRONE: And on the same topic of
19 landscaping, in the prefile testimony for St.
20 Luke's School, pages 9 and 10, there was mention
21 about not being able to plant north of the
22 compound because of the access drive. My question
23 is, would it be possible to install additional
24 landscaping slightly north of the compound or
25 perhaps pull the compound southward to make room

1 for additional screening?

2 THE WITNESS (Vergati): We worked very
3 closely with the landlord on siting the tower on
4 the property, and we wish we could have been
5 actually even further over toward the property
6 line. We respected the landlord's wishes in
7 designing the site. And he did not want to push
8 the tower any further, not only to his own
9 residence, obviously, but to the other residents
10 on Soundview. We wanted to keep the facility
11 itself as far away from any residents.

12 So to answer to your question, no, the
13 facility cannot be moved to provide additional
14 screening in that access drive. If there was some
15 additional screening that St. Luke's would like,
16 we would have a discussion with them about some
17 screening potentially on their own property.
18 We've done that before with abutting property
19 owners. But as far as the on site itself, I don't
20 believe we would be able to afford or offer any
21 potential screening or landscaping on the north
22 side of the compound.

23 MR. PERRONE: And is that because of a
24 conflict with the access drive as well?

25 THE WITNESS (Vergati): Yeah, the

1 access drive is currently in a 20 foot wide
2 non-exclusive drainage easement. And certainly
3 we'll use it for access, we're allowed to, but
4 there's a reinforced concrete pipe that runs
5 underneath that access drive, so it's not
6 preferable, obviously, to do any type of
7 landscaping or planting with the roots getting
8 into that. I'm not an engineer, but we want to
9 keep that access drive open, obviously.

10 MR. PERRONE: And lastly on the
11 landscaping topic. With much of the landscaping
12 south of the compound, would there be any other
13 visual mitigation measures that could be employed
14 to address the concerns of St. Luke's School
15 beyond off-site plantings?

16 THE WITNESS (Vergati): We'd have to
17 look at that. I can tell you that we've obviously
18 proposed a solid wood fence right now to soften
19 any views of the compound in addition to the
20 proposed landscaping. I have had conversations
21 with our landlord, Mr. Richey and his wife Marina,
22 regarding some additional plantings on his
23 property to the south basically between the
24 facility and his existing driveway that we'd be
25 willing to plant as well.

1 MR. PERRONE: Okay. Referencing Tab 6
2 of the application, in the Wetland Delineation
3 Field Form there's mention of the 2002 guidelines
4 for E&S controls and the 2004 Connecticut
5 Stormwater Quality Manual. My question is, would
6 the proposed project comply with the 2004
7 Connecticut Stormwater Quality Manual?

8 THE WITNESS (Burns): Yes, we would
9 comply with the stormwater manual from 2004, as
10 well as the soil and erosion control manual.

11 MR. SILVESTRI: Could you state your
12 name for the record, please?

13 THE WITNESS (Burns): Robert Burns,
14 project manager, APT.

15 MR. SILVESTRI: Thank you, Mr. Burns.

16 MR. PERRONE: Referencing the response
17 to Question 38 and the Council Set II
18 interrogatories, the applicants note that the Town
19 of New Canaan has expressed an interest in
20 locating its emergency antennas on the tower.
21 Would Homeland be able to adjust or modify the
22 branches on this tower to accommodate the
23 municipal antennas?

24 THE WITNESS (Vergati): Ray Vergati,
25 Homeland Towers. In our discussions with the

1 town, they have not provided us with a particular
2 spec. They would like to have the top of the
3 tower reserved for future communication for public
4 safety, obviously, that could entail a simple 3
5 foot width antenna coming off the top of the tree.
6 There's many times that we've put public safety on
7 monopine trees, and we can configure or
8 reconfigure the branches. We can get creative
9 with some camouflage socks and so forth. So we
10 don't know what their spec is today, but we can
11 certainly have that discussion with them and make
12 sure that everything is stealthed as best as
13 possible, obviously, if public safety does come to
14 the tower.

15 MR. PERRONE: My next several questions
16 will be on RF topic. Under Tab 6 of the Wireless
17 Market Report, I understand that the St. Luke's
18 School property was listed as next likely for AT&T
19 and most likely for Verizon. My question is, from
20 an RF perspective for AT&T, is there much
21 difference between the proposed site and the site
22 at St. Luke's School?

23 THE WITNESS (Lavin): Martin Lavin, C
24 Squared Systems. I believe the site, depending on
25 how all the details get worked out exactly where

1 it is, I think St. Luke's is a viable, strictly
2 from an RF perspective, a viable location for a
3 site from that perspective and that perspective
4 only.

5 MR. PERRONE: My question is more
6 comparing St. Luke's School to the proposed site.
7 Would there be a significant difference from an RF
8 perspective of the proposed site versus a
9 hypothetical tower on the school property?

10 THE WITNESS (Lavin): It's dependent on
11 the height we could get at St. Luke's. I don't
12 know offhand exactly what height we'd be able to
13 achieve. In our negotiations with them, I think
14 it's certainly a distinct possibility, but it
15 would have to be -- a definitive answer would have
16 to be based on exactly where they'd want us to go
17 and exactly how high we can go.

18 MR. PERRONE: Referencing the response
19 to Question 45 in the Council's Set II
20 interrogatories, the question had asked about
21 capacity and potential offloading other sectors.
22 My question is, how would the proposed facility
23 enhance capacity?

24 THE WITNESS (Lavin): It would bring
25 capacity along with coverage to the area. The

1 response does sound like it doesn't do any good in
2 terms of capacity. It's more that the sites
3 around there don't need capacity offloading right
4 now. Coverage is our problem in this area. The
5 site certainly brings a lot of capacity with it.
6 We didn't have sectors, though, that needed
7 capacity relief right now. We need coverage.

8 MR. PERRONE: I understand the coverage
9 part. So as far as capacity, the capacity benefit
10 would be within the proposed coverage footprint
11 mostly?

12 THE WITNESS (Lavin): Yes. For the
13 user experience, there isn't anyone experiencing a
14 capacity deficiency right now in the sites around
15 there. So capacity would come along with the
16 coverage for the people in the new coverage area.

17 MR. PERRONE: Referencing the response
18 to Question 1(a) of the Wiley Set Two
19 interrogatories -- excuse me one second -- this
20 was an analysis of the RF for the alternative site
21 at 1160 Smith Ridge, and coverage plots were
22 provided at various heights from 81 feet all the
23 way up to 146. 146 was the highest height
24 modeled. And my question is, how was the 146 feet
25 obtained as the highest height to model for that

1 site?

2 THE WITNESS (Lavin): It was strictly
3 theoretical to the best of my knowledge. I don't
4 know if Ray has anymore background on that.

5 THE WITNESS (Vergati): When Homeland
6 was awarded the RFP with the Town of New Canaan,
7 it's been their preference all along through the
8 prior selectman's administration and utilities
9 commission, as well as the current administration
10 under Selectman Kevin Moynihan, to keep facilities
11 pretty much 110, 120 feet and below. We had RF
12 run, as you mentioned, the three heights with 146
13 being the highest height really knowing that it's
14 not what the town wishes are. But even at the 146
15 height, I'll let Martin speak for the plots, but
16 they don't provide coverage to the intended area
17 for AT&T.

18 I think the 146 height was also chosen
19 because I believe Verizon in the past when they
20 looked at the Clark property, which is very close
21 to 1160 Smith Ridge Road, ran a plot at 146. So
22 we tried to do an apples-to-apples comparison with
23 that prior plot as well, but Martin can handle
24 more questions on the plots.

25 MR. SILVESTRI: That was Mr. Vergati

1 that just provided that answer. Again, when you
2 change seats, just please introduce yourself.
3 Thank you.

4 THE WITNESS (Vergati): Certainly.

5 MR. PERRONE: Turning to page 14 of the
6 application still on the RF topic, on page 14
7 under Technological Alternatives, the second
8 paragraph, "Closing the coverage gaps and
9 providing reliable wireless services in
10 northeastern New Canaan requires a tower site that
11 can provide reliable service over a footprint that
12 spans several hundred square feet."

13 My question is, is several hundred
14 square feet a typo?

15 THE WITNESS (Lavin): Yes, it's over a
16 number of square miles so --

17 MR. PERRONE: Okay.

18 MR. SILVESTRI: And again, you are?

19 THE WITNESS (Lavin): Martin Lavin, C
20 Squared.

21 MR. SILVESTRI: Thank you.

22 THE WITNESS (Lavin): I believe we
23 addressed that in a previous response.

24 MR. PERRONE: And in response to
25 Council Interrogatory Question 17, the question

1 was related to your height requirements. And my
2 question is, would AT&T at a proposed center line
3 height of 81 feet, from an RF perspective what
4 would be the consequences of a shorter tower,
5 i.e., if you ended up lower than 81 feet?

6 THE WITNESS (Lavin): I know we already
7 have Verizon committed or interested at 71. The
8 third co-locater we pushed down to no higher than
9 51 feet which is well below the tops of the trees.
10 An 81 foot height is very short to begin with. 61
11 feet, I think, is just enough to give, without
12 speaking on behalf of the third applicant, still
13 enough to give viable service in this area. There
14 would be some loss compared to the top of the
15 tower. But I think if we went down, probably a 10
16 foot increment in all likelihood, push the third
17 co-locater down to 51 feet, and that is entirely
18 below the tops of the trees, and realistically I
19 don't think that's feasible from my standpoint.
20 You'd really get hit right off the bat by the
21 trees, and your coverage would be substantially
22 impacted and basically greatly reduce the
23 effectiveness of the tower at the current proposed
24 height.

25 MR. PERRONE: So the lower carrier

1 would be potentially below the treeline and
2 affected more, but yours 10 feet lower, would that
3 also have impacts to your coverage or handoff?

4 THE WITNESS (Lavin): It would have
5 impacts to our coverage, yes. Each 10 feet you go
6 down the tower you lose some things. Obviously,
7 Verizon thinks there's still enough there at 71.
8 I think -- I can't speak with authority -- but I
9 think the 61 foot center line would still be
10 viable for the next applicants, especially in this
11 area. But I think once you get down to 51, you're
12 completely below the trees and you wouldn't have a
13 viable third spot, in my opinion.

14 MR. PERRONE: In response to Council
15 Interrogatory 18, Exhibit 4, there was incremental
16 coverage provided for 850 megahertz, and then
17 there was an updated version in Council
18 Interrogatory 43 also for 850 megahertz. And I
19 saw that the tables had different data. Is the
20 more recent one in Set II for 850 megahertz the
21 most up to date?

22 THE WITNESS (Lavin): I think the first
23 submission was for 700. The gap and the
24 incremental coverage for 700 in the second
25 response was for 850 PCS and AWS.

1 MR. PERRONE: Let me just pull that up.
2 Again, I'm on Set II of the Council
3 interrogatories, Question 43, Exhibit 4, so
4 attachment 4. So looking at the tables, let's
5 work with 850 first. For coverage gap on the left
6 it's showing greater than or equal to, and on the
7 right for proposed it's also showing greater than
8 or equal to. My question is, for the coverage gap
9 should it be less than or equal to because it's a
10 gap, less than or equal to your target?

11 THE WITNESS (Lavin): That's the
12 population area will be below that, yes, in terms
13 of a gap, yes.

14 MR. PERRONE: All right. So the
15 columns on the right would be greater than or
16 equal to, and the columns on the left should be
17 less than or equal to?

18 THE WITNESS (Lavin): Yes.

19 MR. PERRONE: Okay. I'm all set on the
20 RF topic. I'm going to be moving on to
21 environmental questions. Thank you.

22 THE WITNESS (Libertine): Good
23 afternoon. This is Mike Libertine with All-Points
24 Technology.

25 MR. PERRONE: Good afternoon.

1 Referencing page 18 of the application, the
2 proposed facility is not located within a quarter
3 mile of the buffered area of the DEEP Natural
4 Diversity Database. My question is, are any
5 federally listed species known to occur at the
6 proposed site?

7 THE WITNESS (Libertine): Not
8 specifically at the host site. There is one
9 federally listed species that is considered the --
10 or actually the entire State of Connecticut is
11 considered potential habitat, and that's the
12 northern long-eared bat. We have done research
13 and reached out to U.S. Fish and Wildlife, Region
14 1, and determined that the proposed tower facility
15 would not have an impact on that bat species.

16 MR. PERRONE: The NLEB, is that a
17 federally listed threatened species?

18 THE WITNESS (Libertine): Yes, it is.

19 MR. PERRONE: Okay. Moving on to Tab 8
20 of the application which is the visibility
21 section, there's discussion about views from the
22 John D. Milne, M-i-l-n-e, Lake. My question is,
23 is that lake a recreational resource?

24 THE WITNESS (Libertine): It may very
25 well be. I'm not that familiar with it with

1 respect to the lake itself. It is a reservoir, so
2 I'm sure it is accessible, but it's probably
3 limited access. I would imagine paddleboats are
4 allowed, and certainly there may be some hiking
5 trails along the edge of that, but I would guess
6 that there are no motor boats allowed there. So
7 fishing, canoeing, kayaking is likely, but I can't
8 confirm that.

9 MR. PERRONE: Sure. Would you know if
10 that's a public or private resource?

11 THE WITNESS (Libertine): It's
12 certainly owned by the water company, so it's
13 probably, again, limited or restricted access in
14 some capacity. It's actually the First Taxing
15 District of Norwalk that's the owner of that
16 property.

17 MR. PERRONE: And I understand from the
18 viewshed map there's some potential visibility
19 over the lake. Could you describe the possible
20 views over the lake?

21 THE WITNESS (Libertine): Certainly.
22 The views from the lake would be essentially at
23 the treetop. It's at a distance about a mile or
24 so depending upon where you are. It's over the
25 open water. So with the combination of the low

1 height of the proposed tower and its design as a
2 faux pine tree, my guess is, again, we did not
3 access it, but my guess is that we're talking at
4 or just slightly above the treeline so that it
5 would not, certainly would not be as discernable
6 as a steel monopole might be.

7 Does that answer the question?

8 MR. PERRONE: Yes. Okay. Lastly, I'm
9 going to get into visibility about the neighbors
10 further to the south. Before that, would the
11 applicants be able to provide as a Late-File
12 exhibit a version of the site location map under
13 Tab 4 of the application with the Wiley, Sosnick
14 and Sweeney properties labeled? So it's the --

15 THE WITNESS (Libertine): Yes, we can
16 certainly do that.

17 MR. PERRONE: Okay. Exact same drawing
18 with the scale and everything but just those three
19 properties identified.

20 THE WITNESS (Libertine): Are you
21 asking also for the footprint of visibility to be
22 superimposed over those properties in some way or
23 in that region, that area, to tie that in, or are
24 you just looking for the properties to be
25 identified on, I'm sorry, Tab 4?

1 MR. PERRONE: The visibility would be
2 helpful perhaps as a separate superimposed.

3 THE WITNESS (Libertine): We can
4 certainly do that.

5 MR. PERRONE: Okay.

6 THE WITNESS (Libertine): I'm sorry,
7 Mr. Perrone, could you just confirm? You're
8 saying under Tab 4?

9 MR. PERRONE: Yeah, under Tab 4 it's
10 called Site Location Map. It's an aerial with the
11 property lines.

12 THE WITNESS (Libertine): I was looking
13 at the right tab. Yes, we can certainly do that.

14 MR. PERRONE: Okay. So one with the
15 identified properties and then a separate drawing
16 with the visibility areas.

17 THE WITNESS (Libertine): Yes, sir.

18 MR. PERRONE: I understand the
19 visibility piece is forthcoming. But in response
20 to 49, Question 49 of Set II, basically there's
21 descriptions of visibility from St. Luke's School,
22 Sosnick property, Sweeney property and Wiley
23 property. For Items A, C and D, could you explain
24 roughly what areas of the facility you would
25 expect visibility, whether upper sections of the

1 tower or compound, can you comment on what
2 portions of the facility?

3 THE WITNESS (Libertine): Well, I'm
4 going to go purely on -- well, obviously we could
5 not access those properties during the field work,
6 so I can't say for sure. But if I reference some
7 of the aerial mapping to understand what
8 intervening vegetation may exist between those
9 properties and those homes and the facility
10 location, my guess would be that during this time
11 of year there would be probably little to no
12 visibility just because of the density of the
13 trees in the area. When the leaves are off the
14 trees, depending on where you are on the property,
15 I think the views would be through some
16 vegetation, but certainly if you know what you're
17 looking for, you would be able to see the
18 monopine.

19 And again, depending on where you are,
20 you'd probably be seeing various portions of it at
21 those distances. And with that intervening
22 vegetation, again, my best guesstimate is that you
23 might be talking more the middle and upper
24 portions and not so much of the compound area, but
25 again, it really depends on where you'd be on any

1 of those properties.

2 MR. PERRONE: Okay. So that's just a
3 general point for A, C and D, depending on where
4 you are on those; is that correct?

5 THE WITNESS (Libertine): That's
6 correct.

7 MR. PERRONE: I have no other
8 questions. Thank you.

9 MR. SILVESTRI: Thank you, Mr. Perrone.
10 We will continue the cross-examination with
11 Mr. Morissette.

12 MR. MORISSETTE: Good afternoon,
13 everyone. Thank you, Mr. Silvestri.

14 And Mr. Perrone, thank you for asking a
15 lot of my questions. I'll try to fill in the gap
16 as we go here.

17 I'd like to go back to the 2014
18 Wireless Market Study, if I may. So if a witness
19 is familiar with that report, it would be helpful.
20 What I'd like to know is since 2014 has there been
21 any improvements to the network to provide
22 coverage in the town?

23 THE WITNESS (Lavin): Not that I'm
24 aware of, no. Martin Lavin, C Squared.

25 THE WITNESS (Vergati): Ray Vergati,

1 Homeland Towers. In response to that question,
2 actually, yes, there has been an improvement. And
3 I had the pleasure to be before the Council ten
4 years almost to the day for a site on Valley Road
5 at Silver Hill Hospital, and I believe AT&T,
6 Verizon and T-Mobile are on that facility.

7 In addition, I believe there was a site
8 that's come on air at the Norwalk Armory. Even
9 though it's physically located in Norwalk, I
10 believe the Town of New Canaan does benefit from
11 the coverage from that facility.

12 Other than those two sites, there is a
13 third site that Homeland Towers did build and
14 construct over in the neighboring New York Town of
15 Lewisboro, and that's located at the Vista Fire
16 Department, and there's some beneficial coverage
17 that the residents or travelers through New Canaan
18 do receive from that particular facility.

19 However, there still remains a large
20 coverage gap, and that's why we're here today,
21 obviously. None of the facilities that have been
22 built since 2014 when Centerline did the study
23 have alleviated any coverage gaps in the
24 northwest, northeast, north central or the west
25 portions of town. Gaps still remain.

1 And I also just want to clarify on a
2 prior question regarding the lake, the John D.
3 Milne Lake. Even though it's labeled as a lake on
4 GIS, it's actually a reservoir, and it is not
5 available for any type of recreational use by the
6 public.

7 MR. MORISSETTE: Thank you. So the
8 Armory and Silver Hill Hospital that was
9 identified in that study have been utilized, and
10 the coverage area is basically east of the area
11 that's of need at this point?

12 THE WITNESS (Lavin): Yes. Martin
13 Lavin, C Squared.

14 MR. MORISSETTE: Thank you. Keeping on
15 coverage, moving on to the 1160 Smith Ridge Road
16 site. Looking at the AGL of 146, that coverage
17 appears, although it is further west than the area
18 you're trying to fix with this application, it
19 appears that it does cover quite a bit of that.
20 Can you help me identify why it would not replace
21 what we're trying to do here? Now, I'm looking at
22 the 146 AGL. Now, I realize that that's too high,
23 it's above the 90 feet that the town would like, I
24 think you said 90 feet. What areas does it not
25 cover that you would like to cover with the

1 application site?

2 THE WITNESS (Lavin): Mainly, I believe
3 areas to the northeast of the proposed site
4 bounded on the east by South Bald Hill Road and
5 that area. Where we have good solid coverage from
6 our proposed site, there really isn't any
7 improvement in coverage from the 1160 Smith Road,
8 even at 146. Mainly there, there isn't the solid
9 coverage going to the road. Briscoe Road and
10 Cross Ridge Road lead down into the road just
11 north of the site. Smith Ridge does not get us
12 through there -- I mean 1160 Smith Ridge does not
13 get us through there. I think that's generally
14 the areas. And over by the east side past South
15 Bald Hill Road there's also a big loss of coverage
16 from 1160 Smith Ridge. We've got a big area there
17 that --

18 MR. CANNAVINO: This is John Cannavino.
19 I'm having a very difficult time hearing anything
20 you say. Could it be possible to speak up a
21 little bit, please?

22 THE WITNESS (Lavin): I certainly can.
23 It's the area around South Bald Hill Road, both
24 east and west of there, there's a lot of loss of
25 coverage, and north of the proposed site in the

1 area of the road that runs south of Briscoe Road
2 and Cross Ridge Road we lose continuous coverage
3 there. So overall weakness of coverage in that
4 direction. We can certainly quantify that more
5 specifically.

6 MR. MORISSETTE: Now let's look at AGL
7 106, the slide before it, and this is more in line
8 with what realistically could be developed at the
9 1160 Smith Ridge site, correct?

10 THE WITNESS (Vergati): Ray Vergati,
11 Homeland Towers. I'd like to really stress to the
12 Council members regarding the 1160 Smith Ridge
13 Road. It's a property owner who I spoke with who
14 requested a lot of money from a rental
15 perspective, way above the market rent. But
16 outside that, we are actually pursuing that area
17 as a tower company, and that is in tandem with the
18 docket that's before you. We looked at the RAD
19 center of 106, keeping the town's wishes to be 110
20 and below.

21 And the Council members looked at the
22 plots that Mr. Lavin has provided for the 1160
23 Smith Ridge Road. Assuming it is a viable
24 candidate, it's actually a very nice puzzle piece
25 and fills in nicely along the west, going west,

1 further northwest of New Canaan. We think it
2 actually performs well as a hand-off site to
3 Soundview. Because, let's face it, there's no
4 coverage along the whole north part of New Canaan,
5 and that's the whole purpose for trying to provide
6 a comprehensive plan for the town's wishes, for
7 the residents' wishes, and part of that
8 comprehensive plan is shorter towers.

9 So I just want the Council members to
10 be aware that we can throw 1160 Smith Ridge out
11 there, but I don't have an interested landlord to
12 the point where I've done a site visit where we've
13 negotiated business terms, and to be quite frank,
14 since that will be our next site in New Canaan, we
15 will vet other properties in that particular area
16 and generate interest and see how they perform,
17 obviously, in conjunction with the 183 Soundview
18 Lane.

19 MR. MORISSETTE: Thank you. That was
20 very helpful. Okay. I'm going to switch to
21 public safety communication that I was hoping that
22 someone could clarify for me. When someone makes
23 a 911 call and they're in one of these dead zones,
24 or if they're in a zone where AT&T has coverage
25 but let's say Verizon does not, how does that

1 work, does the call go through or does it not get
2 picked up because if you're a Verizon customer you
3 don't have service?

4 THE WITNESS (Lavin): Martin Lavin, C
5 Squared. There is an FCC requirement to carry 911
6 calls. If any 911 call comes, the call processing
7 will start with your home system or wherever
8 you're assigned normally on roaming. If you can't
9 get through there and it rolls over to another
10 system, which it should, your phone should attempt
11 to make contact. That way the operator is
12 obligated to carry the call, yes.

13 MR. MORISSETTE: Okay. Thank you.
14 That's what I figured, but I wanted to confirm
15 that.

16 I would like to go to the site itself,
17 and if we could use SP-1 in the application under
18 Tab 4. All set?

19 THE WITNESS (Burns): Yes, sir. Robert
20 Burns, APT.

21 MR. MORISSETTE: Now, the site is
22 designed for three additional carriers. And
23 assuming that each carrier would install an
24 emergency generator, is that site footprint large
25 enough to accommodate three more generators?

1 THE WITNESS (Burns): From a strictly
2 spacial standpoint, yes.

3 MR. MORISSETTE: Okay.

4 THE WITNESS (Burns): What's happening
5 is their footprints are increasing, so we've
6 allowed 12 by 20 foot spaces for the future
7 carriers which should be enough.

8 MR. MORISSETTE: Okay. Are you
9 required by the FCC to have all three additional
10 slots for additional carriers for tower sharing?

11 THE WITNESS (Burns): No, sir, not that
12 I'm aware of.

13 MR. MORISSETTE: So given that T-Mobile
14 and Sprint are not interested at this time, you
15 could theoretically reduce it down to two?

16 THE WITNESS (Burns): I'm not sure how
17 to answer this one, Ray.

18 THE WITNESS (Vergati): This is Ray
19 Vergati, Homeland Towers. I'm sorry. Could you
20 please repeat that question for me?

21 MR. MORISSETTE: You currently have
22 plans for three additional carriers within the
23 compound. And since T-Mobile and Sprint have
24 indicated they're not interested at this time on
25 tower sharing on that facility, can it be resized

1 to only have two additional carriers?

2 THE WITNESS (Vergati): So as a matter
3 of best practice, Homeland Towers designs our
4 sites to be co-locatable obviously for typically
5 four carriers. And when this process started,
6 T-Mobile and Sprint were separate entities. That
7 has since changed with the acquisition slash
8 merger now between the two, but as part of that
9 agreement there will be a dish network as a fourth
10 carrier or provider in the U.S. And there's other
11 carriers out there, not just Verizon, AT&T and
12 T-Mobile, so it's best practice that we try to
13 design our sites to be co-locatable for at least
14 four carriers and public safety. In the old days
15 there were six carriers. So I don't want you to
16 get lost on the drawings where we show four sets
17 of antennas. It's just a matter of practice where
18 we design not only the tower to be co-locatable
19 but we design the ground space, because we don't
20 know where the future is going from the wireless
21 world and from the public safety and we want to
22 make sure we have adequate space on the tower and
23 on the ground.

24 MR. MORISSETTE: Okay. Thank you.
25 Given that the --

1 THE WITNESS (Vergati): I'm sorry. Go
2 ahead.

3 MR. MORISSETTE: Given that the -- I
4 mean, I may have misunderstood this -- the lower
5 level open space for a new carrier is pretty low
6 for strong service, I'll call it, for lack of a
7 better term, is it likely -- it's hard to tell the
8 future, but would another carrier go that low on
9 the tower?

10 THE WITNESS (Vergati): I can't speak
11 for other carriers. Today, obviously, the
12 application before you is for AT&T. As I did
13 mention in one of my interrogatory responses, I
14 did speak -- correspond with Verizon Wireless, and
15 they confirmed that the 71 foot RAD center, which
16 is 10 feet below AT&T, would work for them and
17 that they would be interested, but I can't speak
18 for future carriers or future needs, but we
19 think --

20 MR. MORISSETTE: Sure.

21 THE WITNESS (Vergati): -- but we think
22 certainly three carriers would be able to
23 co-locate on this facility. Not every tower is
24 perfect. I know the other towers in New Canaan
25 are 120. I believe the Silver Hill Hospital tower

1 only accommodates three carriers itself. In a
2 perfect world I wish I could build taller towers
3 to accommodate everybody, but it's a balancing
4 act. It's a balancing act with aesthetics,
5 dealing with the community, with the coverage,
6 with landlords, and we feel we've done a very
7 appropriate job in designing the height to allow
8 for future co-location right now.

9 MR. MORISSETTE: Thank you. Just a
10 follow-up question though. Where I'm kind of
11 heading with this, I'm investigating the
12 feasibility of whether the actual site and what
13 was testified to already is that the site location
14 20 feet from the property line of St. Luke's and
15 the area going to the west was kind of, you kind
16 of were maxed out as to where you could go.

17 First of all, is there an opportunity
18 to move the site further away from St. Luke's
19 property line and more east; and if there's not,
20 if you were to eliminate one of the carriers,
21 would that allow for that type of shift, and
22 what's the feasibility of that?

23 THE WITNESS (Vergati): Yeah. It's
24 something that I'd have to have some additional
25 conversations with our landlord. Right now, as it

1 stands, we don't believe it's feasible to shift it
2 any further to the south. As I mentioned earlier,
3 it gets us closer toward residential homes on
4 Soundview Lane. And shifting it to the east, if I
5 have my directional arrow correct, I believe that
6 pushes us downhill more, losing elevation, and I
7 don't see what -- we wouldn't be getting further
8 away from the property line. It runs parallel to
9 our landlord's -- the property line runs parallel
10 to our landlord's property. So we can't go north,
11 we're 20 feet from the property line. We can't go
12 east, it pushes us downhill and we still maintain
13 that same slope. Pushing us south gets us toward
14 existing homes on Soundview Lane. We're
15 respecting our landlord and trying to keep it away
16 from the homes, not just his, but the other ones
17 there. And pushing it west doesn't accomplish
18 anything. I believe that gets us into the actual
19 cul-de-sac itself.

20 And again, I don't think it makes sense
21 from our perspective as a developer to only design
22 the site and lose ground space for the sake of
23 meeting a setback. We want to design ground space
24 for all the carriers. And let's face it, this is
25 not just a cell tower. It's going to be a public

1 safety tower. And we don't know what the town's
2 needs will be as well. Typically it is a smaller
3 footprint, a 10 by 10 pad. But should the town
4 come to this tower, we want to make sure that
5 there's enough space within the compound within
6 the lease area within our titled rights to be able
7 to provide that to the town's public safety.

8 MR. MORISSETTE: Great. Thank you.
9 Okay. Moving on to the town's comments from the
10 planning and zoning, we already talked about the
11 landscaping, improving it, which I think would be
12 a good thing. The 8 foot shadowbox fencing, was
13 that actually proposed in response to the planning
14 and zoning's request for fencing, or was that part
15 of the original proposal?

16 THE WITNESS (Vergati): Ray Vergati,
17 Homeland Towers. The 8 foot stockade fence was
18 proposed from the get-go, I believe, on our site
19 plans with the landlord. We feel it's an
20 appropriate height from a screening perspective.
21 One thing we did change on the plans, I'm not sure
22 if it was a direct comment from the town, was that
23 the original plans I think we submitted had the
24 stockade, solid stockade shadowbox fence, whatever
25 you want to call it, on the east, south and west

1 side, and a chain link fence on the north side.
2 We have since changed that to be a solid 8 foot
3 stockade fence around the whole compound itself.
4 So we feel that the fence with the proposed
5 landscaping will offer good screening for any
6 equipment at the base of the facility.

7 MR. MORISSETTE: Okay. Any thoughts on
8 the equipment cabinets not looking like the
9 accessory buildings for residential properties?

10 THE WITNESS (Vergati): Could you
11 repeat the question? I'm sorry. I just want to
12 make sure I understood it correctly. Ray Vergati
13 from Homeland.

14 MR. MORISSETTE: Part of the planning
15 and zoning's requirements is that any equipment
16 cabinets look like outbuildings for residential
17 properties. And yours are the standard, I think
18 they are, the standard, you know, electrical
19 cabinets. Have you given any thought to
20 reconsidering that, or given that the fencing is 8
21 feet high, is that -- well, what's your reaction
22 to that?

23 THE WITNESS (Vergati): My reaction is,
24 and not from a cost perspective whatsoever, just
25 purely from an aesthetic perspective, this is an

1 area where I think if you were to build a common
2 building -- I've seen the word "shed" tossed
3 around -- I don't think you're accomplishing
4 anything with hiding the equipment, per se. The
5 cabinets themselves would be at grade level. They
6 typically are outdoor cabinets that sit on a
7 concrete slab and would be below the fence line.
8 I believe we've even since the original drawings
9 have revised AT&T's equipment spec and took it
10 off, and I'll have Mr. Burns speak more about that
11 if need be, but I believe we lowered it off a
12 steel platform, at least for the generator, and
13 brought it down to grade level. We think the
14 fence, 8 feet solid wood, is very appropriate for
15 this particular setting at the end of Soundview
16 Lane.

17 And to be quite honest, in my 20-plus
18 years of doing this business, I've seen some
19 common buildings, and they never turn out how
20 people envision them or how they talked about them
21 in the initial stages. They tend to look very
22 industrial and prefabricated. And I think the
23 best way to screen the equipment is a fence and
24 the landscaping that's currently proposed.

25 MR. MORISSETTE: Thank you. One last

1 question. Can you talk about or someone talk
2 about monopine -- actually, I have two more
3 questions -- monopine internal mounts and why
4 they're not feasible here?

5 THE WITNESS (Vergati): Ray Vergati,
6 Homeland Towers. When you're talking about
7 internal mounts, I'm assuming you're talking about
8 concealing the antennas on the interior of the
9 pole?

10 MR. MORISSETTE: I believe that's what
11 they're referring to, and this is, again, from the
12 planning and zoning, their requirements for cell
13 towers.

14 THE WITNESS (Vergati): Sure. So let
15 me explain to the members and everyone listening.
16 A tree design typically, we call these a faux tree
17 or a monopine tree. We worked very hard with our
18 landlord. He was very adamant in having the
19 Cadillac of trees on the property, and it's
20 written into our lease. We actually have a branch
21 number of, I believe it's three per linear foot on
22 the tower. So this particular monopine tree will
23 have very dense branches. Within the branches
24 there will be mounts on the exterior of the pole
25 itself, and attached to those mounts will be the

1 various antennas, radio head units and equipment
2 for AT&T or other carriers in the future.

3 So the antennas are mounted on the
4 outside of the monopine tree concealed within the
5 branches. And they can be painted. They can have
6 camouflage socks that are put on them, sleeves as
7 well, to help conceal them. And I think what
8 maybe you're alluding to, there was a comment from
9 the town about interior mounts or interior
10 antennas. That typically is found in a flagpole
11 or a unipole design, and the best examples of that
12 are the existing facilities at the country club
13 off of Smith Ridge Road and Silver Hill Hospital.
14 And I know the Council is very familiar with
15 these.

16 And our position from a tower developer
17 and from the carriers' perspective is that while
18 you can do a flagpole and it may have worked very
19 well with the antennas concealed internally years
20 ago, because the equipment has gotten so much
21 larger on the tower itself, you end up driving the
22 height. And I'm not going to pick a height now,
23 but if you have an 85 foot proposed monopine with
24 the antennas on the outside and you want to
25 conceal the antennas, you have to stack them, and

1 that will drive the height of any proposed tower
2 up immensely. The flagpole slash unipole design
3 also really inhibits the carriers and their
4 network being able to downtilt antennas and get
5 the correct azimuth. It's just not a preferred --
6 you know, because everything is so tight inside
7 that cannister sleeve. I hope that answers your
8 question.

9 MR. MORISSETTE: Yeah, that was very
10 helpful. Thank you. One last question. This
11 truly is my last question. On the visibility
12 analysis, I think it's page 19, I just want to
13 confirm that that picture actually is the entrance
14 of St. Luke's School.

15 THE WITNESS (Libertine): This is Mike
16 Libertine. I'm sorry, could you just tell me
17 which view again? Did you say 19?

18 MR. MORISSETTE: It's photo 19.

19 THE WITNESS (Libertine): That's from
20 the road itself, North Wilton Road, at the
21 entrance to the school.

22 MR. MORISSETTE: Mr. Libertine, this is
23 probably the best, given that you were not allowed
24 on the property, the best view, you know, photo
25 you could take to give us an idea of what that

1 would look like?

2 THE WITNESS (Libertine): Yes. There
3 are some other shots as kind of peripheral to the
4 property as you go to the north and to the west,
5 but the views were really in and out, and there
6 were very few locations where we had really a
7 direct line of sight. So yeah, I would say that's
8 a good representation.

9 Now, obviously as you get up on the
10 property there's going to be increased visibility
11 because you won't have necessarily the intervening
12 trees that you see here, but there certainly are
13 other patches of trees between our facility. Just
14 again, it's a fairly large property. There's some
15 large open fields as well on the property. It
16 would have been good to get on the site to have
17 better characterized that, but we were not
18 provided that access.

19 MR. MORISSETTE: I agree, that would
20 have been helpful. Thank you. That's all I have
21 for questions. Thank you very much.

22 MR. SILVESTRI: Thank you, Mr.
23 Morissette. We'll continue the cross-examination
24 of the applicant by Mr. Harder.

25 MR. HARDER: Yes. Thank you. A couple

1 questions on the visibility analysis just, I
2 guess, generally first. When you do those
3 analyses, I believe what you indicate typically is
4 that the angle, I guess, of the photo for the
5 simulations is supposed to represent a view from
6 the 5 foot height. And I'm wondering, although
7 you weren't, apparently you weren't granted access
8 to any of the properties of the objecting parties,
9 some of the comments in some of the prefile
10 testimony indicated that some of the concerns they
11 had, the neighbors had, were regarding views from
12 second floor windows, second floor rooms in their
13 houses.

14 And I'm wondering if you think that any
15 of the views for the photos that you did take,
16 that you were able to take, would they have been
17 substantially different, or can you project
18 perhaps from any of the properties adjacent to the
19 subject property would views from higher than 5
20 feet representing say a second floor of a house
21 given any different perspectives?

22 THE WITNESS (Libertine): Sure. Again,
23 Mike Libertine for the record. It is a bit of an
24 art form to try to project what might be going on
25 off site looking back towards the property. I

1 will say this: We have been granted access in the
2 past on other dockets, and obviously you can't
3 make an apples-to-apples comparison from one
4 property to another. But in general if there is
5 intervening vegetation, in this case mature trees,
6 the views, and again, if it's intervening and we
7 don't have, you know, an idea that might be wide
8 open, the views tend to be generally similar to
9 what we see on the ground.

10 Now, there's always exceptions to those
11 rules, so I don't want anyone to interpret what
12 I'm saying is that a next-door neighbor here on
13 abutting property in this particular docket that
14 that may be an absolute. But in general, having
15 done that on more than a few dozen private
16 properties and being asked to go up to second
17 story levels, generally that's what we see, again,
18 given the conditions where you have some
19 intervening trees. And again, one of the things
20 that does change, obviously, from that
21 perspective, you may be looking down through the
22 trees so you may be getting glimpses at some point
23 depending on where you are within the facility
24 compound itself versus from areas on the ground
25 where typically that landscaping, 8 feet, 10 foot

1 trees would block it. So that might be one of the
2 changes or one of the variables that might come
3 into play.

4 MR. HARDER: Okay. Thank you. One
5 quick question, and I don't know if it's indicated
6 anywhere in the application, that the house
7 immediately adjacent to the subject property
8 immediately to the house, I guess to the south, I
9 guess the actual house is southeast of where the
10 tower would be located, is the elevation of the
11 house, how does that differ from the elevation or
12 the ground elevation, that is, of the house, does
13 that differ substantially from the ground
14 elevation of the tower? I know that generally the
15 land slopes down to the east, but where that house
16 is, is that substantially different?

17 THE WITNESS (Libertine): We're talking
18 about the house on the property, the subject
19 property?

20 MR. HARDER: No, the house immediately
21 to the south. It's a flag, kind of a flag lot, I
22 guess, it goes to the back a little bit. I'm
23 wondering, is that substantially downhill from
24 where the tower would be?

25 THE WITNESS (Libertine): I'm not sure

1 I'd characterize it as "substantially." I do
2 believe it is down gradient, but I'm just not sure
3 of the topo differential. I can certainly take a
4 look at some LIDAR data and follow up with that
5 information to at least get an idea of the ground
6 elevation at our site versus the ground elevation
7 at the foundation of his home.

8 MR. HARDER: I'm wondering if the house
9 is, you know, the ground elevation is enough
10 downhill, would that put the second floor
11 elevation closer to the ground elevation of where
12 the tower is, you know, I mean, would it make that
13 much of a difference? But yeah, if you could
14 check on that, I'd appreciate it.

15 THE WITNESS (Libertine): Sure. I will
16 do that. We'll supply that with the mapping that
17 Mr. Perrone had requested as well.

18 MR. HARDER: Okay. The only other
19 question I have is on the coverage maps, and I'm
20 looking at, let's see, attachment 3 in Tab 1, and
21 I guess this is indicated on a couple other maps
22 too. As far as the Connecticut side, am I correct
23 there's only two other towers shown, only two
24 other towers that exist? You have tower 2282 and
25 tower 2841. I don't believe it shows any other

1 towers in Connecticut; is that correct?

2 THE WITNESS (Lavin): Not within the
3 area of the plots, no.

4 MR. SILVESTRI: That was Mr. Lavin; is
5 that correct?

6 THE WITNESS (Lavin): Martin Lavin,
7 yes. Sorry.

8 MR. SILVESTRI: Thank you.

9 MR. HARDER: Not within the area shown
10 on the map you're saying, right? That's correct?

11 THE WITNESS (Lavin): Yes, not within
12 the area shown. There's an inventory of sites
13 given on page 8 of the report that's all of the
14 sites around there, including ones that are just
15 off the area of the plot.

16 MR. HARDER: Okay. But as far as I
17 think you had made the comment earlier that this
18 northern part of New Canaan is really quite
19 underserved by cell service?

20 THE WITNESS (Lavin): It is, yes, as is
21 brought up in the Centerline report as well.

22 MR. HARDER: Right. And while you're
23 showing interest, I guess, in putting a tower
24 somewhere over near Smith Ridge Road, it seems
25 like that would still leave quite a bit of that

1 northern part of town not very well served; is
2 that correct?

3 THE WITNESS (Lavin): There would
4 certainly still be remaining gaps in the sites.
5 We'll do as much as we can get them to do, but
6 there will still be gaps left over.

7 MR. HARDER: Right. Do you know if the
8 town, I mean, you know, these issues are coming up
9 now with this location. I would assume some of
10 the same issues will come up with respect to any
11 other location in the northern part of this town.
12 Do you know if the town has -- you know, rather
13 than look at these one at a time and go over some
14 of the same issues each time, do you know if the
15 town has tried to have, you know, more of a
16 general discussion with its residents, you know,
17 to bring these issues out to, you know, try to
18 find out what areas might be acceptable, what
19 issues might be of concern more to people? Maybe
20 this is a question that should be directed to the
21 town, but, you know, these things are going to be
22 coming up time and time again.

23 THE WITNESS (Lavin): I'll defer to Ray
24 Vergati on that one.

25 THE WITNESS (Vergati): Ray Vergati,

1 Homeland Towers. And just to go back to the prior
2 question to Mr. Libertine regarding the elevation
3 of the house, which I think you were mentioning
4 south or southeast, I believe it's the Wiley
5 residence. It's almost directly behind our
6 landlord's property. Our facility height grade
7 level is 502. I looked at a quick contour map,
8 and it looks like that particular lot is 35 to 40
9 feet lower. So you actually go down the hill for
10 that particular home.

11 In response to the question, as I
12 mentioned earlier, we have an RFP. We have an
13 agreement with the town to provide a comprehensive
14 plan. We've been working with them for years, not
15 an easy or quick process, and we can't make
16 everybody happy, obviously, but we try to do the
17 best we can. I can tell you that we are working
18 on other projects in town to provide that
19 comprehensive plan so there is good public safety
20 coverage and cell coverage throughout town.
21 There's no silver bullet. There's no one site
22 fits all. New Canaan is a very difficult town due
23 to the terrain, due to the layout, residential
24 wealthy community. Not everybody is raising their
25 hands to have a tower put forward. So we try to

1 work with municipal properties when it's
2 appropriate from an aesthetic perspective. When
3 there's nothing, we go to private properties.

4 I think there was a question also just
5 asked about what the town has done in reaching out
6 to the residents. We've had a number of public
7 hearings, meaning Homeland, the town, the town
8 council, planning and zoning, where residents have
9 showed up and voiced their concerns or not
10 concerns. It depends who you talk with. There's
11 a lot of people that want this coverage. And the
12 town actually did an online survey back in 2012.
13 It was a very interesting survey. They made it
14 only available to the residents of New Canaan.
15 And 91 percent of the people wanted more
16 facilities built in town. It was overwhelming.
17 The survey spoke for itself. I'm not sure if that
18 survey is in the record. We can add it into the
19 record.

20 But it was a survey by the town to the
21 town's residents, and it had very interesting
22 facts about people losing 911 calls, how often
23 that happened, where is the best area for
24 coverage. People said in the downtown, it makes
25 sense, there's rooftops, there's more areas that

1 promote wireless. But time after time the survey
2 came back that the northeast, the northwest and
3 north central terrible coverage. So Homeland, as
4 a developer, we're working on that. As I
5 mentioned, we started with Irwin Park and West
6 Elementary School, two sites. We wanted to be
7 able to present a full plan to the town to
8 accommodate all the residents to provide reliable
9 service for all of them.

10 So there could effectively, effectively
11 be five sites, this particular application, if
12 it's approved; a site further west somewhere
13 between Smith Ridge Road going west towards Dans
14 Highway; and then a site on the Ponus Ridge Dan
15 Highway area, almost the North Stamford border;
16 and then the two other sites we talked about,
17 Irwin Park and West Elementary School which are
18 still on the west side but further down towards
19 the central part of town.

20 MR. HARDER: Thank you. Just one other
21 quick question, the last question. Granted,
22 there's only two other sites, towers in this area,
23 but is it feasible at all for the purpose of
24 improving coverage to look at -- and I don't know
25 what the situations are like, the locations,

1 nearby neighbors, you know, it's possible there
2 would be objections -- to looking at those
3 existing locations and replacing those towers at
4 those locations with something more either higher,
5 if that works, or something that would provide
6 more expanded coverage from those existing
7 locations?

8 THE WITNESS (Vergati): I'll let
9 Martin, the RF engineer, speak to that. But
10 again, because those other facilities are a
11 unipole design at 120, I don't believe replacing
12 or expanding those are going to solve the coverage
13 issues in the northeast section of town. You need
14 a new facility here, period, and that's really the
15 bottom line.

16 MR. HARDER: Okay. Thank you.

17 THE WITNESS (Vergati): I will add one
18 thing that this particular tower, like all of
19 Homeland's towers, will be built to be extendable,
20 and that's just, again, a matter of good business
21 practice. We don't know where the future is
22 going. And I've seen sites before where the tower
23 was only designed for a particular height
24 structurally and can only accommodate X amount of
25 load. We will design this tower, like we do all

1 of our towers, as a matter of good practice to be
2 extendable, and that's typically 10 to 15 feet.

3 MR. HARDER: Thank you. I have no
4 further questions.

5 MR. SILVESTRI: Thank you, Mr. Harder.
6 We're pretty close to the 3:30 mark, which I
7 mentioned before might be a good time for a break.
8 So why don't we go and recess for about 15 minutes
9 and come back here at 3:40. Thank you.

10 (Whereupon, a recess was taken from
11 3:26 p.m. until 3:42 p.m.)

12 MR. SILVESTRI: I have a question
13 before we start with cross-examination by other
14 Council members, a question for Mr. Vergati.

15 Mr. Vergati, you mentioned before in
16 one of your responses to Mr. Harder's question
17 about a survey that was conducted by the town. I
18 would like to get a copy of that and have the
19 Council get a copy of that more as backup for what
20 you were saying. It would be nice to have
21 something in print. And seeing that Mr. Libertine
22 has to supply a Late-File, could you also supply
23 that for us?

24 THE WITNESS (Vergati): Absolutely.
25 I'll supply you with a copy of the survey. And I

1 know it could also be found, I believe, on the
2 town's web site under the utilities commission
3 tab. They have a number of materials. I believe
4 the survey is on there, but I'm happy to send you
5 the document.

6 MR. SILVESTRI: That's appreciated.
7 And again, because you brought it up, it's more
8 than adequate that you would give it to us. Thank
9 you.

10 Okay. I'd like to continue our
11 cross-examination now with Council member
12 Mr. Hannon.

13 MR. HANNON: Thank you. I'm just glad
14 I haven't lost my contact yet. I do have a few
15 questions. On page 12 of the introduction there's
16 a statement, The proposed facility will also
17 provide reliable service to St. Luke's School
18 which has a student faculty employee population of
19 over 655 people. Based on materials that had been
20 supplied, it does not appear as though St. Luke's
21 School is in favor of this particular location.
22 But I'm curious, based on the COVID-19, if you've
23 noticed any change in service reliability or
24 reduction in data since the school has been
25 closed?

1 THE WITNESS (Lavin): Martin Lavin, C
2 Squared. We don't have any specific information
3 about changes since COVID-19, no.

4 MR. HANNON: I was just curious because
5 you would think that with that type of a
6 population center right there, I'm pretty sure
7 that most of the population out in that part of
8 the state is pretty well scattered. This could be
9 a pretty heavy usage of the service out there. So
10 I was just curious if you had any data.

11 On page 16 it's starting to get into
12 some of the issues with the proposed driveway.
13 The driveway proposed, 12 feet wide, runs along
14 the existing drainage easement. Map CP-1 shows
15 the driveway within the 20 foot wide drainage
16 easement that's there, and it was mentioned
17 earlier there is an existing 15 inch RCP located
18 in that easement. And so going to map CP-1, I'm
19 trying to figure out if the initial access off of
20 the cul-de-sac represents an erosion tracking pad
21 or is that sort of a -- that would be continued
22 for the gravel driveway?

23 THE WITNESS (Burns): Robert Burns from
24 APT. The hatched area, the gravel hatched area
25 will be a construction entrance during

1 construction activities. Once those activities
2 are done, that larger stone construction pad will
3 be taken out and then the final surface for the
4 proposed gravel access driveway will be put in in
5 that place.

6 MR. HANNON: Okay. Is there any way to
7 move that to -- let me see if I can find an arrow
8 on this map somewhere -- I guess it would be a
9 little bit to the south. Because what I'm
10 concerned about is where you've got the
11 construction entrance and also the driveway, it's
12 located over the existing pipe. Is there any way
13 to shift that to the south so that if the town had
14 to go in there and do some repair work they're not
15 digging up your driveway and thereby requiring the
16 town to go in and deal with additional expenses
17 which I don't think they really should have to do.

18 THE WITNESS (Burns): In order for us
19 to shift the driveway so that no part of the
20 construction was over that existing pipe, we'd
21 probably have to shift it 10 to 15 feet to the
22 south which would push it closer into the parcel
23 itself, mainly because not only the driveway but
24 there's a two-to-one side slope there because the
25 existing slope there, being what it is, we're

1 having to bring some fill in to make a more
2 reasonable slope of the compound and the driveway
3 itself.

4 MR. HANNON: I mean, yeah, I can see
5 where there's some grading, but most of the
6 grading is at the eastern end of it.

7 THE WITNESS (Burns): Yeah, that back
8 corner there's a real pitch point there in terms
9 of where we match into existing grade. The north,
10 I guess the north corner, the grading there really
11 matches in almost at the property line.

12 MR. HANNON: I'm having a hard time
13 understanding why you'd have to shift it 10 to 15
14 feet when it only looks like there is maybe one to
15 two feet of driveway over the pipe.

16 THE WITNESS (Burns): Well, your side
17 slope will still be over the pipe if I shift it
18 one to two feet. Now, if you're just asking me if
19 I shift the entire gravel, you know, just so the
20 gravel drive isn't over it, then yes that could
21 happen, but it would push the entire thing further
22 into the parcel and push it to the south.

23 MR. HANNON: I mean, I'm looking to
24 make this as simple as possible so that if this
25 project goes forward and the town has to do some

1 repair work on that pipe, they're not digging up
2 your driveway and having to restore the driveway
3 which is an added expense that I don't think they
4 should have to put up. I mean, if it's a matter
5 of going back and regrading some, they're going to
6 do that anyway digging up the pipe.

7 THE WITNESS (Vergati): This is Ray
8 Vergati, Homeland Towers. There is an existing
9 drainage easement, obviously, that runs down our
10 proposed driveway. It's 20 foot wide. There is a
11 concrete pipe reinforced buried about 8 to 9 feet
12 below this proposed access driveway. We had the
13 town perform a video scope of that pipe back in
14 January. And they ran a TV through that pipe, and
15 it's fine from Soundview Lane all the way to where
16 it disperses at the end of the property, I'm not
17 sure how many feet out, a couple hundred feet
18 we'll say. The video came back that the pipe is
19 in excellent condition.

20 What we agreed to and what we
21 memorialized with the town is Homeland Towers
22 provided the town a letter that we, Homeland
23 Towers, would be responsible for any damage to
24 that pipe post-construction, meaning if there's
25 damage underneath the access drive where we're

1 proposing and that pipe is damaged in that section
2 and that occurs post-construction, that's on
3 Homeland Towers to rectify financially.

4 MR. HANNON: Is there a copy of that
5 agreement in your filing?

6 THE WITNESS (Vergati): We can provide
7 a copy. It was just signed at the end of June by
8 Homeland Towers and provided to the first
9 selectman. I'd be happy to provide a copy of it.

10 MR. HANNON: Okay. And then this would
11 also include just due to natural causes with any
12 damage to the pipe, not anything related to the
13 construction?

14 THE WITNESS (Vergati): The way the
15 letter agreement is, any damage to the pipe
16 post-construction underneath our access driveway.
17 It's kind of hard to possibly tell if there's
18 damage, I guess, from construction or whatnot, but
19 we are responsible for the pipe that is directly
20 underneath our access driveway. Now, if there is
21 a problem with the pipe that's 300 feet down we're
22 not even close to developing or have touched any
23 soils down that way toward the end of the property
24 where it comes to an outlet, if there's damage to
25 that section of pipe, no, we would not be

1 responsible. That would be the town's
2 responsibility. We're just responsible for the
3 pipe underneath the access drive.

4 MR. HANNON: Okay. Because like I
5 said, my concern was more if the town had to go
6 back and replace the access drive, and things of
7 that nature, that's a burden I don't think they
8 should have to cover. But that's fine. And I'd
9 appreciate getting a copy of the letter, if that's
10 not too much of a problem.

11 THE WITNESS (Vergati): Absolutely.

12 MR. HANNON: The next question I have
13 is on page 18, stating that the nearest school
14 building is located about 250 feet from the
15 parcel. St. Luke's is stating that's a violation
16 of the statutory restrictions on the proximity of
17 such telecommunication facility to a school.
18 They're claiming that the definition of schools is
19 not limited to school buildings but also includes
20 school property with regular student and faculty
21 presence such as athletic fields.

22 So can you explain the difference in
23 opinions as to what the separation distances are
24 for schools and towers?

25 THE WITNESS (Vergati): Ray Vergati,

1 Homeland Towers. We've actually in the initial
2 design of the facility there's a reason why the
3 facility is on the forefront or the western side
4 of the compound. We wanted to certainly try to
5 adhere to the tower itself being 250 feet from the
6 school building. I think it's just a matter of
7 interpretation, a difference of interpretation
8 between St. Luke's and Homeland Towers, AT&T and
9 so forth. I think it's clear the regulations
10 state 250 feet to a building.

11 And I can let our attorney speak more
12 in depth about it, but I think the first selectman
13 in his capacity, Mr. Moynihan, has the ability to
14 waive any type of setback from a facility to a
15 school, as well as the Siting Council, as long as
16 it's shown that there's no adverse aesthetic
17 effect and other such items. So we think we've
18 designed it very appropriately right now, and we
19 can certainly address it further, but we think the
20 design will meet the setbacks.

21 MR. HANNON: A bit of a follow-up on
22 that is in the May 27th supplemental submission
23 the applicant states that the school building is
24 about 240 feet from the proposed equipment
25 cabinet. So I'm assuming that your take is the

1 same that it's based on the tower, it's not based
2 on the quote/unquote facility or a particular
3 equipment cabinet?

4 THE WITNESS (Vergati): Ray Vergati,
5 Homeland Towers. Correct, we feel the 250 feet is
6 a fine setback to the facility itself, meaning the
7 tower structure, and not the equipment at the base
8 of the tower.

9 MR. HANNON: Okay. Thank you. In Tab
10 4, the first page, there's an aerial picture that
11 looks like it was taken in May of 2019 and another
12 submittal that's associated with the noise study
13 and the modeling receptors. It's showing that on
14 the school property there it looks like a major
15 construction project going on. Any idea what that
16 is? It's east of the football field and west of
17 the school building. It looks like there may have
18 been a baseball field there at one point in time.
19 I'm just curious what that is. This is in May
20 2019. It's a grassed area. So I'm trying to
21 figure out which -- I mean, I'm seeing a 2020
22 Google logo on the map that was submitted with the
23 modeling receptor locations.

24 THE WITNESS (Vergati): Ray Vergati,
25 Homeland Towers. If my memory is correct, we did

1 walk the property with St. Luke's a while back,
2 and for some reason I recall that they were
3 possibly putting in a turf field. So I believe
4 the aerial that you see showing an active
5 construction site, there's been many active
6 construction sites on St. Luke's over the years,
7 but I believe this particular one that you're
8 referencing may have been the school preparing to
9 put down an artificial turf field. And I believe
10 they may have kept the baseball field there or
11 lacrosse field or some type of playing field but
12 just made it turf, and I believe that's what it's
13 there for. I believe they also did an addition at
14 some point on the school, but I believe it was
15 just for the turf field.

16 MR. HANNON: Okay. So it's not for
17 additional school buildings which might have an
18 impact on that 250 feet?

19 THE WITNESS (Vergati): Actually, when
20 we designed the site the school had also, or
21 somehow we had plans of the addition that the
22 school was putting on, and I believe it was on the
23 southern end of the property of the school, and I
24 believe it was almost like a circular addition
25 that they were putting on. And I believe when we

1 did the setback and sited the tower location
2 (audio interruption) that future addition, or the
3 new addition, whatever it was at that point, for
4 the 250 foot setback to the facility.

5 MR. HANNON: Okay. Thank you.

6 MR. SILVESTRI: Mr. Hannon, you might
7 be able to get further clarification once we have
8 cross-examination of St. Luke's as well.

9 MR. HANNON: Yeah. Again, it raised an
10 issue. And one of the things I saw was the issue
11 of the 250 feet. So I just want to try to get
12 some of this stuff on the record.

13 Would the town be relocating or setting
14 up any of its equipment on this tower; and if so,
15 would they be able to share the generator that's
16 being proposed or would they need to bring in
17 their own generator for backup?

18 THE WITNESS (Vergati): I believe right
19 now -- Ray Vergati, Homeland Towers. I believe
20 right now the town has a public safety with
21 antenna, and maybe two, on the rooftop of St.
22 Luke's School. There's been no indication in
23 talking to the town's wireless consultant, Norcom,
24 that they plan, at least today, in relocating that
25 antenna over to the facility. Should the town in

1 the future come to this site, it's approved and
2 built. By a matter of practice, we don't get
3 involved with generators. It's a question that
4 pops up on many applications in the dockets.
5 Every carrier will have their own generator. It
6 makes business sense -- not business sense, but it
7 makes network sense to have a network for each
8 carrier that is not tied into one failure point
9 being the generator or one single generator.
10 Typically the carriers are very protective of
11 their equipment. If the town wants to install
12 their own generator, they can certainly do so.
13 Typically what we've seen with towns as well, I
14 believe, is they have such a small footprint in
15 what they're running, sometimes they get away with
16 installing a battery rack as far as back-up
17 generation as opposed to an actual generator, but
18 actually I've seen more generators come down the
19 pike for public safety because it is so critical.
20 But to answer your question, I don't believe the
21 carriers would share their generator with the
22 town's public safety.

23 MR. HANNON: Okay. Then tying in with
24 comments that were made earlier about this
25 town-wide RFP, did that mention anything about

1 co-locating the town's equipment on these cell
2 towers that are being looked at so that
3 universally across the town they would be mounted
4 to the towers, was that part of the RFP?

5 THE WITNESS (Vergati): I'd have to go
6 back. It's been four years we've been working on
7 this project. I'd have to go look back. I'm sure
8 somewhere there's been something in writing
9 between Homeland and the town that we would
10 certainly make space available to the town if they
11 were awarding that RFP, which they did to us, that
12 we would make space available to them for public
13 safety. And even if we weren't awarded the RFP
14 and we were on other properties, other towns, we
15 typically as a matter of being a good neighbor and
16 a good developer allow public safety, within
17 reason, to come onto the tower at no charge.

18 MR. HANNON: In reading one of the
19 other documents from planning and zoning
20 commission recommendations, it sounds like the
21 shadowbox fence is something that's been looked at
22 almost since the beginning where that was a
23 recommendation of the town rather than the chain
24 link fence, is that correct, and then the
25 applicant has agreed to put that up?

1 THE WITNESS (Vergati): As I mentioned
2 earlier, the original design that Homeland had on
3 our first set of drawings, we show the shadow
4 fence on three sides of the facility, the west,
5 south and east with a chain link fence on the
6 north side facing St. Luke's. And the reason why
7 we did that, we initially thought in our design
8 that if we had a solid stockade fence it would
9 maybe create more of a noise issue with any
10 equipment that's running. We've since spoken to
11 the noise expert. It doesn't make a difference.
12 So we changed -- that's the only portion of the
13 fence we changed to give St. Luke's some
14 additional screening by going to a solid stockade
15 fence on the north side of the facility.

16 MR. HANNON: Okay. And I think you had
17 touched upon this earlier that trying to put any
18 type of landscaping between the facility and the
19 school property it's going to be almost impossible
20 because of the easement as well as the piping, and
21 I don't think you want to put something in there
22 that may have root systems maybe not going down 8
23 or 9 feet but could have problems. So what would
24 be done or what might be offered to St. Luke's to
25 try to provide a little bit of landscaping on that

1 sort of northern side of the complex of the
2 facility?

3 THE WITNESS (Vergati): Sure. I'd be
4 happy to have a discussion with the administration
5 of St. Luke's if this project comes to fruition
6 and goes forward to be able to say to St. Luke's
7 let's provide you some landscaping from Homeland
8 Towers on St. Luke's property. We do it many
9 times in many applications across the board when
10 you're physically constrained of putting
11 landscaping in an area or where you want to put it
12 around the compound and it's just not giving the
13 appropriate screening that it should. So I don't
14 mind having a conversation with St. Luke's folks
15 about providing landscaping on their property
16 which would be the north side -- the south side of
17 the property, the north side of the compound.

18 MR. HANNON: And following up on one
19 more comment from planning and zoning commission
20 recommendations, their last bullet is, The
21 commission asked the applicant to consider
22 cladding the telecom pole in a bark-like texture
23 to help blend it into the landscaping in the
24 neighborhood. Any comments on that one?

25 THE WITNESS (Vergati): I don't think

1 it buys anything. I think what we've seen in the
2 business in doing a faux bark is that many times
3 this bark has a sheen to it and actually shines in
4 the sunlight, as opposed to when we do these
5 monopoles from experience we paint them more of a
6 matte brown or what we call a thunder gray,
7 Sherwin-Williams thunder gray, which has more of a
8 matte finish to it. We've also seen the bark
9 become an issue on towers where it's maintenance,
10 it peels, and it breaks down due to the elements.

11 This particular tree is designed to
12 have branches coming down all the way down to 20
13 feet above ground level. So there's not going to
14 be much of a pole really visible to an extent. So
15 we think that the painted pole makes much more
16 sense versus going a faux bark. We just don't see
17 the reason for it. It turns into a maintenance
18 issue as well.

19 MR. HANNON: Okay. But you say,
20 though, that the structure itself will be painted
21 so it may be a darker color somewhat resembling
22 wintertime trees, that type of thing, the darker
23 colors?

24 THE WITNESS (Vergati): Yes. We've
25 done a number of trees. We work with the tower

1 manufacturer, but you can basically pick any color
2 pallet you want. What we have found is that
3 there's one particular color pallet,
4 Sherwin-Williams, I'm not sure of the swatch
5 number, but I believe it's called thunder gray.
6 And it seems to -- it's not brown. It's not gray.
7 If you look at a tree here in New England, it kind
8 of has that grayish brown look to it, and we found
9 that it's a very appropriate color when we're
10 doing these monopine trees. We've actually even
11 done monopole towers in colors as well, sometimes
12 sky blue, sometimes this thunder gray depending on
13 the application.

14 MR. HANNON: And is there anything
15 proposed as far as trying to disguise the
16 antennas, I mean, will they be camouflaged in any
17 way, or what kind of coloring are you using for
18 those?

19 THE WITNESS (Vergati): The antennas
20 will be concealed within the branches. But in
21 addition to concealing the antennas within the
22 faux branches, there will be camouflage socks,
23 sleeves that are placed on the antennas. These
24 sleeves actually -- there's various types you can
25 get. The typical ones that we put on or require

1 our carriers to put on almost have like needles on
2 them, like pine needles, and it's a sleeve that
3 slides over the antenna. There's some equipment
4 that cannot be -- have these sleeves on them, I
5 guess, because of heat. Panel antennas have
6 sleeves. I think some of the other smaller radio
7 heads up there, I'd have to double check, but I
8 believe they can paint them or vice-versa, they
9 can put a sleeve, but they can't paint them
10 because of the heat issue.

11 MR. HANNON: Okay. I believe that does
12 it for me today.

13 MR. SILVESTRI: Thank you, Mr. Hannon.
14 We'll continue cross-examination of the applicant
15 by Ms. Guliuzza.

16 MS. GULIUZZA: Thank you, Mr. Chairman.
17 I think that I only have one area of inquiry.
18 There was earlier testimony regarding the removal
19 of a concrete or cement base. And I'd like to
20 ask someone, well, whoever would be most familiar
21 with the base removal, to look at the supplemental
22 submission of May 27, 2020 in attachment 1, page
23 11. And I'm just wondering whether or not that
24 concrete base (audio interruption) within that
25 drawing.

1 THE WITNESS (Vergati): I'm not 100
2 percent sure what you're talking about, but I may
3 have an idea if you're talking about a concrete
4 base or foundation.

5 MS. GULIUZZA: Right.

6 THE WITNESS (Vergati): Typically the
7 tower foundation is a mat foundation. Depending
8 on soil types, it can go down X amount of feet,
9 10, 12 feet, 8 feet. If the site is ever
10 decommissioned, the foundation with all the
11 concrete and rebar that's part of the earth, you
12 do more damage and disturbance to the area in
13 trying to take it out. We have in our agreement
14 with the landlord typically, and I'll double check
15 the lease agreement if it makes the Council happy,
16 but typically we have language in our lease
17 agreements, our ground lease, where we would
18 remove the foundation back to grade level or a
19 foot below grade level. It makes no sense to dig
20 up a 20 by 20 mat foundation and cause a lot of
21 disturbance.

22 In addition, while we're talking about
23 removal, I believe there's language in our lease
24 with Mr. Richey that states Homeland, if the site
25 were to ever become dismantled, terminated, that

1 there be a removal bond posted by Homeland Towers
2 for the removal of the facility. It's not a
3 requirement from the Siting Council, but it's
4 something that we sometimes agree to with our
5 private landlords.

6 MS. GULIUZZA: Okay. So to the extent
7 that there was discussion earlier about the
8 removal of a concrete base, it was with respect to
9 the pole itself?

10 THE WITNESS (Vergati): I'm not sure I
11 heard that earlier comment, but it could well be
12 if someone was talking about a concrete base.
13 Maybe you're talking about the comment about the
14 concrete pipe, the removal or fixing the concrete
15 pipe that runs under the access drive?

16 MS. GULIUZZA: No, I don't think so.
17 Okay. Well, I'm glad I asked because I -- is
18 there any other concrete base? If you could just
19 look at the supplemental submission for me,
20 attachment 1, page 11, you know, which is the
21 elevation view (audio interruption) on the site.
22 Do you know which drawing I'm referring to?

23 MR. SILVESTRI: Ms. Guliuzza, you're
24 breaking up, for one. For two, if I might be able
25 to help?

1 MS. GULIUZZA: Sure.

2 MR. SILVESTRI: I think the concrete
3 base might have referred to the cabinet, if I'm
4 not mistaken.

5 MS. GULIUZZA: That's what I assumed as
6 well, Mr. Chair. That's what I was getting at. I
7 thought it referred to the walk-in cabinet.

8 THE WITNESS (Vergati): I'll have
9 Mr. Burns respond to that question.

10 THE WITNESS (Burns): So I'm not
11 entirely sure, but I will go through for a second
12 where we ended up with the equipment itself on the
13 ground. Originally AT&T wanted to put their
14 equipment on piers on a steel platform. They've
15 since revised that to two concrete pads that will
16 be flush with the ground, mainly because it lowers
17 the cabinet and it won't be up as high, and it's
18 easier to construct. They're not really doing
19 anything, but they will be constructing that as
20 part of the revised design on the ground
21 equipment.

22 MS. GULIUZZA: Right. Okay. So my
23 question was, and again, if someone could just
24 look at that attachment, attachment 1, page 11 for
25 me of the supplemental submission of May 27th.

1 THE WITNESS (Burns): Okay.

2 MS. GULIUZZA: Do you have that
3 available?

4 THE WITNESS (Burns): Yes, I'm looking
5 at it right now.

6 MS. GULIUZZA: Okay. So there is not a
7 concrete -- is it fair to say that there's not a
8 concrete base in that elevation view?

9 THE WITNESS (Burns): I think that note
10 you're referring to means that they removed some
11 of the graphics there, the fence and the generator
12 with the pad for clarity so you could see the
13 pole, so you could see the walk-in cabinet. So
14 they're not actually shown in that elevation.
15 That's something that will technically be removed
16 in the field, but it was a graphical decision made
17 by -- who is this, the noise consultant -- the
18 noise consultant on his elevation.

19 MS. GULIUZZA: Okay. So the concrete,
20 does this elevation view depicted on page 11 --
21 first of all, is this to scale, is it fair to say
22 that this drawing is to scale?

23 THE WITNESS (Burns): I don't believe
24 it's to scale. There's no scale on it. I didn't
25 prepare that. But inside our drawing the

1 elevation in the drawings is to scale.

2 MS. GULIUZZA: Okay. So in the walk-in
3 cabinet, that line, what is it on?

4 THE WITNESS (Burns): The walk-in
5 cabinet. I'm sorry, I was unclear what --

6 MS. GULIUZZA: Is it on concrete? Is
7 it on some kind of a base under the walk-in
8 cabinet?

9 THE WITNESS (Burns): Yeah, the walk-in
10 cabinet will sit on a -- they'll pour a concrete
11 base which will be flush with the ground. It will
12 sit on two small, they call they stilts, but
13 they're pretty small because the cabling for that
14 walk-in cabinet comes in from underneath, and then
15 the cabinet itself will sit on those. So now it
16 sits strictly on a concrete pad as well as the
17 generator now will be on concrete, its own
18 separate concrete pad.

19 MS. GULIUZZA: But the cabinet, the
20 walk-in cabinet will be on a small base, steel
21 base? Could you quantify "small" for me?

22 THE WITNESS (Burns): The walk-in
23 cabinet will sit on an 8 foot by 8 foot concrete
24 pad, and then on each corner there's a small post
25 which it sits on top. They're not very high,

1 mainly so they can get the cables under the
2 cabinet and into the cabinet. The generator sits
3 on a 9 foot by 7 foot concrete pad which will
4 actually have a containment trench built into it.

5 MS. GULIUZZA: And as this elevation
6 view depicts, the walk-in cabinet protrudes above
7 the 8 foot fence; is that correct?

8 THE WITNESS (Burns): I'm sorry, you're
9 going to have to repeat that. I didn't quite hear
10 it.

11 MS. GULIUZZA: Does the walk-in
12 cabinet, as it's depicted in the elevation view in
13 that picture, does it protrude above the 8 foot
14 fence?

15 THE WITNESS (Burns): Yes, the top of
16 the cabinet will show above the fence.

17 MS. GULIUZZA: By approximately how
18 much?

19 THE WITNESS (Burns): 2 feet, maybe a
20 foot and a half.

21 MS. GULIUZZA: Okay. Because the
22 cabinet itself is, am I correct that it's a 9 and
23 a half foot cabinet?

24 THE WITNESS (Burns): That's correct.

25 MS. GULIUZZA: Thank you, sir. I have

1 nothing further, Mr. Chairman. Thank you.

2 MR. SILVESTRI: Thank you, Ms.
3 Guliuzza.

4 I'll turn now to Mr. Edelson to
5 continue cross-examination.

6 MR. EDELSON: This is for Mr. Vergati,
7 if you would show up. Can you hear me okay?

8 THE WITNESS (Vergati): I can hear you
9 fine, yes.

10 MR. EDELSON: So you've described
11 several times about the landlord being pretty
12 insistent about the locating of the tower in that
13 northwest corner. And I was wondering if you
14 could tell us a little bit about the process of
15 how that came about. Was this part of an ongoing
16 conversation to come to that decision, or was that
17 his position, if you will, as soon as you began
18 your lease negotiations or your discussions
19 leading up to the lease?

20 THE WITNESS (Vergati): So Ray Vergati,
21 Homeland Towers. The location was chosen in
22 conjunction with input from the landlord, Homeland
23 Towers going out with All-Points looking at the
24 sites, seeing what made the most sense for siting
25 of a tower. Even though it's a 4 acre lot, if you

1 look at it, the back corner of the northeast of
2 the property, it drops down considerably and you
3 get into wetlands. On the main portion of the
4 property you have the home with a tennis court and
5 swimming pool. In the east side of the property
6 you have a circular driveway. Where this location
7 was chosen made the most sense. It's wooded. It
8 has a relatively flat and high elevation. And it
9 was a discussion with the landlord to make sure
10 that we can fit a tower here, which we think we
11 have. And it's a balancing act. We wanted to
12 keep it away from -- as far away from the other
13 homes on Soundview. That's why we kept it where
14 it is.

15 MR. EDELSON: So would it be fair to
16 say that in your conversation with the landlord he
17 was willing to look at alternatives around the
18 site, and it was a consensus that this was the
19 best location within his site for the tower?

20 THE WITNESS (Vergati): I think in
21 working with the landlord, Mr. Richey was very
22 sensitive to the fact of the neighborhood. And
23 although it may not seem like it to the opposition
24 or other people, he really had their best
25 interests in mind in working with Homeland and

1 designing the site, and I think that's evident
2 with the height that we're proposing as well as
3 the facility plan of a faux tree. So that's how
4 we arrived at the location.

5 MR. EDELSON: So I think my next
6 question you might be in a good position to
7 answer. Whenever I see a town document that has
8 the term "noncompliant," it's a little bit of a
9 red flag. And I believe they characterized your
10 fencing as noncompliant, the fencing around the
11 compound, and that's because their requirement was
12 6 feet or less. Obviously you're 2 feet above
13 that. So I'm a little confused because it seems
14 to me the 8 feet is really done for the purposes
15 of protecting the view of the cabinets to a large
16 degree, 6 feet, if you kept to that and were
17 quote/unquote compliant, people would see more of
18 the cabinets. How do you interpret this term of
19 your being noncompliant with the P&Z regulations?

20 THE WITNESS (Vergati): I do a lot of
21 tower sites through Connecticut and New York, and
22 every town or city or state has their own
23 regulations. There are some towns in Connecticut
24 that feel that their wireless ordinance that they
25 have on their books is gospel, is basically how it

1 should be. And someone interpreting the wireless
2 code may not be looking at it from what I would
3 think would be a common sense approach to say
4 let's have an 8 foot solid stockade fence to
5 provide the best screening versus a 6 foot fence.
6 I think 2 feet additional makes sense. I don't
7 think it creates an eyesore or an issue. I think
8 it helps the site.

9 But, you know, when we see these
10 documents from a town like New Canaan from the
11 get-go, I think they've been a little confused in
12 the sense that if I'm on town property I will be
13 vetted through their town council process and
14 they'll dictate to me more or less trying to stick
15 with their ordinance. This is a Siting Council
16 decision, and the Siting Council could take into
17 their own considerations on the design, obviously,
18 but we like to try to adhere when we can. We
19 can't always. It's not a perfect world. But I
20 think in this case an 8 foot fence versus a 6 foot
21 fence is the best way to go here.

22 MR. EDELSON: Okay. I think just one
23 other question for you because we can't go there
24 to the site. When I looked on Google Maps, I
25 noticed that at St. Luke's School they have an

1 on-site radio station, and on Google it seems to
2 show it with an icon of a tower. Now, that just
3 might be an icon for a radio station and it has
4 nothing to do with a tower. But is there a tower
5 by that radio station building on the western side
6 of the school buildings -- I'm sorry, the eastern
7 side of the school buildings?

8 THE WITNESS (Vergati): So, St. Luke's,
9 to my knowledge, has a public safety whip antenna
10 I think on their field house rooftop, and yes, you
11 are correct, I believe that they do operate a
12 radio station off -- from the campus, possibly the
13 students run it or whatnot. But my recollection,
14 there's some type of antenna, I want to say guy
15 tower, coming off the rooftop or maybe abutting
16 against the building, nothing to be able to
17 structurally hold any antennas and so forth.

18 I recall when we worked with the town
19 they mentioned the radio station tower putting out
20 whatever watts, but yes, I think you are correct,
21 it is. And when you cross-examine I think the
22 folks that are here for St. Luke's, they can
23 probably give you more information about that
24 antenna or the structure.

25 MR. EDELSON: But just when you're on

1 site at the site can you see that antenna?

2 THE WITNESS (Vergati): To be honest
3 with you, I don't recall if I can see it.

4 MR. EDELSON: So my other two questions
5 are really about radio frequency. So if we can
6 bring back that witness. Hi.

7 THE WITNESS (Lavin): Hi.

8 THE WITNESS (Edelson): So I'm trying
9 to get a feel for what we mean by coverage.
10 Sometimes we look at maps and it's not always
11 clear what it means. And we're talking a little
12 bit about emergency and 911. So if I was with a
13 set of parents at a school event on the fields and
14 something of an emergency happened that required
15 emergency response, whether ambulance, police,
16 whatever, what would happen if all of a sudden
17 several parents got on their cell phones and all
18 dialed 911, what kind of response would they get?
19 Wrong witness? Sorry.

20 THE WITNESS (Stebbins): Greetings,
21 everyone. I'm Dan Stebbins. I'm a solutions
22 consultant for FirstNet, and one of my primary
23 responsibilities is to deal with exactly what you
24 just questioned about, several people making the
25 same call.

1 A little quick background. I was the
2 colonel in the state police, and I was the
3 commander at Sandy Hook. I was also the commander
4 of the lottery shooting. So I have a little bit
5 of experience with the kind of events that we hope
6 never happen again but continue to across our
7 country.

8 Currently if you had several people
9 calling 911 all at the same time from the school,
10 I believe all your calls go to LCD, Litchfield
11 County dispatch, and that depending on the nature
12 of their call they'll go to either police, fire or
13 EMS. As you know, Connecticut has probably 106
14 PSAPs now in Connecticut, and most of them are
15 staffed with two, maybe three people, sometimes
16 less. And it comes to the question is, how many
17 people are working at that time? If there's only
18 two people working, you get two calls going
19 through.

20 Capacity is a big piece of this as far
21 as how many calls can be carried over the lines,
22 but when you're talking emergency calls, it comes
23 down to how many people are sitting there to
24 answer the phones. When calls were made in
25 Newtown there was three people scheduled to work

1 at the dispatch center that day. One was in the
2 chair, one was in the ladies room, and one was
3 still driving in. At the state police at Troop L
4 at the time they had six people sit at the
5 station, but you actually had a pretty good
6 complement compared to many parts of the state,
7 but at the same time I could tell you that many,
8 many calls they did not answer -- they were not
9 answered. They had the priority in some cases
10 because they're a 911 call, they had the priority
11 go through, but you can still only answer so many.

12 MR. EDELSON: But just to be clear from
13 the standpoint of the call happening and being
14 able to make a call, the limitation isn't at the
15 field, the limitation isn't the coverage of the
16 frequencies available at that playing field, it's
17 in the PSAP, as you mentioned?

18 THE WITNESS (Stebbins): The capability
19 of the number of calls being answered is at the
20 PSAP, correct, it's how many people can answer the
21 phone. As far as the number of calls that can be
22 made, that comes down to your coverage and
23 capacity.

24 MR. EDELSON: And that's what I'm
25 trying to get at right now, what would be the

1 nature of that coverage and capacity?

2 THE WITNESS (Stebbins): My guess,
3 based on the team that's here, and again I'm not
4 the technical person, but your coverage must be
5 weak, otherwise we probably wouldn't be having
6 this meeting, and the same thing with coverage and
7 capacity.

8 MR. EDELSON: And that's what I'm
9 trying to get at to some degree is that more than
10 a map and numbers, a little bit of a human story
11 about what kind of coverage we've got today and
12 how it could play out. So maybe you're not the
13 right person to answer that question.

14 THE WITNESS (Lavin): Martin Lavin, C
15 Squared. We have some coverage. It's a high
16 spot, and that's why we want the antennas there to
17 create the coverage. There is some current
18 coverage in and around Soundview Lane, but not
19 very much of it. You get very far off Soundview
20 Lane and it becomes unreliable. This would bring
21 a huge amount of very robust coverage and a lot of
22 capacity to that area and make it very unlikely
23 that our network would be overwhelmed by any
24 events there.

25 MR. EDELSON: Again, I'm talking about

1 what we've got today.

2 THE WITNESS (Lavin): What we've got
3 today, it would probably be very difficult to
4 respond to an event of any serious proportions.

5 MR. EDELSON: Okay. Well, let me flip
6 that around for you. On the other side, on the
7 coverage side, once we -- well, let me make it
8 clear. So if we take the other extreme of parents
9 who wanted to be able to use a facility that's
10 become quite common, like Facebook Live or many
11 other social media devices on the field to record
12 what their children are doing, I assume today that
13 would be basically impossible?

14 THE WITNESS (Lavin): Difficult to
15 impossible, yes, especially if multiple people are
16 trying to do it, that would certainly be a big
17 problem.

18 MR. EDELSON: And going into the
19 future, if this project does goes forward, what
20 would be the likely capability for parents or
21 others?

22 THE WITNESS (Lavin): The increase in
23 coverage and capacity, particularly in such
24 proximity, would make it very easy for just about
25 as many people as they wanted to, to stream live

1 or connect from there.

2 MR. EDELSON: Okay. Mr. Chairman,
3 that's all my questions. Thank you very much.

4 MR. SILVESTRI: Thank you, Mr. Edelson.
5 I have a few questions. A lot of it's follow-up
6 from questions that were posed by other Council
7 members. They're not in any particular order, so
8 bear with me as I jump around with my papers.

9 Ms. Guliuzza had spoken about the
10 height of the proposed walk-in cabinet, and I
11 think we came up with 9.5 feet. And again, she
12 referenced the fence being 8 feet. So the
13 question I have for you on that is how do you
14 screen the cabinet if the cabinet is a foot and a
15 half over the fence?

16 THE WITNESS (Burns): The cabinet will
17 certainly be seen above the fence. We are putting
18 screening out in front. Those are 8 foot trees,
19 but they certainly could be made taller if that
20 was the desire of the Council.

21 MR. SILVESTRI: And that was Mr. Burns
22 in response?

23 THE WITNESS (Burns): Yes, Robert
24 Burns, APT.

25 MR. SILVESTRI: Thank you. So it's

1 feasible that you could plant higher bushes, trees
2 or whatever, to try to block the view of that; is
3 that correct?

4 THE WITNESS (Burns): That's correct.

5 MR. SILVESTRI: Okay. We talked about
6 the hinge point. I think Mr. Perrone had brought
7 that up. For the benefit of people that might be
8 listening in, could you explain how the hinge
9 point actually works, for example, is it one
10 directional or is it based on, say, wind direction
11 or stressor direction?

12 THE WITNESS (Burns): So the tower is
13 overdesigned below the hinge point, so I believe
14 on this one it's at 52 feet above ground. It is
15 entirely around the tower, so it's not in one
16 certain direction, although the closest property
17 line is the northern property line. They don't
18 typically, you know, design it one way or the
19 other. It is at that 52 foot point, and it will
20 be a normal designed pole. It's just overdesigned
21 below it so it falls on itself.

22 MR. SILVESTRI: So if it were to fall,
23 it's going to fall in any direction, not a
24 predetermined direction?

25 THE WITNESS (Burns): That is correct.

1 You're not felling a tree, that's correct.

2 MR. SILVESTRI: Right. So again, it's
3 based on whatever stressors might be on the pole
4 as to the direction that it's going to fall?

5 THE WITNESS (Burns): That's correct.

6 MR. SILVESTRI: Great. Okay. Thank
7 you.

8 THE WITNESS (Burns): You're welcome.

9 MR. SILVESTRI: We had also mentioned,
10 somebody had commented that, let's see, any other
11 position on the property may require a taller
12 tower, so it is feasible that the locations can be
13 moved to another position on the property with a
14 taller tower. I kind of heard that early on in
15 questions that were asked. But from what I heard,
16 I believe if it goes in the southern direction
17 you're going downhill so you would need a taller
18 tower, but the apparent drawback on that was, I'm
19 not sure, it was either too close to other
20 neighbors or didn't give you any benefit, or could
21 you explain that part of it?

22 THE WITNESS (Burns): From an
23 engineering standpoint, moving it further to the
24 south definitely decreases the elevation in the
25 ground. So what that would entail would be a

1 taller tower. You're actually getting closer to
2 the wetlands which are located off the property to
3 the south. In addition, your access drive is
4 going to be longer and would be more of an impact
5 to the trees and the area in terms of the limit of
6 disturbance.

7 MR. SILVESTRI: Thank you for that
8 clarification. I wasn't quite sure what was
9 mentioned before, but thank you.

10 THE WITNESS (Burns): You're welcome.

11 MR. SILVESTRI: And we talked a lot
12 about 1160 Smith Ridge Road. And I'm under the
13 impression that that might be the subject of a
14 future proceeding. But with that, could a tower
15 at 1160 be enhanced somehow to provide the needed
16 coverage in the area that we're looking at?

17 THE WITNESS (Lavin): Martin Lavin, C
18 Squared. The configuration I looked at, 146, was
19 optimized to try to reach over to the area that
20 the proposed site covers, and that's as much as it
21 could do even at the height where 146 is awfully
22 high and probably not terribly realistic.

23 MR. SILVESTRI: So the answer is no?

24 THE WITNESS (Lavin): The answer is no.

25 MR. SILVESTRI: All right. A slightly

1 different topic, but again related to coverage in
2 the area. I believe there was a response to an
3 interrogatory that talked about the small cells
4 and why they might not necessarily be feasible.
5 I'm kind of familiar with some operations that are
6 looking at or possibly using small cells but with
7 a smaller tower. Would a small cell small tower
8 arrangement work for this area?

9 THE WITNESS (Lavin): No, it wouldn't.
10 The coverage would be greatly diminished. It's a
11 matter of height. If we're talking about utility
12 pole type things, it basically offers us a ribbon
13 of coverage along the roads. It's a lot of
14 towers. I know the -- I believe Centerline in
15 their report kind of dismissed it as being every
16 one of those would only cover about 5 percent of
17 what the macro site covers. So you're talking
18 about a profusion of smallish towers all over town
19 instead of one tower that is pretty small to start
20 with instead of having 20 of them spread all over
21 in front of people's -- all over town on
22 residential streets instead of having one in one
23 place that isn't much more visible, I think, than
24 these would be.

25 MR. SILVESTRI: Okay. Thank you for

1 the response. Along that line, if small cells
2 wouldn't work with a smaller tower, I'm going to
3 parallel to what Elon Musk is doing with his
4 satellite system. Could satellite systems work in
5 this area to provide you coverage? And parallel
6 with that, I just saw another article that I
7 believe South Korea was launching some type of
8 cellular balloons that are floating around to
9 provide coverage. Anything like that fit or
10 possibly work here?

11 THE WITNESS (Lavin): No. Aerial
12 platforms have been -- I've been in business for
13 30 years, and we've been hearing about them for 30
14 years. They cover -- they don't fly in bad
15 weather. They cover vast areas and in places that
16 have no connectivity at all in areas of Africa,
17 South America that have very little populations,
18 but over a huge area there is some potential for
19 that to be useful, but in this case it really
20 couldn't be. It's just the density here does not
21 lend itself, and all those things tend to run into
22 all sorts of trouble along the way and never
23 really fulfill what they say they're going to do.

24 In terms of satellites, I know Iridium
25 came out -- they are still functioning under

1 government subsidies. Their time on the network
2 is probably a dollar or two a minute, the phones
3 are probably \$1,500, and all they do is voice, and
4 they went bankrupt.

5 Satellites can't bring the density into
6 here. I know Elon Musk says he will, but he's
7 getting his first few up there. What he's
8 envisioned is a lot of satellites going up every
9 day, a lot of satellites deorbiting, crashing to
10 the ground every day. It's a huge undertaking,
11 and it's not something that's going to solve this
12 problem any time soon.

13 MR. SILVESTRI: I appreciate your
14 information. Thank you. One last question I have
15 is kind of a follow-up from Mr. Hannon.
16 Mr. Hannon asked what the impact was with St.
17 Luke's School not being in session. I want to go
18 slightly the other way. During the pandemic more
19 people have been working from home either via
20 phone, via computer, students, of course,
21 transition to online learning, virtual type
22 learning. How has service been affected?

23 THE WITNESS (Lavin): I don't have any
24 data, but my general experience has been that
25 everything has kind of moved around temporarily

1 emphasizing the need for coverage in areas where
2 in this case we have the school and the
3 residential areas. Now the coverage is needed for
4 both, even when they're not as close together as
5 these two are. There has been disruption and some
6 of the patterns are just completely changed, and
7 operators are struggling with capacity planning
8 based on the fact that in the middle of March
9 everything moved around completely and trends that
10 were very reliable became very unreliable, and
11 areas that weren't having trouble suddenly were,
12 areas that had been very high density in
13 industrial parks and schools suddenly became very
14 quiet. Mostly it's shown them the necessity to
15 have coverage everywhere you can because you never
16 know where the demand is going to decamp from and
17 then show up in a week's time.

18 MR. SILVESTRI: So would congestion
19 that would happen either slow speeds down or
20 dropped calls, again, what type of impact are you
21 looking at?

22 THE WITNESS (Lavin): 95 plus percent
23 of the traffic is probably data these days. The
24 biggest impact would be the slowing down, people
25 trying to work remotely while everyone else is

1 trying to work remotely in an area that had weak
2 coverage to start with, and pretty soon maybe
3 nobody can get anything done.

4 MR. SILVESTRI: Thank you. I don't
5 have any further questions, but I just want to go
6 back to our Council members just to see if they
7 have any, as well as our siting analyst.

8 Mr. Perrone, do you have any follow-ups
9 that you'd like to pose?

10 MR. PERRONE: No, sir, I don't.

11 MR. SILVESTRI: Very good. Thank you.

12 Mr. Morissette, anything further at
13 this point?

14 MR. MORISSETTE: No, thank you. I'm
15 all set.

16 MR. SILVESTRI: Thank you also.
17 Mr. Harder?

18 MR. HARDER: No, nothing further.
19 Thanks.

20 MR. SILVESTRI: Okay. Mr. Hannon?

21 MR. HANNON: I have nothing.

22 MR. SILVESTRI: Thank you.

23 Ms. Guliuzza?

24 MS. GULIUZZA: No. Thank you,
25 Mr. Chair.

1 MR. SILVESTRI: Thank you. Mr.
2 Edelson?

3 MR. EDELSON: Nothing further. Thank
4 you.

5 MR. SILVESTRI: Very good. Okay. Very
6 good. Thank you all.

7 I'd like to continue with
8 cross-examination of the applicants by the
9 Soundview Neighbors Group. Attorney Cannavino,
10 are you ready to go?

11 MR. CANNAVINO: I'm ready to go.

12 MR. SILVESTRI: Awesome. Thank you,
13 sir.

14 MR. CANNAVINO: I've switched off my
15 video because I noticed you couldn't see me
16 anyway.

17 MR. SILVESTRI: Yeah, there was a lot
18 of light behind you.

19 MR. CANNAVINO: A lot of light behind
20 me. I'll have to work on that.

21 CROSS-EXAMINATION

22 MR. CANNAVINO: I'd like to first, just
23 a couple of follow-up questions to the questions
24 that were just being asked about moving the tower
25 further to the south. And there was a suggestion

1 that there was a problem with the elevation if it
2 was moved to the south. Who was the witness who
3 was testifying to that? Have I got an applicant?

4 (Pause.)

5 THE WITNESS (Burns): Robert Burns from
6 APT. Sorry about the delay.

7 MR. CANNAVINO: That's okay.

8 Mr. Burns, have you read the submission that St.
9 Luke's submitted to the Siting Council recently?

10 THE WITNESS (Burns): I believe so,
11 yes.

12 MR. CANNAVINO: Did you read the
13 following paragraph which was near the end of
14 their submission, "According to the St. Luke's
15 analysis, if the tower were located 90 feet from
16 the street and side property lines, as outlined
17 above, the approximate ground level elevation at
18 the base of the tower would be 502.5. As
19 currently proposed, the tower is at an elevation
20 of approximately 503.2. Thus, there would be an
21 insignificant 0.7 foot reduction in elevation of
22 the tower. Relocating the tower as described
23 would therefore pose no meaningful change to the
24 potential performance and service radius of the
25 facility." Did you read that?

1 THE WITNESS (Burns): Yes, sir, and I
2 believe when I testified before I got my
3 directions mixed up. I meant to the east, the
4 further east we moved it. Moving it to the south
5 would be moving it closer to the home so --

6 MR. CANNAVINO: So when you testified
7 that there are wetlands to the south, that was
8 also incorrect?

9 THE WITNESS (Burns): That was to the
10 east.

11 MR. CANNAVINO: That's to the east. So
12 there's no change in elevation with a move to the
13 south, correct?

14 THE WITNESS (Burns): Correct.

15 MR. CANNAVINO: And, in fact, the
16 tower, as currently proposed, is approximately,
17 what, 165 feet from the Richey residence?

18 THE WITNESS (Burns): The tower itself
19 is 318 feet from the Richey residence.

20 MR. CANNAVINO: And you're looking at,
21 what, the site plan?

22 THE WITNESS (Burns): I'm sorry, you're
23 right, 165.

24 MR. CANNAVINO: It's 308 feet from one
25 of the borders of the Richey property, correct?

1 THE WITNESS (Burns): That's correct,
2 yes, yes.

3 MR. CANNAVINO: So it's 165 feet?

4 THE WITNESS (Burns): Correct.

5 MR. CANNAVINO: Okay. I'd like to now
6 turn back to some of the RF issues that were
7 raised, so I think maybe it's a different witness.

8 THE WITNESS (Lavin): Martin Lavin, C
9 Squared.

10 MR. CANNAVINO: Yes. I'm directing
11 your attention to the technical report for this
12 proposed tower. Now, I don't know, I guess you
13 may have been involved in different aspects of
14 this report, so I'm not sure you're the right
15 witness. But Section 2 of the technical report
16 summarizes the site search that was conducted by
17 Homeland in connection with this tower. Do you
18 recall that?

19 THE WITNESS (Lavin): A page number on
20 that or --

21 MR. CANNAVINO: It's Section 2 of the
22 technical report.

23 THE WITNESS (Lavin): Okay.

24 MR. CANNAVINO: Do you have it?

25 THE WITNESS (Lavin): Here we are.

1 MR. CANNAVINO: The pages aren't
2 numbered. It's just part of Section 2. And it
3 indicates that 23 different properties were
4 investigated as possible sites, correct?

5 THE WITNESS (Lavin): Yes.

6 MR. CANNAVINO: And 1160 Smith Ridge
7 Road with regard to which we've heard testimony
8 today was one of those sites, correct?

9 THE WITNESS (Lavin): That's correct.

10 MR. CANNAVINO: Now, Smith Ridge Road,
11 that is Route 123 in New Canaan, correct, or do
12 you know that?

13 THE WITNESS (Lavin): I am told that's
14 correct.

15 MR. CANNAVINO: You don't know that?

16 THE WITNESS (Lavin): I don't know the
17 route number. I do know Smith Ridge Road.

18 MR. CANNAVINO: Okay. You don't know
19 that State Route 123 is a major north/south
20 arterial?

21 THE WITNESS (Lavin): I know that Smith
22 Ridge Road is. I just offhand wasn't 100 percent
23 sure if that was Route 123.

24 MR. CANNAVINO: Were you aware that
25 there's another cell tower on that very same road

1 1.4 miles to the south at the New Canaan Country
2 Club?

3 THE WITNESS (Lavin): Yes.

4 MR. CANNAVINO: And there's another
5 tower to the north on that very same road in the
6 Town of Vista?

7 THE WITNESS (Lavin): In New York?

8 MR. CANNAVINO: Yes.

9 THE WITNESS (Lavin): Uh-huh.

10 MR. CANNAVINO: Correct?

11 THE WITNESS (Lavin): That's correct.

12 MR. CANNAVINO: And do you know the
13 level of traffic that occurs on State Route 123 or
14 Smith Ridge Road?

15 THE WITNESS (Lavin): Offhand I do not.

16 MR. CANNAVINO: Do you know what the
17 elevation is at 1160 Smith Ridge?

18 THE WITNESS (Lavin): It is 551 feet
19 AMSL plus or minus.

20 MR. CANNAVINO: And did you perform the
21 propagation analysis for this site?

22 THE WITNESS (Lavin): I did.

23 MR. CANNAVINO: And when you performed
24 that propagation analysis, did you utilize the 551
25 AMSL elevation?

1 THE WITNESS (Lavin): Yes.

2 MR. CANNAVINO: But if I look at your
3 propagation analysis, there's no reference
4 whatsoever on your analysis to the elevation of
5 the alternate site. The only reference is to the
6 elevation of the proposed site. Do you see that?

7 THE WITNESS (Lavin): On the plots
8 submitted, yes.

9 MR. CANNAVINO: Pardon me?

10 THE WITNESS (Lavin): On the plots that
11 were submitted, yes.

12 MR. CANNAVINO: Now, this proposed
13 location at 1160 Smith Ridge is 50 feet higher
14 than the proposed site at 183 Soundview,
15 approximately?

16 THE WITNESS (Lavin): 48 feet, I
17 believe, yes.

18 MR. CANNAVINO: And it's at
19 approximately the same latitude as the proposed
20 site, isn't it?

21 THE WITNESS (Lavin): I believe more or
22 less, roughly speaking.

23 MR. CANNAVINO: And the property
24 itself, are you aware of the size of that parcel,
25 1160?

1 THE WITNESS (Lavin): I do not know the
2 size of the parcel offhand. It's 2.02 acres
3 according to the site search.

4 MR. CANNAVINO: And it's bordered to
5 the north by a vacant 4.08 parcel, correct?

6 THE WITNESS (Lavin): I do not know
7 that. Perhaps Mr. Vergati does.

8 MR. CANNAVINO: Well, if I direct your
9 attention back to the list you were just looking
10 at, if you look at the second item that was being
11 examined as a possible site, it's 1192 Smith Ridge
12 Road. Do you see that?

13 THE WITNESS (Lavin): Yes.

14 MR. CANNAVINO: And 1192 Smith Ridge
15 Road is contiguous to the north to 1160 Smith
16 Ridge, are you aware of that?

17 THE WITNESS (Lavin): I believe they're
18 in proximity to each other. I don't know if
19 they're contiguous. Real estate is not my
20 expertise.

21 MR. CANNAVINO: Okay. And the document
22 that you were just looking at indicates that
23 that's a 4.08 acre parcel, correct?

24 THE WITNESS (Lavin): Yes, it indicates
25 that.

1 MR. CANNAVINO: And are you aware that
2 that parcel is a heavily wooded parcel that's
3 owned by the New Canaan Land Conservation Trust?

4 THE WITNESS (Lavin): I have no idea
5 what's on the parcel, no.

6 MR. CANNAVINO: Do you know whether
7 1160 is a heavily wooded parcel?

8 THE WITNESS (Lavin): No. I'm the RF
9 engineer. My antennas are up above the trees
10 so --

11 MR. CANNAVINO: Okay. Are you aware
12 that the property is bordered to the west by a
13 large parcel of property owned by the Town of New
14 Canaan?

15 THE WITNESS (Lavin): Again, real
16 estate is not my expertise so I --

17 MR. CANNAVINO: So maybe is there
18 somebody else who should answer that question?

19 THE WITNESS (Lavin): I believe
20 Mr. Vergati is in a better position.

21 THE WITNESS (Vergati): Ray Vergati,
22 Homeland Towers.

23 MR. CANNAVINO: Yes, Mr. Vergati.
24 Thank you. You're aware of the location of the
25 so-called Clark property, correct?

1 THE WITNESS (Vergati): I am aware.

2 MR. CANNAVINO: And you're aware that
3 that's approximately a 23.1 acre parcel that's
4 owned by the town?

5 THE WITNESS (Vergati): I know it's
6 owned by the town. I don't have the exact acreage
7 in front of me. I can look at my alternate site,
8 but I'll trust you if you say it's 21 plus acres.

9 MR. CANNAVINO: Okay. And this was a
10 site that was previously looked at by Verizon as a
11 possible site for a tower, correct?

12 THE WITNESS (Vergati): That is correct
13 from my understanding.

14 MR. CANNAVINO: And your understanding
15 was that the problem was that there were wetlands,
16 correct?

17 THE WITNESS (Vergati): In addition to
18 wetlands, there is a restrictive covenant, I
19 believe, on the property that precluded any
20 development for a cell tower.

21 MR. CANNAVINO: Well, we're not going
22 to go into that today because we're not talking
23 about that as an alternate location. But you are
24 aware that this is a very heavily wooded tract of
25 property, aren't you?

1 THE WITNESS (Vergati): I believe it's
2 wooded. I've not physically been on it, but just
3 looking at aerials I believe it's a wooded parcel.

4 MR. CANNAVINO: And have you looked at
5 1160 in terms of whether it provides an attractive
6 location for the placement of a tower that
7 wouldn't be visible to local residences?

8 THE WITNESS (Vergati): So, I've had
9 conversations with the owner of 1160 Smith Road.
10 I actually spoke with him, I guess, two years ago
11 or a year and a half ago about the property.

12 MR. CANNAVINO: No, I'm just asking you
13 now about have you looked at the property in terms
14 of its suitability for locating a tower that
15 wouldn't be visible to other residents?

16 THE WITNESS (Vergati): I can't make
17 that assumption or statement sitting here. The
18 only way to confirm that would be a visual
19 assessment typically done by our vendor to confirm
20 that. I do know that there are homes across the
21 street on Smith Ridge Road. There's six of them.
22 And I know in your interrogatories you state that
23 no one will have a view of a tower on 1160 Smith
24 Ridge Road, and I don't know how you know that.
25 So all I can tell you is that, yes, it's a 2 acre

1 wooded parcel. It's surrounded by wooded parcels
2 to the north and the west, to the south, I
3 believe, but I can't sit here and tell you what
4 the visibility would look like. I have not been
5 to that property. I reached out to the landlord
6 and have asked him for me to come visit the
7 property so I can look at it firsthand. I'm still
8 waiting to hear back from the owner of 1160 on
9 that.

10 MR. CANNAVINO: I apologize. I had to
11 mute my mic because there was a phone ringing in
12 the background. I'm back. 1160 Smith Ridge is
13 not bordered by a residential subdivision, is it?

14 THE WITNESS (Vergati): I don't believe
15 it is.

16 MR. CANNAVINO: And it's not bordered
17 by a school?

18 THE WITNESS (Vergati): I don't believe
19 it is.

20 MR. CANNAVINO: And a propagation
21 analysis has been prepared for that location,
22 correct?

23 THE WITNESS (Vergati): A propagation
24 analysis has been prepared for 1160 Smith Ridge
25 Road, yes.

1 MR. CANNAVINO: And the results of that
2 propagation analysis are an attachment to the
3 applicants' response to interrogatories from
4 Mr. Wiley, correct?

5 THE WITNESS (Vergati): I believe so.

6 MR. CANNAVINO: And would there be a
7 different witness who would be testifying with
8 regard to the propagation analysis?

9 THE WITNESS (Vergati): Mr. Lavin from
10 C Squared is the RF engineer, and he would testify
11 as the authority. He commented on how that site,
12 even at 146, does not provide coverage to the
13 intended area in the northeast corner of --

14 MR. CANNAVINO: I wasn't asking you --
15 I'm asking you if you're the proper witness to
16 testify about the propagation analysis.

17 THE WITNESS (Vergati): No, I'm not.
18 I'm the real estate person.

19 MR. CANNAVINO: Can I please have that
20 witness, and I'll ask the question about that RF
21 analysis.

22 Mr. Chairman?

23 MR. SILVESTRI: Sir.

24 MR. CANNAVINO: How late are we going?

25 MR. SILVESTRI: I'd like to go no

1 further than like 5:05 to give enough time for
2 people to get out. You don't have to rush to wrap
3 up. We can always continue it the next time and
4 have you on at that point.

5 MR. CANNAVINO: I understand. I'll
6 just ask a few more questions because, as you
7 could probably sense, I am sort of rushing this.
8 I didn't know how much time I had. But let me
9 just finish this little line of inquiry, and then
10 I can pick it up next time we're together.

11 MR. SILVESTRI: Sounds fine. Thank
12 you, sir.

13 MR. CANNAVINO: Thank you. And now the
14 current witness is going to be Mr. Lavin?

15 THE WITNESS (Lavin): Martin Lavin, C
16 Squared Systems.

17 MR. CANNAVINO: Hello, Mr. Lavin.

18 THE WITNESS (Lavin): Hello again.

19 MR. CANNAVINO: And the propagation
20 analyses, which are attached to the answers to
21 interrogatories in the form of maps, you caused
22 these to be prepared, correct?

23 THE WITNESS (Lavin): Excuse me? I
24 what? I prepared them, yes.

25 MR. CANNAVINO: Do you have those?

1 THE WITNESS (Lavin): Right in front of
2 me, yes.

3 MR. CANNAVINO: Now, it is the case
4 with respect to -- question withdrawn.

5 With respect to 1160 Smith Ridge Road,
6 you did not perform any type of a drive test
7 analysis, correct?

8 THE WITNESS (Lavin): We did a drive
9 test of coverage in the area that we used to
10 calibrate our models to predict coverage, but we
11 did not do a -- you're talking about a crane test
12 or a CW test for coverage? No, we did not.

13 MR. CANNAVINO: Right. Now, a much
14 more detailed test would be a crane test that
15 would provide detailed information with respect to
16 coverage from towers at various locations at 1160
17 Smith Ridge, correct?

18 THE WITNESS (Lavin): A very expensive
19 way of doing things, and complicated, but you
20 could test multiple locations there, yes.

21 MR. CANNAVINO: Did you do that for the
22 proposed location at Soundview?

23 THE WITNESS (Lavin): We have not done
24 the CW test there, no.

25 MR. CANNAVINO: So the only test you've

1 done there is a propagation analysis?

2 THE WITNESS (Lavin): We tested
3 existing coverage from the sites that are already
4 there to establish that there is a coverage gap
5 and to use that data to fine tune our model to do
6 predictions --

7 MR. CANNAVINO: So the answer is you
8 have not done a drive test for the Soundview
9 location, correct?

10 THE WITNESS (Lavin): We have not done
11 a test antenna at that height at that location,
12 no.

13 MR. CANNAVINO: Now, isn't it the case
14 that a propagation analysis basically relies on
15 computer modeling, correct?

16 THE WITNESS (Lavin): That is correct.

17 MR. CANNAVINO: And it has a standard
18 deviation of approximately 8 to 10 dBm, correct?

19 THE WITNESS (Lavin): It can. (Audio
20 interruption).

21 MR. CANNAVINO: Now, you've read that
22 in the Centerline report, they make reference to
23 that margin of error, correct, do you remember
24 reading that?

25 THE WITNESS (Lavin): Yes, I do.

1 MR. CANNAVINO: And the suggestion from
2 Centerline, which performed the comprehensive
3 study of New Canaan, was that propagation analyses
4 should only be relied upon as sort of a guide. Do
5 you remember reading that?

6 THE WITNESS (Lavin): I don't have it
7 right in front of me but --

8 MR. CANNAVINO: We can come back to
9 that the next time. So I'm about to run out of
10 time.

11 Now, with respect to the last
12 propagation analysis that you performed, which is
13 depicted on the very last page of the
14 interrogatory answers, you've testified previously
15 that that was for a tower at 146 AGL, correct?

16 THE WITNESS (Lavin): That is correct.

17 MR. CANNAVINO: And this propagation
18 analysis shows that a tower at 1160 Smith Ridge
19 would provide seamless coverage for all of Route
20 123 in New Canaan, doesn't it?

21 THE WITNESS (Lavin): At that height,
22 if we were ever actually able to build at that
23 height, it seems it would, yes.

24 MR. CANNAVINO: So the answer is yes?

25 THE WITNESS (Lavin): At 146 AGL, yes.

1 MR. CANNAVINO: And the proposed tower
2 at Soundview does not?

3 THE WITNESS (Lavin): That is correct.

4 MR. CANNAVINO: It also provides
5 coverage, that is at 146, it also provides
6 coverage to a number of the streets in the target
7 area of the proposed tower at Soundview, doesn't
8 it?

9 THE WITNESS (Lavin): To some of them
10 but not nearly enough.

11 MR. CANNAVINO: Well, I didn't ask you
12 that. To a number of them, doesn't it?

13 THE WITNESS (Lavin): How many is a
14 number?

15 MR. CANNAVINO: Well, let's go through
16 them. How about Soundview, complete and total
17 seamless coverage on Soundview?

18 THE WITNESS (Lavin): Yes, there's
19 existing coverage there. I don't have the
20 existing coverage right now. Some of the coverage
21 there is preexisting.

22 MR. CANNAVINO: You have the map
23 directly in front of you, and you see the
24 proposed, see the yellow star, that is the
25 proposed location, correct?

1 THE WITNESS (Lavin): I put it there,
2 so yes I know.

3 MR. CANNAVINO: Yes. And we can see
4 that there is seamless coverage all along
5 Soundview, can't we, in fact, it's all green in
6 there?

7 THE WITNESS (Lavin): Yes, there is.

8 MR. CANNAVINO: And we see that there's
9 seamless coverage on Briscoe Road to the north,
10 isn't there?

11 THE WITNESS (Lavin): Yes, there is.

12 MR. CANNAVINO: There isn't seamless
13 coverage on Briscoe Road from the proposed
14 location to Soundview, is there?

15 THE WITNESS (Lavin): No, there is not.

16 MR. CANNAVINO: And there's coverage on
17 Lantern Ridge, isn't there?

18 THE WITNESS (Lavin): There is coverage
19 on Lantern Ridge, yes.

20 MR. CANNAVINO: And there's coverage on
21 Bald Hill?

22 THE WITNESS (Lavin): Not continuous,
23 but coverage.

24 MR. CANNAVINO: And there's coverage on
25 South Bald Hill, correct?

1 THE WITNESS (Lavin): Are you referring
2 to Bald Hill or South Bald Hill?

3 MR. CANNAVINO: South Bald Hill.

4 THE WITNESS (Lavin): But not
5 continuous.

6 MR. CANNAVINO: And there's coverage on
7 North Wilton Road, correct, but not continuous?

8 THE WITNESS (Lavin): North of Wilton?

9 MR. CANNAVINO: North Wilton Road.

10 THE WITNESS (Lavin): Yes, there is.

11 MR. CANNAVINO: And there's an area of
12 North Wilton Road where there is no coverage,
13 that's in white, correct?

14 THE WITNESS (Lavin): I believe so,
15 yes.

16 MR. CANNAVINO: And are you aware that
17 there are no residents in that area of North
18 Wilton Road?

19 THE WITNESS (Lavin): No, I'm not aware
20 of that.

21 MR. CANNAVINO: Are you aware that that
22 area of North Wilton Road is a steeply descending
23 road that goes down to a crossing between the two
24 reservoirs?

25 THE WITNESS (Lavin): I'm not aware of

1 that.

2 MR. CANNAVINO: And you're not aware of
3 whether there are residents at all, correct?

4 THE WITNESS (Lavin): The presence or
5 absence of them I don't know, no.

6 MR. CANNAVINO: Okay. And of the
7 streets in the coverage area for the proposed
8 facility, which ones are not provided any coverage
9 by the tower at 1160?

10 THE WITNESS (Lavin): I believe we
11 reviewed this earlier. We can get some more --

12 MR. CANNAVINO: I think you mentioned
13 earlier Briscoe Road was one of those roads. Do
14 you remember mentioning that? Your testimony was
15 that there was no coverage on Briscoe Road. Do
16 you remember that testimony earlier?

17 THE WITNESS (Lavin): Not in regards to
18 146, as I recall.

19 MR. CANNAVINO: And you testified South
20 Bald Hill was another area, correct, or do you
21 remember that?

22 THE WITNESS (Lavin): It was in
23 conjunction with a lower height, I believe, at
24 that same location, 81, 106 and 146.

25 MR. CANNAVINO: Okay, but at 146 there

1 is complete coverage of all of Briscoe Road,
2 correct?

3 THE WITNESS (Lavin): Yes, there is.

4 MR. CANNAVINO: And a tower at 1160
5 would provide excellent hand-off coverage from the
6 tower at the country club on 123 and from the
7 tower in Vista, wouldn't it?

8 THE WITNESS (Lavin): Yes, it would.

9 MR. CANNAVINO: And it would provide
10 seamless coverage for all persons traveling on
11 this state highway, wouldn't it?

12 THE WITNESS (Lavin): That's how the
13 coverage looks, yes.

14 MR. CANNAVINO: But that wouldn't
15 happen with a tower at Soundview, would it?

16 THE WITNESS (Lavin): No, but it's not
17 one of our coverage objectives so --

18 MR. CANNAVINO: Oh, that was not a
19 coverage objective?

20 THE WITNESS (Lavin): No, it was not.

21 MR. CANNAVINO: Well, you claim in your
22 report that incremental coverage from the tower at
23 Soundview provided coverage for one half mile of
24 major road. Do you remember that?

25 THE WITNESS (Lavin): Main roads, yes.

1 MR. CANNAVINO: Where is that main
2 road?

3 THE WITNESS (Lavin): I can get the
4 information to you. I don't have it right in
5 front of me which road that is.

6 MR. CANNAVINO: Mr. Chairman?

7 MR. SILVESTRI: Sir.

8 MR. CANNAVINO: This might be a
9 convenient place to stop.

10 MR. SILVESTRI: Sounds good to me,
11 counselor. Thank you.

12 MR. CANNAVINO: Thank you, sir.

13 MR. SILVESTRI: All right. The Siting
14 Council will recess until 6:30 p.m., at which time
15 we will commence the public comment session of
16 this remote public hearing. And thank you all for
17 your participation, and enjoy your supper. Thank
18 you.

19 (Whereupon, the witnesses were excused
20 and the above proceedings were adjourned at 5:03
21 p.m.)

1 CERTIFICATE OF REMOTE HEARING

2
3 I hereby certify that the foregoing 131 pages
4 are a complete and accurate computer-aided
5 transcription of my original stenotype notes taken
6 of the HEARING HELD BY REMOTE ACCESS IN RE:
7 DOCKET NO. 487, HOMELAND TOWERS, LLC AND NEW
8 CINGULAR WIRELESS PCS, LLC d/b/a AT&T APPLICATION
9 FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
10 AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE,
11 AND OPERATION OF A TELECOMMUNICATIONS FACILITY
12 LOCATED AT 183 SOUNDVIEW LANE, NEW CANAAN,
13 CONNECTICUT, which was held before ROBERT
14 SILVESTRI, PRESIDING OFFICER, on July 9, 2020.
15
16

17 

18 -----
19 Lisa L. Warner, CSR 061
20 Court Reporter
21 A PLUS REPORTING SERVICE
22 55 WHITING STREET, SUITE 1A
23 PLAINVILLE, CONNECTICUT 06062
24
25

1 I n d e x (Continued):

2 EXHIBIT DESCRIPTION PAGE

3 D. New Canaan Inland Wetlands and
4 Watercourses Regulations, adopted
5 December 13, 2000, revised through
6 January 1, 2013.

7 E. Technical report.

8 F. Wireless Market study of the Town
9 of New Canaan, Connecticut, prepared by
10 Centerline Solutions December 1, 2014.

11 II-B-2 Applicants' Affidavit of Publication, 15
12 dated March 10, 2020.

13 II-B-3 Applicant's responses to Council 15
14 interrogatories, Set One, dated
15 March 27, 2020.

16 II-B-4 Applicants' responses to Wiley 15
17 interrogatories, Set One, dated
18 April 24, 2020.

19 II-B-5 Applicants' supplemental 15
20 submission, dated May 27, 2020.

21 II-B-6 Applicants' responses to Council 15
22 interrogatories, Set Two, dated
23 July 2, 2020.

24 II-B-7 Applicants' responses to Wiley 15
25 interrogatories, Set Two, July 2, 2020.

II-B-8 Applicants' affidavit of sign 15
posting, dated July 1, 2020.

II-B-9 Applicants' errata sheet, 15
dated July 2, 2020.

II-B-10 Protective order related to 15
unredacted lease agreement, signed
February 27, 2020.

**Additional information requested of applicant
discussed on the following pages: 33/34, 58, 65
and 71.