

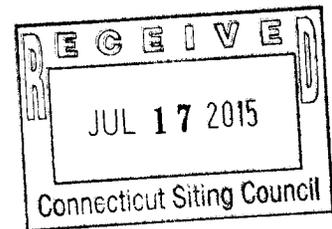


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In The Matter Of:

*Florida Tower Partners LLC, d/b/a North Atlantic Towers
Public Hearing*

July 14, 2015



*BCT Reporting LLC
PO Box 1774
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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 458

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

Continued Public Hearing held at the
Connecticut Siting Council, Ten Franklin
Square, New Britain, Connecticut, Tuesday,
July 14, 2015, at 11:12 a.m.

H e l d B e f o r e :
ROBERT STEIN, Chairman
SENATOR JAMES J. MURPHY, JR.,
Vice Chairman

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

2

3 Council Members:

4 PHILIP T. ASHTON

5 DANIEL P. LYNCH, JR.

6 LARRY LEVESQUE, ESQ.,

7 PURA Designee

8 ROBERT HANNON,

9 DEEP Designee

10 DR. MICHAEL W. KLEMENS

11

12

13 Council Staff:

14 MELANIE BACHMAN, ESQ.

15 Executive Director and

16 Staff Attorney

17

18 ROBERT MERCIER

19 Siting Analyst

20

21

22

23

24

25

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

2

3 For Florida Tower Partners LLC,
4 d/b/a North Atlantic Towers:

5 COHEN AND WOLF, P.C.

6 1115 Broad Street

7 Bridgeport, Connecticut 06604

8 BY: JULIE D. KOHLER, ESQ.

9 RACHEL A. SCHWARTZMAN, ESQ.

10

11 For Codfish Hill Environmental Trust:

12 EVANS FELDMAN & AINSWORTH, LLC

13 261 Bradley Street

14 P.O. Box 1694

15 New Haven, Connecticut 06507-1694

16 BY: KEITH R. AINSWORTH, ESQ.

17

18 For Cellco Partnership d/b/a Verizon

19 Wireless:

20 ROBINSON & COLE LLP

21 280 Trumbull Street

22 Hartford, Connecticut 06103-3597

23 BY: KENNETH C. BALDWIN, ESQ.

24

25

1 SENATOR MURPHY: Ladies and
2 gentlemen, I'd like to call this hearing to
3 order this Tuesday, July the 14th, 2015.
4 It's a little bit after 11 o'clock. I
5 apologize for being late, but the traffic is
6 tough coming up Route 9. My name is James
7 J. Murphy Jr., and I'm substituting
8 temporarily for Robin Stein, our Chairman,
9 who will be along.

10 This hearing is a continuation of
11 the hearing held on June the 2nd, 2015, at
12 the Bethel Town Hall, General Purpose Room,
13 in Bethel, Connecticut. It is held pursuant
14 to the provisions of Title 16 of the
15 Connecticut General Statutes and of the
16 Uniform Administrative Procedure Act upon an
17 application from Florida Tower Partners LLC
18 d/b/a North Atlantic Towers for a
19 Certificate of Environmental Compatibility
20 and Public Need for the construction,
21 maintenance, and operation of a
22 telecommunications facility at one of two
23 locations at 62 to 64 Codfish Hill Road,
24 Bethel, Connecticut. This application was
25 received by the Council on March 19, 2015.

1 A verbatim transcript will be
2 made of this hearing and deposited with the
3 Town Clerk's Office in the Bethel Town Hall
4 for the convenience of the public.

5 We will proceed in accordance
6 with the prepared agenda, copies of which
7 are available. If you don't have one, they
8 should be on the table over there.

9 There's a request from the
10 Codfish Hill Environmental Trust for the
11 Council to take administrative notice of the
12 Department of Transportation traffic map.

13 Does any party or intervenor have
14 an objection to the Council taking notice?

15 MS. KOHLER: No.

16 MR. ASHTON: Mr. Chairman, a
17 point of inquiry. I received what's so
18 labeled as the traffic map, an eight and a
19 half by eleven, is that correct, Mr.
20 Ainsworth, is that what we're looking at?

21 SENATOR MURPHY: Well, first of
22 all, let's see if we can -- I realize it's
23 very difficult to read it. I had the same
24 problem.

25 Is there any objection?

1 (No response.)

2 SENATOR MURPHY: Hearing none,
3 we'll take administrative notice of it.

4 Then go ahead, Mr. Ashton, with
5 your questions.

6 MR. ASHTON: I'm just trying to
7 understand that this is in fact what you
8 submitted, or is this a reduction of what
9 has been submitted?

10 MR. AINSWORTH: That is actually
11 what is at that location that's noted. You
12 can actually zoom in to the Codfish Hill
13 area on line when you access that map.

14 MR. ASHTON: But for a hard copy,
15 this is what was submitted, the eight and a
16 half by eleven; is that correct?

17 MR. AINSWORTH: Yes.

18 MR. ASHTON: Okay. It's a little
19 tad difficult to read.

20 SENATOR MURPHY: I found it very
21 difficult to read.

22 MR. AINSWORTH: I can, as a
23 Late-Filed matter, I could reproduce the
24 area around Codfish Hill which is in much
25 greater detail.

1 MR. ASHTON: That might be a
2 productive suggestion.

3 SENATOR MURPHY: Why don't we
4 leave it if you can, submit it; if you
5 can't, we'll understand. Okay?

6 MR. AINSWORTH: Understood.

7 MR. ASHTON: Thank you very much,
8 Mr. Chairman.

9 Mr. Ainsworth.

10 SENATOR MURPHY: You have a
11 panel, Mr. Ainsworth?

12 MR. AINSWORTH: Yes, I do.
13 Mr. Chairman, I have six witnesses here
14 today, and I'd like to introduce each one
15 and have their prefile testimony admitted.

16 I'll start with Gillean Reinders.
17 Ms. Reinders, at my request, did you
18 prepare --

19 MS. BACHMAN: Shouldn't we swear
20 them in first?

21 SENATOR MURPHY: Yes. Why don't
22 you introduce your panel, and we'll swear
23 them in first.

24 MR. AINSWORTH: Okay. I have
25 here today Gillean Reinders; Mark Reinders;

1 Susan White; Caryl Kirschbaum; and on behalf
2 of Lada Bedriy, Ken Parsons; and Leon
3 Kurjiaka.

4 SENATOR MURPHY: If they'd rise,
5 Attorney Bachman will administer the oath.

6 K E N N E T H P A R S O N S,
7 L E O N K U R J I A K A,
8 G I L L E A N R E I N D E R S,
9 M A R K R E I N D E R S,
10 S U S A N W H I T E,
11 C A R Y L L. K I R S C H B A U M,

12 called as witnesses, being first duly
13 sworn by Ms. Bachman, were examined and
14 testified on their oaths as follows:

15 SENATOR MURPHY: Now Mr.
16 Ainsworth.

17 MR. AINSWORTH: Again, starting
18 with Ms. Reinders, Ms. Reinders, at my
19 request, did you prepare a statement that
20 you filed known as prefiled testimony and
21 labeled such that you submitted to the
22 Council and which has been marked as Exhibit
23 5c?

24 THE WITNESS (G. Reinders): Yes,
25 I did.

1 MR. AINSWORTH: And do you have
2 any deletions, additions or corrections to
3 that?

4 THE WITNESS (G. Reinders): No, I
5 do not.

6 MR. AINSWORTH: And do you adopt
7 it as your testimony before the Council here
8 today?

9 THE WITNESS (G. Reinders): I do.

10 MR. AINSWORTH: And Mr. Reinders,
11 Mark Reinders?

12 THE WITNESS (M. Reinders): Yes.

13 MR. AINSWORTH: Did you prepare
14 what has been marked as Exhibit 5b in which
15 you filed as your prefiled testimony?

16 THE WITNESS (M. Reinders): I
17 did.

18 MR. AINSWORTH: And do you have
19 any deletions, corrections or additions to
20 that?

21 THE WITNESS (M. Reinders): No, I
22 do not.

23 MR. AINSWORTH: And do you adopt
24 that as your testimony here today?

25 THE WITNESS (M. Reinders): I do.

1 MR. AINSWORTH: And Susan White?

2 THE WITNESS (White): Yes.

3 MR. AINSWORTH: Did you prepare
4 what has been labeled as your prefile
5 testimony, which was received on May 26th
6 and been marked as Exhibit 5d?

7 THE WITNESS (White): Yes.

8 MR. AINSWORTH: And do you have
9 any corrections, deletions or additions to
10 that?

11 THE WITNESS (White): No.

12 MR. AINSWORTH: And do you adopt
13 that as your testimony here today?

14 THE WITNESS (White): Yes.

15 MR. AINSWORTH: And Caryl
16 Kirschbaum?

17 THE WITNESS (Kirschbaum): Yes.

18 MR. AINSWORTH: Did you prepare
19 what has been marked as 5e, your prefile
20 testimony received on May 26th as your
21 prefile testimony?

22 THE WITNESS (Kirschbaum): Yes.

23 MR. AINSWORTH: Do you have any
24 corrections, deletions or additions to that?

25 THE WITNESS (Kirschbaum): No, I

1 do not.

2 MR. AINSWORTH: And do you adopt
3 that as your testimony here today?

4 THE WITNESS (Kirschbaum): I do.

5 MR. AINSWORTH: And Mr. Kurjiaka?

6 THE WITNESS (Kurjiaka): Yes.

7 MR. AINSWORTH: Did you prepare
8 what has been marked as your prefile
9 testimony as Exhibit 5g and received on May
10 26th?

11 THE WITNESS (Kurjiaka): Yes.

12 MR. AINSWORTH: You'll have to
13 speak up, by the way.

14 And do you have any corrections,
15 deletions or additions to it?

16 THE WITNESS (Kurjiaka): No.

17 MR. AINSWORTH: And do you adopt
18 that as your testimony here before the
19 Council?

20 THE WITNESS (Kurjiaka): Yes, I
21 do.

22 MR. AINSWORTH: And Mr. Parsons,
23 you're here representing -- in place of your
24 wife who is --

25 THE WITNESS (Parsons): Out of

1 the country.

2 MR. AINSWORTH: Out of the
3 country?

4 THE WITNESS (Parsons): Yes.

5 MR. AINSWORTH: And the prefiled
6 testimony that was filed for Lada Bedriy
7 marked as Exhibit 5f, do you adopt that as
8 your testimony here today before the
9 Council?

10 THE WITNESS (Parsons): I do for
11 her.

12 MR. AINSWORTH: And are there any
13 deletions, corrections or additions?

14 THE WITNESS (Parsons): There are
15 not.

16 SENATOR MURPHY: Thank you.

17 Any objection to admitting the
18 six exhibits?

19 MS. KOHLER: No.

20 SENATOR MURPHY: I see the nods
21 of "no." They're so admitted then.

22 (Intervenor Codfish Hill
23 Environmental Trust Exhibits III-B-1 through
24 III-B-6: Received in evidence - described
25 in index.)

1 SENATOR MURPHY: Cross
2 examination of the panel. Mr. Mercier,
3 we'll start with the staff.

4 (Whereupon, Chairman Stein
5 entered the hearing room.)

6 CROSS-EXAMINATION

7 MR. MERCIER: Thank you.

8 Attorney Ainsworth, I was going
9 to ask everybody on the panel generally the
10 same question in regards to the balloon fly
11 on June 2nd.

12 So I'll just begin with Mr.
13 Parsons. As you're probably aware, there
14 was a balloon fly on June 2nd as part of the
15 field review. As noticed in the transcript,
16 they flew the balloon approximately like
17 7:45 to I think about 6 p.m. I was
18 wondering if you had a chance to try to look
19 for the balloons from your property on that
20 day on June 2nd?

21 THE WITNESS (Parsons): I could
22 not see it from my house, but I could see it
23 on the road several places on the way in and
24 out of town. I can be more specific.

25 MR. MERCIER: Actually I was just

1 curious about the property itself, your
2 property itself. You could not see it from
3 your property.

4 THE WITNESS (Parsons): No.

5 MR. MERCIER: Mr. Kurjiaka, the
6 same question. Did you get a chance to look
7 for the balloons from your property on June
8 2nd?

9 THE WITNESS (Kurjiaka): Yes, I
10 did, and I walked on the hike too. The
11 foliage was covering the balloons in June,
12 but the previous balloon during the winter
13 there was visibility.

14 MR. MERCIER: Do you know when
15 that balloon fly occurred, that particular
16 one in the winter?

17 THE WITNESS (Kurjiaka): Was it
18 in February, the last --

19 THE WITNESS (M. Reinders):
20 Thanksgiving.

21 MR. AINSWORTH: You have to just
22 do the best from your memory.

23 THE WITNESS (Kurjiaka): Yes, it
24 was around the end of November.

25 MR. MERCIER: Of 2014?

1 THE WITNESS (Kurjiaka): Yes.

2 MR. MERCIER: Okay. Thank you.
3 Was that balloon fly noticed to you? How
4 did you know about that particular balloon
5 fly?

6 THE WITNESS (Kurjiaka):
7 Neighbors told me it was going to happen.

8 MR. MERCIER: Thank you.

9 Mr. Parsons, regarding that
10 winter -- around Thanksgiving, excuse me,
11 Thanksgiving 2014 balloon fly, did you know
12 about that particular one?

13 THE WITNESS (Parsons): No one
14 called me. I didn't see a notice in the
15 paper. I had no knowledge of it.

16 MR. MERCIER: Thank you.

17 Ms. Reinders, Mr. Reinders, on
18 June 2nd did you have the opportunity to
19 attempt to observe the balloons from your
20 property?

21 THE WITNESS (G. Reinders): We
22 did, but it was very windy, and it got
23 tangled in the trees. We have clear
24 pictures of it. The first balloon float you
25 could clearly see it from our house.

1 MR. MERCIER: The first balloon
2 float, was that the one that was held around
3 Thanksgiving?

4 THE WITNESS (G. Reinders):
5 Around Thanksgiving of 2014.

6 MR. MERCIER: So that was through
7 the trees you could see some balloon?

8 THE WITNESS (G. Reinders): Yes,
9 clearly can see it from our house.

10 MR. MERCIER: From your house or
11 just your property?

12 THE WITNESS (G. Reinders): Well,
13 from our house, yes, and our property. We
14 submitted several pictures.

15 MR. MERCIER: Okay.

16 Attorney Ainsworth, I haven't
17 seen the pictures. Have those been
18 submitted?

19 MR. AINSWORTH: They should have
20 been part of the prefile testimony.

21 THE WITNESS (G. Reinders): I
22 e-mailed them to you.

23 MR. AINSWORTH: Okay. Apparently
24 they should have been part of the prefile
25 testimony.

1 MR. MERCIER: Okay, I'll just
2 check my records again. The copy in front
3 of me I don't have the attachment.

4 MR. AINSWORTH: Perhaps the
5 electronic version but --

6 MR. MERCIER: Ms. White, same
7 question, on June 2nd did you have the
8 opportunity to observe the balloons from
9 your property?

10 THE WITNESS (White): Yes. As
11 Ms. Reinders said, it was windy, and from my
12 house and also from my driveway a little
13 ways out toward the road we could see it,
14 but it kept bobbing behind trees. So it
15 would pop out sort of where there was a
16 break in the trees, and then it would
17 disappear, but it was blowing off to the
18 side quite strongly.

19 MR. MERCIER: Did you attempt to
20 look at it in the morning or the afternoon?

21 THE WITNESS (White): Oh, I would
22 say it was around 11 o'clock or 11:30 in the
23 morning.

24 MR. MERCIER: Ms. White,
25 regarding your prefile testimony, I saw a

1 figure that you included in there. This is
2 your May 26th filing. It said that the
3 tower appears to be about 300 to 400 feet
4 from the back wall of your property?

5 THE WITNESS (White): Roughly 300
6 to 400 feet from kind of the right-hand end
7 of my house, not directly behind it, but
8 very visible.

9 MR. MERCIER: How did you
10 determine that distance?

11 THE WITNESS (White): I was able
12 to see that from the pictures that were
13 taken, the November balloon float. I was
14 not home that day, and I was shown the
15 pictures later that were taken. There was
16 one taken from right in my driveway, and it
17 looked like it was growing out of my
18 chimney. That was when there were no leaves
19 on the trees obviously.

20 MR. MERCIER: Okay. So did you
21 do any type of measurement using any kind of
22 mapping, or did you just kind of estimate
23 it?

24 THE WITNESS (White): I was not
25 able to do that because the balloon was down

1 obviously, but the time I saw the picture.

2 MR. MERCIER: Right. I'm just
3 trying to figure out where you got the 300
4 to 400 feet. I mean, is that something that
5 you --

6 THE WITNESS (White): It was an
7 estimation, and I admit that.

8 MR. MERCIER: Thank you.

9 And Ms. Kirschbaum?

10 THE WITNESS (Kirschbaum): Yes.

11 MR. MERCIER: I was wondering if
12 you had a chance on June 2nd to observe the
13 balloon fly that occurred?

14 THE WITNESS (Kirschbaum): I did.
15 It was early in the morning before I went to
16 work. And again, it was windy, and it was
17 rainy, and I saw it bob above the trees, and
18 then it went away. The weather conditions
19 were not good. I did see it. As I was
20 leaving the neighborhood and going down the
21 hill, I saw it again. I had extremely clear
22 visibility in the November 2013 float, saw
23 it extremely clearly through -- as a matter
24 of fact, I thought it was -- I didn't know
25 what it was until a neighbor knocked on my

1 door to tell me what it was. I thought it
2 was a party balloon that got stuck in the
3 trees. And it was so clear I could see the
4 gentleman drive up in his truck to take it
5 down.

6 MR. MERCIER: In regards to the
7 June 2nd balloon fly, did you see one
8 balloon or both?

9 THE WITNESS (Kirschbaum): I saw
10 one balloon. I'd like to clarify that in
11 the November 2013 float was at the Site 1
12 proposed.

13 MR. MERCIER: Thank you.

14 Given that the applicant is now
15 proposing a shorter tower, I wasn't sure if
16 CHET has any position regarding a monopine.
17 I'm not sure if there's a collective
18 discussion among your group as to that type
19 of structure.

20 MR. AINSWORTH: I mean, I think
21 there's a preference -- as it gets closer to
22 the tree line, I think there's a preference
23 that if there has to be a tower that the
24 monopine would be of some benefit because it
25 would blend toward the tree line, and for

1 those people who had those intermediate
2 distances, I think that would probably be of
3 some relief to them. You know, when it
4 sticks up significantly above the tree line,
5 obviously it makes a larger visual mass, so
6 I think in that circumstance if it were the
7 170-foot tower, that's probably one where
8 the group probably would not favor that.

9 MR. MERCIER: Okay. Thank you.
10 I have no other questions at this time.

11 THE CHAIRMAN: We'll now go to
12 questions from the Council, commissioners.

13 Mr. Hannon?

14 MR. HANNON: I have no questions.

15 THE CHAIRMAN: Dr. Klemens?

16 DR. KLEMENS: I have no
17 questions. But I'd like also the record to
18 show that I have read the -- on June 22nd I
19 came into the offices and read the
20 transcripts of both the hearings on June
21 2nd.

22 THE CHAIRMAN: Mr. Levesque?

23 MR. LEVESQUE: No questions.

24 Thank you.

25 THE CHAIRMAN: Attorney Kohler?

1 MS. KOHLER: The applicant
2 doesn't have any questions for these lay
3 witnesses.

4 THE CHAIRMAN: Attorney Baldwin?

5 MR. BALDWIN: No questions,
6 Mr. Chairman.

7 THE CHAIRMAN: Thank you.

8 Those are all the questions. So
9 at the moment would you please take your
10 seats? We have to do some musical chairs
11 here.

12 MR. AINSWORTH: Thank you,
13 Mr. Chairman.

14 (Witnesses excused.)

15 THE CHAIRMAN: This is now for
16 the applicant, Florida Tower Partners.

17 I ask Attorney Kohler to
18 reintroduce your panel, but I see it's being
19 reintroduced as we speak. Also, Attorney
20 Kohler, if there are any witnesses -- I
21 think Mr. Gustafson has to be sworn in --

22 MS. KOHLER: Yes.

23 THE CHAIRMAN: And anybody else.
24 Verify your exhibits, please.

25 MS. KOHLER: Thank you.

1 C A R L O F. C E N T O R E,

2 M I C H A E L P. L I B E R T I N E,

3 K E I T H E. C O P P I N S,

4 having been previously sworn, testified

5 further on their oaths as follows:

6 D E A N E. G U S T A F S O N,

7 called as a witness, being first duly

8 sworn by Ms. Bachman, was examined and

9 testified on his oath as follows:

10 MS. KOHLER: We'd like to have

11 Mr. Gustafson accept Exhibits 1 and 6 for

12 identification. Actually Exhibits 1 and 6

13 have already been accepted, but as he wasn't

14 here for the first hearing, we'd like him to

15 also verify those exhibits.

16 Mr. Gustafson, did you supervise

17 or participate in the preparation of

18 Exhibits 1 and 6?

19 THE WITNESS (Gustafson): I did.

20 MS. KOHLER: And did you have any

21 corrections, additions or deletions to make

22 to those exhibits?

23 THE WITNESS (Gustafson): No.

24 MS. KOHLER: And do you accept

25 them here today as your testimony?

1 THE WITNESS (Gustafson): I do.

2 MS. KOHLER: Thank you.

3 THE WITNESS (Gustafson): You're
4 welcome.

5 MS. KOHLER: And today the
6 applicant also --

7 THE CHAIRMAN: I just ask is
8 there any objection?

9 MR. AINSWORTH: No objection.

10 THE CHAIRMAN: Thank you.

11 MS. KOHLER: Today the applicant
12 also asks for identification purposes under
13 Roman Numeral II-B-7, 8, 9 and 10, that we
14 be asked to verify those exhibits.

15 THE CHAIRMAN: Yes.

16 MS. KOHLER: Mr. Coppins, did you
17 supervise or prepare Exhibit 7?

18 THE WITNESS (Coppins): Yes.

19 MS. KOHLER: Do you have any
20 corrections, additions or deletions to make
21 to that exhibit?

22 THE WITNESS (Coppins): No.

23 MS. KOHLER: And do you accept it
24 here today as your testimony?

25 THE WITNESS (Coppins): Yes.

1 MS. KOHLER: Mr. Centore, did you
2 supervise or participate in the preparation
3 of Exhibits 7, 8 and 9?

4 THE WITNESS (Centore): I did.

5 MS. KOHLER: And do you have any
6 additions, corrections or deletions to make
7 to those exhibits?

8 THE WITNESS (Centore): I do not.

9 MS. KOHLER: And do you accept it
10 here today as your testimony?

11 THE WITNESS (Centore): I do.

12 MS. KOHLER: And Mr. Libertine,
13 did you supervise or participate in the
14 preparation of Exhibits 10 and 11?

15 THE WITNESS (Libertine): Yes.

16 MS. KOHLER: And do you have any
17 corrections, additions or deletions to make
18 to those exhibits?

19 THE WITNESS (Libertine): No.

20 MS. KOHLER: And do you accept it
21 here today as your testimony?

22 THE WITNESS (Libertine): Yes.

23 MS. KOHLER: Thank you. With
24 that I'd ask that those exhibits be accepted
25 as full exhibits.

1 THE CHAIRMAN: Is there any
2 objection?

3 MR. AINSWORTH: There are no
4 objections.

5 THE CHAIRMAN: The exhibits are
6 accepted.

7 MS. KOHLER: Thanks.

8 (Applicant Exhibits II-B-7
9 through II-B-11: Received in evidence -
10 described in index.)

11 MS. KOHLER: I have just one
12 question for each of three witnesses just
13 for clean up from the last time. I'd like
14 to ask Mr. Libertine to verify the date and
15 the timing of the balloon floats for the
16 record, if you don't mind?

17 THE CHAIRMAN: Go ahead.

18 MS. KOHLER: Mr. Libertine, can
19 you just verify the time the balloon was
20 flown at Site 1 and Site 2 on Tuesday, June
21 2, 2015?

22 THE WITNESS (Libertine):
23 Certainly. On that date the first at Site 1
24 the balloon was up at about 7:30 in the
25 morning, and at Site 2 by 7:45. They were

1 flown, and we did have some challenging
2 weather conditions that day with the wind,
3 but we were able to maintain balloons at the
4 site until 6 o'clock, as prescribed by the
5 Council.

6 MS. KOHLER: Thank you.

7 And Mr. Centore, Mr. Ashton asked
8 you to confirm the dimensions of the cyclone
9 fence mesh. Can you also confirm those
10 dimensions?

11 THE WITNESS (Centore): The
12 cyclone fence mesh is one-and-one-quarter
13 inch.

14 MS. KOHLER: Thank you.

15 And Mr. Coppins, would the
16 applicant be amenable to constructing a
17 stealth facility should the Council deem it
18 appropriate?

19 THE WITNESS (Coppins): Yes, we
20 would.

21 MS. KOHLER: Thank you. That's
22 all that we have.

23 THE CHAIRMAN: Okay. Thank you.

24 We'll now continue with the cross
25 examination first by staff. Mr. Mercier.

1 MR. MERCIER: Thank you.

2 CROSS-EXAMINATION

3 MR. MERCIER: Mr. Libertine, I
4 just wanted to follow up on some of the
5 visibility discussion we just had with the
6 other panel. I believe it was stated there
7 was a balloon fly in November of 2014. I
8 don't know if it was the 13th or the 23rd,
9 but can you tell me if that was for Site 1
10 or Site 2 or both?

11 THE WITNESS (Libertine): At that
12 time it was for Site 1, and I can give you
13 that date. Bear with me one second. That
14 was November 30th, and that was actually in
15 2013. The site goes back a little ways.

16 MR. MERCIER: Thank you.

17 In regards to the June 2nd
18 balloon fly for the field review, several of
19 the adjacent residents, Mrs. Kirschbaum and
20 Mrs. White who reside on Twin Maple, said
21 they saw a balloon either above the trees or
22 through the trees. Since two red balloons
23 were used for both towers, can you opine as
24 to which one you believe they viewed? Was
25 it the Site 1 balloon or the Site 2 balloon?

1 THE WITNESS (Libertine): Could
2 you provide me their addresses? I
3 apologize, I don't have that right in front
4 of me.

5 MR. MERCIER: I think it's 12
6 Twin Maple Drive is one of them. I have to
7 look also. It's essentially the tower that
8 is Twin Maple Drive is east of Site 1.

9 THE WITNESS (Libertine): Okay.
10 I'm sorry, they're both on Twin Maple?

11 MR. MERCIER: Yes, they are.

12 THE WITNESS (Libertine): I'm
13 going to opine that it would be Site 1 just
14 because of its proximity. When we floated
15 Site 2 in February of 2014, I could not see
16 that from anywhere along Maple Avenue. But
17 again, they may be able to verify if they
18 saw both balloons or not. It's possible
19 that both balloons may have been visible
20 from some locations in the backyards there,
21 but I don't know that for a fact.

22 THE CHAIRMAN: And the height
23 that the balloons were flown was what
24 height?

25 THE WITNESS (Libertine): In all

1 cases for the floats that we did
2 independently and for the floats on June 2nd
3 Site 1 was at 150 feet and Site 2 was at 170
4 feet.

5 THE CHAIRMAN: Okay. And what's
6 proposed now is?

7 THE WITNESS (Libertine): Now
8 we've dropped Site 2 by 20 feet down to 150
9 feet, and the proposed Site 1 is dropped
10 down from 150 to 120 feet.

11 THE CHAIRMAN: Thank you.

12 THE WITNESS (Libertine): So 20
13 and 30 feet respectively.

14 MR. MERCIER: Given that both are
15 now reduced in height, can you provide an
16 opinion as to how you feel a monopine would
17 either blend in or not at both sites?

18 THE WITNESS (Libertine): I think
19 Site 1, because of its height reduction down
20 to about 120 feet or so, I think a monopine
21 there certainly is going to probably, from
22 my perspective, going to be a major benefit
23 to any of the folks who I'll call the near
24 view residents, the select folks that do
25 have some views from either their homes or

1 their backyards. They are through trees,
2 but using some type of a concealment like a
3 monopine is going to certainly soften that
4 effect, and I would venture to say that
5 you're not going to really be able to see a
6 whole lot of distinction through the trees
7 during the winter of that facility if it
8 were a monopine.

9 The downside to that, as was
10 mentioned by Attorney Ainsworth, is some of
11 the further views, I'll use the high school
12 as an example about a mile away, it still is
13 above the tree line by probably 20 or 30
14 feet, maybe a little bit more from some
15 perspectives, that's likely going to give a
16 little bit thicker of a profile on the
17 horizon, but certainly from the near views I
18 think that has a major benefit.

19 Site 2, I guess you could make
20 the argument that it would have the same
21 benefit from the near views. I get a little
22 concerned when we start talking about 150
23 feet in height because, again, anywhere it
24 is seen above the trees, and I know there
25 are a few select areas along Codfish Hill

1 Road to the west where you look back where
2 it's significantly above the trees. I think
3 Site 2 would certainly be more of a
4 prominent feature from those locations. I
5 think there were less immediate residents in
6 the what I'll call the immediate area of the
7 site that can see through to Site 2 through
8 the trees, so I'm probably more of an
9 advocate for a concealing option at Site 1
10 as being advantageous.

11 MR. MERCIER: In your revised
12 photo simulation for Site 2 you have several
13 photographs -- photo simulation Number 14
14 for Site 1, excuse me, I'm sorry, Site 1.
15 There appears to be a gray house at Number 9
16 Wolfpits Road?

17 THE WITNESS (Libertine): Yes.

18 MR. MERCIER: So is that one of
19 the views you're talking about where it
20 extends I'll call it significant compared to
21 the other photos in this set that you might
22 be concerned about?

23 THE WITNESS (Libertine): Yes,
24 that site is somewhat elevated, so you're
25 looking across the valley, and it does rise

1 significantly above the trees. Albeit,
2 we've dropped it 30 feet, so it gets closer
3 to the tree line, but it's still
4 significantly above the tree line from that
5 perspective, as well as a few others.

6 MR. MERCIER: Thank you.

7 Looking through your revised
8 visibility analysis, you provided some
9 figures of a reduction in acreage of
10 visibility. Do you have any figures related
11 to residences? I believe in the previous
12 hearing you said there might be 25 for Site
13 1 that had year-round views and 12 for Site
14 2 that would have year-round views. Has
15 that altered at all?

16 THE WITNESS (Libertine): Not
17 significantly. I think maybe one or two
18 homes in each case may drop out. Without
19 the use of a balloon float and actually
20 physically looking in the field, it's a
21 little difficult to say for sure, but I
22 think we could safely say that you may drop
23 out one to two, but I don't believe it's a
24 significant reduction. And I'll qualify
25 that because the again predominant views are

1 seasonal associated with this until you
2 start to get significantly away from the
3 site, over three-quarters of a mile away.
4 So I think what we're going to experience is
5 the drop in height brings it down lower into
6 the tree line, and so those homes or those
7 residential properties that may be able to
8 see through the trees are still going to see
9 a portion of the facility. It's just going
10 to be a shorter facility.

11 MR. MERCIER: Thank you.

12 In your visibility mapping
13 there's a legend in the actual maps
14 themselves, you know, it talks about -- it
15 just has a designation for open space and
16 photo locations. Is there a dataset you
17 examined for scenic roads?

18 THE WITNESS (Libertine): Yes.
19 Well, there's two. The state maintains for
20 state roads its own dataset, and that's
21 updated periodically, not that often because
22 to go through a state road designation is
23 actually a fairly long process. So we use
24 that, the DOT maintains that, and that's
25 publicly available. The towns have varying

1 degrees of information that is available, so
2 we try to use web sites. We often call the
3 town to find out if there's any scenic roads
4 designated in the areas. And then obviously
5 as we're doing our reconnaissance, we'll
6 take note of any signs that may be up.

7 MR. MERCIER: So you examined the
8 Town of Bethel records for this particular
9 application for scenic roads as well as look
10 for signs?

11 THE WITNESS (Libertine): That's
12 correct.

13 MR. MERCIER: On the state level
14 do you know if there's a dataset for like
15 scenic views like observation points or
16 anything of that nature?

17 THE WITNESS (Libertine): Not
18 that I'm aware of that's just a general.
19 There obviously, if we're talking about the
20 Blue Blazed Trails, that type of thing, then
21 there are scenic outlooks that are called
22 out, but I'm not aware of any statute or any
23 other -- I'm not sure what the right term
24 would be -- that singles out or states
25 scenic areas, per se. I think there are a

1 lot of what I'll call informal scenic areas
2 that are called out in a lot of plans of
3 conservation and development and again on
4 web sites, that type of thing.

5 MR. MERCIER: Have you seen that
6 type of designation on the local level in
7 your experience?

8 THE WITNESS (Libertine): Only in
9 a very general sense. Again, I've never
10 seen anything that has any what I'll call
11 regulatory in it in the sense that it's been
12 called out and is shown on maps and is
13 somehow promulgated as a scenic designated
14 area, but certainly most towns will talk
15 about some of what they'll call their scenic
16 areas in general fashion, yes.

17 MR. MERCIER: Okay. Thank you.
18 I have no other questions at this time.

19 THE CHAIRMAN: Thank you.
20 Senator Murphy?

21 SENATOR MURPHY: No questions,
22 Mr. Chairman.

23 THE CHAIRMAN: Mr. Ashton?

24 MR. ASHTON: No questions.

25 THE CHAIRMAN: Mr. Hannon?

1 MR. HANNON: I have no questions.

2 Thank you.

3 THE CHAIRMAN: Dr. Klemens?

4 DR. KLEMENS: I have a few

5 questions.

6 Mr. Libertine, attachment B on
7 the detailed site map, I'm looking at that,
8 and then I'm looking at figure 1 -- it's
9 somewhat confusing here -- which is also in
10 the same attachment, it appears to me
11 that -- and tell me if that's correct --
12 that there's a big central flat plateau in
13 the center of the site which is cleared?

14 THE WITNESS (Libertine): Yes,
15 there's a cleared field that's centrally
16 located at a plateau in the property.

17 DR. KLEMENS: And I know you
18 talked earlier that there's visibility in
19 some of -- this is all talking now about
20 alternative 2, which is the so-called
21 central location -- that you said there
22 could be visibility from certain residences
23 along Codfish Hill Road?

24 THE WITNESS (Libertine):

25 Correct.

1 DR. KLEMENS: If one were to take
2 and follow the edge of the field and move
3 what is the orange arrow up maybe, I scaled
4 it about 300 to 400 feet following the tree
5 line getting it truly in the center of the
6 site, it's not much of an elevational
7 difference. Would that make a difference to
8 getting it even further away from residences
9 and having less of a visual impact?

10 THE WITNESS (Libertine): Well,
11 it's a trade-off. I think from the
12 perspective of some of the locations on
13 Codfish Hill Road and to the south, Ichabod
14 Lane, in that general area, I think that
15 would perhaps be some improvement. I do
16 have some concerns about folks to the north
17 on Settlers Road and to the west on Windaway
18 Road. I think that may create a little bit
19 more of a prominent view from those areas,
20 but again, it's a trade-off. Site 2 is
21 fairly centrally located on the site, but it
22 certainly -- a shift of a few hundred feet
23 could certainly make a difference on the
24 Codfish Hill Road side. As I say, I just
25 have a little bit of reservations about what

1 might start to open up to the west and to
2 the north from those --

3 DR. KLEMENS: Right. I can see
4 that the X on this one is really right at
5 the peak. So I guess as you move north
6 along the field, you'll be going off the
7 peak and you'll increase visibility to the
8 northern and western roads then?

9 THE WITNESS (Libertine): I think
10 just from their perspectives they're looking
11 up onto that hillside. And there's no
12 visibility today from the Settlers Road
13 location unless you're looking through the
14 trees in the dead of winter and know what
15 you're looking for. That was a red balloon
16 at Site 1, and that was very difficult to
17 see and spot. Windaway Road we have a
18 couple of photos, and I think you'll see
19 there that you start to get some visibility,
20 so I think that might change from moving it
21 in that direction.

22 But yes, to answer your question,
23 certainly from Codfish Hill Road I think it
24 would make some difference. I think as you
25 get westerly on Codfish Hill Road -- and I

1 just want to pick out the right photo
2 number -- I think you're still going to have
3 one or two very short stretches of the road
4 where a tower is going to be above the tree
5 line regardless of where we locate it,
6 particularly with Site 2.

7 DR. KLEMENS: So your sense then
8 is that Site 2 is the superior location for
9 visibility for the --

10 THE WITNESS (Libertine): Well,
11 if we're strictly talking about number of
12 residential properties that have a potential
13 to see the tower, then the numbers from a
14 quantifiable standpoint, the numbers bear
15 that out. If you're asking me my own
16 personal opinion as to the better site, I
17 tend to favor Site 1 because we can get a
18 lower height, it's buried in fairly thick
19 woods, and I just think it overall provides
20 a lower profile on the horizon. Again,
21 that's just my own personal opinion. As I
22 say, the numbers tend to bear out from a
23 residential standpoint solely that Site 2
24 would have less visibility.

25 DR. KLEMENS: It's very hard to

1 tell because what's going on just to the
2 east of that, I see these long narrow -- how
3 close is there to another road at Site 1?

4 THE WITNESS (Libertine): The
5 closest road to Site 1 to the east is Maple
6 Drive and that's --

7 DR. KLEMENS: It's not on this
8 map, so it makes it somewhat difficult to
9 actually --

10 THE WITNESS (Libertine): I'm
11 sorry, are you looking at the aerial
12 photograph still?

13 DR. KLEMENS: This one here, the
14 one that has both on them, attachment B,
15 detailed site map.

16 THE WITNESS (Libertine): I don't
17 know exactly which one that is. There is an
18 aerial photo in part one of the application
19 in the very beginning in the executive
20 summary. It's called aerial photograph that
21 also shows it. It may be the same one
22 that's showing Site 1 and Site 2 on it. And
23 if you look to the east, you can just make
24 out --

25 DR. KLEMENS: Okay. Thank you.

1 It's very helpful.

2 So that's your preferred site in
3 the sense of height?

4 THE WITNESS (Libertine): Having
5 seen both sites several times, and again now
6 that we've got a reduced height going down
7 30 feet in that location, I think it makes a
8 fairly dramatic difference in some of the
9 near views, so I tend to favor that site.

10 DR. KLEMENS: The site though
11 would have a longer access road, correct?

12 THE WITNESS (Libertine): It
13 would, yes.

14 DR. KLEMENS: Would there be more
15 wetland impacts?

16 THE WITNESS (Libertine): Not
17 that I'm aware of. I'll let Mr. Gustafson
18 speak to that. But my sense is that once we
19 get by the general location of Site 2, we're
20 really going through an elevated open field
21 that would not be requiring a lot of tree
22 clearing to get up into the Site 1 area, and
23 it's being used now for travel for getting
24 to that part of the property. So I don't
25 believe it's a major difference in overall

1 environmental impact, but I'm going to let
2 Dean speak to the wetland aspect.

3 THE WITNESS (Gustafson): From a
4 wetland impact perspective, talking about
5 these alternatives, I would agree, there
6 isn't a significant difference between the
7 two.

8 DR. KLEMENS: Do any of these
9 wetlands -- while I have you here, Dean, do
10 any these wetlands appear to you to have
11 vernal pool characteristics?

12 THE WITNESS (Gustafson): No.
13 The only qualification is that based on the
14 limits of the wetlands shown on this
15 mapping, no habitats or potential harmful
16 habitats were observed within this study
17 area. I think that for wetland 4, which is
18 located just to the northwest of 2, further
19 down that drainage system and possibly off
20 site, but that would be a considerable
21 distance away from the proposed development.
22 There is the potential just because it's a
23 large enough water shed and it becomes
24 somewhat of a depressional wetland system,
25 but that would be a considerable distance

1 from any development.

2 DR. KLEMENS: When you say a
3 "considerable distance," can you quantify
4 that?

5 THE WITNESS (Gustafson): Greater
6 than 750 feet from the proposed --

7 DR. KLEMENS: That's what I
8 wanted to hear. Thank you.

9 I have no further questions,
10 Mr. Chairman.

11 THE CHAIRMAN: Thank you.

12 MR. ASHTON: I have a couple
13 questions.

14 MR. LEVESQUE: I just want to
15 answer because I have to excuse myself. I
16 didn't have any additional questions for the
17 panel, and I didn't have any questions for
18 Mr. Gustafson. Excuse me.

19 (Whereupon, Mr. Levesque left the
20 hearing room.)

21 THE CHAIRMAN: Mr. Hannon?

22 MR. HANNON: I have no questions.

23 THE CHAIRMAN: Mr. Ashton?

24 MR. ASHTON: Mr. Libertine, in
25 your work you have assumed a tree height of

1 65 feet; is that correct?

2 THE WITNESS (Libertine): Yes,
3 for the entire study area, yes.

4 MR. ASHTON: Did you confirm that
5 by any field measurements at all?

6 THE WITNESS (Libertine): We did.
7 There are certainly a substantial amount of
8 trees that are significantly taller than
9 that height, but we tend to be very
10 conservative.

11 MR. ASHTON: What do you mean by
12 "significantly taller"?

13 THE WITNESS (Libertine): Some
14 are in the 90 to 95-foot range.

15 MR. ASHTON: A tree height of 75
16 feet versus 65, what would that do to your
17 visibility?

18 THE WITNESS (Libertine): Well,
19 it honestly would not change the areas that
20 we've been able to field verify. Certainly
21 areas that we were not able to and we've
22 used the model, it could change it somewhat.
23 I don't think it would be overly
24 substantive. We were able to get in most
25 cases direct views from adjacent roads, so

1 we've tweaked our initial model to account
2 for the field observations. So it could
3 reduce it slightly, but 10 feet normally
4 doesn't make a huge difference.

5 MR. ASHTON: Would that be true
6 then of 90-foot trees?

7 THE WITNESS (Libertine): You
8 start getting to 90 feet, you know, that's
9 probably a 25-foot difference from what
10 we're modeling, that could start to -- you'd
11 start to see some reductions. That would be
12 a little bit more substantive.

13 MR. ASHTON: Thank you. Nothing
14 further.

15 (Whereupon, Mr. Lynch entered the
16 hearing room.)

17 THE CHAIRMAN: Thank you.

18 Mr. Lynch, we're concluding the
19 cross examination of the applicant. I don't
20 know if you have --

21 MR. LYNCH: I'm still trying to
22 catch up, Mr. Chairman, so thank you very
23 much.

24 THE CHAIRMAN: Okay. Thank you.

25 Let me just make sure I

1 understand correctly, Mr. Libertine. All
2 things being equal and all the balancing
3 with the reduced heights, which is the one
4 that you -- the site that you feel would be
5 least impactful?

6 THE WITNESS (Libertine):

7 Strictly from a visibility standpoint, I
8 favor Site 1. I'm not sure everyone on this
9 panel might agree with me, even on the
10 visibility standpoint. Again, the numbers
11 don't necessarily bear it out in all cases
12 in terms of what would quantify the amount
13 of area overall where there could be
14 visibility, but I always favor shorter
15 towers where feasible. And in this case
16 because the vast majority of views are
17 through the trees, I think that this site
18 tends to lend itself better to overall
19 minimizing views.

20 THE CHAIRMAN: If I understand,
21 Mr. Gustafson, you feel that neither site
22 would have significant more impact than the
23 other site; is that correct?

24 THE WITNESS (Gustafson): That's
25 correct. I mean, in the grand scheme of

1 things as far as potential wetland impacts,
2 there's no direct wetland impacts with
3 either site. As far as proximity to wetland
4 resources, generally speaking, the
5 nearest -- any of the activities that come
6 within wetlands is about 50 feet. Site 1
7 does a little bit better job at providing
8 greater buffers to nearby wetland resources
9 than Site 2, but with respect to potential
10 impact to functions and values, I don't
11 think development of either site would
12 adversely affect any of the wetland systems
13 located in proximity to either one of the
14 sites.

15 THE CHAIRMAN: And I guess,
16 Mr. Centore, from a road construction
17 standpoint, is there a significant
18 difference, impact or cost, of --

19 THE WITNESS (Centore): There is
20 not. Site Number 1 has, although it has a
21 longer road, has less grading requirements
22 around the compound area, where Site Number
23 2 has a shorter road but has considerably
24 more grading involving the compound area in
25 constructing the compound area. Tree

1 removals are pretty close for both scenarios
2 in counts.

3 THE CHAIRMAN: Thank you.

4 Mr. Hannon?

5 MR. HANNON: I know we've
6 probably talked about it before, but from a
7 structural perspective when you're talking
8 about monopines, what sort of safe upper
9 limit, I mean, because I thought like 150
10 was getting kind of beyond that scope?

11 THE WITNESS (Centore): Are we
12 talking about structural capacity or
13 visibility?

14 MR. HANNON: No, just in terms of
15 when building some of the stealth units
16 going in with a monopine, what seems to
17 really be sort of the limit of a safe
18 construction? It almost seems like the 150
19 elevation, from what I remember, I thought
20 that might be stretching it a bit?

21 THE WITNESS (Libertine): I don't
22 want to speak necessarily for the
23 structural, but if it is kind of an overlap.
24 I think we've certainly seen monopines as
25 tall as 160 and over, so structurally they

1 can be done. It certainly means the base
2 and the foundation all has to be accounted
3 for, so you start to get a bit of a wider
4 profile of the actual monopole itself. I
5 was speaking strictly to once we start
6 talking 150, even 140, that starts to get up
7 there, and in a Connecticut setting with the
8 tree canopy and everything else, there are
9 going to be locations where it's going to
10 stick significantly above the tree line. So
11 from my perspective, I kind of -- I like to
12 see these type of facilities, if they're
13 going to be camouflaged with trees, to stay
14 below that 150 or 140 threshold. I just
15 think they work better in those capacities.
16 But Carlo may be able to speak a little bit
17 more to the loading issues. Yes, 160 is the
18 tallest I've seen.

19 THE WITNESS (Centore): The
20 tallest that our firm has worked on is
21 160-foot monopine in Winchester. It was
22 constructible. There were no issues in
23 constructing it. The mat foundation from
24 memory was about -- and actually we did that
25 a few times -- was about 27-foot square,

1 6-foot thick. So it was quite a substantial
2 mat as opposed to what we typically see as a
3 20 to 24-foot square mat on it. Again, it's
4 constructible. It's just a matter of how
5 much concrete you need and how much steel
6 you need to make it work, but it's doable.

7 MR. HANNON: Thank you.

8 THE CHAIRMAN: Dr. Klemens, did
9 you have anything?

10 DR. KLEMENS: Is that the tower
11 you're referring to you see from 44?

12 THE WITNESS (Centore): Yes, I
13 would think so; yes.

14 DR. KLEMENS: Thank you. It put
15 it into context for me.

16 THE CHAIRMAN: Mr. Mercier.

17 MR. MERCIER: Yes. I just want
18 to follow up on the diagram you were
19 discussing earlier, the aerial photo. I
20 think it's on page 6 of the application,
21 part one. You were talking regarding Twin
22 Maple Drive, Windaway Road, and things of
23 that nature. Looking at the map at Site 1
24 and going due south, there's a property
25 that's kind of open, a house on it, with

1 some evergreens along the driveway. I think
2 it's listed as 74 Codfish, according to the
3 abutters' map. Given the revised heights of
4 both facilities, what's your sense of
5 visibility from that particular property
6 that kind of juts up into the site property?

7 THE WITNESS (Libertine): Well, I
8 think that's likely the one property that
9 has some form of direct or certainly
10 indirect views. When I stood from Site 1
11 and looked back into that property during
12 the November 2013 float, I could see
13 portions of the home, and certainly I could
14 see the back porch light on, so there are
15 lines of sight. My guess is, and again not
16 having been on the property for any of the
17 floats, my guess is that during the tree
18 heights -- excuse me, the tower heights
19 down, particularly at Site 1, is probably
20 going to get that from that perspective
21 closer to the tree line, if not in the tree
22 line, but that's -- I'm somewhat working on
23 conjecture here just having not stepped on
24 the property. Certainly the reduction in
25 height is going to be an improvement for

1 that property just because we're able to get
2 it down 20 and 30 feet respectively.

3 When I stood at Site 2, I could
4 not see directly into that property, but
5 again, the perspective is different as
6 you're looking from the property towards
7 something in the air. But I guess to answer
8 your question, I think certainly it's going
9 to improve, whatever views there are, it's
10 certainly going to be more buffered.

11 MR. MERCIER: You don't have a
12 sense of which one might have the lesser
13 view, I guess --

14 THE WITNESS (Libertine): Site 1
15 is slightly closer.

16 MR. MERCIER: I mean, above the
17 trees. That's my sense. That's what I'm
18 asking, if you --

19 THE WITNESS (Libertine): My
20 guess is because it's at a little bit lower
21 ground elevation, that because we're able to
22 drop 30 feet, Site 1 may actually come down
23 into the tree line where Site 2 may still be
24 slightly above the tree line from those
25 perspectives, but again, I can't confirm

1 that.

2 MR. MERCIER: Thank you. I have
3 no other questions.

4 THE CHAIRMAN: Mr. Lynch?

5 MR. LYNCH: Mr. Libertine, coming
6 back to the height of the tower and the tree
7 canopy again -- and I apologize for coming
8 in late. If you've gone over this, just let
9 me know, and we won't do it again.

10 THE WITNESS (Libertine): Sure.

11 MR. LYNCH: What is the average
12 tree height in this area, do you know?

13 THE WITNESS (Libertine): Well,
14 there are specimens that kind of range all
15 over the place, but around the site itself I
16 think those trees are certainly anywhere
17 from 60 to 85 or 90-feet tall, depending
18 upon the type of trees we're talking about.

19 MR. LYNCH: That leads me to a
20 taller monopine, you know, would pretty much
21 stand out above that?

22 THE WITNESS (Libertine):
23 Certainly from some of the more what I'll
24 call the more remote locations, once we
25 start getting out about three-quarters of a

1 mile or so and wherever you're gaining any
2 kind of elevation you're kind of looking
3 across a bit of a shallow valley. It kind
4 of dips in through the knolls there. So
5 yes, there are some locations where it
6 certainly is above the canopy significantly.

7 MR. LYNCH: Which leads me to my
8 real question in that wouldn't a thinner
9 profile of a monopole at those same
10 distances be less obtrusive?

11 THE WITNESS (Libertine): From
12 those distances, yes, that's my opinion, and
13 I think I'm on the record stating that. I
14 think where the discussion has gone prior to
15 you joining us was that there are some near
16 views through the trees on some of the not
17 necessarily abutters but certainly some of
18 the neighbors that are within close
19 proximity. So the question or at least the
20 discussion was going down the line of if
21 you're looking through the trees, especially
22 in the wintertime, would a monopine help
23 soften those views, and I think from those
24 locations certainly anything that could be
25 done in terms of concealment, whether it's

1 painting, adding the faux branches, that
2 type of thing, certainly would help.

3 MR. LYNCH: I thank you. And I
4 apologize for having you rehash everything
5 all over again.

6 THE WITNESS (Libertine): Oh, no,
7 apologies aren't necessary.

8 THE CHAIRMAN: Dr. Klemens?

9 DR. KLEMENS: Yes.

10 In the category of possible
11 rehash, I understand from reading the
12 transcript of these applications that Site 2
13 was developed at the request of the Town of
14 Bethel; is that correct?

15 THE WITNESS (Coppins): That's
16 correct.

17 DR. KLEMENS: And what were the
18 justifications, because everything you have
19 said is I don't understand what their
20 interest was or justification was in asking
21 to locate it in the more central area?

22 THE WITNESS (Coppins): If you'll
23 go back to the same page that you had with
24 the visibility, the cluster of trees that
25 look more into the middle of the property

1 right next to Site Number 2, right in the
2 middle of the clearing.

3 MS. KOHLER: On the aerial map.

4 THE WITNESS (Coppins): On the
5 aerial map that you were just on.

6 DR. KLEMENS: I see a cluster of
7 trees no where near Site 2. It's in the
8 middle of a field.

9 THE WITNESS (Coppins): It's in
10 the middle of the field, correct.

11 DR. KLEMENS: Yes.

12 THE WITNESS (Coppins):
13 Originally when we -- we're going back
14 several years now, but originally the
15 landowner placed us in that spot, and we
16 filed that on the land records. When we
17 went before the town and during the
18 technical report a year or two had passed
19 and since then she didn't want the -- the
20 landowner didn't want it in that section;
21 however, the town thought it was in that
22 spot. And the questioning became more and
23 more at the town meeting of why we moved it.
24 And so we developed Site Number 1 was our
25 original technical report, and then at their

1 request wanted to know if we could move it
2 back to a more centrally-located spot in the
3 property, which we were able to, but she
4 didn't want it in the middle of her field
5 again. She wanted to put it in behind what
6 I call a rock cut, and that's where Site
7 2 -- how Site 2 became more of a viable
8 site.

9 DR. KLEMENS: But what was the
10 reason, did they say a reason for having it
11 more central? Did they offer any kind of a
12 reason?

13 THE WITNESS (Coppins): The
14 original reason was they wanted to move it
15 away from Site 1, which was the neighborhood
16 that was on -- what's the name of that road?

17 THE WITNESS (Libertine): Twin
18 Maple.

19 THE WITNESS (Coppins): Twin
20 Maple Road.

21 DR. KLEMENS: So they wanted it
22 further away from Twin Maple Drive?

23 THE WITNESS (Coppins): Correct.

24 DR. KLEMENS: Which was the
25 reason they asked you to move it more

1 centrally?

2 THE WITNESS (Coppins): That's
3 correct.

4 DR. KLEMENS: At that time what
5 was the height of the tower that you were
6 proposing then?

7 THE WITNESS (Coppins): Once we
8 determined the location, 170 feet was the
9 height that worked for AT&T.

10 DR. KLEMENS: At Site 1?

11 THE WITNESS (Coppins): At Site
12 2.

13 DR. KLEMENS: And at Site 1 what
14 was proposed?

15 THE WITNESS (Coppins): Was 150
16 feet.

17 DR. KLEMENS: Now it's 120 feet,
18 Site 1?

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

21 DR. KLEMENS: Okay. Thank you.

22 THE CHAIRMAN: Let's continue now
23 with Mr. Ainsworth who's representing the
24 Codfish Hill Environmental Trust.

25 MR. AINSWORTH: Mr. Libertine,

1 one of the first questions you were asked
2 was about a stealth facility. What were you
3 defining as a stealth facility when you gave
4 that testimony earlier today?

5 THE WITNESS (Libertine): I was
6 under the impression we were talking about a
7 monopine.

8 MR. AINSWORTH: And just for the
9 benefit of all the Council members, at both
10 Site 1 and Site 2, a monopine would be
11 beneficial for the let's say near site views
12 as opposed to the far site views?

13 THE WITNESS (Libertine): Yes, I
14 agree with that; yes.

15 MR. AINSWORTH: And when you look
16 at the photograph that shows the view from
17 the high school, which is a little over
18 three-quarters of a mile away, correct?

19 THE WITNESS (Libertine): Yeah,
20 about a mile away.

21 MR. AINSWORTH: Or about a mile
22 away. At that distance the antenna
23 structure -- the tower structure appears to
24 be fairly thin on the horizon?

25 THE WITNESS (Libertine): Yes, it

1 does.

2 MR. AINSWORTH: So at that
3 distance would it also not be true that it
4 would be difficult to discern the difference
5 between a tall tree and a monopine in terms
6 of one being real and one being artificial?

7 THE WITNESS (Libertine): I think
8 generally, yes. I would only qualify that
9 in that from a lot of the views, certainly
10 in picture 17 from the original visibility
11 analysis for I believe it's Site 2, it would
12 be kind of what I'll call the lone pine.
13 There are pines actually to the south of
14 there to the right in that photo; but yes,
15 from that distance, yes, it would be hard to
16 tell the difference between whether that was
17 a real tree or a monopine.

18 And I think just to give
19 everybody some perspective, if you do look
20 at photo simulation number 17 from the
21 Bethel High School behind Site Number 2,
22 which is behind Exhibit 2 in the original
23 application, part one, I think if you were
24 to take the platforms that can be seen on
25 the horizon at the top of that facility and

1 more or less think of those as branches and
2 bring those all the way down with a bit of a
3 taper, that's essentially what you'd be
4 looking for. It would be a much tighter
5 configuration because it would be faux
6 branches, but that might be helpful for
7 everyone in terms of maybe the overall width
8 or bulk of what it might look like on the
9 horizon.

10 MR. AINSWORTH: So given the
11 relatively minor impacts at distance,
12 wouldn't it tend to favor giving relief to
13 the closer views for the nearby neighbor?

14 THE WITNESS (Libertine):
15 Absolutely.

16 MR. AINSWORTH: Now, originally
17 when North Atlantic -- and I'm not sure who
18 on the panel might be appropriate for this
19 one. When North Atlantic originally
20 developed this application, did it do its
21 own, you know, coverage gap analysis, or
22 were you in communication with one of the
23 carriers?

24 THE WITNESS (Coppins): I think
25 from the first hearing we have an RF

1 engineer on staff, and we developed a search
2 ring based on the information that he
3 provided to us, and that's how we got this
4 site.

5 MR. AINSWORTH: But your RF
6 engineer would have to be looking at
7 existing coverage; would he not?

8 THE WITNESS (Coppins): I'm sure
9 he was.

10 MR. AINSWORTH: Was he looking at
11 coverage from a particular carrier's
12 perspective?

13 THE WITNESS (Coppins): I can't
14 answer what he was necessarily looking at
15 because -- I mean, he provided a site, and
16 that's when we went and looked.

17 THE CHAIRMAN: Excuse me, Mr.
18 Lynch has a follow-up.

19 MR. LYNCH: Mr. Ainsworth, can I
20 ask a follow-up question?

21 MR. AINSWORTH: Absolutely.

22 MR. LYNCH: Mr. Coppins, when
23 your RF engineer now is analyzing
24 territories or sites, being that the
25 industry has kind of changed a little bit

1 from coverage area to delivering data
2 services, do you take that into account in
3 your search?

4 THE WITNESS (Coppins): I would
5 think that he does take that into account
6 with a search. Again, I'm not a hundred
7 percent sure how he determines a ring, but I
8 would assume so based on where the industry
9 has gone.

10 MR. LYNCH: Thank you.

11 MR. AINSWORTH: So Mr. Coppins,
12 just to clarify, do you know what parameters
13 the RF engineer uses to determine where the
14 coverage -- where the search rings would be
15 located?

16 THE WITNESS (Coppins): I do not.

17 MR. AINSWORTH: Originally this
18 application obviously had AT&T involved.
19 Was North Atlantic Towers involved with or
20 communicating with AT&T about their needs in
21 particular?

22 THE WITNESS (Coppins):
23 Absolutely, yes.

24 MR. AINSWORTH: And was North
25 Atlantic Towers in communication with any

1 other carriers regarding their coverage
2 needs?

3 THE WITNESS (Coppins): Once we
4 determined an area and we have a property
5 under contract, we let all the carriers know
6 where we are, what we're doing, and we work
7 with them on a day-to-day basis, yes.

8 MR. AINSWORTH: But that
9 communication or the notification to the
10 other carriers would have been after the
11 initial selection was done for the site,
12 correct?

13 THE WITNESS (Coppins): Yes.

14 MR. AINSWORTH: Because you had a
15 lease on it at that point?

16 THE WITNESS (Coppins): A lease,
17 and we know of a need based on our RF
18 engineer, and then we send it out to the
19 carriers, and they say yes or no, not at
20 this time, we need it, but maybe it's a 2020
21 or a 2015 site or whatever that date was.

22 MR. AINSWORTH: Clearly AT&T was
23 interested. What were the responses from
24 the other carriers?

25 THE WITNESS (Coppins): Well,

1 Verizon is here with us, so they obviously
2 are interested in the site as well. I
3 haven't heard anything back from T-Mobile or
4 Sprint.

5 MR. AINSWORTH: If AT&T were to
6 locate on this -- well, you originally
7 determined the tower to be at 150 to
8 170-feet respectively, correct?

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

11 MR. AINSWORTH: And which carrier
12 was supposed to be on top of that tower?

13 THE WITNESS (Coppins): That
14 would have been AT&T.

15 MR. AINSWORTH: So those heights
16 were determined to be suitable for AT&T's
17 purposes?

18 THE WITNESS (Coppins): That's
19 correct.

20 MR. AINSWORTH: And now that
21 they're out of the sort of the running here,
22 you were able to reduce the heights to meet
23 the other carriers' needs?

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

1 MR. AINSWORTH: So if AT&T were
2 to locate on the tower in the future, they
3 would have to go at a lower height; would
4 they not?

5 THE WITNESS (Coppins): I'm not
6 sure what their needs would be. They would
7 have to tell me what their height parameters
8 would be at that point in time.

9 MR. AINSWORTH: But if there were
10 a tower let's say 120-foot or 150-foot high
11 and Verizon is at the top -- actually is it
12 Verizon that you were proposing to have at
13 the top?

14 THE WITNESS (Coppins): Verizon
15 would be at the 120 and 150-foot, depending
16 on the site.

17 MR. AINSWORTH: So if Verizon is
18 at the top of either one of these towers at
19 Site 1 or Site 2, then any other co-locating
20 carrier would have to be at a
21 correspondingly lower height?

22 THE WITNESS (Coppins):
23 Typically, yes.

24 MR. AINSWORTH: And the next spot
25 down is, what, 20 feet below or --

1 THE WITNESS (Coppins): Ten feet,
2 yes.

3 SENATOR MURPHY: Can I ask a
4 question?

5 MR. AINSWORTH: Absolutely.

6 SENATOR MURPHY: You're now
7 talking about the reduced height. Are you
8 building this tower not to be expandable
9 upward?

10 THE WITNESS (Coppins): So to
11 answer your question, we would build and do
12 our foundation as an expandable tower.

13 SENATOR MURPHY: And then under
14 the Federal Regulations you could go up to
15 10 percent?

16 THE WITNESS (Coppins): I'm
17 sorry, I didn't hear that.

18 SENATOR MURPHY: Under the
19 Federal Regulations you can go up 10
20 percent. So in answer to Attorney
21 Ainsworth's question, AT&T could have the
22 tower increased to go higher?

23 THE WITNESS (Coppins): That's
24 correct, but they would obviously have to
25 come back before the Council.

1 SENATOR MURPHY: That's right,
2 but --

3 THE WITNESS (Libertine): Senator
4 Murphy, just for clarification or just I
5 guess for everyone's information, it's
6 standard in this industry to construct and
7 build a foundation so that all towers are
8 expandable by at least 20 feet. That's
9 standard.

10 SENATOR MURPHY: I realize that,
11 but the way he was answering the question,
12 it was like AT&T would have to go under,
13 which is not necessarily true because it can
14 go up, right?

15 THE WITNESS (Libertine):
16 Certainly.

17 SENATOR MURPHY: So I just wanted
18 to get on the right track. Or maybe he
19 misunderstood your question, but under
20 Federal Regulations they have a right to --
21 almost the right to go up. So, I'm sorry.

22 MR. AINSWORTH: No, that's a fair
23 question, and actually that's where I was
24 headed.

25 SENATOR MURPHY: I'm sorry.

1 MR. AINSWORTH: But it doesn't
2 matter who asked the question.

3 Now, obviously North Atlantic
4 must have looked at alternative locations
5 when you were trying to determine what site
6 to put forward before the Council?

7 THE WITNESS (Coppins): Yes, we
8 did.

9 MR. AINSWORTH: And I notice in
10 Exhibit H of the original application that
11 there were some sites, and I'll refer to 11,
12 12 and 13, Sugar Street, Taunton Hill Road
13 and Dodgingtown Road. And let's say for
14 Taunton Hill Road, it says "This site did
15 not meet the needs of AT&T and was ruled out
16 as being too far outside of the ring."

17 When you saw that AT&T dropped
18 out of this proceeding, did you go back and
19 look at any of the previously-considered
20 alternative sites to see if it would work
21 for other carriers?

22 THE WITNESS (Coppins): We didn't
23 look at -- we didn't go back and look mainly
24 because we know that AT&T still has a need
25 in the area in the vicinity. So if we were

1 to build one at Sugar Road, AT&T is coming
2 back for another tower.

3 MR. AINSWORTH: If AT&T had such
4 a burning need to be at this location, don't
5 you think they would continue to be
6 participating in the proceeding?

7 THE CHAIRMAN: If you know the
8 answer --

9 MS. KOHLER: I object. That's
10 not a fair question.

11 THE WITNESS (Libertine): This is
12 a timing issue with AT&T. It's unfortunate
13 that we're here and they're not here with
14 us, but this is a cyclical business decision
15 that is made by carriers, and for whatever
16 reason, which is more planning and financial
17 than it is need driven, they elected not to
18 pursue this, and they've elected not to
19 pursue several other facilities that were in
20 the planning stages at this time. This is
21 not the first time this has happened.

22 MR. AINSWORTH: True, but as a
23 result of their withdrawing from the
24 proceedings, their exhibits are no longer
25 part of these proceedings. If they had

1 simply not shown up to this proceeding but
2 left their materials in the record, they
3 would have been able to -- certainly have
4 their need presented to the Council, albeit
5 without much advocacy. But they withdrew,
6 doesn't that indicate a lack of a public
7 need for their services at this location?

8 MS. KOHLER: I think the letter
9 that AT&T filed speaks for itself. It
10 indicates they still have a need for a
11 facility in the area, but right now
12 budgetary constraints indicate that they
13 cannot pursue the site at this point. I
14 think Attorney Laub's letter speaks for
15 itself.

16 MR. AINSWORTH: I don't want to
17 debate what it actually says, but I'm not
18 sure if budgetary was the sole reason.

19 So just to clarify, North
20 Atlantic Towers did not go back and relook
21 at any of the alternative sites with regard
22 to the other carriers' needs to see if any
23 of the alternatives would better suit their
24 needs, correct?

25 THE WITNESS (Coppins): No.

1 Again, because of the letter that was
2 written by AT&T, they still have a need for
3 this site in this location.

4 MR. AINSWORTH: Based on what
5 evidence in the record?

6 THE WITNESS (Coppins): I think
7 AT&T provided a letter that stated so.

8 MR. AINSWORTH: But there's no
9 other technical data that would back that up
10 in the record?

11 THE WITNESS (Coppins): We just
12 have a letter stating that they have a need.

13 MR. AINSWORTH: Now, we were
14 talking about the relative merits of Site 1
15 and Site 2 in terms of visual impact to the
16 neighborhood. Isn't it true that the close
17 views for the immediate neighbors would be
18 more prominent at Site 1 than they would be
19 at Site 2 because of the relative location
20 on the property? And the aerial photograph
21 would be of some assistance.

22 THE WITNESS (Libertine): I think
23 there are probably six or seven homes on the
24 west side of Twin Maple Road that are
25 proximate to Site 1, and then we

1 mentioned -- we discussed 74 Codfish Hill
2 Road previously and abutting property there
3 that probably are maybe not equal distance
4 but probably fairly close to either of those
5 facilities. So I guess in that sense from a
6 strict proximity standpoint, yes, there's
7 probably a few more homes that are closer to
8 the Site 1, yes.

9 MR. AINSWORTH: I think I may
10 have asked this previously, but to your
11 knowledge, there's nothing preventing any
12 tree clearing within this particular
13 property, not the site, but the actual
14 property itself where the site is located?

15 THE WITNESS (Libertine): Nothing
16 preventing anyone in that neighborhood from
17 cutting their own trees down, no.

18 MR. AINSWORTH: And if there were
19 any tree clearing or development of the
20 site, wouldn't that make Site 1 particularly
21 more prominent to the Twin Maple Drive
22 residences than Site 2?

23 THE WITNESS (Libertine): Well,
24 if you're suggesting that tree clearing was
25 to occur east of Site 1 only, then certainly

1 it would reduce the amount of buffer of
2 forest; and yes, there would certainly be
3 increased views through the trees.

4 MR. AINSWORTH: When you
5 calculated the number of homes with views,
6 that's only including houses -- views from
7 houses or yards themselves, correct?

8 THE WITNESS (Libertine): It's
9 only from within a -- somewhere within a
10 property, a residential property, yes.

11 MR. AINSWORTH: So it doesn't
12 include the views of let's say residents who
13 are driving around town and how many people
14 would be able to see the tower?

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

17 MR. AINSWORTH: You mentioned
18 that the base of the tower can be seen.
19 Which tower were you referring to?

20 THE WITNESS (Libertine): I'm not
21 sure when I mentioned that, but certainly --
22 I'm not sure about the base of the tower,
23 but certainly some of the lower portions of
24 either tower can potentially be seen through
25 the trees in the wintertime from some of the

1 neighboring properties. And the only
2 reason -- I don't mean to be difficult.
3 When you say "base," I think of the compound
4 itself, and I think those first 15, 20 feet
5 are going to be fairly buried in both
6 locations. So I'm very confident that
7 you're not going to have direct views to be
8 seen through a chain-link fence and into the
9 equipment. I'm more concerned with above
10 that level as you start to get into the tree
11 line, that type, so the pole itself. So
12 that's the only distinction I'm making
13 between the base and what I'll call the main
14 portion of the pole.

15 MR. AINSWORTH: So then you're
16 talking about, let's say, from 15 or 20 feet
17 to 40 feet, in that range?

18 THE WITNESS (Libertine): Or even
19 higher, yes. Again, depending upon where
20 you are standing and where you're looking
21 and at what site.

22 MR. AINSWORTH: And you also
23 expressed -- you said you favor Site 1,
24 Mr. Libertine, and that was generally
25 because the views are reduced from the top

1 of the tower at a distance?

2 THE WITNESS (Libertine): No,
3 it's kind of a combination. I think the
4 reduced height overall is kind of swaying me
5 towards Site 1. Granted, we may be
6 splitting some hairs here, but having driven
7 up and down Twin Maple Drive on a few
8 occasions now with the balloon, granted, at
9 150 feet, it was clear to me that there were
10 going to be some locations where you would
11 be able to see through the trees and see
12 portions of the pole. But when I take the
13 overall viewscape, that does include some
14 more distant views, my sense is that at 120
15 feet I think Site 1 is going to be less
16 visible overall, both to neighbors, both to
17 folks driving around, and at the high school
18 and other areas where we've shown and
19 demonstrated that there will be some
20 visibility, I think the character of those
21 views are going to be less intrusive than
22 150-foot facility at Site 2. And again,
23 that's just my opinion. I'm not saying Site
24 2 would be grossly more visible, but if I
25 had to pick one strictly on a visibility

1 standpoint, that would be my selection would
2 be Site 1.

3 MR. AINSWORTH: And you base that
4 on, you know, you talk about the balloon
5 height at 150 feet. You said you had some
6 weather challenges, which means there was
7 wind that day?

8 THE WITNESS (Libertine): On the
9 2nd of June for the Council hearing, yes,
10 that's correct.

11 MR. AINSWORTH: So that balloon
12 wouldn't have been appearing at its full
13 intended height; would it not?

14 THE WITNESS (Libertine): No, but
15 actually -- and I'm not trying to be cute
16 here -- it actually in those conditions, not
17 that we would ever use that for a visibility
18 analysis that we do independently, but it
19 actually is helpful when the balloon is
20 being kicked off in these type of conditions
21 only in the sense that you get an idea --
22 again, we're looking at a red balloon. When
23 you build a tower, you don't have that type
24 of coloration. We use red for that very
25 reason so that we can pick it out, but when

1 it starts to bounce around at lower
2 elevations, it gives you a good idea as to
3 how much visibility is coming through the
4 woods.

5 So in that sense it was somewhat
6 helpful going up and down Maple because
7 every once in a while you could see it
8 bouncing through the foliage, so it helped
9 me understand that, yeah, there are going to
10 be some -- it only substantiated, I guess,
11 what I knew from our initial work is that
12 there are going to be some areas,
13 particularly in the winter, where you're
14 going to be able to see through and be able
15 to see a portion of the pole. Other than
16 that, no, the challenge of the wind is not
17 very helpful in other cases.

18 MR. AINSWORTH: And of course a
19 monopine would assist those particular views
20 through the trees?

21 THE WITNESS (Libertine): It
22 would certainly help, yes, it would
23 definitely assist, as would painting it a
24 color. And the reason I say that is because
25 let's not forget when we're talking about

1 monopines, the branches typically are
2 brought down to a portion of the pole that
3 starts to intercept the canopy of the trees
4 and a little bit, maybe 10 or 15 feet, below
5 that. So not necessarily are those branches
6 going to come all the way down to what let's
7 call the fence line or the height of the
8 shelter 10 feet above grade, and so those
9 poles are typically painted brown or some
10 other color to again assist with that
11 blending in.

12 So you're going to get kind of a
13 different or a double effect here where
14 you've got faux branches being brought down
15 into the canopy so that as you look through
16 the trees, yes, it's going to look very
17 obscured, but you're going to say, oh, yeah,
18 that's greenery, but you're also going to
19 have the main trunk of the tree which is not
20 going to likely have a significant amount of
21 branches below a certain height. So that
22 height could be from zero to 40, 45 feet.

23 MR. AINSWORTH: There's no
24 technical reason why you can't bring the
25 branches lower than that, is there?

1 THE WITNESS (Libertine): Not
2 that I'm aware except for just the
3 structural consideration.

4 MR. AINSWORTH: But like --

5 THE WITNESS (Centore): Clearance
6 to equipment would be the only concern.
7 You've got shelter that's, you know, the top
8 of it's probably about 12 feet above grade,
9 so you'd want to clear that and any exhaust
10 from the generator and that sort of thing.
11 So I would say 16 to 20 feet can be achieved
12 above grade.

13 THE WITNESS (Libertine): And I
14 would add that in those cases if you were
15 going to bring it down that low, which has
16 been done in some cases, I would not
17 advocate doing it to the full extent that
18 you would where you're trying to hide the
19 antennas and the arrays that are at the top,
20 because again, if you go and look and walk
21 through the woods, when you see pine trees,
22 a lot of times they start to lose their
23 lower branches and you get kind of a real
24 hodgepodge, for lack of a better --
25 arrangement of those branches. So if we

1 were to consider that, I would say you'd
2 want to have that kind of a sporadic
3 arrangement so that it didn't look like a
4 Christmas tree essentially. I think that
5 would draw more attention to it, quite
6 honestly, by having it too full in the
7 actual -- within the canopy, down within the
8 canopy.

9 THE CHAIRMAN: Mr. Lynch has a
10 follow-up.

11 MR. LYNCH: Either Mr. Libertine
12 or Mr. Centore, I know in some of the
13 monopines they actually use, for lack of a
14 better term, an artificial bark that goes up
15 and down the tree. How beneficial is that
16 in describing what Mr. Ainsworth is looking
17 for?

18 THE WITNESS (Libertine): My own
19 feeling on the bark is that if you're within
20 maybe 100 feet or less of it, then it's
21 somewhat beneficial because it might look
22 from that distance as though you have kind
23 of a bark around it. Once you start moving
24 away a couple a hundred feet, I honestly
25 don't think you're going to be able to tell

1 the difference as to whether that looks like
2 bark or whether it's just going to be brown
3 with different shades. That's all it's
4 going to be. You're not going to notice the
5 texture. We've actually gone through that
6 exercise on several facilities that have
7 been built either with bark and without, and
8 we find, as I say, once you get beyond a
9 hundred and -- depending on how good your
10 eyes are -- anywhere from maybe 70 feet to
11 maybe 150, I'll give you. Once you get
12 beyond there, you're not going to notice
13 that difference because it's a texture. So
14 the brown monopoles work almost as
15 effectively, again, once you get beyond that
16 distance.

17 MR. LYNCH: Thank you.

18 THE WITNESS (Libertine): I'm not
19 a big advocate of the bark. It's a lot of
20 maintenance as well. I'd rather see the
21 money spent rather than on the bark and
22 doing additional branches on the tree, quite
23 honestly.

24 THE CHAIRMAN: Apparently it's a
25 subject of great interest to the Council.

1 Mr. Hannon and then Dr. Klemens would also
2 have follow-up.

3 MR. HANNON: I just want to make
4 sure that I understand something. In terms
5 of the visibility analysis that was done
6 both for Site 1 and Site 2, for Site 1,
7 going back to the original application, I'm
8 assuming that the antennas that are shown on
9 the tower are at the 10-foot increments?

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

12 MR. HANNON: So to try and get a
13 better feel for Site 1, you'd be coming down
14 to about -- coming down to three level
15 antenna, and at Site 2 it would be two. So
16 we could theoretically look at the pictures
17 to get an idea of where the new top of the
18 tower would be, correct?

19 THE WITNESS (Libertine): That's
20 correct. We've actually done that in the
21 revised. The balloon is still shown at the
22 original flown heights of 150 and 170, but
23 we've modeled the tower, and we're able to
24 drop it to 120 and 150 respectively.

25 MR. HANNON: Thank you.

1 THE CHAIRMAN: Thank you.

2 Dr. Klemens?

3 DR. KLEMENS: I just would like
4 Mr. Libertine to maybe revisit the question
5 I asked earlier. You've been talking about
6 visibility analyses, and you've brought sort
7 of three sort of classes in a sense, you
8 talk about the proximal neighbors, you've
9 talked about people driving around on the
10 roads, and you've talked about the far
11 views. So if we could discard the far views
12 and discard the people driving around the
13 roads, can you tell me in your professional
14 opinion the impact to the proximal
15 neighbors, compare 1 and 2, please, numbers
16 and impacts between that?

17 THE WITNESS (Libertine): When
18 you say "numbers," are you talking about the
19 number --

20 DR. KLEMENS: Number of
21 residences and also the severity of the
22 impact because I think to me there's --
23 that's the people that are here, that's the
24 people who have intervened, and I think I'd
25 like to understand from that perspective

1 what is the better design -- the better
2 location, excuse me.

3 THE WITNESS (Libertine): Well,
4 it really doesn't change my original
5 opinion. Yeah, are there more folks along
6 Twin Maple Drive that are closer to Site 1
7 than are to Site 2, yes, but I don't believe
8 that every one of those folks on the west
9 side, certainly the folks on the east side,
10 are not going to have direct views of the
11 site. And when we drop it by 30 feet, I
12 think a lot of the views really do get
13 buried. I'm not against Site 2 being
14 constructed. I just always -- I'm always in
15 favor of a shorter tower. I think these are
16 very close in terms of the views to
17 neighbors, so I think I stand by Site 1. I
18 think it's close. I'm not saying it's
19 overwhelming, but if it were me, I always
20 favor a shorter tower.

21 DR. KLEMENS: Okay. Thank you.

22 Thank you, Mr. Chairman.

23 THE CHAIRMAN: Mr. Ainsworth,
24 continue.

25 MR. AINSWORTH: Thank you, sir.

1 And just to follow up on that
2 last line, but Site 2 is actually 800 feet
3 further away than Site 1 from the Twin Maple
4 Drive residences. Isn't that a significant
5 distance given that there is some tree cover
6 between those two sites?

7 THE WITNESS (Libertine): Yes,
8 it's certainly substantial; yes.

9 MR. AINSWORTH: And of course
10 when you render your opinion as to which one
11 you believe is better from a visual
12 perspective, have you consulted with the
13 neighbors in that determination?

14 THE WITNESS (Libertine): The
15 only consultation I've had with the
16 neighbors was when we flew Site 1 in
17 November of 2013. One of the neighbors was
18 out walking the property, and we had a chat
19 for quite a while. And it was very
20 productive, I thought, but that's the only
21 consultation I've had with the neighbors.

22 MR. AINSWORTH: And also just to
23 clarify, the reason why Site 1 is able to go
24 down to 120 and Site 2 is at 150 is because
25 the location at Site 2 is actually lower in

1 geographical height physically, correct?

2 THE WITNESS (Libertine): I
3 believe so. I don't have the numbers in
4 front of me, but I believe so.

5 THE WITNESS (Centore): Correct,
6 it's the change in ground elevations between
7 the two locations.

8 MR. AINSWORTH: So from distant
9 views, the two should be relatively similar
10 because they are effectively the same height
11 above mean sea level; isn't that true?

12 THE WITNESS (Libertine): Yes, I
13 think that's safe to say.

14 MR. AINSWORTH: So in terms of
15 the differences of visual impact, it would
16 be the closer views that would be differing
17 in quality as opposed to the distant views?

18 THE WITNESS (Libertine):
19 Depending on where you're standing. Quite
20 honestly, I don't believe this is a very
21 visible site, whether you're talking about
22 Site 1 or Site 2. I know that's not a
23 popular answer in this room, but that's
24 based on what we've been able to determine.
25 I don't think either one of these sites are

1 going to be very visible from neighbors.

2 Now, are there going to be a few
3 folks in the area who are going to be able
4 to look through and see portions of it?

5 Yes, we can't make these things invisible.

6 But I've been doing this for over 20 years.

7 This is as good as a site as they come,

8 either Site 1 or Site 2. It's not easy to

9 locate these type of facilities when you

10 stick a pole up in the air 130 or 150-feet

11 tall. This is minimal visibility overall.

12 And that's really where I come

13 down to on this site. Look, I have no

14 problem if they want to select Site 2 over

15 Site 1, if everyone thinks that's a better

16 site from proximity to close neighbors. I

17 don't think it makes a big difference. A

18 hundred and thirty versus 150 to those

19 neighbors I think does make a bit of a

20 difference. That's really where I'm

21 splitting the hairs over.

22 MR. AINSWORTH: And there are

23 air-conditioning units that are installed

24 typically at these sites?

25 THE WITNESS (Libertine): Yes.

1 MR. AINSWORTH: And they generate
2 some noise outside of the compound; is that
3 not true?

4 THE WITNESS (Centore): Yes, they
5 do.

6 MR. AINSWORTH: And being, let's
7 say, 800 feet further away should make a
8 difference in the quality of any sound that
9 --

10 THE WITNESS (Centore): I'm going
11 to say it would be below the dB requirements
12 to the property lines that are state
13 required noise levels at the property line,
14 just based on our experience with these
15 types of units. What could be done too is
16 they could be oriented to be away from the
17 neighborhoods as part of the design, which
18 is easy enough to do.

19 MR. AINSWORTH: But relative,
20 Site 1 to Site 2, the one that's more
21 centrally located would be further away from
22 the residences, so regardless of the state
23 requirements, it would be quieter from any
24 receptor being further away; would it not?

25 THE WITNESS (Centore): Yes.

1 THE WITNESS (Libertine): Not any
2 receptor. We're making the assumption that
3 we're talking just about Twin Maple Drive
4 now because Site 2 does have proximity to
5 other neighbors, just so we're all on the
6 same page here.

7 THE WITNESS (Centore): Yes, with
8 shorter distances.

9 MR. AINSWORTH: Nothing further
10 at this time. Thank you.

11 THE CHAIRMAN: Okay.

12 Attorney Baldwin, do you have
13 anything?

14 MR. BALDWIN: Just one question,
15 Mr. Chairman.

16 I'd just like to follow up
17 quickly on the question Mr. Ainsworth asked
18 regarding the alternative sites that were
19 considered as part of the application. I
20 would ask if you could summarize for the
21 Council or remind the Council the
22 information in the site summary, which I
23 think is Exhibit H? Site 1 in that list is
24 the site at Codfish Hill Road that's
25 proposed; is that correct?

1 THE WITNESS (Coppins): That's
2 correct.

3 MR. BALDWIN: And Sites 2 through
4 8 and Site 13, the reasons why those sites
5 were rejected is because the property owner
6 was not interesting in leasing space on
7 those parcels; is that correct?

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

10 MR. BALDWIN: And only parcels 9,
11 10, 11 and 12 were rejected by, I assume,
12 AT&T for RF reasons; is that correct?

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

15 MR. BALDWIN: And then Site 14 on
16 that list was rejected for limited ground
17 space; is that correct?

18 THE WITNESS (Coppins): Yes,
19 that's correct.

20 MR. BALDWIN: Do you have any
21 reason to believe that going back to any of
22 those property owners who were not
23 interested in the past would be interested
24 today?

25 THE WITNESS (Coppins): I

1 actually have gone back to them prior to
2 filing, and I have one very nasty e-mail
3 that said absolutely not and spoke -- yes,
4 we did go back to them, and they were not
5 interested.

6 MR. BALDWIN: Thank you. Nothing
7 further.

8 THE CHAIRMAN: We're going to
9 break for lunch now until quarter of 2, and
10 then we'll continue with Verizon.

11 (Whereupon, the witnesses were
12 excused and a recess for lunch was taken at
13 12:49 p.m.)

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1 AFTERNOON SESSION

2 1:48 P.M.

3 THE CHAIRMAN: Good afternoon.

4 We'll resume our hearing. It's
5 approximately 1:50. And we'll now go to the
6 appearance by the intervenor, Cellco
7 Partnership, Attorney Baldwin.

8 MR. BALDWIN: Thank you,
9 Mr. Chairman. Again, Kenneth Baldwin with
10 Robinson & Cole on behalf of the intervenor,
11 Cellco Partnership doing business as Verizon
12 Wireless.

13 We have two witnesses to present
14 this afternoon. Carlo Centore with Centek
15 Engineering has already been sworn, but we
16 also have Ryan Ulanday who's a radio
17 frequency design engineer with Cellco
18 Partnership, and I would offer him to be
19 sworn at this time.

20 R Y A N U L A N D A Y,

21 called as a witness, being first duly
22 sworn by Ms. Bachman, was examined and
23 testified on his oath as follows:

24 C A R L O F. C E N T O R E,

25 having been previously duly sworn,

1 testified further on his oath as
2 follows:

3 MR. BALDWIN: Mr. Chairman, I
4 have four exhibits that Cellco would like to
5 offer today. They are listed in the hearing
6 program under Roman IV, subsection B, items
7 1 through 4. And I offer them now for
8 identification purposes, subject to
9 verification.

10 If I could ask my witnesses to
11 verify those exhibits? Did you prepare or
12 assist in the preparation of the exhibits
13 listed in the hearing program under Roman
14 IV, Section B, 1 through 4? Mr. Ulanday?

15 THE WITNESS (Ulanday): Yes, I
16 did.

17 MR. BALDWIN: Mr. Centore?

18 THE WITNESS (Centore): Yes, I
19 did.

20 MR. BALDWIN: And do you have any
21 corrections or modifications to offer to any
22 of the information contained in those
23 exhibits at this time? Mr. Ulanday?

24 THE WITNESS (Ulanday): I have
25 one correction. In our response to question

1 number 11 on the first set of
2 interrogatories, our response to question
3 number 11 should have been "No. As
4 mentioned above in response to question
5 number 10," instead of question "11."

6 MR. BALDWIN: Mr. Centore?

7 THE WITNESS (Centore): I do, I
8 have one correction. Under Set I of the
9 interrogatory responses to question number
10 12, there's a call out for the ground
11 equipment to be a "12 by 30" shelter. The
12 correction needs to be made to reflect a "12
13 by 26" shelter.

14 MR. BALDWIN: And with those
15 corrections and modifications, is the
16 information contained in those exhibits true
17 and accurate to the best of your knowledge?
18 Mr. Ulanday?

19 THE WITNESS (Ulanday): Yes.

20 MR. BALDWIN: Mr. Centore?

21 THE WITNESS (Centore): Yes.

22 MR. BALDWIN: And do you adopt
23 the information in those exhibits as your
24 testimony today? Mr. Ulanday?

25 THE WITNESS (Ulanday): Yes.

1 MR. BALDWIN: Mr. Centore?

2 THE WITNESS (Centore): Yes.

3 MR. BALDWIN: I offer them as
4 full exhibits, Mr. Chairman.

5 THE CHAIRMAN: Is there any
6 objection?

7 MR. AINSWORTH: No objection.

8 MS. KOHLER: No objection.

9 THE CHAIRMAN: Okay, the exhibits
10 are admitted.

11 (Intervenor Cellco Partnership
12 d/b/a Verizon Wireless Exhibits IV-B-1
13 through IV-B-4: Received in evidence -
14 described in index.)

15 THE CHAIRMAN: We'll now go to
16 the cross-examination starting with
17 Mr. Mercier.

18 CROSS-EXAMINATION

19 MR. MERCIER: Thank you.

20 Let's begin by looking at Cellco
21 Exhibit 4. This is the supplemental
22 responses to Siting Council interrogatories
23 submitted on July 7th. Attached to the
24 document are supplemental maps 5 through 12.
25 So I'll just look at numbers 5 to 8 really.

1 Now, I understand Verizon intends
2 to install equipment servicing four
3 different frequencies. I'm just trying to
4 determine the relationship between your data
5 service frequencies, that's the 700
6 megahertz and the 2100 megahertz, is that
7 correct, those are specific to data
8 services?

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

11 MR. MERCIER: How do the two
12 different wireless services interrelate?

13 THE WITNESS (Ulanday): The 700
14 and the 2100?

15 MR. MERCIER: Yes.

16 THE WITNESS (Ulanday): Actually
17 the lower the frequency, the farther away it
18 gets. So with 700 megahertz we can get more
19 coverage compared to the 2100 megahertz
20 frequency.

21 MR. MERCIER: What would be the
22 advantage of having the 2100 megahertz?

23 THE WITNESS (Ulanday): Actually
24 the advantage of getting the 2100 would be
25 the additional capacity.

1 MR. MERCIER: So nearer a tower
2 you can pick up additional users?

3 THE WITNESS (Ulanday): Yes,
4 within a certain distance within the tower.

5 MR. MERCIER: So it's capacity
6 only?

7 THE WITNESS (Ulanday): Capacity
8 only, yes.

9 MR. MERCIER: Is it possible just
10 to instead of having 2100 megahertz antennas
11 to install another set of 700 antennas, is
12 that something that ever could be done such
13 as, you know, do you have double the amount
14 of 700 services, is that possible?

15 THE WITNESS (Ulanday): Right now
16 we only have one block of 700 megahertz
17 because in the future we may get another
18 one, but as of today we have only one block
19 of 700.

20 MR. MERCIER: So your antennas at
21 we'll say the Codfish Hill sites, the
22 proposed ones, have a certain block, and due
23 to data services they could reach capacity;
24 and if they did, then the 2100 megahertz
25 picks up the additional capacity?

1 THE WITNESS (Ulanday): That's
2 correct.

3 MR. MERCIER: Thank you.

4 Now, is the same true for your
5 voice data services, 850 and 1900 megahertz
6 systems?

7 THE WITNESS (Ulanday): That's
8 correct. For 850 that's our main frequency
9 that we use for our 3G.

10 MR. MERCIER: Give me a moment.

11 (Pause.)

12 MR. MERCIER: Now for this
13 proposed tower, which of the four
14 frequencies determines the height you would
15 need or requesting for that matter?

16 THE WITNESS (Ulanday): It would
17 be the 700 megahertz frequency.

18 MR. MERCIER: In regards to the
19 responses to the Council interrogatories,
20 Set II, response 3, that was also July 7, it
21 states that the proposed Codfish Hill site
22 would provide capacity related to the Alpha
23 sector of Cellco's Bethel site, which has
24 already been exhausted. What service
25 frequency has already been exhausted at the

1 Bethel site?

2 THE WITNESS (Ulanday): Right now
3 it's the 700 megahertz frequency.

4 MR. MERCIER: And does this 700
5 megahertz service extend to the Codfish Hill
6 area currently?

7 THE WITNESS (Ulanday): Right now
8 it extends to the Codfish Hill, but it is
9 very unreliable.

10 MR. MERCIER: Now, going back to
11 those coverage maps you submitted as part of
12 the supplemental responses, I'll just pick
13 map 5, which is 700, 120 feet at Site 1,
14 just to discuss how the coverage works for
15 that matter. The area that's shown as
16 magenta is listed as proposed 700 megahertz
17 coverage, and it's over the top of purple
18 coverage, it says existing. So in that area
19 where the magenta is covering existing
20 service, does that represent capacity relief
21 in some way?

22 THE WITNESS (Ulanday): It could
23 represent a capacity, but the purple right
24 now I have actually -- that's the coverage
25 for the existing sites, right?

1 MR. MERCIER: Yes.

2 THE WITNESS (Ulanday): But when
3 we get to Bethel East, we would definitely
4 optimize those existing sites, so we will
5 have to create a hole to minimize
6 interference and noise issues, signal to
7 interference and noise issues.

8 MR. MERCIER: Just so I
9 understand, so assuming that this tower was
10 constructed, the proposed tower, you would
11 go to the Bethel site and kind of optimize
12 it, as you said, to reduce the amount of
13 overlap with the new Codfish Hill tower; is
14 that right?

15 THE WITNESS (Ulanday): That's
16 correct.

17 MR. MERCIER: In areas where
18 there will be overlap, how does a wireless
19 device assign to a particular tower?

20 THE WITNESS (Ulanday): The
21 network actually selects. It depends on --
22 there's actually a couple of parameters that
23 the cell phone looks at. First of all, the
24 power that it receives from all the sectors,
25 and then there's what we call the quality,

1 quality of the signal. So those two are the
2 major.

3 MR. MERCIER: So a device, if
4 you're on the overlapping area and it's
5 going to try to go on, so we'll just say the
6 existing Bethel site, but that's at all the
7 available, I'll call them, slots are used,
8 so it would just automatically transform
9 over to the Bethel, new Bethel East site?

10 THE WITNESS (Ulanday): That's
11 correct. That's another parameter that the
12 network looks at. If one sector is already
13 congested, the network may allocate it to
14 another sector with less traffic.

15 MR. MERCIER: Going back to the
16 map here, I see that some of the proposed
17 700 megahertz service extends up to the site
18 called Bethel North. Would that also
19 provide capacity relief to that particular
20 location?

21 THE WITNESS (Ulanday): It may
22 just be actually that we didn't optimize the
23 Bethel East proposed site. That's why it's
24 going up towards Bethel North, but
25 definitely we'll be able to -- when we get

1 the site, we will definitely optimize it not
2 to overlap Bethel --

3 MR. MERCIER: So it would be
4 optimized to relieve Bethel Alpha but also
5 be optimized to limit interference with
6 adjacent sites that might be shown on this
7 particular --

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

10 MR. MERCIER: Okay. I have no
11 other questions at this time. Thank you.

12 THE CHAIRMAN: Thank you.
13 Senator Murphy?

14 SENATOR MURPHY: Mr. Ulanday,
15 from an RF engineer's standpoint, which of
16 these proposed towers is the best for
17 Verizon?

18 THE WITNESS (Ulanday): RFIs,
19 they cover what we wanted to cover, so as
20 for my personal opinion, they're the same.

21 SENATOR MURPHY: So as far as
22 you're concerned, it makes no difference
23 from an RF standpoint?

24 THE WITNESS (Ulanday): RFIs,
25 there's no difference or very little

1 difference for that matter.

2 SENATOR MURPHY: Okay. I have no
3 further questions, Mr. Chairman.

4 THE CHAIRMAN: Mr. Ashton?

5 MR. ASHTON: Just a couple of
6 questions. When we talk about a frequency
7 block, we're really talking about discrete
8 frequencies assigned to Celco in this case
9 within a broad frequency band; is that fair
10 to say?

11 THE WITNESS (Ulanday): That's
12 correct, licensed.

13 MR. ASHTON: Right, you're
14 licensed to use only certain frequencies?

15 THE WITNESS (Ulanday): That's
16 correct.

17 MR. ASHTON: It may be a few
18 megahertz bandwidth, but you can only
19 operate in that area at 700 or whatever
20 number it is. And as I recall, 700 is the
21 old TV frequency block, isn't it?

22 THE WITNESS (Ulanday): It is the
23 old, yes, the old frequencies from the UHF
24 televisions.

25 MR. ASHTON: So TV was

1 reassigned, and you're able to purchase
2 this, a block of frequency in that area; is
3 that right?

4 THE WITNESS (Ulanday): That's
5 correct.

6 MR. ASHTON: And it's to
7 everyone's advantage, I assume, to be able
8 to operate in the 700 range because, as you
9 testified, it carries further; is that fair
10 to say?

11 THE WITNESS (Ulanday): That's
12 correct, yes.

13 MR. ASHTON: So insofar as you
14 can use 700, it means the tower spacing can
15 be further apart for a given load?

16 THE WITNESS (Ulanday): That's
17 correct, but it depends on a lot of factors
18 like the terrain.

19 MR. ASHTON: Oh, yeah. Okay.
20 Well, all things being equal?

21 THE WITNESS (Ulanday): Yes,
22 definitely.

23 MR. ASHTON: I have nothing
24 further. Thank you.

25 THE CHAIRMAN: Thank you.

1 Dr. Klemens?

2 DR. KLEMENS: I have no
3 questions. Thank you.

4 THE CHAIRMAN: Mr. Hannon?

5 MR. HANNON: I have no questions.
6 Thank you.

7 THE CHAIRMAN: Mr. Lynch?

8 MR. LYNCH: The only questions I
9 had were on data service delivery, and Mr.
10 Mercier covered them very well.

11 THE CHAIRMAN: Mr. Mercier?

12 MR. MERCIER: Just one other
13 follow-up question regarding the existing
14 Bethel site. Is there 2100 megahertz
15 equipment on that site?

16 THE WITNESS (Ulanday): Yes,
17 there is.

18 MR. MERCIER: So how does that
19 relate to the capacity problem at the 700
20 level that you're experiencing on the Alpha
21 sector?

22 THE WITNESS (Ulanday): Like I
23 mentioned earlier, the 2100 megahertz
24 actually don't go that far. That's why the
25 700 megahertz that we are experiencing

1 congestion right now or exhaustion.

2 MR. MERCIER: Okay. Thank you.

3 THE CHAIRMAN: Thank you.

4 The applicant, Attorney Kohler?

5 MS. KOHLER: I have no questions
6 for Verizon.

7 THE CHAIRMAN: Okay. Attorney
8 Ainsworth, Codfish Hill Environmental Trust?

9 MR. AINSWORTH: Thank you, sir.

10 You mentioned there's 700
11 megahertz congestion, or you said I think
12 you used both "congestion" and "exhaustion."
13 What's the difference between those two
14 terms in your parlance?

15 MR. ASHTON: Mr. Ainsworth, would
16 you keep your voice up? We're going to have
17 this room redecorated, I understand, and
18 maybe that will solve the problem. It's a
19 dead room sound wise, and even your clients
20 can't hear.

21 MR. AINSWORTH: Let me repeat the
22 question.

23 You used both the terminology of
24 "congestion" and "exhaustion" for 700
25 megahertz. Could you explain the difference

1 between those two?

2 THE WITNESS (Ulanday): Actually
3 they are basically the same. It just means
4 that the resources available right now on
5 that site has been exhausted, but I guess
6 the congestion term has been from my
7 experience way back in GSM days we called it
8 congestion, so basically they are the same.

9 MR. AINSWORTH: Did Cellco have a
10 search ring in this area prior to this
11 application?

12 THE WITNESS (Ulanday): Yes.

13 MR. AINSWORTH: And was Cellco in
14 communication with the applicant prior to
15 them submitting their application?

16 THE WITNESS (Ulanday): No.

17 MR. AINSWORTH: What sites did
18 Cellco have that it investigated in this
19 area prior to the application?

20 THE WITNESS (Ulanday): We
21 actually answered that in Question Number 11
22 where we mentioned that we've always had a
23 search area within the area, but due to
24 budgetary constraints we didn't really
25 commence to doing the formal search for

1 candidates.

2 MR. AINSWORTH: So is it fair to
3 say that Cellco didn't do an RF analysis on
4 alternative locations prior to the
5 application?

6 THE WITNESS (Ulanday): Yes, they
7 did not.

8 MR. AINSWORTH: And there were
9 some alternative locations that were looked
10 at by AT&T. Did Cellco do any RF analysis
11 on those locations?

12 THE WITNESS (Ulanday): No, we
13 did not.

14 MR. AINSWORTH: Did Cellco review
15 any alternative technology that might be
16 able to be used to provide the capacity that
17 it's looking for with this facility?

18 MR. BALDWIN: Could you just be
19 more specific? "Alternative technology" is
20 kind of a broad term.

21 MR. AINSWORTH: Sure. Did Cellco
22 investigate another method other than the
23 standard cell sites such as a microcell or a
24 repeater or DAS?

25 THE WITNESS (Ulanday): No, we

1 did not.

2 MR. ASHTON: Was there any reason
3 that you did not?

4 THE WITNESS (Ulanday): When we
5 got this petition from AT&T, that's the only
6 option that we looked at. And when we --
7 based on our analysis, the site will --
8 we'll get what we want from the site, so we
9 jumped right into what they are proposing.

10 MR. ASHTON: Is it fair to say
11 that if you chose a small tower, you would
12 not get the coverage you do out of a site
13 like this; is that fair to say?

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

16 MR. ASHTON: So that alternatives
17 are not necessarily equal in their
18 capability to what you're getting as
19 proposed?

20 THE WITNESS (Ulanday): They are
21 definitely very different.

22 MR. ASHTON: Thank you.

23 THE CHAIRMAN: Mr. Lynch?

24 MR. LYNCH: Under the DAS system
25 would you be able to incorporate all your

1 different frequencies?

2 THE WITNESS (Ulanday): That's
3 the limitation actually for that system, you
4 can only choose a frequency. You are
5 limited to expansion, so you have to deploy
6 that one frequency, and if you need to
7 expand, there's no way to -- there's very
8 limited way to expansion.

9 MR. LYNCH: Which frequency would
10 be eliminated?

11 THE WITNESS (Ulanday): Can
12 you -- I said "limited," not "eliminated."

13 MR. LYNCH: Okay. Sorry. Thank
14 you.

15 MR. AINSWORTH: So as you sit
16 here today as an RF engineer, you're not
17 aware of any other alternative site --
18 whether any alternative site would provide
19 what Cellco needs or whether it would do it
20 better?

21 THE WITNESS (Ulanday): That's
22 probably true.

23 MR. ASHTON: Mr. Ainsworth, don't
24 we have to qualify that by saying a site
25 that is available? There could be a

1 gazillion alternate sites that might work,
2 but if none of them are available, they're
3 all for naught.

4 MR. AINSWORTH: Sure. And for
5 example, Cellco would have no knowledge of
6 whether 131 Taunton Hill Road in Newtown
7 would provide adequate coverage?

8 MR. BALDWIN: Mr. Ainsworth, I
9 think we've answered that question. I think
10 what Mr. Ulanday has said is that Verizon
11 Wireless did not investigate the other sites
12 that are included in the site search summary
13 presented in the application. So since that
14 is one of those, I think we've answered that
15 question.

16 THE CHAIRMAN: I think you're
17 correct.

18 MR. AINSWORTH: Then I have no
19 further questions for this applicant.

20 THE CHAIRMAN: Before closing
21 this hearing, the Connecticut Siting
22 Council --

23 Attorney Kohler, you're looking
24 at me as if you want to I don't know what.

25 MS. KOHLER: No, I just wanted to

1 just make a brief closing statement.

2 THE CHAIRMAN: We don't normally,
3 unless there's -- because then we need
4 everybody --

5 MS. KOHLER: Okay. That's okay.

6 THE CHAIRMAN: And it would just
7 go on and on. And there will be, as I will
8 state in a matter of seconds, an opportunity
9 obviously to submit --

10 MS. KOHLER: We don't have any
11 rebuttal then.

12 THE CHAIRMAN: Okay. Thank you.

13 Before closing this hearing, the
14 Connecticut Siting Council announces that
15 briefs and proposed findings of fact may be
16 filed with the Council by any party or
17 intervenor no later than August 13th, so
18 that hopefully answers that question. The
19 submission of briefs or proposed findings of
20 fact are not required by the Council, rather
21 we leave it to the choice of the parties and
22 intervenors.

23 Anyone who has not become a party
24 or intervenor but who desires to make his or
25 her views known to the Council may file

1 written statements with the Council within
2 30 days of the date hereof.

3 The Council will issue draft
4 findings of fact, and thereafter parties and
5 intervenors may identify errors or
6 inconsistencies between the Council's draft
7 findings of fact and the record. However,
8 no new information, no new argument or
9 evidence or reply briefs without our
10 permission will be considered by the
11 Council.

12 Copies of the transcript will be
13 made of the hearing and will be filed with
14 the Bethel Town Clerk's Office. And I
15 hereby declare the hearing adjourned. And
16 thank you all for your participation.

17 (Whereupon, the witnesses were
18 excused, and the above proceedings were
19 adjourned at 2:14 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 115 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Council Meeting in Re: DOCKET NO. 458, FLORIDA TOWER PARTNERS LLC d/b/a NORTH ATLANTIC TOWERS FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT ONE OF TWO LOCATIONS AT 62-64 CODFISH HILL ROAD, BETHEL, CONNECTICUT, which was held before ROBERT STEIN, Chairman, and JAMES J. MURPHY, JR., Vice Chairman, at the Connecticut Siting Council, Ten Franklin Square, New Britain, Connecticut, on July 14, 2015.



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

1 I N D E X

2 WITNESSES KENNETH PARSONS Page 8

3 LEON KURJIAKA

4 GILLEAN REINDERS

5 MARK REINDERS

6 SUSAN WHITE

7 CARYL L. KIRSCHBAUM

8 EXAMINERS:

9 Mr. Ainsworth

10 Mr. Mercier

11 WITNESSES DEAN E. GUSTAFSON Page 23

12 CARLO F. CENTORE

13 MICHAEL P. LIBERTINE

14 KEITH E. COPPINS

15 EXAMINERS:

16 Ms. Kohler

17 Mr. Mercier

18 Dr. Klemens

19 Mr. Ashton

20 The Chairman

21 Mr. Hannon

22 Mr. Lynch

23 Mr. Ainsworth

24 Senator Murphy

25 Mr. Baldwin

1 I n d e x: (Cont'd.)

2

3 WITNESSES CARLO F. CENTORE Page 95

4 RYAN ULANDAY

5 EXAMINERS:

6 Mr. Baldwin

7 Mr. Mercier

8 Senator Murphy

9 Mr. Ashton

10 Mr. Ainsworth

11 Mr. Lynch

12

13 APPLICANT'S EXHIBITS

14 (Received in evidence)

15 EXHIBIT DESCRIPTION PAGE

16 II-B-7 Applicant's responses to 26

17 Siting Council's request for
18 additional information, dated
19 July 7, 2015

20 II-B-8 Applicant's revised 26

21 elevation and compound plan for
22 Site 1, dated July 7, 2015

23 II-B-9 Applicant's revised 26

24 elevation and compound plan for
25 Site 2, dated July 7, 2015

1 I n d e x: (Cont'd.)

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3 EXHIBIT DESCRIPTION PAGE

4 II-B-10 Applicant's revised 26

5 visibility analysis, received

6 July 7, 2015

7 II-B-11 Supplemental pre-filed 26

8 testimony of Michael Libertine,

9 dated July 7, 2015

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11 CODFISH HILL ENVIRONMENTAL TRUST EXHIBITS

12 (Received in evidence)

13 EXHIBIT DESCRIPTION PAGE

14 III-B-1 Codfish Hill Environmental 12

15 Trust request to intervene, dated

16 April 15, 2015

17 III-B-2 Pre-filed testimony of Mark 12

18 and Gillean Reinders, dated

19 April 20, 2015

20 III-B-3 Pre-filed testimony of Mark 12

21 Reinders, dated May 12, 2015

22 III-B-4 Codfish Hill Environmental 12

23 Trust responses to applicant's

24 interrogatories, dated May 26, 2015

25

1 I n d e x: (Cont'd.)

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3 EXHIBIT DESCRIPTION PAGE

4 III-B-5 Pre-filed testimony, received 12

5 May 26, 2015:

6 a. Gordana Bogdan

7 b. Mark Reinders

8 c. Gillean Reinders

9 d. Susan White

10 e. Caryl L. Kirschbaum

11 f. Lada Bedriy

12 g. Leon Kurjiaka

13 III-B-6 Pre-filed testimony of Susan 12

14 White, dated July 2, 2015

15

16 CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

17 EXHIBITS (Received in evidence)

18 EXHIBIT DESCRIPTION PAGE

19 IV-B-1 Cellco Partnership d/b/a 97

20 Verizon Wireless request to

21 intervene, dated May 14, 2015

22 IV-B-2 Cellco Partnership d/b/a 97

23 Verizon Wireless responses to

24 Council interrogatories, Set I,

25 dated May 26, 2015

1 I n d e x: (Cont'd.)

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3 EXHIBIT DESCRIPTION PAGE

4 IV-B-3 Cellco Partnership d/b/a 97

5 Verizon Wireless responses to
6 Council interrogatories, Set II,
7 dated July 7, 2015

8 IV-B-4 Cellco Partnership d/b/a 97

9 Verizon Wireless supplemental
10 responses to Council interrogatories,
11 Set I, dated July 7, 2015

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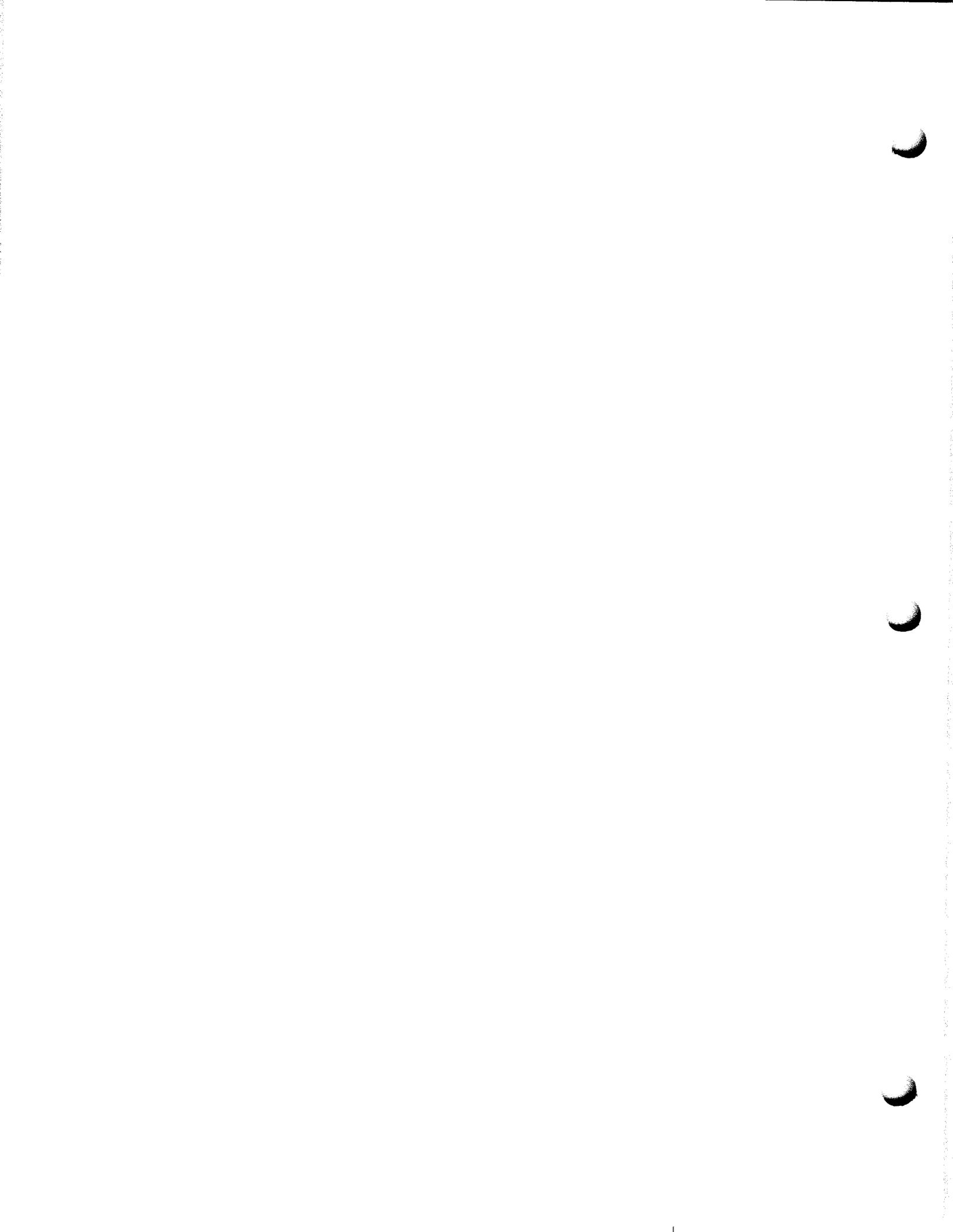
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STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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July 20, 2015

TO: Bethel Town Clerk (VIA US Mail)
Service List dated June 29, 2015 (VIA Electronic Mail)

FROM: Melanie A. Bachman, Acting Executive Director *MAB*

RE: **DOCKET NO. 458** – Florida Tower Partners LLC d/b/a North Atlantic Towers
Application for a Certificate of Environmental Compatibility and Public Need for the
construction, maintenance, and operation, of a telecommunications facility at one of two
locations at Bethel Tax Assessor's Map 65, Block 57, Lot 122, 62-64 Codfish Hill Road,
Bethel, Connecticut.

Pursuant to General Statutes § 16-50o(d), "A copy of the transcript of testimony at the hearing shall be filed at an appropriate public office, as determined by the Council, in each county in which the facility or any part thereof is to be located."

The Council has determined that the Town Clerk's Office in the Bethel Town Hall is an appropriate public office for filing a copy of the transcript in Fairfield County.

Enclosed please find the transcript on the subject docket dated July 14, 2015 received in the Council's office on July 17, 2015.

Pursuant to Section 16-50j-26 of the Regulations of Connecticut State Agencies, at the conclusion of the hearing, the Council established that August 13, 2015 is the date by which briefs and public statements may be filed with the Council.

MAB/RDM/cm

Enclosure (1)

c: Council Members (VIA Electronic Mail without enclosures)

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