



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 30, 2015

TO: Danbury City Clerk and Bethel Town Clerk (VIA US Mail)
Service List dated July 9, 2015 (VIA Electronic Mail)

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

RE: **DOCKET NO. 462** – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Danbury Tax Assessor's Map L16, Lot 5, 15 Great Pasture Road, Danbury, 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 Danbury City Clerk's Office and Bethel Town Clerk's Office are appropriate public offices for filing a copy of the transcript in Fairfield County.

Enclosed please find the transcript on the subject docket dated September 15, 2015 received in the Council's office on September 30, 2015.

Pursuant to Section 16-50j-26 of the Regulations of Connecticut State Agencies, at the conclusion of the hearing, the Council established that October 15, 2015 is the date by which briefs and public statements may be filed with the Council.

MAB/MP/cm

Enclosure (1)

c: Council Members (VIA Electronic Mail without enclosures)

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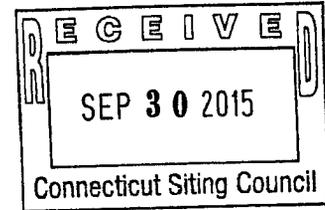
TOWN OF BETHEL
TOWN CLERK





COPY

In The Matter Of:
Application from Cellco Partnership d/b/a Verizon
Wireless



Hearing Docket No. 462
September 15, 2015

BCT Reporting LLC
PO Box 1774
Bristol, CT 06010
860.302.1876

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TOWN OF BETHEL
TOWN CLERK

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1 THE WITNESS (Befera): No, we
2 did not.

3 MR. PERONE: Okay. Could you
4 tell us about the process in determining the
5 DEEP dig restricted area and how this
6 impacted this project?

7 THE WITNESS (Libertine):

8 Well, it has not impacted the
9 project and will not impact the project, nor
10 will it be impacting that area. Essentially
11 there is now what's known as an environmental
12 land-use restriction on the portion of the
13 property that resulted from some historic
14 releases in contamination that was identified
15 10 or 15 years ago.

16 That, those releases have been
17 remediated to the satisfaction of the
18 Connecticut DEEP, but that went through what
19 is known as the property transfer program.
20 And so that involved several investigations,
21 as I said, some soil remediation and then
22 some follow-up groundwater monitoring.

23 In addition, there was a vapor
24 barrier placed at the footing of the
25 southwest corner of the building to keep some

1 the full proposed height, so we have a five
2 and a half -- or excuse me, a
3 four-and-a-half-foot diameter balloon on top
4 of that tethered height.

5 MR. PERONE: Okay. So you
6 have 150 feet to the bottom of the balloon
7 approximately?

8 THE WITNESS (Libertine): It's
9 about -- it's 123 feet.

10 MR. PERONE: I'm sorry, 123.
11 Okay. And what are the hours of today's
12 balloon flight?

13 THE WITNESS (Libertine): I'm
14 sorry. They were scheduled from 8 a.m. until
15 6 p.m. this evening.

16 MR. PERONE: Okay. Did the
17 Applicant receive any comments from the
18 adjacent Town of Bethel?

19 THE WITNESS (Befera): No, we
20 did not.

21 MR. PERONE: And just as an
22 update, since the application interrogatories
23 were filed have you received any interest in
24 co-location from other wireless carriers or
25 the municipalities of Danbury and Bethel?

1 examination by our staff, Mr. Perone.

2 MR. PERONE: Thank you,
3 Mr. Chairman.

4 Did you fly a balloon today?

5 THE WITNESS (Libertine): Yes.

6 As requested, the Applicant has had a balloon
7 aloft since approximately 20 minutes to 8
8 this morning, and we'll keep that balloon up
9 until 6 p.m. We've had very good weather
10 today for it. It and was actually very calm
11 up until about ten o'clock this morning.

12 There was some disturbance
13 with some -- some air movement. We never
14 lost a balloon, but it was bouncing around a
15 bit, but by the time we had you folks out to
16 the site walk things started to stabilize
17 again. So it's, overall, been a fairly good
18 day for the event.

19 MR. PERONE: Okay. And the
20 diameter and color?

21 THE WITNESS (Libertine): It's
22 actually a four-and-a-half-foot diameter
23 helium filled weather balloon. It's a red
24 balloon that we've been using today to mark
25 the site location. And that's tethered at

1 MR. BALDWIN: And do you adopt
2 the information in those exhibits as your
3 testimony today? Mr. Tyurin?

4 THE WITNESS (Tyurin): Yes.

5 MR. BALDWIN: Mr. Ulanday?

6 THE WITNESS (Ulanday): Yes.

7 MR. BALDWIN: Mr. Centore?

8 THE WITNESS (Centore): I do.

9 MR. BALDWIN: Mr. Befera?

10 THE WITNESS (Befera): Yes.

11 MR. BALDWIN: Mr. Libertine?

12 THE WITNESS (Libertine): I

13 do.

14 MR. BALDWIN: And Mr.

15 Gustafson?

16 THE WITNESS (Gustafson): Yes,

17 I do.

18 MR. BALDWIN: Mr. Chairman, I

19 offer them as full exhibits.

20 THE CHAIRMAN: Is there any

21 objection?

22 (No response.)

23 THE CHAIRMAN: Seeing and

24 hearing none, the exhibits are admitted.

25 We will now begin with cross

1 investigation, line 1. It should read, as
2 discussed in section 3, letter C4.D as
3 opposed to what is represented currently as
4 capital D5D.

5 MR. BALDWIN: Mr. Libertine?

6 THE WITNESS (Libertine): I
7 have none.

8 MR. BALDWIN: Mr. Gustafson?

9 THE WITNESS (Gustafson): No.

10 MR. BALDWIN: And is the
11 information contained in these exhibits with
12 those corrections and modifications true and
13 accurate to the best of your knowledge? Mr.
14 Tyurin?

15 THE WITNESS (Tyurin): Yes.

16 MR. BALDWIN: Mr. Ulanday?

17 THE WITNESS (Ulanday): Yes.

18 MR. BALDWIN: Mr. Centore?

19 THE WITNESS (Centore): Yes.

20 MR. BALDWIN: Mr. Befera?

21 THE WITNESS (Befera): Yes.

22 MR. BALDWIN: Mr. Libertine?

23 THE WITNESS (Libertine): Yes.

24 MR. BALDWIN: Mr. Gustafson?

25 THE WITNESS (Gustafson): Yes.

1 to offer to any of the information in those
2 exhibits at this time? Mr. Tyurin?

3 THE WITNESS (Tyurin): No.

4 MR. BALDWIN: Mr. Ulanday?

5 THE WITNESS (Ulanday): No, I
6 don't.

7 MR. BALDWIN: Mr. Centore?

8 THE WITNESS (Centore): Yes, I
9 do.

10 Any reference made to a
11 natural gas' fuel service for the emergency
12 generator will be -- will be changed to -- to
13 a propane tank fuel source for the emergency
14 generator. I will be updating the -- the
15 drawings, should this be approved at the D
16 and M phase, and there are certain sections
17 in the application as well that will need to
18 be updated to reflect that.

19 MR. BALDWIN: Anything else?

20 THE WITNESS (Centore): And
21 that's it.

22 MR. BALDWIN: Mr. Befera?

23 THE WITNESS (Befera): Yes, I
24 do have one. In the statement of need on
25 page 16, paragraph number 2, wetlands

1 and an affidavit of sign posting received by
2 the Council on September 9th. I'll go right
3 into the verification process, if it pleases
4 the Chair.

5 For my witnesses, did you
6 prepare or assist in the preparation of the
7 exhibits listed in the hearing program under
8 Roman 2, subsection B, items 1 through 5?
9 Mr. Tyurin?

10 THE WITNESS (Tyurin): Yes.

11 MR. BALDWIN: Mr. Ulanday?

12 THE WITNESS (Ulanday): Yes, I
13 did.

14 MR. BALDWIN: Mr. Centore?

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

17 MR. BALDWIN: Mr. Befera?

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

20 MR. BALDWIN: Mr. Libertine?

21 THE WITNESS (Libertine): Yes.

22 MR. BALDWIN: Mr. Gustafson?

23 THE WITNESS (Gustafson): Yes.

24 MR. BALDWIN: And do you have
25 any corrections, modifications or amendments

1 scientist and professional soil scientist
2 with All-Points Technology.

3 And I offer them to be sworn
4 at this time, Mr. Chairman.

5 THE CHAIRMAN: Please rise.

6 ANTHONY BEFERA,
7 MICHAEL LIBERTINE,
8 DEAN GUSTAFSON,
9 RYAN ULANDAY,
10 ALEX TYURIN,
11 CARLO F. CENTORE,

12 called as witnesses, being first duly
13 sworn by the Executive Director, were
14 examined and testified on their oaths
15 as follows:

16 MS. BACHMAN: Thank you.

17 MR. BALDWIN: Mr. Chairman, we
18 have five exhibits to offer at this time.
19 They are listed in the hearing program under
20 Roman 2, subsection B, and they include the
21 application and several, about five exhibits
22 listed, our affidavit of publication; a
23 supplemental SHPO determination received on
24 August 10th; our response, the Applicant's
25 responses to the Council's interrogatories;

1 Attorney Baldwin, will you
2 present your witness panel for the purposes
3 of taking the oath?

4 MR. BALDWIN: Thank you,
5 Mr. Chairman. Good afternoon.

6 Kenneth Baldwin with the Firm
7 of Robinson and Cole on behalf of the
8 applicant, Cellco Partnership, doing business
9 as Verizon wireless.

10 Our witness panel today
11 consists of, to my far left, Mr. Alexi
12 Tyurin, a real estate consultant for Cellco
13 partnership. Next is Ryan Ulanday, a
14 radiofrequency engineer with Cellco
15 partnership. Next to Ryan is Carlo Centore,
16 a professional engineer with Centek
17 Engineering.

18 To my immediate left is Tony
19 Befera, the Manager of Real Estate and
20 Project Implementation for Cellco
21 Partnership. And to my right is Mike
22 Libertine, the Director of Siting and
23 Permitting with All-Points Technology. And
24 at the far -- your left, my right of the
25 table, is Dean Gustafson, a senior wetlands

1 in Danbury with the conclusions of law they
2 are from.

3 MR. ASHTON: So moved.

4 DR. KLEMENS: Second.

5 THE CHAIRMAN: I have a motion
6 and a second. All those in favor signify by
7 saying aye.

8 THE COUNCIL: Aye.

9 THE CHAIRMAN: Opposed?
10 Abstention?

11 (No response.)

12 THE CHAIRMAN: The motion
13 carries.

14 I wish to call your attention
15 to those items shown on the hearing program
16 marked as Roman numerals 1D, items 1 through
17 62. In addition the Council would also like
18 to take administrative notice of the United
19 States Fish and Wildlife Service bog turtle
20 recovery plan. And is there any objection to
21 any of these items being noticed?

22 (No response.)

23 THE CHAIRMAN: Accordingly,
24 the Council administratively notices these
25 existing statements, documents and comments.

1 join us for the public comment session, that
2 you or they may send written statements to
3 the Council within 30 days of the date hereof
4 and such written statements will be given the
5 same weight as if spoken at the hearing.

6 A verbatim transcript will be
7 made of this hearing, deposited with the city
8 clerk's office in Danbury, and the town
9 clerk's office in Bethel for the convenience
10 of the public.

11 I assume there's no public
12 official to make a statement at this time?

13 (No response.)

14 THE CHAIRMAN: The Council
15 received a motion for a protective order from
16 the applicant dated August 12, 2015.
17 Attorney Bachman may wish to comment.

18 MS. BACHMAN: Thank you,
19 Mr. Chairman.

20 The applicant filed a motion
21 for protective order on August 12th for a
22 protected treatment of certain terms of the
23 lease agreement, specifically the rental
24 amount. Staff recommends that we grant this
25 motion consistent with the docket that we had

1 Operation of a Telecommunication Facility
2 Located at 15 Great Pasture Road in Danbury,
3 Connecticut. The application was received by
4 the Council on July 7, 2015.

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

10 The applicant, as mentioned,
11 is Cellco Partnership. Attorney Baldwin is
12 the legal representative. We will proceed in
13 accordance with the prepared agenda, copies
14 of which are available here. Also available
15 are copies of the Citizen Guide to Siting
16 Council Procedures.

17 At the end of this afternoon's
18 session we will recess and resume again at
19 7 p.m, and the 7 p.m. hearing session will be
20 reserved for the public to make brief oral
21 statements into the record.

22 I also wish to note for those
23 who are here and for the benefit, of which
24 there's just about nobody, but the benefit of
25 your friends and neighbors who are unable to

1 THE CHAIRMAN: Good afternoon,
2 ladies and gentlemen. I'd like to call to
3 order this hearing of the Connecticut Siting
4 Council today, Tuesday, September 15, 2015,
5 at 3 p.m. My name is Robin Stein. I'm
6 Chairman of the Siting Council.

7 Other members of the Council
8 here are Senator Murphy, our Vice Chairman;
9 Mr. Hannon, our designee from the Department
10 of Energy and Environmental Protection;
11 Commissioner Caron, our designee from the
12 Public Utilities Regulatory Authority;
13 Mr. Ashton; Mr. Lynch; and Dr. Klemens.

14 Members of the staff present
15 are Attorney Melanie Bachman, our Executive
16 Director, and Staff Attorney; and Michael
17 Perrone, our siting analyst.

18 This hearing is held pursuant
19 to the provisions of Title 16 of the
20 Connecticut General Statutes and of the
21 Uniform Administrative Procedure Act upon an
22 Application from Cellco Partnership, d/b/a
23 Verizon Wireless, for a Certificate of
24 Environmental Compatibility and Public Need
25 for the Construction and Maintenance and

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

2

3 **For CELLCO PARTNERSHIP d/b/a VERIZON**

4 **WIRELESS:**

5 **ROBINSON & COLE, LLP**

6 **280 Trumbull Street**

7 **Hartford, Connecticut 06103-3597**

8 **By: KENNETH C. BALDWIN, ESQ.**

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

Council Members:

- SENATOR JAMES J. MURPHY, JR.,**
- Vice Chairperson**
- COMM. MICHAEL CARON, PURA Designee**
- ROBERT HANNON, DEEP Designee**
- PHILIP T. ASHTON**
- DANIEL P. LYNCH, JR.**
- DR. MICHAEL W. KLEMENS**

Council Staff:

- MELANIE BACHMAN, ESQ.,**
- Executive Director and**
- Staff Attorney**
- MICHAEL PERRONE**
- Siting Analyst**

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 462

Application from Cellco Partnership d/b/a
Verizon Wireless for a Certificate of
Environmental Compatibility and Public Need
for the Construction, Maintenance, and
Operation of a Telecommunications Facility
Located at 15 Great Pasture Road, Danbury,
Connecticut.

Council Meeting held at the Danbury City
Hall, Council Chambers, 155 Deer Hill Avenue,
Danbury, Connecticut, Tuesday, September 15,
2015, beginning at 3:00 p.m.

H e l d B e f o r e :

ROBIN STEIN, Chairperson

1 volatile organics from essentially migrating.
2 So this area is now restricted. It's a
3 fairly robust area in the southwest corner
4 beneath the building that's isolated from any
5 elements and cannot be touched. That also
6 extends about 25 feet out to both the south
7 and the west from the building, again so that
8 that area is basically an area that cannot be
9 excavated without lifting the land-use
10 restriction.

11 In our case we are avoiding it
12 by coming down with the utilities on that
13 south side in the driveway. It was outside.
14 We had actually marked it in the field so you
15 folks had at least some landmark to take a
16 look at. We're about ten feet to the south
17 of the extent of that restricted area.

18 MR. PERONE: Okay. And you've
19 had consultations with DEEP on that prior to
20 the design?

21 THE WITNESS (Libertine): We
22 have not. We don't have any requirement to
23 do so. The real requirement is to avoid
24 that. If we had to go into that restricted
25 area then there would be that requirement.

1 MR. PERONE: Okay. And my
2 understanding is the lease area is the same
3 size as the fenced compound. Is that
4 correct?

5 THE WITNESS (Centore): That
6 is correct.

7 MR. PERONE: And also looking
8 at the site plan, is it also correct to say
9 that you are far enough from the property
10 line? The tower setback radius would remain
11 on the subject property?

12 THE WITNESS (Centore): I want
13 to take a second and verify that.

14 Yes, that is correct.

15 MR. PERONE: Okay. So no
16 yield point would be necessary?

17 THE WITNESS (Centore): That's
18 correct.

19 MR. PERONE: Okay. I'll
20 switch to the updated generator issue. Do
21 you have an idea of the size of the propane
22 tank at this time?

23 THE WITNESS (Centore): I'm
24 going to estimate a 1,000-gallon propane
25 tank.

1 MR. PERONE: Would you have a
2 ballpark of the runtime, at this time?

3 THE WITNESS (Centore):
4 Approximately seven days.

5 MR. PERONE: Seven days.
6 Okay. And would the size of the generator
7 and kilowatts be approximately the same as
8 the gas one?

9 THE WITNESS (Centore): Yes.

10 MR. PERONE: Okay. I
11 understand the compound fence would have
12 privacy slats. What color do the privacy
13 slats usually come in?

14 THE WITNESS (Centore): I
15 think there's a number of colors to be chosen
16 from, but we typically recommend black.

17 MR. PERONE: Okay. Switching
18 to radiofrequency topics, I understand this
19 site would provide capacity relief to Bethel,
20 Bethel West, and Danbury 3. Are all three of
21 those sites in need of significant capacity
22 relief? Or are some experiencing greater
23 demands than others?

24 THE WITNESS (Ulanday): Yes,
25 specifically those that touch -- that are

1 pointing towards the area where the tower is.

2 MR. PERONE: Okay. In the
3 interrogatories we were given the effects on
4 coverage if the tower were ten feet shorter.
5 In general what other consequences would
6 there be for being ten feet shorter, such as
7 hand off?

8 THE WITNESS (Ulanday):

9 Basically if you lose that
10 coverage we could drop calls on where we
11 don't have proper handover with existing
12 sites.

13 MR. PERONE: Okay. Is it
14 correct to say that it would be more costly
15 to meet your needs with multiple small cells,
16 or a distributed antenna system?

17 THE WITNESS (Ulanday): That
18 could be -- right now, actually we didn't do
19 any study up through -- probably could take
20 that system or small cells, but we assume
21 that it would take a lot of nodes to call it,
22 if you do small cells or DAS nodes.

23 MR. PERONE: Okay. Also in
24 response to question 16, Cellco notes that
25 700 megahertz and 2100 megahertz would be

1 deployed initially, and 1900 in the future.

2 Do you have any plans to deploy

3 850 megahertz?

4 THE WITNESS (Ulanday): Right
5 now 850 is still being used for our legacy
6 CDMA network. We are not seeing that in the
7 near future, but we could probably deploy
8 that when we see -- when we see that there's
9 no more need for -- to maintain the CDMA
10 network, but for now we're maintaining it for
11 that legacy.

12 MR. PERONE: Okay. So no
13 plans right now, but you, you keep it
14 reserved for the future?

15 THE WITNESS (Ulanday): Yes,
16 that's true.

17 MR. PERONE: Okay. And I
18 don't know if you have this, but on page 8 of
19 the application you had two building mount
20 facilities noted as existing sites. You had
21 the Danbury Hospital and the 30 Main Street.
22 I don't know -- would you have the antenna
23 centerline heights for those?

24 THE WITNESS (Ulanday): Right
25 now I don't have the antenna centerline

1 heights, but they're all on rooftop
2 installations. The first one would be on the
3 Danbury Hospital. And if I remember it
4 right, Danbury 3 is across, like, a ShopRite
5 or some bank, like a four-story building, on
6 the rooftop. So --

7 MR. PERONE: Okay. All right.
8 Also question 33, when asked about existing
9 signal strength it was quoted for
10 700 megahertz. Is that done to be
11 conservative, because 700 has the largest
12 coverage area?

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

15 MR. PERONE: Okay. And moving
16 onto the visibility section, page 1 where it
17 mentions the top of the antennas to a height
18 of 103. Was 123 intended there?

19 THE WITNESS (Libertine): It
20 was. I apologize.

21 MR. PERONE: Okay. And moving
22 to click to the view shed map --

23 MR. BALDWIN: Mr. Chairman,
24 we're not sure if -- the microphone was not
25 on for the prior answer. Did you get it?

1 THE REPORTER: Yes, I did.

2 THE WITNESS (Libertine):

3 Thank you. That was a
4 typographical error. Thank you for pointing
5 that out. I'm sorry I missed that.

6 MR. PERONE: Yeah, in the view
7 shed map it's showing open space to the south
8 and southwest of the tower. Do you know the
9 use of that? Is that just, like, federal
10 open space?

11 THE WITNESS (Libertine): I
12 believe it's just -- it's passive open space.
13 There's no active, you know, active trails or
14 that type of -- I'm not sure if that is
15 municipal or state land. My guess is that
16 it's municipal, but I --

17 Normally -- normally we write
18 that out, but for some reason we did not. So
19 I'd be -- I would only be guessing.

20 MR. PERONE: Okay. Yeah.

21 Now moving onto wildlife. I
22 understand that there's a turtle protection
23 program for the two state listed special
24 concern turtle species, the eastern box
25 turtle and the wood turtle.

1 As for the federally listed
2 threatened and state listed endangered bog
3 turtle, do the bog turtles tend to stay
4 within the wetland area? Or have they been
5 known to travel beyond that and could
6 potentially enter the construction area?

7 THE WITNESS (Gustafson):

8 In -- in contrast to the box
9 turtle and wood turtle, which are -- are both
10 wetland and terrestrial habitat users, the
11 bog turtle is -- is more predominately found
12 within wetland systems, wetland habitats.

13 I mean, there's always a
14 chance. We are approximately 80 feet away
15 from the wetland edge associated with a large
16 wet meadow, emergent marsh wetland system, so
17 say it was Sympaug Brook and -- and Chestnut
18 Brook. So there's always potential that bog
19 turtles are within that wetland system.
20 That's because we're less than a hundred feet
21 away to encounter them.

22 I think that's highly unlikely
23 because of the -- the steep fill slope that
24 separates the project site from the wetland
25 system, which is approximately 20 feet in

1 height. And if anyone looked over the edge,
2 there's a significant amount of rubble in
3 that area. It's a pretty treacherous slope.

4 In addition, the protection
5 measures that we're -- we'll be implementing
6 during construction for box turtle or wood
7 turtle would be equally protective of bog
8 turtle if perchance they do scamper up that
9 slope and try to make it into the
10 construction area.

11 MR. PERONE: Okay. So the
12 turtle protection program is equally
13 protective for the bog turtle?

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

16 MR. PERONE: Great. I
17 understand that Cellco consulted with SHPO
18 and heard back. Also several Native American
19 tribes were contacted. Were there any
20 outstanding concerns from any of the tribes?

21 THE WITNESS (Libertine): No.
22 We were -- we have received a signoff from
23 all of the tribes as well. They have no
24 concerns with respect to any cultural
25 resources at the site.

1 MR. PERONE: Okay. And I
2 understand that the HVAC units would meet the
3 applicable noise standards. Just to be
4 clear, do they only provide air-conditioning.
5 Or do they also provide heat to the shelter
6 in the winter?

7 THE WITNESS (Centore): They
8 do have a heat coil in them, but they are
9 primarily in cooling mode even in the winter.

10 MR. PERONE: Okay. Thank you.
11 That's all I have.

12 THE CHAIRMAN: Thank you.

13 We'll now continue with
14 questions from members of the Council.

15 Senator Murphy.

16 SENATOR MURPHY: Thank you,
17 Mr. Chairman. I have just a few questions.

18 In reference to -- the tower
19 is within two miles. The dialogue indicates
20 there are five, and you proceed to enumerate
21 four. It appears you left out the Germantown
22 one. And then in the response to one of the
23 interrogatory questions you refer back that
24 they interact with the towers enumerated in
25 the application.

1 Do I understand it that this
2 tower will not interact with the tower
3 labeled Germantown on your propagation maps?

4 THE WITNESS (Ulanday): It
5 would still interact with Germantown,
6 specifically the roads towards --

7 SENATOR MURPHY: Because it's
8 straight up from that?

9 THE WITNESS (Ulanday): That
10 it's -- it's a straight up, but I believe
11 that the Germantown sector that's pointing
12 towards the proposed tower would just cover
13 just a little bit. Just a little bit.

14 SENATOR MURPHY: So you're
15 telling me basically the coverage from the
16 Germantown is away from where this particular
17 tower would be located?

18 THE WITNESS (Ulanday):
19 That's -- that's true.

20 SENATOR MURPHY: That is or is
21 not true?

22 THE WITNESS (Ulanday): That
23 is true, but we have a sector that's pointing
24 south from that Germantown tower.

25 SENATOR MURPHY: So it does

1 interact? So it interacts with all five of
2 the towers that are within two miles?

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

5 SENATOR MURPHY: Okay. In
6 response to the question about -- the
7 interrogatory question about dropped calls,
8 and you have an explanation, and of course
9 I'm a layman, so I'd like to understand what
10 it means. But as I understand it, at a given
11 busy time during the day you record the
12 number of hits in a given area and how fast
13 those hits are serviced in lieu of dropped
14 calls?

15 THE WITNESS (Ulanday): For
16 LTE service we don't actually measure dropped
17 calls, because we don't have -- until
18 recently we're not using the LTE network for
19 voice services, so our LTE network until
20 recently were purely for data services only.

21 SENATOR MURPHY: What do you
22 measure on your regular voice service? Do
23 you measure the dropped calls?

24 THE WITNESS (Ulanday): For
25 voice services on CDMA we do measure dropped

1 calls, invalid attempts, things like that.

2 SENATOR MURPHY: So in your
3 voice service, then what is your dropped
4 calls in this area?

5 THE WITNESS (Ulanday): I did
6 not specifically look at the dropped calls on
7 our CDMA network because we are -- what we
8 are proposing for this Bethel West tower is
9 purely LTE.

10 SENATOR MURPHY: Okay. All
11 right.

12 On visibility, Mr. Libertine,
13 this is probably one of the easiest ones
14 you've seen in a while?

15 THE WITNESS (Libertine):

16 Well, we certainly have a very
17 good setting for this tower, no question.

18 SENATOR MURPHY: What's
19 sporadic?

20 THE WITNESS (Libertine):

21 Well, what I mean --

22 SENATOR MURPHY: I just -- it
23 struck me is the use of your choice of the
24 word "sporadic?"

25 THE WITNESS (Libertine): What

1 I was trying to express, the characteristics
2 of this site from a visibility standpoint is
3 once we get out beyond about a quarter of a
4 mile, as you probably saw as you approach the
5 site on the road itself in that kind of
6 commercial industrial setting, there were
7 some good, good clear open shots of the
8 balloon, and I think a fair amount of the
9 tower would be visible.

10 SENATOR MURPHY: Dan Lynch
11 pointed it out to us on our way.

12 THE WITNESS (Libertine): And
13 so once you start getting outside of, what
14 I'll call, about approximately a quarter of a
15 mile things become very different. There are
16 places where you'll see some shots through
17 trees and then you'll go a long stretch where
18 it will not be visible.

19 So I was trying to get
20 across -- I'm not sure "sporadic" is really
21 the word to use, but in this case it's more
22 or less -- and I think if -- if you drive
23 around the state you kind of get the sense on
24 a lot of these towers where all of the sudden
25 they're in full view and then you can turn a

1 corner and for the next quarter mile, half
2 mile you don't see it from anywhere.

3 And so we have that kind of a
4 characteristic where what -- if you're on top
5 of it you see it, and once you get at some
6 distance and you have a perspective you kind
7 of see it at the top of the treeline from
8 some of what, I'll call, the more distant,
9 maybe a mile or so and further away.

10 And at that point it's not
11 very visible in the sense it doesn't stick
12 high above the tree line, because it's a
13 fairly short tower. There are a couple of
14 locations where certainly it does that, but
15 that was really -- was the main point I was
16 trying to make, that it wasn't -- even though
17 we're showing kind of a broad footprint of
18 this area, visibility, there are a lot of
19 areas within those blobs of colors on our
20 maps where you could stand and you will not
21 see the tower.

22 But I felt that it's important
23 to kind of say, well, there is the potential
24 anywhere within here to see that, but not --
25 not from all locations.

1 SENATOR MURPHY: Okay. Let me
2 ask you the question, assuming that this
3 application is approved and down the road in
4 the future, this tower is increased in
5 height?

6 THE WITNESS (Libertine):
7 Uh-huh.

8 SENATOR MURPHY: What effect
9 will, say, the ten-foot increase have?

10 THE WITNESS (Libertine): I
11 think 10, or even maybe pushing 20 is not
12 going to make a huge difference. Again, we
13 don't have a lot of residential neighbors. I
14 think that that's really, from my
15 perspective, what can change things.

16 I think there will be a few
17 locations where even 10 or 15 feet, it would
18 start to rise above the tree line a little
19 bit more than what we're demonstrating here.
20 But I think if we're in that range of 20 feet
21 or less you're probably not talking a very
22 significant impact.

23 SENATOR MURPHY: Okay. And as
24 far as disguising the tower, I'm not going to
25 ask you about monopines or anything, because

1 I don't think it's appropriate. Any
2 recommendations as to the color of this tower
3 to blend in with what's there?

4 THE WITNESS (Libertine):

5 Well, in this case we -- we
6 actually talked about this quite a bit and
7 then I -- we did receive an interrogatory on
8 this as well.

9 SENATOR MURPHY: Any
10 recommendations from the Town or any word
11 from the Town at all?

12 THE WITNESS (Libertine): No.
13 In this case I would say we should let it
14 just go up as a standard steel monopole and
15 let it weather to kind of a soft gray. I
16 think it -- it's in an industrial park. And
17 again, we don't rise above treeline
18 significantly so I think it's going to be
19 fine from that perspective.

20 SENATOR MURPHY: Thank you.

21 Those are my questions,

22 Mr. Chairman.

23 THE CHAIRMAN: Thank you.

24 Dr. Klemens.

25 DR. KLEMENS: Thank you. I

1 have a couple of questions, trying to sort
2 through some of the environmental questions
3 on this application.

4 I understand you have not
5 received anything back from the fish and
6 wildlife service relative to your inquiry
7 from their approval of what you're doing
8 vis-a-vis the long-eared bat and bog turtle?

9 THE WITNESS (Gustafson):

10 That's correct.

11 DR. KLEMENS: And I guess this
12 is -- so I'd like to try to tie up some of
13 what I consider to be loose ends, at least on
14 the bog turtle, because if this hearing
15 closes, which I don't know if it will today,
16 I think -- I don't know if we can even accept
17 the information from the service after the
18 fact, to leave a question.

19 I'd like to direct your -- to
20 tab 12, and I'd like to look at figures 4, 5
21 and 6, which are the aerial pictures of the
22 site. I think they're really very
23 interesting, and if you could look -- 1934,
24 we should look at just to look at it. Then
25 we look at '65 and then we look at 1990.

1 And could you tell me what's
2 happened to the area to the southwest of the
3 proposed tower site in the period from 1965
4 to 1990?

5 THE WITNESS (Gustafson):

6 Just -- on just west and south
7 of the red mark which identifies the proposed
8 site in those aerial, historic aerial
9 photographs shows the Sympaug and Chestnut
10 Brooks' riparian corridor. And as you
11 progress through those photographs from '34
12 to '90, we show a significant increase in
13 development in and around that wetland
14 system, primarily commercial/industrial
15 development.

16 DR. KLEMENS: That's correct,
17 but I guess if you could look more closely.
18 What I'm trying to get at is right to the
19 southwest of the proposed tower site. If I
20 look at the map in 1990 versus the map in
21 1965, at least in my reading of the map, and
22 I'd like you to concur with that or disagree
23 with that, it appears there's a lot more land
24 that has appeared. A lot more dry land has
25 appeared?

1 THE WITNESS (Gustafson):

2 Disappeared?

3 DR. KLEMENS: Appeared.

4 Appeared.

5 THE WITNESS (Gustafson):

6 I will -- I would agree with
7 that assessment. It's difficult to -- to
8 know exactly what the hydraulic conditions
9 were at the time the exact time those aerial
10 photographs -- what time of year it was. So
11 some of these could be photographs of when
12 the riparian system was at flood stage and
13 then when it wasn't, but I -- I would
14 generally agree with that assessment. It
15 looks like there's more dry area.

16 DR. KLEMENS: And would that
17 be consistent with what you and I, when we
18 walked to the edge of the slope during the
19 field visit, looked over the slope and saw,
20 not only the rubble you spoke of, but trees
21 half buried by rubble and deposition of fill,
22 that some of it looked quite recent?

23 Would you say that's
24 consistent with what we're seeing on the last
25 aerial photo?

1 THE WITNESS (Gustafson): I
2 would. It -- it looks like that the existing
3 site development continues to encroach upon
4 that wetland edge and overtake that wetland
5 edge over time. And there is evidence in the
6 field that some of the -- the toe of the fill
7 slope is -- is still actively moving and is
8 probably indicative of somewhat recent fill
9 material that's been placed on site. Whether
10 recent is within the past couple years or
11 within the past couple of decades is
12 difficult to assess. You know that.

13 DR. KLEMENS: But certainly
14 you would agree that the paper bags with yard
15 clippings and that, that we saw thrown over
16 there were certainly no more than a few years
17 old?

18 THE WITNESS (Gustafson):
19 Yeah, that certainly the
20 refuse material that's on the slope is -- is
21 probably fairly recently placed.

22 DR. KLEMENS: Okay. So we
23 have here basically a wetland, that I think
24 that I've observed, and you have concurred,
25 is actually -- the margin of the wetland has

1 been significantly -- or at least the edge
2 has been filled?

3 THE WITNESS (Gustafson):

4 That's correct.

5 DR. KLEMENS: And you
6 testified that it's actually a steep riprap
7 slope that would make turtles climbing up
8 very, very difficult?

9 THE WITNESS (Gustafson): Yes,
10 and in fact, the -- the recovery plan for bog
11 turtle identifies major impediments that
12 significantly reduce the chances of the
13 turtle successfully moving between wetland
14 sites to include such impediments as, you
15 know, steep slopes, as well as two-lane paved
16 roads with moderate traffic.

17 And certainly Great Pasture
18 Road, as a local feeder road for the
19 industrial development, it certainly
20 qualifies as at least moderately traffic --
21 trafficked.

22 DR. KLEMENS: So have you
23 ever -- one thing that puzzled me about this,
24 have you ever encountered a situation when
25 you've made a request to the natural

1 diversity database for their records and they
2 come back with a group of records, and the
3 fish and wildlife service comes back with bog
4 turtles being there?

5 Have you seen that before in
6 your practice, such a dissonance between what
7 the service holds and what the State holds?

8 THE WITNESS (Gustafson): I
9 have. And -- and actually I don't recall the
10 actual docket number, but it was for a
11 facility on Ledges Road in Ridgefield for
12 Homeland Towers where we had a very similar
13 situation where --

14 DR. KLEMENS: It's 448 you're
15 talking about?

16 THE WITNESS (Gustafson):
17 Correct. I believe that's the
18 correct docket number?

19 THE WITNESS (Libertine): 445.

20 THE WITNESS (Gustafson):

21 Thank you. 445, I believe.

22 DR. KLEMENS: 445, I'm sorry.

23 And in that particular one, are you telling
24 me the State didn't have, and the feds had
25 it? Or was it vice versa?

1 THE WITNESS (Gustafson): It
2 was the -- the states had identified Eastern
3 box turtle on that site, and --

4 DR. KLEMENS: We're talking
5 about bog turtles?

6 THE WITNESS (Gustafson):
7 Yeah. No, but it was a
8 similar situation as this one where the State
9 Natural Diversity Database identified other
10 state listed species including box turtle,
11 but didn't consider that the bog turtle was a
12 concern for that particular project.

13 But U.S. Fish and Wildlife
14 did, at least in an initial review through
15 their IPaC review system, identified the area
16 as potentially having bog turtle habitat.

17 DR. KLEMENS: So we've had two
18 instances in Fairfield County where the State
19 has not said these areas are box -- bog,
20 b-o-g turtle concern. Could it be that --
21 and just this is speculative, but possibly
22 that the State recognizes that the bog turtle
23 is extirpated in Fairfield County and they're
24 not concerned about bog turtles in such
25 wetlands?

1 THE WITNESS (Gustafson): I
2 would agree with that assessment. In my --
3 my discussions with Dawn McKay on this
4 matter, you know, I -- I asked her about this
5 particular site for -- in Danbury, talking
6 with her and let her know that, you know,
7 U.S. Fish and Wildlife had identified
8 potential bog turtle habitat in proximity to
9 the site.

10 And she agreed that she felt
11 that there weren't any extant populations of
12 bog turtle anymore in that area, or even in
13 Fairfield County that she was aware of. And
14 that it was most likely a historical record
15 that comes up when you do the fish and
16 wildlife consultation review.

17 DR. KLEMENS: As those
18 historical records can create a lot of
19 paperwork and make much mischief?

20 THE WITNESS (Gustafson): I
21 would agree.

22 DR. KLEMENS: But just to
23 finish it, what it just says, you spoke with
24 Mr. Perone as to about if a bog turtle were
25 to move up that riprap slope, they would be

1 protected by the turtle protection plan?

2 THE WITNESS (Gustafson):

3 That's correct.

4 DR. KLEMENS: And which I
5 think everyone agrees is very unlikely a
6 little turtle is going to crawl up what we
7 saw today. But you're aware in the bog
8 turtle recovery plan, and even though the
9 State did not feel the bog turtles are
10 there -- I'd just like to go through this
11 with you to close the federal loop -- that as
12 you know on the recovery plan there are three
13 zones of concern. And zone 2, can you tell
14 us a little bit about zone 2 in the recovery
15 plan, and where this project site falls
16 within the zone 2?

17 THE WITNESS (Gustafson): I
18 believe, and please feel free to correct me,
19 I believe zone 2 includes a 300-foot buffer
20 around potential wetland habitat that's being
21 utilized by bog turtle.

22 And this, this site, the
23 wetlands that a -- that border the site
24 contained characteristics enough to be
25 considered potential for bog turtle habitat.

1 So I would consider the proposed facility to
2 be within a zone 2 area, or at least
3 potentially a zone 2 area.

4 DR. KLEMENS: Now you're aware
5 of the federal recovery plan that development
6 including roads, sewer lines, utility lines,
7 storm water sedimentation basins, residences,
8 driveways, parking lots and other structures
9 should be avoided in zone 3. But also do you
10 have this? Were you able to download this in
11 front of you?

12 THE WITNESS (Gustafson): I
13 don't have the language in front of me, but
14 we went through a similar analysis for that
15 Ridgefield docket and that's still somewhat
16 fresh in my mind. So --

17 DR. KLEMENS: Okay. Well, let
18 me lead you through this then, or try to. I
19 mean, I guess as my reading of the plan is,
20 that some of these things have to deal with
21 water quality and impacts to the actual water
22 quality of the wetland?

23 THE WITNESS (Gustafson):

24 Correct.

25 DR. KLEMENS: If it's a bog

1 turtles wetland. So I guess where I'd like
2 to go, as on one hand, the recovery plan says
3 development should be avoided, but it says in
4 zone 2 that the avoidance is really having to
5 do either with migration of bog turtles.
6 You've already addressed that by saying
7 they're not going to climb up that slope, and
8 I agree with you.

9 Then we should talk about, are
10 there indirect effects to the hydrology of
11 this wetland caused by this project, because
12 of what -- that's the avoidance criteria in
13 the 300-foot setback -- is?

14 THE WITNESS (Gustafson):

15 Correct, yeah.

16 DR. KLEMENS: So if you could
17 address that, I think we will have, sort of,
18 done our own section 7 consultation.

19 THE WITNESS (Gustafson): I
20 appreciate that, Dr. Klemens.

21 First and foremost the area
22 we're proposing for the development of the
23 tower is an existing developed disturbed
24 area, as everyone saw during the site walk
25 today. So we're not eliminating potential

1 habitat, or even potential migratory habitat
2 that would be utilized by bog turtle.

3 The -- the secondary matter
4 that you brought up, which is very important
5 and as far as ensuring that what we're doing,
6 especially during development, doesn't
7 adversely affect the water quality of the
8 adjoining wetlands, is incorporated into our
9 turtle protection plan, which is to provide
10 third-party review of the installation of the
11 erosion and sedimentation controls. And then
12 periodic monitoring throughout the course of
13 the construction project, as well as
14 educating the contractors on the sensitivity
15 of where they're developing.

16 They need to make sure that
17 all ENS controls are maintained on a daily
18 basis to ensure that no release of sediment
19 leaves the construction zone because of the
20 proximity to those wetlands.

21 With that plan being
22 implemented and agreed to by Verizon
23 Wireless, I feel that we'll avoid any
24 potential water quality impacts to wetlands,
25 and ergo, any potential secondary impacts to

1 the bog turtle.

2 As far as long-term operation
3 of the facility, it's a gravel surface
4 compound that promotes infiltration. We saw
5 that the area is fairly well hard packed
6 today. You can see a couple of puddles had
7 formed during the year, so we're not changing
8 any drainage patterns or increasing peak
9 runoff rates from the site.

10 And any storm water that
11 leaves the area is being properly controlled
12 in a storm waters swale and -- and level
13 spreader feature. So those will also protect
14 water quality issues with long-term use of
15 the facility.

16 DR. KLEMENS: So in hearing
17 this, it is your professional opinion that
18 you have complied with the standards for zone
19 2, protection of bog turtles habitats? In
20 the unlikely event there's a bog turtle
21 there, you have complied with the standards
22 required by the fish and wildlife service
23 within zone 2?

24 THE WITNESS (Gustafson): Yes.
25 It is my opinion that we have complied with

1 those standards.

2 DR. KLEMENS: All right.

3 Thank you. I have no further questions,
4 Mr. Chairman.

5 THE CHAIRMAN: Thank you.

6 Mr. Ashton.

7 MR. ASHTON: Thank you. I
8 have a few questions.

9 First of all, I have a comment
10 and that is that in reading this and reading
11 the interrogatory responses I think we've
12 come a long way, because I see that we're
13 already proposing things like an
14 inch-and-a-quarter mesh in the fence, rather
15 than having to drag it out.

16 And we're proposing coming off
17 the utility lines, Eversource's power supply
18 underground, whether it's on one side of the
19 street or the other. You know, I consider
20 that progress. I really do. So I applaud
21 that.

22 I have a few general
23 questions. One, is it fair to say that
24 insofar as you have an opportunity to serve
25 an area with a low cell tower, these small

1 cell towers, that would be an advantage over
2 a pole? Is that fair to say, Mr. Centore? I
3 guess I'm going to poke at you on that?
4 Would it be cheaper?

5 THE WITNESS (Centore): Would
6 it be cheaper to use a pole structure?

7 MR. ASHTON: No. If you can,
8 when you're looking at serving an area you
9 don't necessarily go in looking at a pole.
10 Do you? You go in and look and see if it's
11 something where you can put up a modest
12 structure, a small cell structure, or
13 something like that?

14 THE WITNESS (Centore):
15 Correct, on a low roof or a
16 rooftop facility.

17 MR. ASHTON: And that would be
18 cheaper. Wouldn't it, than the monopole?
19 And certainly less visible than all the rest?

20 THE WITNESS (Befera): Well, I
21 think if you look at the coverage provided by
22 the traditional structure and trying to
23 duplicate that in the form of telephone pole
24 attachments per se, it would take a
25 significant number of those smaller

1 facilities to duplicate what the significant
2 structure can do.

3 MR. ASHTON: Okay. Agreed.
4 My comment was more directed at trying to
5 serve a defined area. If you could do it
6 with a small cell tower wouldn't it be to
7 your advantage to do it rather than with a
8 large pole, the same area now?

9 THE WITNESS (Befera): Well,
10 where we need that ubiquitous coverage result
11 with the adjacent existing locations, it's --
12 it would take a great deal of the traditional
13 telephone pole attachment type small cell.
14 They certainly have their purpose in very
15 congested areas.

16 MR. ASHTON: What I'm trying
17 to get at is that when you design to serve an
18 area you go for the cheapest, most effective.
19 And what I'm saying is most effective from an
20 environmental and a radiological standpoint,
21 you go for the most effective. Don't you?
22 The cheapest?

23 THE WITNESS (Befera): Well,
24 I -- I think that -- I think that providing
25 the highest quality level of service is the

1 most important objective.

2 MR. ASHTON: Of course. We're
3 talking about a level of service, but
4 again -- again, if we're looking at a given
5 quality of service, a given service area,
6 don't you look for the most cost-effective
7 way of meeting that need?

8 THE WITNESS (Befera): Yes.

9 MR. ASHTON: Okay. You're not
10 inclined to put in a multibillion-dollar
11 facility to serve a 50-cent need?

12 THE WITNESS (Befera): No,
13 sir.

14 MR. ASHTON: Okay.
15 Mr. Centore, I think you mentioned that the
16 leased area is the fenced area. Is that
17 correct?

18 THE WITNESS (Centore):

19 Correct.

20 MR. ASHTON: Doesn't that
21 present a little bit of a problem if you put
22 your fencepost right on the line? How do you
23 service this thing? Do you have a working
24 clearance that's built into this? Or --

25 THE WITNESS (Centore): There,

1 there's not a lot of footprint beyond that,
2 that leased area either, but they -- they
3 should be able to access that site within the
4 compound area, within that 50 by 50 area.
5 And there's a -- there's the access easement
6 that's directly in front of the compound.

7 MR. ASHTON: So you don't get
8 a working easement at all?

9 THE WITNESS (Centore): No.

10 MR. ASHTON: It's that,
11 period. End of discussion?

12 THE WITNESS (Centore): Yes.

13 MR. ASHTON: Okay. There was
14 a technical issue on page 10 of the responses
15 when they were asked about illumination on
16 the site. And it referred to a -- I can read
17 it for you. You don't have to take it out.
18 It referred to a 100-watt porch light.

19 Now I'm familiar with metal
20 halide lights and LEDs, and all the rest of
21 it. But what is a porch light?

22 It's right about in the middle
23 of the page towards the right.

24 THE WITNESS (Centore): What
25 page?

1 MR. ASHTON: Ten, number 24.
2 Is it just a term of art? Isn't it? There's
3 nothing technical there.

4 THE WITNESS (Centore): A
5 100-watt lightbulb would be probably more --

6 MR. ASHTON: Yeah. It could
7 be an incandescent bulb, or --

8 THE WITNESS (Centore): Yeah.

9 MR. ASHTON: Do you use LEDs
10 or things like that?

11 THE WITNESS (Centore): The
12 stand -- the equipment shelters are not
13 equipped with an LED fixture at this time.
14 They come with a standard bulb.

15 MR. ASHTON: Well, I've
16 learned what a porch light is, anyway.

17 THE CHAIRMAN: That will be
18 our next crusade of the Siting Council, after
19 getting shared backup. We'll go to -- we'll
20 try to push you to go to LEDs.

21 MR. ASHTON: One of the things
22 that's quite prominent on the site is the
23 amount -- and I'm going beyond the leased
24 area, I think -- is the debris there.
25 There's an old lift, there's cinderblocks and

1 God knows what else. How much of that is
2 within the leased area, if any?

3 THE WITNESS (Centore): Pretty
4 much all of it.

5 MR. ASHTON: It's all in the
6 leased area?

7 THE WITNESS (Centore): Yeah.
8 Yeah.

9 MR. ASHTON: So there's going
10 to be general housecleaning there that goes
11 on?

12 THE WITNESS (Centore): That's
13 correct.

14 MR. ASHTON: Would that
15 enhance the likelihood that wildlife may
16 attempt to return to the site?

17 THE WITNESS (Centore):
18 I refer to Mr. Gustafson.
19 He's the expert on wildlife.

20 MR. ASHTON: Okay. You're the
21 expert on cleaning up, and he's the expert on
22 that? Okay.

23 THE WITNESS (Libertine): I
24 just want to clarify the debris. A lot of
25 the debris we were looking at, which I'll --

1 if the building is oriented north compared to
2 where we were standing at the compound --

3 MR. ASHTON: Yeah?

4 THE WITNESS (Libertine):

5 -- anything to -- if we were
6 looking at the building from the compound
7 area -- anything to the left, or west, in
8 this case that was outside of the leased
9 area. So there was a lot of concrete blocks,
10 scaffolding, quite a bit of material.

11 Anything to the east where we
12 did see there was an aboveground storage
13 tank, there was a piece of equipment and some
14 other debris. That certainly was within
15 this. I just wanted to clarify that, because
16 when we say, all, I know some -- some of us
17 may have had a different picture in our mind.

18 MR. ASHTON: Okay. So that's
19 on the to-do list as far as the D and M plan
20 goes?

21 THE WITNESS (Gustafson):

22 Yeah. And with respect to
23 wildlife habitat, the limited amount of
24 cleanup that will occur as a result of
25 Verizon's proposed development I don't

1 believe will have any effect on the quality
2 of wildlife habitat or lack thereof in that
3 area.

4 MR. ASHTON: Okay. Thank you.
5 No further questions.

6 THE CHAIRMAN: Thank you.

7 Mr. Hannon.

8 MR. HANNON: Thank you,
9 Mr. Chair. I do have a few.

10 On a map C-1A, in the
11 application it looks as though the line
12 coming into the site pretty much follows the
13 southern part of the driveway. And then
14 looking at the map on page C2 it looks as
15 though the trench area for the electric and,
16 I guess it's the telephone, look as though
17 it's really shifted a lot more towards the
18 middle of that pavement area.

19 I'm just wondering if there's
20 any way to, and again I realize that you're
21 not working within that restricted dig area.
22 I'm just wondering if it would be easier to
23 shift most of that trench more towards the
24 southern part of that road just, again to
25 keep it a little further away from where the

1 restricted area is?

2 And then in following up on
3 that and looking at some of the details, is
4 the -- on page C4, up on the upper left-hand
5 corner, the typical trench and pavement
6 repair detail, is that also applicable to the
7 work that's going to be done on the driveway?

8 I know that that was noted on
9 the plan as to where the gas line was
10 originally going to go, but I'm just curious
11 if that is also similar, at least the top
12 portion of that, is similar to what is being
13 proposed for redoing the driveway?

14 THE WITNESS (Centore): That
15 would be the same trench detail along the
16 driveway.

17 MR. HANNON: Okay. And then
18 the other thing I would suggest is that where
19 you have any of these dig areas, the trenches
20 and things of that nature, if you can go in
21 and make sure that there's a maximum depth on
22 that just to make sure that there's not any
23 conflict with what the dig restrictions are.

24 So for example, on a map C5
25 you have -- it's C, I'm sorry, 6 -- C5 the

1 typical electrical telephone trench detail,
2 something like that, where it's a minimum
3 30-inch cover, but then you've got some area
4 below. If there's any way to identify --
5 it's sort of in the middle of the page on C5.

6 THE WITNESS (Centore): Yeah.

7 MR. HANNON: You talk about a
8 minimum 30-inch cover, but there is no sort
9 of maximum depth. And again, because you do
10 have the restriction on this site, if you can
11 guess, sort of, what the maximum depth would
12 be? It just makes it easier and it's clear
13 that you're not going into that ten-foot
14 area.

15 THE WITNESS (Centore): Yeah.

16 MR. HANNON: And then the
17 other question I have is with the proposed
18 propane tank for the backup generator -- and
19 I think this has probably been discussed
20 before. Unlike an oil system where if oil
21 leaks and gets out it then creates some
22 problems, if a propane tank leaks, that's
23 just basically going to go out of the tank
24 and evaporate. Correct?

25 THE WITNESS (Centore):

1 Correct.

2 MR. HANNON: Thank you. I
3 have no further questions.

4 THE CHAIRMAN: Thank you.
5 Commissioner Caron.

6 COMM. CARON: No questions,
7 Mr. Chairman. Thank you.

8 THE CHAIRMAN: Thank you.
9 Mr. Lynch.

10 MR. LYNCH: Most of my
11 questions have been answered, but that
12 doesn't mean I don't have a few.

13 I would be remiss if I didn't
14 recognize a couple of old friends.

15 Mr. Libertine, in Dr. Bell's absence, could
16 we put a monopole or a silo here?

17 THE WITNESS (Libertine): Can
18 we? Anything is possible. I think in this
19 case that would be inappropriate from a
20 context standpoint, and probably not
21 necessary.

22 MR. LYNCH: All right. I just
23 had to cover all the bases. And I noticed
24 that we have a 120-foot centerline, and that
25 would reference my old friend Ned Wolinsky's

1 Wolinsky factor. I think Mr. Baldwin and
2 Mr. Libertine are the only two that remember
3 that.

4 Coming back to the propane
5 tank. Now I notice a lot of times, not
6 necessarily in telecom, but the propane tank,
7 is that going to be fenced within the
8 compound, or fenced without? Fenced, again,
9 outside the compound?

10 THE WITNESS (Centore): It
11 would be fenced within the compound.

12 MR. LYNCH: All right. Does
13 it need its own fence around it? Or is --

14 THE WITNESS (Centore): It
15 does not. It's protected within the compound
16 area.

17 MR. LYNCH: Okay. Because I
18 know some city ordinances that require that
19 it, you know, get fenced off.

20 THE WITNESS (Centore): Yeah.

21 MR. LYNCH: So I was just
22 asking.

23 Now I know we've done a lot
24 with coverage around here, but my main
25 concern is within that coverage area. What

1 is the usage? I mean, we've got a phone.
2 We've got streaming. We've got data. Is
3 there any way to tell what percentage of
4 usage is actually being done here, how to
5 measure something like that?

6 THE WITNESS (Ulanday):

7 Certainly, we can.

8 MR. LYNCH: Pardon?

9 THE WITNESS (Ulanday): We
10 can. We can.

11 MR. LYNCH: Is that
12 something -- is that information that could
13 be made available, not necessarily this, but
14 in following, upcoming dockets? Where the
15 majority, that I think now, is being used, is
16 the data services? And I would just like to
17 know how much of your network is data as
18 opposed to the old cell base?

19 THE WITNESS (Ulanday): I will
20 have to consult with --

21 MR. LYNCH: Just something to
22 consider in reference to Mr. Ashton's
23 comments on here about getting the message.

24 MR. BALDWIN: Sure. No, I
25 think it's something that is coming up more

1 often. We need to be a little bit careful
2 about how that information is presented, I
3 think, given the -- and perhaps it can be
4 presented in percentages.

5 MR. LYNCH: Well, I think we
6 understand, Mr. Baldwin.

7 MR. BALDWIN: But I think,
8 given as you've heard Mr. Ulanday talk about
9 in other dockets, given the industry trend,
10 or at least Verizon's trend of taking
11 everything from a voice service to an LTE
12 service, and then voice actually traveling
13 over into the LTE and data services into
14 voice over IP, at some point it's all going
15 to come together. So it's --

16 MR. LYNCH: That's where I was
17 getting at. It's been a little bit here. A
18 little info here, a little info there in each
19 docket. So I was just trying to get
20 something, you know, more that I can
21 understand and we can incorporate into our
22 decisions and stuff.

23 MR. BALDWIN: But getting back
24 to the Wolinsky factor, if you recall in the
25 old days when we were going from the analog

1 to digital services, that transformation
2 takes a little bit of time. And you can't
3 forget about the analog people who are still
4 hanging on, like Mr. Wolinsky did for years
5 to his.

6 MR. LYNCH: I think he was the
7 last one, I think.

8 MR. BALDWIN: And as, I think
9 Mr. Ulanday said -- I'm probably testifying
10 now. I should stop, but I'll just finish the
11 sentence -- the transformation to these newer
12 services, the LTE services is going to take a
13 little time because you have people who are
14 still using the old CDMA services.

15 MR. LYNCH: Yeah, I just
16 switched over myself. I didn't want to, but
17 I did.

18 COMM. CARON: Welcome to the
19 new century.

20 MR. LYNCH: Mr. Libertine, can
21 you go back just a little bit and tell me
22 what the tribal historic preservation office
23 does? Because we've got tribes here that
24 haven't lived in this area, like -- well, the
25 Ojibwa and Delaware, they are from around

1 here -- but the Kiowas, they haven't been
2 here since Hawkeye and Chingachgook. You
3 know, why do we have to go to midwestern and
4 western tribes?

5 THE WITNESS (Libertine): It's
6 a great question and I get it a lot. Even
7 people in the industry will ask that. This
8 is all an FCC driven program because of the
9 NEPA federal compliance. They reached out
10 through the Bureau of Indian affairs back in
11 the early 2000s, to establish a notification
12 system that would allow tribes to join.

13 So interested tribes that
14 wanted to be made aware of federal actions,
15 which we qualify because Verizon holds a
16 federal license, they reached out. And
17 several hundred tribes said, yes, we'd like
18 to be part of the system. And it's called a
19 tribal -- it's the TCNS system. So it's the
20 Tribal Consultation Notification System.

21 To get to your question, each
22 tribe does have a tribal historic
23 preservation officer. It's usually one of
24 their shaman or one of their elders, that is
25 a figurehead. And they have a formal office

1 and process very similar to what the SHPOs
2 have at the state levels.

3 So they are responsible for
4 overseeing several different functions, but
5 this specific one, relative to the telecom
6 program, is to answer all requests that come
7 from any of the federal licensed providers or
8 tower builders, or anyone else who is going
9 to propose to build, develop and operate a
10 new facility. They have to actually post
11 that information on this system.

12 So all the tribes then are
13 made aware that in Connecticut, in this case
14 Verizon is proposing to do this in Bethel,
15 any tribe who feels they have an interest in
16 that particular area has an opportunity to
17 weigh in and review that project. And so
18 that's why we have folks from as far away as
19 Oklahoma that who do claim to have some
20 historic relevance to the area.

21 Now they may have -- because a
22 lot of these tribes were nomadic, they may
23 claim that these were our summer -- winter --
24 or I'm sorry, summer, you know, hunting
25 grounds, and that may be enough. What we see

1 is Fairfield County tends to get some of
2 the -- the Oklahoma tribes. They're not so
3 interested in eastern portions of the state.

4 So my sense is they probably
5 used the Hudson River and the general area.
6 You know, when I say general area, about a
7 hundred miles in either direction and that's
8 why they -- they weigh in. So I hope that
9 answers the question.

10 MR. LYNCH: Well, it gets me
11 there, I guess. I've got one follow-up
12 question, and I figured that would, you know,
13 they probably had an historic or ancestral
14 background here.

15 But my question would be, as a
16 follow-up, can any of these tribes overrule a
17 local tribe? Like in if the Mohicans or
18 Mashantuckets or Narragansetts approved the
19 project, can some midwest, the Lakota or
20 Cheyenne or something, overrule their
21 decision?

22 THE WITNESS (Libertine):

23 Well, I'll -- I'll qualify the
24 answer by saying, it wouldn't be a matter of
25 overruling them. But what they would do is

1 they might say, we want additional
2 information. Could you go? Please go and do
3 some test pits on the property.

4 We've had this happen a lot
5 where we have seven interested tribes who
6 reach out. Six sign off and say, we really
7 have no interest. We don't believe there's
8 intact artifacts there, or this doesn't
9 really meet our qualifications for concern or
10 interest. Then one may say, no, we'd like a
11 little bit more information.

12 That tribe could say, look,
13 you know, we really feel strongly about this.
14 This may have ceremonial features. This
15 might have, you know, some type of a resource
16 that they feel needs to either be protected
17 or, hey, hands-off.

18 If that were the case then
19 we'd have to go another step and go through
20 an EA process, an environmental assessment
21 process working with the FCC and this tribe.
22 I've not been involved in any site in 20
23 years where it has killed a site, per se --

24 Although I actually am
25 involved in one right now that we -- a

1 carrier did walk away from a location because
2 there was enough significance to it.

3 But yes. There, it's not a
4 matter of overruling, but they could elevate
5 it to the FCC so that we'd have to do some
6 type of coordination and consultation further
7 to hopefully resolve whatever issue they
8 might have.

9 MR. LYNCH: Is this also
10 coordinated through the Department of the
11 Interior, Bureau of Indian affairs?

12 THE WITNESS (Libertine): It
13 is, yeah. They're all part and party to the
14 particular agreement that was struck by
15 the -- the BIA, the Interior, and the SHPOs,
16 as well as the FCC.

17 MR. LYNCH: Thank you. I
18 appreciate that.

19 THE WITNESS (Libertine): Oh,
20 you're very welcome.

21 MR. LYNCH: That's all my
22 questions, Mr. Chairman.

23 THE CHAIRMAN: I believe
24 Dr. Klemens has a question.

25 DR. KLEMENS: I have. And

1 this actually goes back to the site walk.
2 I'd like to direct Mr. Centore's attention to
3 sheet C6 and the foundation slab on grade.
4 And out in the field I think you indicated
5 you weren't -- really didn't know really what
6 was underneath there. And here I see
7 2.6 feet down we have undisturbed virgin
8 soil.

9 Now based on what you've heard
10 about the history of filling there and the
11 enlargement of that peninsula, what happens
12 if it isn't undisturbed virgin soil down
13 there and you find that there's a lot of
14 fill? How will that alter your plans to build
15 this tower?

16 THE WITNESS (Centore): Well,
17 first of all, we -- the first up we take,
18 should this be moving forward, would be to
19 get a Geotech study done. We'd take some
20 borings, find out what we're dealing with for
21 soils and depths.

22 What I -- considering the
23 small footprint of this site, one possibility
24 would be a caisson foundation, but I have
25 concerns with that in that there may be some

1 large boulders and -- and rubble in there
2 that caisson foundations tend to be difficult
3 to install when you have to cut through some
4 of that stuff.

5 Another alternative would be
6 to use micro piles, or small piles. And we'd
7 probably create a mat large enough to support
8 the tower facility and to be able to support
9 any additional weight of equipment that would
10 go on top of it. So almost a 50 by 50
11 footprint of concrete with piles to support
12 the structure.

13 Again, I'm speculating because
14 we'd have to do a more detailed design. That
15 would be the worst case.

16 DR. KLEMENS: I think that's
17 great.

18 THE WITNESS (Centore): That's
19 correct, but you could get settlement of the
20 building itself. So if that were the case
21 we'd put micro piles or piles below the --
22 the foundation of the shelter.

23 DR. KLEMENS: So then really
24 this legend is incorrect?

25 THE WITNESS (Centore): That's

1 correct.

2 DR. KLEMENS: And maybe that
3 is misleading and maybe should be removed or
4 qualified -- or you were hoping for virgin
5 soil?

6 THE WITNESS (Centore):

7 Correct. And the -- at this
8 point the design is incomplete.

9 DR. KLEMENS: Is predicated on
10 that?

11 THE WITNESS (Centore): Yes.

12 DR. KLEMENS: And now I'm
13 going to throw this back as a followup.
14 Would these piles or additional ways of
15 reinforcing it in any way alter or change
16 your opinion about what's happening to the
17 adjacent wetland?

18 THE WITNESS (Gustafson): No.
19 Should the footprint of the construction have
20 to expand slightly to accommodate the
21 construction, the protection plan, the turtle
22 protection plan, the erosion sedimentation
23 control plan will be modified to adjust
24 accordingly and provide protective measures.
25 So it should not have any adverse effect.

1 DR. KLEMENS: That's official.

2 And also if they went further down, that
3 wouldn't disrupt groundwater flows or
4 anything going into the wetland?

5 THE WITNESS (Gustafson): No.

6 DR. KLEMENS: Thank you.

7 THE WITNESS (Gustafson):

8 You're welcome.

9 DR. KLEMENS: Thank you, Mr.
10 Chairman.

11 THE CHAIRMAN: Anybody else?

12 (No response.)

13 THE CHAIRMAN: Okay. The
14 Council will now recess until 7 p.m. and then
15 we'll have the public comment session.
16 Thanks.

17 (Whereupon, the witnesses were
18 excused, and the above proceedings were
19 adjourned at 4:09 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 71 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Council Meeting in Re: DOCKET NO. 462, APPLICATION FROM CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A TELECOMMUNICATIONS FACILITY LOCATED AT 15 GREAT PASTURE ROAD, DANBURY, CONNECTICUT, which was held before ROBIN STEIN, Chairperson, at the Danbury City Hall, Council Chambers, 155 Deer Hill Avenue, Danbury, Connecticut, Tuesday, September 15, 2015.



Robert G. Dixon, CVR-M 857
Notary Public, Court Reporter
BCT Reporting, LLC
PO Box 1774
Bristol, Connecticut 06011

My Commission Expires: 6/30/2020

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I N D E X

WITNESSES ANTHONY BEFERA

MICHAEL LIBERTINE

DEAN GUSTAFSON

RYAN ULANDAY

ALEX TYURIN

CARLO F. CENTORE - Page 9

EXAMINATION

Mr. Perrone

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