

STATE OF CONNECTICUT
SITING COUNCIL

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 NEW CINGULAR WIRELESS PCS, LLC * DECEMBER 6, 2012
 (AT&T) * (11: a.m.)
 * * * * *
 APPLICATION FOR A CERTIFICATE OF *
 ENVIRONMENTAL COMPATIBILITY AND *
 PUBLIC NEED FOR THE CONSTRUCTION, * DOCKET NO. 428
 MAINTENANCE AND OPERATION OF A *
 TELECOMMUNICATIONS FACILITY LOCATED *
 AT ONE OF TWO SITES: ROXBURY TAX *
 ASSESSOR PARCEL ID#32-008 OFF OF *
 ROUTE 67, OR 126 TRANSYLVANIA ROAD, *
 ROXBURY, CONNECTICUT *
 * * * * *

BEFORE: ROBIN STEIN, CHAIRMAN

BOARD MEMBERS: Colin C. Tait, Vice Chairman
 Brian Golembiewski, DEP Designee
 Daniel P. Lynch, Jr.
 Edward S. Wilensky
 Philip T. Ashton
 Dr. Barbara Currier Bell

STAFF MEMBERS: Linda Roberts, Executive Director
 Michael Perrone, Siting Analyst
 Melanie Bachman, Staff Attorney

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1 . . .Verbatim proceedings of a hearing
2 before the State of Connecticut Siting Council in the
3 matter of an application by New Cingular Wireless PCS,
4 LLC (AT&T), held at the offices of the Connecticut Siting
5 Council, Ten Franklin Square, New Britain, Connecticut,
6 on December 6, 2012 at 11:00 a.m., at which time the
7 parties were represented as hereinbefore set forth . . .

8
9
10 CHAIRMAN ROBIN STEIN: I'd like to call to
11 order a meeting of the Connecticut Siting Council on
12 Docket 428 today, December 6, 2012 at 11:00 a.m. My name
13 is Robin Stein. I'm the Chairman of the Connecticut
14 Siting Council.

15 This hearing is a continuation of a
16 hearing held on September 18, 2012 at the Roxbury Town
17 Hall meeting room in Roxbury, Connecticut, pursuant to
18 the provisions of Title 16 of the Connecticut General
19 Statutes and the Uniform Administrative Procedure Act
20 upon an application from New Cingular Wireless PCS, LLC,
21 or AT&T, for the -- for a Certificate of Environmental
22 Compatibility and Public Need for the construction,
23 maintenance, and operation of a telecommunications
24 facility located at one of two possible sites; the first

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1 one being Tax Assessor Parcel ID 32-008 off of Route 67
2 in Roxbury, Connecticut, or the second at 126
3 Transylvania Road in Roxbury, Connecticut. This
4 application was received by the Council on July 3, 2012.

5 A verbatim transcript will be made of this
6 hearing and deposited with the Town Clerk's Office in
7 Roxbury, Woodbury, and Southbury Town Halls for the
8 convenience of the public.

9 We will proceed in accordance with the
10 prepared agenda, copies of which are available here.

11 Just a quick question before we start.
12 Does the Applicant have a board, by any chance, of the
13 two sites? No? Okay. Just because it's been a while
14 since the hearing was held.

15 But anyway, I wish to call your attention
16 to those items shown on the hearing program marked as
17 Roman Numeral I-D, Items 22 through 25. Does the
18 Applicant or any party or intervenor have any objection
19 to the items that the Council has administratively
20 noticed? Hearing and seeing none, the Council notices
21 these existing documents.

22 We'll now continue with the appearance of
23 the Applicant to verify the new exhibits marked as Roman
24 Numeral II, Items B-11 through 15 on the hearing program.

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1 Attorney Laub, would you begin by verifying the new
2 exhibits you filed?

3 MR. DANIEL LAUB: Certainly, Mr. Chairman.
4 Good morning. For the record, Daniel Laub with the firm
5 of Cuddy and Feder here on behalf of AT&T.

6 CHAIRMAN STEIN: I believe all your
7 witnesses have previously been sworn in. Is that --

8 MR. LAUB: All my witnesses have
9 previously been sworn in.

10 CHAIRMAN STEIN: Thank you.

11 MR. LAUB: As noted, the new exhibits for
12 verification include Items II-B, 11 through 15. Item 11
13 would be the Certification of Publication, dated July 12,
14 2012. Item 12 is the responses to the Council's
15 Interrogatories, Set III, dated October 22, 2012. Item
16 13 would be the responses to the Bronson Mountain Farm
17 Homeowners Association Interrogatories, Set II, dated
18 October 23, 2012. Item 14 is the responses to the
19 Bronson Mountain Farm Homeowners Association
20 Interrogatories, Set III, dated November 29, 2012. As
21 well as Item 15, the Supplemental Submission, dated
22 November 29, 2012. And those include Attachment A, which
23 is a memorandum and materials responsive to Council
24 interrogatories, pertaining Set II, requesting

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1 information regarding visibility of proposed candidates.
2 And Item 15b which is Attachment B, memorandum and
3 materials responsive to public comment regarding
4 potential vernal pool habitat at Site B.

5 I would ask at this time, starting at my
6 far left, Mr. Gustafson, did you prepare, supervise, and
7 are you otherwise familiar with the materials as so noted
8 in the hearing program?

9 MR. DEAN GUSTAFSON: Yes, I am.

10 MR. LAUB: Mr. Libertine.

11 MR. MICHAEL LIBERTINE: Yes.

12 MR. LAUB: Mr. Lusitani.

13 MR. PAUL LUSITANI: Yes.

14 MR. LAUB: Mr. Lawton.

15 MR. MICHAEL LAWTON: Yes.

16 MR. LAUB: Mr. LaMontagne.

17 MR. PETER LAMONTAGNE: Yes.

18 MR. LAUB: Mr. Kobylenski.

19 MR. FRANCIS KOBYLENSKI: Yes.

20 MR. LAUB: And are these materials true
21 and accurate to the best of your belief?

22 MR. GUSTAFSON: Yes, they are.

23 MR. LIBERTINE: Mike Libertine. Yes.

24 MR. LUSITANI: Paul Lusitani. Yes.

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1 MR. LAWTON: Mike Lawton. Yes.

2 MR. LAMONTAGNE: Peter LaMontagne. Yes.

3 MR. KOBYLENSKI: Francis Kobylenski. Yes.

4 MR. LAUB: And do you accept them as your
5 sworn testimony today?

6 MR. GUSTAFSON: Dean Gustafson. Yes.

7 MR. LIBERTINE: Mike Libertine. Yes.

8 MR. LUSITANI: Paul Lusitani. Yes.

9 MR. LAWTON: Mike Lawton. Yes.

10 MR. LAMONTAGNE: Peter LaMontagne. Yes.

11 MR. KOBYLENSKI: Francis Kobylenski. Yes.

12 MR. LAUB: And with that, Mr. Chairman, I
13 would ask that these materials as so noted be admitted as
14 full exhibits.

15 CHAIRMAN STEIN: Does any party or
16 intervenor object to the admission of the Applicant's new
17 exhibits? If not, the exhibits are admitted.

18 (Whereupon, Applicant Exhibit Nos. 11, 12,
19 13, 14, and 15 were received into evidence as full
20 exhibits.)

21 CHAIRMAN STEIN: We'll now I guess
22 continue since we started this at our prior meeting with
23 the cross-exam of the Applicant first with staff. Mr.
24 Perrone.

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1 MR. MICHAEL PERRONE: Thank you, Mr.
2 Chairman.

3 Regarding the letter from the Town Inland
4 Wetlands Commission, dated February 16 2010, the letter
5 notes several concerns about the drainage at the
6 Transylvania Road site, particularly there's concerns
7 about the drainage system of the access drive and
8 Transylvania Road being able to handle the stormwater
9 runoff and also concern about runoff damaging the
10 existing dirt Transylvania Road. Could the Applicant
11 respond to those concerns?

12 MR. KOBYLENSKI: Yes. Frank Kobylenski
13 with Dewberry. Dewberry has designed the application
14 package that is in front of the commission. And
15 regarding the letter from the town, which was dated at
16 the beginning of 2010, we incorporated I'm going to say
17 corrections or additions to our design that the town
18 found were unacceptable. And primarily it seemed that
19 they were concerned about the additional runoff that
20 might be generated from the construction of the driveway
21 and the compound. The plans that they have reviewed
22 essentially have the driveway with the cross swales and
23 the level spreaders. So with the comments that we have
24 received at meetings, we in fact added the infiltrators

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1 to that drainage system. So the cross swales feed into
2 infiltration devices, which then overflow into the level
3 spreaders. The infiltrators are designed to accommodate
4 and infiltrate the difference in runoff between existing
5 conditions and the conditions that would exist if the
6 compound and the driveway is constructed. And the design
7 is based on a 25-year, 24-hour storm.

8 MR. PERRONE: Oh, the other concern that
9 was noted, also if you could respond to, is the water
10 discharge, could that impact off-site wetlands?

11 MR. KOBYLENSKI: There is runoff coming
12 from that property now. It has an affect downstream,
13 whatever that is. It's been occurring for a long period
14 of time. Development has occurred over time. This
15 proposal would be adding development to the drainage
16 area. The design that we have proposed to the Council
17 addresses the difference of runoff that could occur if
18 the proposal is constructed. So will water from this
19 area still run into these wetlands? Yes. Our proposal
20 is to keep the amount of runoff equal or slightly less
21 through the design that has been incorporated into those
22 plans.

23 MR. BRIAN GOLEMBIEWSKI: Excuse me,
24 Chairman.

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1 CHAIRMAN STEIN: Yes.

2 MR. GOLEMBIEWSKI: I just want to see if
3 Mr. Gustafson would want to follow up on an answer there
4 because we heard sort of the engineer volume runoff.
5 What's your opinion as to the long-term, you know,
6 viability of the wetlands down gradient?

7 MR. GUSTAFSON: There are -- there are
8 wetlands located on the opposite side of Transylvania
9 Road and some distance from the property corner. And
10 through my review of the proposed development and how
11 drainage is being appropriately handled, I would not
12 anticipate any likely adverse impact to those downstream
13 wetlands.

14 MR. GOLEMBIEWSKI: Thank you. Sorry, Mr.
15 Perrone.

16 MR. PERRONE: Regarding visibility, the --
17 I understand additional photo-simulations were prepared.
18 This is going back to Site A, assuming the tower would be
19 shifted 100 feet to the north. And in those photo-
20 simulations it appears that the view of the tower shifts
21 to the right. My question is does this shift also reduce
22 the amount of the tower that's visible above the trees or
23 within the trees?

24 MR. LIBERTINE: The simple answer is

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1 probably no. It's really -- what we found in comparing
2 the original location to the shift to the north, it's
3 essentially the same ground elevation. So as you -- as
4 you had indicated, the views do shift from the --
5 certainly from what is now Photo Location 1 in the
6 interrogatory responses, which was taken approximately at
7 the same location as View 9 in our original presentation.
8 It does shift slightly to the right. In terms of overall
9 views, it really doesn't make a real significant
10 difference. It's not -- it's not highly visible from a
11 lot of locations as it is, but those few locations where
12 it is, it's -- it's essentially the same view, especially
13 as you move further away from the end of the cul-da-sac.
14 And that's one of the reasons we tried to depict certain
15 locations along the road so that you could make that kind
16 of a comparison.

17 I -- I think the overall shift of 100 feet
18 is helpful in the sense that it physically separates it
19 from other properties, but in terms of the overall
20 viewscape, it really is not -- there's not a substantial
21 difference.

22 MR. PERRONE: Okay. Does it make a
23 substantial difference to other surrounding properties,
24 like to the north or --

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1 MR. LIBERTINE: No. Especially -- again
2 as you move away from the site, any of the off -- what
3 I'll say off of Bronson Mountain Road, the few locations
4 where it might be visible, it really doesn't make any
5 difference at all.

6 MR. PERRONE: Does the hundred-foot shift
7 make any difference from an RF perspective?

8 MR. LAWTON: It does not. We've ran the
9 new location and it's essentially identical.

10 MR. PERRONE: And lastly, would that --
11 would the hundred-foot shift make the AT&T portion of the
12 access slightly shorter since it would bring it closer to
13 the future access?

14 MR. LUSITANI: Yes, it would reduce the
15 road length by a hundred feet.

16 MR. DANIEL P. LYNCH, JR.: I didn't hear
17 the answer.

18 MR. LUSITANI: It would reduce the road
19 length by a hundred feet.

20 MR. PERRONE: And also with -- how would
21 the hundred-foot shift affect wetlands or wetland
22 buffers?

23 MR. GUSTAFSON: Essentially there would be
24 no significant difference from the original location to

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1 the hundred-foot shift. The compound and development is
2 located essentially no closer or further away from the
3 wetland -- you know, by wetlands.

4 MR. PERRONE: And also with regard to Site
5 A, just to be clear, the 122 trees proposed to be
6 removed, that's only on the AT&T portion of the access?

7 MR. LUSITANI: That is for the AT&T
8 portion of the access and also for the proposed
9 underground utilities running along the future road.

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

12 CHAIRMAN STEIN: Alright, thank you.
13 We'll now continue with the Council members. Professor
14 Tait.

15 MR. COLIN C. TAIT: Do I understand that
16 you just said that a shift in Site A a hundred feet to
17 the north, it will shorten the driveway?

18 MR. LUSITANI: Correct.

19 MR. TAIT: How long is the driveway now -
20 -

21 MR. LUSITANI: The --

22 MR. TAIT: -- the length?

23 MR. LUSITANI: The proposed portion is --
24 is about 300 feet. It will be reduced to about 200 feet.

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1 MR. TAIT: And that takes you into Bronson
2 Road to --

3 MR. LUSITANI: Now, that's -- that's just
4 the proposed portion. The --

5 MR. TAIT: What's the total length?

6 MR. LUSITANI: The total length is fifteen
7 hundred feet. It would be reduced to fourteen hundred
8 feet.

9 MR. TAIT: And Site B is -- goes in 600
10 feet, the access road? How long is the access road to
11 Site B?

12 MR. KOBYLENSKI: The -- I'm going to
13 qualify my answer because we are leaving an asphalt
14 residential driveway for the construction of the gravel
15 driveway to the compound. That is 540 feet approximately
16 to the turning point that goes into the compound --

17 MR. TAIT: How long is the driveway, the
18 paved driveway portion?

19 MR. KOBYLENSKI: I don't have -- I would
20 have to scale that off -- off a drawing.

21 MR. TAIT: And you're going in 500 feet
22 beyond that?

23 MR. KOBYLENSKI: Five hundred and -- a
24 total length all the way up to the end of the hammerhead

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1 of 580 feet of gravel driveway. The -- this is just an
2 estimate from memory -- the gravel -- the asphalt
3 driveway that we are utilizing probably about 75 to 100
4 feet where we diverge off. I can scale that.

5 MR. TAIT: And what is the grade for Site
6 B after you leave the gravel -- the paved driveway?

7 MR. KOBYLENSKI: That grade varies along
8 the length of the driveway. The driveway -- the gravel
9 driveway when we leave the asphalt of the residential
10 driveway will have a slope of approximately 12 percent.
11 If -- if you would like, I have specific details for
12 length and slopes?

13 MR. TAIT: Is it in the application?

14 MR. KOBYLENSKI: The plans are, but not
15 the information that I could relate to you now.

16 MR. TAIT: Can you summarize? What's the
17 maximum grade --

18 MR. KOBYLENSKI: The maximum grade is 24
19 percent. And that is for approximately 50 feet.

20 MR. TAIT: And Site A, what's the maximum
21 grade?

22 MR. LUSITANI: I'm unfamiliar with the
23 grades along the future road, but the proposed road is
24 four percent.

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1 MR. PHILIP T. ASHTON: How much?

2 MR. LUSITANI: Four percent.

3 MR. TAIT: That's not the steepest grade
4 from the -- from where you pick it up --

5 MR. LUSITANI: That -- that's the grade on
6 the proposed AT&T section. We didn't design the future
7 road, so I'm unfamiliar with the specifics of that road.

8 MR. TAIT: Thank you.

9 CHAIRMAN STEIN: Thank you. Mr.
10 Golembiewski.

11 MR. GOLEMBIEWSKI: I have no questions,
12 thank you.

13 CHAIRMAN STEIN: Mr. Lynch.

14 MR. LYNCH: Just a couple of general
15 questions. In the -- I don't know whether it was in the
16 application or in the interrogatories -- you talk about
17 the cell tower being outfitted for cellular and PCS and
18 then putting in the equipment for LTE. How long before
19 the LTE is rolled out? And does the LTE support your 4G
20 system?

21 MR. LAWTON: LTE would be what AT&T is
22 describing as 4G, yes. And LTE is being rolled out
23 throughout the area. I'm not exactly sure what the plan
24 would be for this specific part of Connecticut. I know,

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1 obviously, it would depend also on the eventual
2 construction date of the tower if it was in 2013 or if it
3 actually went into 2014 as to whether the site would be
4 outfitted initially with LTE or it might be delayed a
5 little bit for surrounding sites to be similarly
6 outfitted.

7 MR. LYNCH: Well I thought I read that you
8 were going to put the equipment in even though it may not
9 be in service, but --

10 MR. LAWTON: The antennas would be placed
11 there. The equipment probably would not be placed there
12 until very close to being ready to launch.

13 MR. LYNCH: I understand the distinction.
14 Thank you. And I'm looking at Mr. Golembiewski's cell
15 phone over here or his smart phone, and it's -- now --

16 MR. GOLEMBIEWSKI: It's smarter than I am
17 --

18 MR. LYNCH: -- on these phones -- these
19 new phones you have a lot of apps. Do these apps in any
20 way limit the power of the phone and the ability to make
21 a call? In other words if you have more apps than having
22 none or --

23 MR. LAWTON: Not that I'm aware of. The
24 only thing that would limit the ability of a phone to

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1 communicate with the tower would be excess usage on that
2 particular tower, which would -- you normally wouldn't
3 necessarily be creating that yourself unless you were
4 uploading and downloading massive quantities of data.
5 But to my knowledge the apps don't -- would not affect
6 the coverage received --

7 MR. LYNCH: I -- I was just curious
8 because I see all these phones and all these apps on them
9 and -- I have a dumb phone, so I don't have any apps --
10 (laughter).

11 And lastly, you talk about the fact that
12 when you do your studies on the land there may be a
13 possibility of blasting. If there is, do you send a
14 warning to the -- or a notice to the neighbors that
15 blasting may be occurring at this site? Anybody?

16 MR. KOBYLENSKI: I -- I can respond to
17 that from the perspective of just general civil
18 engineering --

19 MR. LYNCH: Well that's all I want. I saw
20 in the application that there might be blasting. And I
21 just wondered how do you -- how do you notice the
22 neighbors, if you notice them?

23 MR. KOBYLENSKI: Oftentimes when blasting
24 is expected to occur or planned to occur, that --

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1 depending on the client and whatever, they might do pre-
2 blast surveys of properties that are within some
3 proximity of where the blasting would occur. And those
4 are done primarily for insurance purposes. So somebody
5 claiming after that there was damage, there's a survey
6 done before, and then they could witness if there was in
7 fact damage. I don't think our panel has control of the
8 construction and that's why I think we're silent on that.
9 But it wouldn't be unusual to give notice and do some
10 investigation.

11 MR. LYNCH: I just saw it in the
12 application and it just popped into my mind. Thank you
13 very much. Those are my questions, Mr. Chairman.

14 CHAIRMAN STEIN: Thank you.

15 MR. KOBYLENSKI: If I might, Mr. Chairman?
16 Trusting memory is not always a good thing. And I'd just
17 like to respond to that question about the length of the
18 asphalt driveway. In fact, I scaled it off the plan
19 here and it's 330 feet. So memory is not good, double-
20 check.

21 CHAIRMAN STEIN: Thank you. Mr. Ashton.

22 MR. ASHTON: No questions, thank you, Mr.
23 Chairman.

24 CHAIRMAN STEIN: Dr. Bell.

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1 DR. BARBARA C. BELL: Thank you, Mr.
2 Chairman.

3 Mr. Lusitani, just going back for a minute
4 to your response to Mr. Perrone's question about the
5 number of trees taken down, you said -- you said the
6 trees would be taken down along the -- your portion of
7 the access road. I understand that. Then you added on
8 and along the future road, I think you said, where we
9 would be putting in the underground utilities. So I just
10 wanted to clarify where -- of course the utilities will
11 also go along the planned road that you have no control
12 over. Were you talking about that portion or were you
13 only talking about the underground for the AT&T portion
14 of the road? Do you see what I'm saying?

15 MR. LUSITANI: Yeah. I'm strictly talking
16 about the underground utilities running adjacent to the
17 road. I'm not talking about any trees being removed for
18 the future road itself.

19 DR. BELL: And no trees would be -- would
20 be necessary to remove along the future gravel road?

21 MR. LUSITANI: Well I -- I didn't take
22 those into consideration because that's not part of our
23 proposed development. The property owner is building the
24 road and they're taking down the trees, so it's -- it's

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1 not ours -- it's not our responsibility to do that.

2 DR. BELL: Okay. I have just a couple of
3 questions on the -- really one question about the RF
4 charts that are in your responses to Council No. 3. I'm
5 looking at the charts that are on page 2 and you're
6 actually trying to differentiate between the coverage at
7 Site A and the coverage at Site B. The question was
8 which one do you prefer, but I'm not asking about that.
9 The answer is clear. What I'm asking is were -- these
10 areas described percent of coverage added in Roxbury,
11 percent of population added in Roxbury, new coverage
12 provided on Southbury Road, Roxbury Road, etcetera, are
13 those areas confined to Roxbury alone or are those areas
14 and lengths running over into Southbury at some points or
15 into any other town at some points?

16 MR. LAWTON: My recollection of the study
17 that we did, the population in area is confined to
18 Roxbury because we just took the overall square mileage
19 of Roxbury and looked -- and compared it to percentage --
20 the percent is the fraction over the whole. And as well
21 the population is strictly the people of Roxbury -- the
22 actual census population of Roxbury.

23 The road lengths I believe may not heed
24 town boundaries. It may just be absolute.

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1 DR. BELL: Okay, thank you. Those are my
2 questions, Mr. Chair.

3 CHAIRMAN STEIN: Thank you. Yeah, I was
4 also going to say that's an interesting table. That's
5 the first time I can remember, and I'm probably wrong
6 also memory-wise, that you actually put a percentage of
7 both population and a percentage of coverage. So I
8 assume -- you're using -- as you just said, it's based on
9 the existing population and based on the existing length
10 of the road -- the road --

11 MR. LAWTON: Yeah. I mean there -- it was
12 two different studies. The roadway study was based by
13 overlaying the maps onto Google Earth basically and
14 scaling off what -- where the coverage was and where the
15 coverage was not. The population and area come from MAP
16 Info, another program. A different process in doing it,
17 but it's basically giving two different ways to look at
18 it.

19 CHAIRMAN STEIN: Well is the population,
20 the baseline based on the 2010 census or what is it based
21 on?

22 MR. LAWTON: I believe it would be. I'm
23 not -- I cannot recall. I think it would be the most
24 recent census data that -- MAP Info has many layers of

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1 data. Population, income, and that sort of thing, that's
2 all derived from the latest census. And we can -- we can
3 study plots against that and give numbers.

4 CHAIRMAN STEIN: I'm just curious, is that
5 type of information something you normally do for -- I
6 guess at least for this applicant?

7 MR. LAWTON: I mean they also have MAP
8 Info and they can -- you know, that -- that's certainly
9 one thing that they look at when they're prioritizing
10 what they want to cover and that sort of thing. I don't
11 -- we went back and looked at that because -- to try to
12 differentiate between the two sites because they are
13 somewhat similar and tried to draw a distinction between
14 which one might be better for AT&T's use. It's not -- I
15 wouldn't that it's a common package that we provide to
16 them.

17 CHAIRMAN STEIN: But it is --

18 MR. LAWTON: It's available --

19 CHAIRMAN STEIN: -- doable -- doable --

20 MR. LAWTON: Yes --

21 CHAIRMAN STEIN: -- based on that -- Mr.
22 Ashton.

23 MR. ASHTON: When you get a chance --

24 CHAIRMAN STEIN: Have a chance --

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1 (laughter) --

2 MR. ASHTON: Okay, have a chance --
3 (laughter). The table on 2 really confuses me. While it
4 speaks clearly to Southbury -- or Roxbury rather, it
5 doesn't say anything about Southbury. So that to select
6 a site based on this table would be misleading, isn't
7 that true, because you're going to get benefits in
8 Southbury that are not reflected in this table? This is
9 Roxbury only.

10 MR. LAWTON: The -- the census data and
11 the area data are Roxbury only, yes. The road lengths,
12 as I said --

13 MR. ASHTON: Right --

14 MR. LAWTON: -- I believe that they were
15 calculated throughout --

16 MR. ASHTON: Yeah, I'll accept that on
17 face value. But there's nothing equivalent for
18 Southbury, is there?

19 MR. LAWTON: Meaning population --

20 MR. ASHTON: And --

21 MR. LAWTON: -- and area?

22 MR. ASHTON: Yeah, for --

23 MR. LAWTON: That's true.

24 MR. ASHTON: We really ought not go to the

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1 bank on this table because it's only a fragment of the
2 story?

3 MR. LAWTON: It is. You could -- you
4 could include the population of Southbury where there is
5 coverage over the border.

6 MR. ASHTON: Thanks.

7 MR. LYNCH: Mr. Chairman.

8 CHAIRMAN STEIN: Yes.

9 MR. LYNCH: Mr. Lawton, does that info
10 give you more information than Google Earth?

11 MR. LAWTON: It's a different type of
12 information I would say. You know, Google Earth has
13 basically roadways and it has a lot of commercial
14 information that's not necessarily useful to us. We use
15 it as just sort of some -- you know, a way to measure
16 distances. Where Map Info has databases of many
17 different -- I'm looking for the -- many different
18 aggregated statistics. As I said anything from
19 population to income to business types to --

20 MR. LYNCH: That's okay. Thank you, Mr.
21 Chairman.

22 CHAIRMAN STEIN: Mr. Golembiewski -- did I
23 open up --

24 MR. GOLEMBIEWSKI: Mr. Ashton opened up

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1 the door but didn't ask the question --

2 MR. ASHTON: I purposely --

3 MR. GOLEMBIEWSKI: -- (laughter) -- does
4 Site A provide better coverage to Southbury than Site B?
5 And would that additional -- if there is additional
6 coverage, would it balance out that site comparatively?

7 MR. LAWTON: Numbers-wise, I think we
8 could look at that. When I made my -- sort of thought
9 about which site would be better, what I based it on more
10 was the distances, the distance -- the intervening
11 distance between adjacent sites, which I tried to show in
12 the other part of that response, which was basically that
13 the Southbury Road site, or Bronson Mountain Road is much
14 closer to the adjacent site to the -- like I said the
15 southeast, and much further from the existing site in
16 Roxbury. Where the Transylvania Road site is more
17 centrally located between the two. Being more centrally
18 located is a more ideal location. And I think I said in
19 the response, you know, things are not always ideal, but
20 you want them to try to be as ideal as -- as a network
21 player, you want them to try to be as ideal as possible.

22 MR. GOLEMBIEWSKI: So would -- could you
23 make the claim that Site A would have more redundant
24 unnecessary coverage?

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1 MR. LAWTON: I think that -- yeah -- I
2 mean that's something that again as a network planner you
3 have to try to control. Redundant coverage in the type
4 of network that AT&T is using is a bad thing. And so
5 we're -- the Southbury Bronson Mountain Road site,
6 granted the configuration would probably have to be
7 modified in the direction of Southbury to try to reduce
8 propagation --

9 MR. GOLEMBIEWSKI: I understand, yeah --

10 MR. LAWTON: -- in that direction, you
11 know --

12 MR. GOLEMBIEWSKI: Okay --

13 MR. LAWTON: -- and so you couldn't take
14 full advantage of the entire footprint of the site, where
15 you might be able to more effectively on the other
16 location. And that was kind of the --

17 MR. GOLEMBIEWSKI: Fully utilize all
18 sectors --

19 MR. LAWTON: Exactly --

20 MR. GOLEMBIEWSKI: -- at site --

21 MR. LAWTON: Yeah, exactly.

22 MR. GOLEMBIEWSKI: Okay. Thank you for
23 your patience, Chairman.

24 CHAIRMAN STEIN: Okay. We'll now go to

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1 cross-examination by the Bronson Mountain -- Attorney
2 Knuff, would you care to come up to the --

3 MR. JOHN W. KNUFF: Good morning, Mr.
4 Chairman. John Knuff on behalf of Bronson Mountain, an
5 intervenor in this matter.

6 The Applicant may want to pull out the
7 responses to our third set of interrogatories because
8 I'll be focusing on those. In the first question I asked
9 I said does AT&T contend that the road required to access
10 the tower at Candidate B -- is that a facility under
11 Connecticut General Statutes. And I think the question
12 was misinterpreted because I think you're responding as
13 if the question was -- if I was asking about A. And I'm
14 in fact asking about B and whether that is part of,
15 quote/unquote, "the siting of the facility?"

16 MR. LAUB: So you're looking for -- I mean
17 I think the -- the -- the -- I mean it comes to a legal
18 question, counselor --

19 MR. KNUFF: Well I think -- but --

20 MR. LAUB: -- which I think we're trying
21 to talk about --

22 MR. KNUFF: But -- but -- but --

23 MR. LAUB: If there are legal arguments
24 about it, we should have been in a different format. But

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1 in the case of Candidate B, I think it is proposed as the
2 driveway is -- would be separate and apart because I
3 don't think the property owner in that instance is
4 proposing nor has approvals for anything to develop that
5 portion of the property, so that the access drive is only
6 for -- is only to serve the facility. The proposed -- is
7 only -- is only proposed there because AT&T is looking to
8 have a facility on site. So --

9 MR. KNUFF: So -- so, I -- I think that's
10 a yes, that the driveway for Candidate B is within the
11 Council's jurisdiction, okay.

12 And I also think you misinterpreted my
13 second question too. I mean if the question was unclear,
14 I apologize. I had asked whether AT&T will be providing
15 any sort of consideration to any party for the
16 construction of the driveway associated with Candidate B.
17 I mean that's to say don't -- volunteers won't be
18 constructing that road. Construction people will be
19 getting paid to construct that road, is that correct?

20 MR. LAUB: Oh, it -- I mean there are --
21 there are construction costs related with it.

22 MR. KNUFF: Right. So -- so AT&T will be
23 compensating a third-party for the construction of the
24 driveway at Candidate B?

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1 MR. LAUB: Yes.

2 MR. KNUFF: Okay. So in that way it's
3 similar to the construction of the driveway at Candidate
4 A, compensation will be paid to a third-party in return
5 for the construction of that driveway?

6 MR. LAUB: No.

7 MR. KNUFF: Alright, then -- I understand
8 from the lease that AT&T is required to make payments to
9 the property owner or progress payments, so to speak, for
10 the construction of that road, is that correct?

11 MR. LAUB: There's a premium to ensure
12 that that road is constructed.

13 MR. KNUFF: Okay.

14 MR. LAUB: But that doesn't necessarily
15 reflect the full cost that AT&T would have to incur --

16 MR. KNUFF: No, and -- and --

17 MR. LAUB: -- which is on Site B are the
18 sum total of costs.

19 MR. KNUFF: And I understand that. And
20 obviously my -- my portion -- my copy of the lease was
21 redacted, but I'm just pointing out the similarity that
22 AT&T will be compensating a third-party in return for the
23 construction of that road?

24 MR. LAUB: No. It's -- it's different --

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1 MR. KNUFF: You're not --

2 MR. LAUB: Site B -- Site B you're
3 compensating a third-party who is constructing the site.
4 Site A, there's a -- there's a premium paid to the owner
5 to make sure that that road is constructed --

6 MR. KNUFF: And I'm not --

7 MR. LAUB: -- on -- on AT&T's schedule and
8 not on the owner's schedule --

9 MR. KNUFF: I'm not --

10 MR. LAUB: -- which would be different --

11 MR. KNUFF: I'm not differentiating on who
12 the recipient is. I'm just saying some third-party.

13 MR. LAUB: Well it's not a third-party.
14 It's a second-party. There's a -- there's a lease
15 between AT&T and the owner --

16 MR. KNUFF: Someone who is not AT&T --

17 MR. LAUB: -- versus -- someone who is not
18 AT&T.

19 MR. KNUFF: Okay. Alright, we can agree
20 upon that. In regard to the road, we understand that the
21 road that was approved by the Wetland Commission is
22 approximately fifteen hundred feet. Did AT&T look at
23 those plans to determine whether it was suitable for its
24 use?

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1 MR. LAMONTAGNE: Yeah, we did look at
2 those plans that were provided by the owner and they were
3 suitable.

4 MR. KNUFF: Okay. So since you have a
5 team of engineers and I'm not, did you look at what the
6 grades were on that road?

7 MR. LAMONTAGNE: Since the owner is
8 building the road and providing us the plans, we did not
9 take a look at the grades. But again, that's not our
10 responsibility to build the road.

11 MR. KNUFF: Again -- and -- and not to be
12 argumentative, but I think -- you know, the Applicant has
13 established that and you don't need to include that in
14 every answer. But if you looked at the grades, can you
15 tell us what the maximum grade is on that road?

16 MR. LAMONTAGNE: I don't have that
17 information.

18 MR. LUSITANI: I mean based on the letter
19 we received from the -- from the owner's engineer, they
20 say it's 12 percent --

21 MR. KNUFF: Okay --

22 MR. LUSITANI: -- but I haven't confirmed
23 that.

24 MR. KNUFF: Okay. In light of the fact

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1 that you have a contractual relationship with the
2 property owner -- you know, that I've -- that I have
3 included certain of the wetland approval documents in the
4 record of this docket. So that the Council can fully
5 examine the true environmental impact of the construction
6 of the site will AT&T request from the landowner full
7 copies of the plans that were submitted and approved to
8 the Roxbury Inlands Wetland Commission for the Council's
9 review?

10 MR. LAUB: If -- if the Council -- if the
11 Council wants those, I think we can ask the landowner to
12 provide those.

13 MR. KNUFF: Okay.

14 MR. TAIT: Aren't those public records?

15 MR. LAUB: They are, yeah.

16 MR. KNUFF: They are public records, but
17 they are not currently in this record. Frankly, it was -
18 - it's difficult for land use staff in the Town of
19 Roxbury to make multiple copies of full sets of
20 engineered drawings.

21 MR. TAIT: I live in a town the same size
22 --

23 MR. KNUFF: What's that?

24 MR. TAIT: I understand the problem. I

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1 live in a town the same size.

2 MR. KNUFF: Exactly. So -- so that's why
3 I only requested that -- that perhaps AT&T based upon its
4 lease relationship with the property owner could request
5 that the engineer provide full sets of copies of the
6 approved plans considering they're in a much better
7 position to do that than either town staff an
8 intervenor.

9 CHAIRMAN STEIN: Just to mention that
10 normally those plans at that level of detail are asked at
11 the D&M phase if and when we -- you know, if we get to
12 there. So it's not something we normally ask for at this
13 --

14 MR. KNUFF: No, and -- and -- and I
15 understand that, but they are complete and I think they -
16 - they will at least provide some information regarding
17 the -- the sort of information that you -- that you have
18 currently on the driveway for Candidate B, grades,
19 stormwater treatment, impacts on wetlands, the number of
20 trees removed -- you know, I'm not suggesting that they
21 be included for the same purposes as a D&M plan, but only
22 for the same purposes that you would have the engineered
23 drawings for Candidate B. For no other purpose than
24 that.

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1 With reference to my Question 4, I had
2 asked whether Candidate A is, quote, "currently
3 undergoing subdivision development." I -- I think in the
4 response there's a no, but could you just clarify, is
5 it?

6 MR. LAUB: Not as far as we know --

7 MR. KNUFF: Okay --

8 MR. LAUB: -- no, not as far as we know,
9 but the entitlements were for access to the property --

10 MR. KNUFF: Well --

11 MR. LAUB: -- driveway and future -- and
12 future -- and future use.

13 MR. KNUFF: Did you have a chance to look
14 at the various documents that we submitted as part of our
15 request to admit certain documents from the wetland
16 records?

17 MR. LAUB: From their -- from the C&M
18 builders application process?

19 MR. KNUFF: Yes.

20 MR. LAUB: Yes.

21 MR. KNUFF: Did you note the repeated
22 reference to a cell tower?

23 MR. LAUB: Yes.

24 MR. KNUFF: Okay.

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1 MR. LAUB: But I should say that was
2 pretty much -- I think everybody in town knew that there
3 was a cell tower -- that as a result of our first
4 technical report and consultation with the town in
5 September of '09 I believe, this -- we were asked -- we
6 were asked to revisit this candidate. Everyone in town
7 knew that AT&T was looking for a cell tower in the area.
8 So I don't think it was any surprise to anybody --

9 MR. KNUFF: So -- so where did the notion
10 of a subdivision come from?

11 MR. LAUB: From the -- well I think that's
12 the owner's future intent.

13 MR. KNUFF: Well --

14 MR. LAUB: In fact, I think that was made
15 to reference -- the engineers they said, you know,
16 reference it as an engineering subdivision. They were
17 asked to, but --

18 MR. KNUFF: I can't say I went through
19 every document in the record, but I went through it
20 pretty carefully and I saw no reference of any kind to a
21 subdivision whatsoever. Any reference to use was related
22 solely to a cell tower. And did you see the letter from
23 the applicant's attorney indicating that they would be
24 not conveying any portion of that property to any other

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1 party other than to AT&T?

2 MR. LAUB: At that point -- in that point
3 in the process. But then again the road also goes past
4 where AT&T's driveway is.

5 MR. KNUFF: For how far?

6 MR. LAUB: I'm not sure. But it is for
7 access to the property. They have --

8 MR. KNUFF: Perhaps --

9 MR. LAUB: -- they have no other access to
10 the property.

11 MR. KNUFF: Perhaps someone can tell me
12 how far does the -- does the approved roadway extend past
13 the -- you know, the cul-da-sac for AT&T?

14 MR. LUSITANI: I don't know that answer
15 either.

16 MR. KNUFF: Do you have the plans? I mean
17 Mr. Kobylenski was happy to scale out the -- the distance
18 of the asphalt driveway.

19 MR. LUSITANI: I'm not sure if I have the
20 plans, but I'll take a look.

21 MR. KNUFF: I'm pretty sure I do.

22 CHAIRMAN STEIN: Could I -- I just want to
23 -- I also read the various sets of -- but let me ask the
24 Applicant, in your understanding of -- the actual permit

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1 that was filed for the road, what did the permit say?
2 Did that specifically say a road for the cell tower or -
3 -

4 MR. LAUB: For --

5 CHAIRMAN STEIN: -- for a subdivision or -
6 -

7 MR. LAUB: The -- the -- the application
8 was for a wetlands crossing and related access drive so
9 that they could access the property in the hopes that
10 they could by doing that make the property available for
11 a potential cell tower for AT&T.

12 AT&T had reached out to the property
13 owners, but they had not -- they couldn't come to a deal
14 given the lack of development on the property, the lack
15 of access, what was needed, and the fact that they had
16 other plans. So the owners of their own accord went back
17 to the town to get approvals to make it a possibility to
18 get a lease knowing that during that time period was when
19 AT&T had been requested to go and revisit this site
20 specifically by the town as part of consultation on Site
21 B, and also through, which I think is also in the record,
22 the letter from the Attorney General which was
23 encouraging AT&T to find any and all possible
24 alternatives. So AT&T couldn't come to a deal with the

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1 builders originally. The builders then took it upon
2 themselves to go back to the Inland Wetlands and try to
3 figure out how this best could work for them as well as
4 for future use. And so the use of the term cell tower I
5 think is in part because of the process we were in at
6 that time potentially to make it more appealing to the
7 town, to make it understood that this could be a
8 potential alternative to the site that we had previously
9 tech reported --

10 COURT REPORTER: One moment please.

11 (pause - tape change)

12 MR. LAUB: -- that prior site being Site
13 B.

14 CHAIRMAN STEIN: Thank you.

15 MR. KNUFF: Mr. Chairman, only for your
16 own benefit, all those attachments are included in our
17 request to file added exhibits. I think it's dated
18 October 15th.

19 In Question 7 I had asked whether the
20 number of 75 additional trees was -- was a good
21 approximation of the added number of trees that would
22 have to be removed in addition to the 122 for the
23 construction of the entirety of the fifteen-hundred foot
24 road. Is -- is that -- give or take five a good

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1 approximation?

2 MR. LUSITANI: Yes.

3 MR. KNUFF: Thank you. Have you had a
4 chance to scale it out before we --

5 MR. LUSITANI: I have a one-sheet plan.
6 I'm not sure if it's a complete plan, but based on that
7 it's extending about 400 feet beyond --

8 MR. KNUFF: Okay --

9 MR. LUSITANI: -- the cell tower.

10 MR. KNUFF: In Questions 8 and 9 I had
11 asked about multi-facility solutions. And I think that
12 question was misinterpreted as well. And again my
13 apologies to the extent it's my fault. I wasn't asking
14 specifically in regard to repeaters or microcells. I was
15 asking about the possibility of two-tower solutions.
16 Would AT&T be willing to consider examining a two-tower
17 solution, presumably two shorter towers and perhaps with
18 less visibility and maybe an opportunity to camouflage?

19 MR. LAUB: Well I don't think the question
20 was misinterpreted because we address repeaters, DAS, as
21 well as a multi-tower solution, and the second paragraph
22 goes to that.

23 MR. KNUFF: Well -- well -- no, I'm
24 referring to also Question 9 in Docket 409 in which,

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1 while I know it wasn't successful, AT&T did investigate a
2 multi-facility solution of presumably two towers and not
3 -- so let me ask you now, would you be willing to
4 consider a scenario whereby you can achieve the coverage
5 that you desire with two towers instead of one?

6 MR. LAUB: That's not our intent, no.

7 MR. KNUFF: Would you be willing to
8 consider it?

9 MR. LAUB: Not as far as the directions
10 I'm given, no.

11 MR. KNUFF: Would you concede that it is
12 at least hypothetically possible that two shorter towers
13 can be less visible or less -- provide less visual impact
14 than one, one taller tower?

15 MR. LIBERTINE: From my perspective it's a
16 bit of a loaded question only in the sense that I'd
17 really have to understand the -- what the heights are.
18 We've been in a situation where we have looked -- not
19 necessarily for AT&T, but in terms of the
20 telecommunications community or industry where I've --
21 where, you know, we've been part of dockets or at least
22 proposals that have investigated that, and what we found
23 is obviously it's very site specific.

24 Certainly if we're talking about going

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1 down from 160 feet to a 90-foot pole, I think it's --
2 it's clear that, yes, you're going to be able to achieve
3 some reduced visibility. If we're talking the difference
4 between 160 and 120, then it may not be -- again with
5 rolling hills and topography, it's going to have to
6 really be a good site to really reduce it. Now I say
7 that with the understanding that in this case, although
8 we're talking about what I think everyone would consider
9 fairly tall towers, there's not an enormous amount of
10 visibility. These sites were selected because they have
11 a very good buffer and it works out that, you know, each
12 has a uniqueness and has benefits and I guess drawbacks
13 if you look at them in a comparative notion.

14 So, I guess the simple answer is it's
15 conceivable, but there's a lot of variables that go into
16 that.

17 MR. KNUFF: Okay, thank you. Will AT&T
18 provide or at least request from its landlord that it
19 provide copies of the approved wetland plans to the
20 Council for its consideration?

21 MR. LAUB: We can ask them to do that.
22 The only thing is we can't verify them as exhibits.

23 MR. KNUFF: Well they're public
24 documents.

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1 MR. LAUB: So -- they are public
2 documents. That's -- you know, that's the only thing I
3 can provide them is under that format --

4 MR. KNUFF: Okay, so -- so --

5 MR. LAUB: -- but I don't know --

6 MR. KNUFF: -- so you would be willing to
7 request that those be submitted, to be -- you're willing
8 to request from your landlord full copies of those plans
9 to be submitted to the Council?

10 MR. LAUB: We can -- we can request that
11 if the Council will so allow under --

12 CHAIRMAN STEIN: Yeah -- I mean --

13 MR. LAUB: -- as something that's a public
14 record --

15 CHAIRMAN STEIN: -- obviously nobody can
16 verify --

17 MR. KNUFF: Okay --

18 CHAIRMAN STEIN: -- and you know, have
19 cross-examination, but if it's part of the public record
20 sure.

21 MR. KNUFF: I don't have anything further,
22 Mr. Chairman. I know that the town is next to cross-
23 examine. It's possible that something may come up during
24 that that I would want to, you know, come back against,

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1 but -- so if I can reserve just a few minutes, you know -

2 -

3 CHAIRMAN STEIN: Well you'll get a chance
4 to cross-examine the town I guess.

5 MR. KNUFF: Okay. Alright, thank you.

6 MR. LAUB: Are you referring to redirect -

7 -

8 MR. KNUFF: Yeah --

9 MR. LAUB: -- in case something comes up?

10 MR. KNUFF: Yeah. Thank you.

11 CHAIRMAN STEIN: Thank you. Next would be
12 the Town of Roxbury.

13 MS. BARBARA HENRY: Good morning. I'm
14 Barbara Henry. I'm the First Selectman in the Town of
15 Roxbury. This is Mary Barton. She's our Inland Wetlands
16 and Zoning Enforcement Officer. I'm assuming it's okay
17 to have her sit here with me?

18 CHAIRMAN STEIN: Absolutely.

19 MS. HENRY: Okay, thank you. I did
20 testify at the last public hearing. I have a list of
21 questions that were submitted. And obviously my first
22 concern here is the cost benefit to our town versus the
23 surrounding towns because I still believe that the
24 service that is going to be provided from this tower,

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1 which was brought up, is more in Southbury than it is in
2 Roxbury --

3 CHAIRMAN STEIN: Remember you're asking
4 questions.

5 MS. HENRY: Yes -- oh, okay. So --

6 CHAIRMAN STEIN: We heard your public
7 statement --

8 MS. HENRY: Alright --

9 CHAIRMAN STEIN: -- now is your chance to
10 ask -- to specifically ask questions of the Applicant.

11 MS. HENRY: So with that in mind is the --
12 one of the other sites was the church steeple at the
13 corner in Southbury at 172 totally bedded for a
14 possibility for a tower?

15 MR. LAWTON: Certainly -- there are
16 actually I believe two churches down at that corner --

17 MS. HENRY: Mmm-hmm --

18 MR. LAWTON: -- I could run plots, but I'm
19 pretty sure -- I'm nearly a hundred percent sure that
20 that would not provide the coverage that's necessary
21 because they're quite short and they're down off the
22 grade of the hill that goes up -- that in fact the
23 Southbury Road and Bronson Mountain Road location is -- I
24 wouldn't say the top of, but near the top of. So the --

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1 the churches themselves would only cover a certain
2 portion going up that hill, but would certainly not cover
3 to the crest and then back down the other side into the
4 center of Roxbury, which I guess is more -- is closer to
5 where Transylvania Road is. If we were to run plots for
6 that, I'd expect we'd find that the coverage would be
7 kind of centered around the intersection of Roxbury Road
8 and -- I don't remember the route number of the
9 intersection --

10 MS. HENRY: 172 --

11 MR. LAWTON: -- 172 -- so down and more
12 towards Southbury --

13 MR. TAIT: How tall are the -- how tall
14 are the church steeples?

15 MR. LAMONTAGNE: The -- this is Peter
16 LaMontagne -- the church steeple -- this is the Church of
17 Jesus Christ of Latterday Saints, it was basically a 40-
18 foot spire. That's basically my estimate from looking at
19 it.

20 MR. TAIT: There are two churches there?

21 MR. LAWTON: I believe -- that's my
22 recollection of having driven through there --

23 MR. TAIT: One is 40 feet high?

24 MR. LAMONTAGNE: Yes. And I believe --

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1 I'm not sure of the other one, but as I recollect, I
2 don't believe there's a steeple in the other church. I
3 could be mistaken, but after taking a look at it, I'm
4 pretty sure only one had a steeple.

5 MR. LAWTON: And I think in the -- in the
6 site acquisition process those were provided to AT&T RF
7 and ruled out as not sufficient. That's the answer.

8 CHAIRMAN STEIN: Okay, we finally got an
9 answer anyway. Okay, thank you.

10 MS. HENRY: There was a question asked the
11 last time about the type of service, 2G and 3G versus 4G.
12 And 4G is not going on whatever tower, is that correct,
13 it's going to be 2 or 3?

14 MR. LAWTON: That's not necessarily
15 correct. Right now -- well in the time frame in which
16 this potential tower would come on-line, AT&T would not -
17 - at this point the direction is that they would not
18 outfit the tower with 2G. They would outfit it with 3G
19 and probably 4G. And if not, immediately pretty soon
20 thereafter. But like I said earlier, it kind of depends
21 on the actual date the site would come onto service. If
22 it's, you know, later in 2013, I would say there's a
23 greater likelihood that LTE or what they call 4G would be
24 equipped. If it's -- you know, if it even goes into --

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1 I'm sorry -- if it's later than 2013, I would -- that
2 would be more likely. If -- if for some chance that it
3 could be earlier in 2013, it might be less likely because
4 they're rolling out 4G throughout the network, obviously
5 starting in the more urban areas and progressing to the
6 suburban and more rural areas.

7 MS. HENRY: Okay. Because I am concerned
8 that if you are going with the 3G, is this going to be
9 justification for the planned seven towers without our 27
10 square miles future plan -- and it came up somewhere
11 about there are seven towers planned -- would that be
12 justification to have more towers? Or if it was
13 absolutely 4G, there might be a chance of having less
14 towers in our -- within our borders? Does that make
15 sense?

16 MR. LAWTON: I'm not sure I necessarily
17 understand the question. I think -- you know, the
18 coverage that's going to -- the actual physical coverage
19 the site is going to provide is going to be pretty
20 similar between 3G and 4G --

21 MS. HENRY: Okay --

22 MR. LAWTON: -- there's -- the advantage
23 of 4G is higher data rate, which is basically driven by
24 improved coding schemes and modulation schemes and that

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1 sort of thing, basically fitting data more efficiently
2 into a given transmission rather than necessarily
3 improving the quality -- well quality is a bad word --
4 but maybe improving the robustness of the link. The 3G
5 and 4G, the links are similar. And at this point true
6 LTE is not capable -- or 4G is not capable of providing
7 voice service. So when that is a possibility, then it
8 could be -- then a site could be launched as a 4G only
9 site, but that would be sometime down the road. Right
10 now 3G technology is necessary to provide voice service
11 for everyone.

12 MS. HENRY: Okay. Is there going to be a
13 generator? And how many gallons of fuel will that
14 generator hold?

15 MR. LAMONTAGNE: There are generators
16 proposed for both -- for both sites. The generator is a
17 210-gallon diesel tank.

18 CHAIRMAN STEIN: We -- we have a follow-up
19 question from one of the Council members. Dr. Bell.

20 DR. BELL: Thank you, Mr. Chair. Just --
21 I was just following up on the previous question. Mr.
22 Lawton, as to the difference between 3G and 4G, you were
23 addressing the two technologies and what they do or don't
24 provide. Would it -- isn't it true that also another

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1 variable in this complicated matter is that people have
2 to have different types of phones themselves in order to
3 handle the two types of transmission if we're just
4 roughly referring to 3G and 4G, wouldn't that be true
5 also?

6 MR. LAWTON: Absolutely, yes. The -- you
7 know, the -- basically most of the people out there with
8 phones at this point have 3G capable phones, some of
9 which are in fact LTE or 4G capable. If -- if a site is
10 brought on-line that's 4G only and all the -- all the
11 people who have what AT&T would refer to as a legacy
12 phone, which is a phone with 3G only, which was probably
13 state-of-the-art two years ago, would no longer -- would
14 not be able to use that service. The 3G is -- would be
15 necessary until all those people would be migrated as
16 they call it out of the older phones and into newer
17 phones.

18 DR. BELL: Thank you. Thank you, Mr.
19 Chair.

20 MS. HENRY: But was not this tower
21 interest generated because of more data, the need for
22 more data transmission?

23 MR. LAWTON: I think it's data. I think -
24 - I mean the tower would be providing similar service to

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1 any other site in the network, which would be voice and
2 data and E-911 and -- you know, right now those are not
3 provided by AT&T in the area where the tower is being
4 considered. The idea is to provide all of them in that
5 area. So I can't -- I don't think you can just say that
6 it's particularly one because to provide only one of
7 those types of service would be not what the customers
8 want or need.

9 CHAIRMAN STEIN: We have another follow-up
10 question. Mr. Lynch.

11 MR. LYNCH: Again Mr. Lawton, we are no
12 longer in a cell phone mode. What we carry now is --
13 again looking at Mr. Golembiewski's phone here, this is
14 more of an entertainment device than it is a
15 communication device. I -- that's my own personal
16 opinion. And I'd like to get your reaction to it.

17 MR. LAWTON: Well I think my opinion would
18 be different from my daughter's opinion -- (laughter) --
19 certainly to me it's a communication device and I use it
20 for work constantly. It's not an entertainment device.
21 I don't have any games on my phone. I don't use it to
22 play games.

23 MR. LYNCH: What I'm talking about is it's
24 evolving more into an entertainment means of

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1 communication than, you know, hi, hello, how are you.

2 MR. LAWTON: Well certainly I mean people
3 are definitely -- if you look at -- if you look at trends
4 of usage over time, you know, five or ten years ago,
5 people used their cell phones predominantly for voice
6 communication. Now there's a lot more data being carried
7 by the network, but it's not -- it's certainly not
8 exclusive unless again you're my daughter who doesn't
9 want to talk to anyone, but likes to play games.

10 MR. LYNCH: Thank you.

11 MS. HENRY: Did I hear you correctly to
12 say that your preferred site is the Transylvania Road
13 site?

14 MR. LAWTON: That's my personal opinion.
15 AT&T obviously is here applying for both of them --

16 MS. HENRY: Right --

17 MR. LAWTON: -- so from an AT&T network
18 perspective, they would like either of them.

19 MS. HENRY: I mean I'm between a rock and
20 a hard place, but with regard to what you stated that you
21 went back on the wetlands application, which you did not
22 have to go to the town, but I had asked you to on the
23 Transylvania Road site, and they wrote this letter, which
24 I have copies of if anyone needs it, you said that you

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1 upgraded to a 25-year storm for that driveway. Would you
2 agree that the storms that we have had over the past two
3 Octobers are closer to a hundred-year storm than a 25-
4 year storm? In our town they were I can tell you because
5 I had to fix that road up again.

6 MR. KOBYLENSKI: The recurrence of storms
7 and the levels of rainfall that are predicted with those
8 storms is based on statistics and history. So to say
9 that we've had three 25 or 100-year storms in the last
10 three years, that's based on the past historical record.
11 I -- personally, I think that as we proceed in the future
12 those numbers may be changed that relates to the amount
13 of rainfall that a particular storm is generating, then
14 that statistical -- it's a one percent storm or it's a
15 ten percent storm, whatever.

16 Town drainage systems typically are
17 designed for a 10 or 15-year storm. What -- the
18 information I presented this morning, excuse me, relates
19 to dealing with the difference of runoff that could be
20 generated if the gravel road were constructed. And there
21 was -- within the letter that the town wrote there were
22 opinions presented, qualitative opinions. And at that
23 point in time what I think the town had reviewed were the
24 drawings with the cross swales and the level spreaders.

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1 And what had been added after those town comments -- or
2 what has been added to the proposal that's in front of
3 the Council is the infiltrators. And the basis of that
4 design is as I stated, is to control -- to control and
5 infiltrate the difference between those -- the events
6 that would occur in a 25-year storm. I don't know of
7 many engineered facilities from a drainage point of view
8 that are -- besides interstate roadway drainage and some
9 other things for major watercourses that would be based
10 on a hundred-year storm. Many of the control systems
11 that towns ask for for say controlling peak runoff, they
12 may in fact be based on hundred-year events, and again
13 because statistical hundred-year events on record that
14 are currently available and adopted as rainfall rates for
15 those various recurrence levels. But then you always run
16 into -- any given subdivision as an example you've got a
17 drainage system that's designed for a 10 or 15-year storm
18 and your infiltration retainage system is a hundred-year
19 storm, is the water all getting there. In our case it
20 would; on our driveway it will get into those
21 infiltrators. I can't say on other projects. But it is
22 an anomaly I think in the way some regulations are set
23 up.

24 MS. HENRY: Okay. I am the driveway

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1 enforcement in our town. And this 24-inch grade, that is
2 not going to change in that section --

3 MR. KOBYLENSKI: Twenty-four --

4 MS. HENRY: -- on -- on Site B?

5 MR. KOBYLENSKI: Twenty-four percent?

6 MS. HENRY: Twenty-four percent. It goes
7 12 to 24 to 12. Our regulations are 12.

8 MR. KOBYLENSKI: For any given driveway?

9 MS. HENRY: For most.

10 MR. KOBYLENSKI: Could a 12 percent grade
11 driveway be constructed on that site? Personally, I
12 didn't look at it. I would not recommend it because the
13 amount of impact that constructing such a driveway --

14 MS. HENRY: I understand that --

15 MR. KOBYLENSKI: -- would be -- reverse
16 the point that you're trying to achieve, which is less
17 disturbance and less erosion.

18 MS. HENRY: And I guess -- I'm just
19 looking for an answer -- is there a guarantee that you
20 are going to have coverage for either one of these towers
21 on that Route 67 corridor, not looking at the houses that
22 are around, but on the 67 corridor itself because it goes
23 down into a gully there? The whole road runs through a
24 ravine basically. And you're telling me that that is

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1 going -- these towers -- either one is going to guarantee
2 coverage in Roxbury on that Route 67 corridor?

3 MR. LAWTON: Guarantee is a strong word -
4 -

5 MS. HENRY: Yes, it is --

6 MR. LAWTON: -- but the--

7 MS. HENRY: -- but that is the area that
8 we're talking about?

9 MR. LAWTON: Yeah. And basically what the
10 -- the coverage analyses that we do, and were included in
11 here, take into account terrain from a digitized
12 database, so any gully or ravine or hill or any of that
13 sort of thing is taken into account in the analysis and
14 the -- and the analyses are also tuned based on measured
15 data, not necessarily in Roxbury but in similar areas.
16 So AT&T certainly -- when they go through and they look
17 at these sites, they use the propagation tool to figure
18 out what they will cover. And that's -- you know, I mean
19 they're spending a lot of money to develop these things,
20 the towers, and they certainly want to make sure that
21 it's right.

22 MS. HENRY: And my last question is that -
23 - I do want a guarantee -- we have an 18-foot gravel road
24 that is not going to be impacted at all by this

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1 construction tower, etcetera, when it's -- if and when
2 it's built on Transylvania Road.

3 MR. LAWTON: I'm not sure --

4 MS. HENRY: That I am looking for, a
5 guarantee that that road is not going to be disturbed or
6 put back exactly the way it is, to an 18-foot wide gravel
7 road, dirt road, through town. And all of this
8 construction -- you're going to have construction,
9 trucks, etcetera, running up and down there, and that is
10 not going to impact this road when it's all said and
11 done?

12 MR. LAWTON: I'm not sure that's a
13 question for me.

14 MR. LAUB: I'm not sure what -- that
15 Transylvania Road won't be negatively impacted --

16 MS. HENRY: Right --

17 MR. LAUB: -- by any of the construction?

18 MS. HENRY: Either the construction --
19 because I find it hard to believe --

20 MR. LAUB: I don't --

21 MS. HENRY: -- that you can do this and
22 not impact that little country road. That's all.

23 MR. LAUB: I don't know that anyone here
24 is prepared to make a guarantee --

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1 MS. HENRY: Well I kind of need a
2 guarantee --

3 MR. LAUB: -- for a potential construction
4 process.

5 MR. KOBYLENSKI: Is it a public road?

6 MS. HENRY: Yes, it is a public road.

7 MR. KOBYLENSKI: There was a large
8 property to the north of that, where our proposed
9 driveway is going to go. I noticed it because actually
10 there was a foreclosure --

11 MS. HENRY: Mmm-hmm --

12 MR. KOBYLENSKI: -- I drove by, and it was
13 a significant home --

14 MS. HENRY: Yeah --

15 MR. KOBYLENSKI: -- I don't know the
16 particulars, but what I also observed was that there was
17 a significant driveway that was constructed on that
18 property. And I can only imagine that the equipment that
19 was necessary to construct that home and site and that
20 driveway would have been similar -- and I didn't see the
21 construction, I'm just making, you know, kind of an
22 engineering judgment as to seeing what was done, and
23 probably actually more extensive than -- not more, but
24 probably it is more extensive -- or was more extensive

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1 than the driveway that is proposed for Site B in this
2 application. So equipment does travel on that road --

3 MS. HENRY: It absolutely does --

4 MR. KOBYLENSKI: -- trucks and whatnot --

5 MS. HENRY: But I would disagree with --

6 MR. KOBYLENSKI: -- and does any vehicle
7 passing it have some impact? Yes --

8 CHAIRMAN STEIN: Let me just --

9 MR. KOBYLENSKI: -- that's why the road
10 needs to be maintained from both a traffic point of view
11 and a storm point of view. I can also --

12 CHAIRMAN STEIN: Let me just -- excuse me
13 for cutting in, but I would suggest that maybe -- and I'm
14 just putting all this with ifs because obviously we
15 haven't made any decision -- but if a decision were to be
16 made that the site would impact that road, that that's
17 something that the town -- since it's a town road --

18 MS. HENRY: Mmm-hmm --

19 CHAIRMAN STEIN: -- could require -- and
20 I'm sure the Applicant would be willing -- whether it's
21 posting a bond or something to ensure that, you know,
22 there's no damage. That certainly would be within your
23 right to -- if it gets to that point.

24 MR. KOBYLENSKI: I apologize, Mr.

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1 Chairman, I was just trying to present some relevance.
2 Unfortunately, none of us at this table will be
3 constructing it. And to offer a guarantee or present a
4 guarantee is -- we -- we can't do that --

5 CHAIRMAN STEIN: That's why we have --

6 MR. KOBYLENSKI: -- it's -- it's in the --

7 MS. HENRY: And I'm just coming from the -
8 - from the vantage point of having been through a tower
9 built in our town, so I know.

10 And my -- this is my last question. Why
11 have -- why do we have to go through these proceedings
12 for what is going to be multiple towers in our town
13 probably when AT&T is not taking advantage of upgrading
14 its technology like a competitor Verizon has done? I'd
15 like to know that.

16 MR. LAWTON: I'm not sure that that's a
17 correct assessment. AT&T --

18 MS. HENRY: I --

19 MR. LAWTON: -- AT&T is upgrading equally
20 aggressively. I mean there's a lot of marketing mumbo-
21 jumbo out there about coverage maps, about 4G, about, you
22 know, this and that and the other thing, but I think if
23 you -- if you actually sat down and did an analysis,
24 you'd find that AT&T is rolling out 4G to just as large

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1 an area in Connecticut and nationally as Verizon is. I
2 don't -- I don't think it's -- I don't -- I don't think
3 there's a quantitative difference. And certainly AT&T
4 wants to provide the increased data rate that 4G will
5 bring. And where, to the question earlier, more of the -
6 - where more of the usage is shifting to data, it's
7 certainly in AT&T's best interest to provide increased
8 data rate because that's what people want. But they're -
9 - they're certainly also, just like Verizon, considerate
10 to the voice users because the phone is after all voice
11 technology, which is supported by 3G and needs to be --
12 needs to continue to be supported by 3G. So I think the
13 belief that Verizon is necessarily migrating away from 3G
14 to 4G is an incorrect one. And I think that the belief
15 that AT&T is not is also an incorrect one. I think --
16 they're competitors and they're both doing what they can
17 to improve service to their customers.

18 MS. HENRY: Is Verizon going to be on this
19 tower, one of -- either one?

20 MR. LAMONTAGNE: No --

21 MS. HENRY: No?

22 A VOICE: We haven't heard anything --

23 MR. LAMONTAGNE: Yeah, we haven't --

24 MS. HENRY: Because it's not necessary --

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1 MR. LAMONTAGNE: Not at this time --

2 MS. HENRY: -- because their coverage is
3 good from the tower that we currently have.

4 MR. LAMONTAGNE: We -- we haven't had any
5 inquiries from Verizon at this time to go on our tower --
6 either tower.

7 MR. LAUB: But we couldn't speak to why
8 they haven't done that. It may just be that they have
9 other priorities --

10 MS. HENRY: Well because their coverage is
11 good in our town, that's why.

12 MR. LAUB: I don't think that's in the
13 record and I -- I object to that statement.

14 CHAIRMAN STEIN: Let me just state --

15 MS. HENRY: Thank you --

16 CHAIRMAN STEIN: -- that that's really for
17 the consumer and not for the Siting Council --

18 MS. HENRY: Okay -- yeah, I understand.
19 Thank you.

20 CHAIRMAN STEIN: Okay, thank you.

21 MS. HENRY: I probably should get down.

22 CHAIRMAN STEIN: Anybody from the Town of
23 Woodbury? (pause) We are going to break for lunch in a
24 little bit, but the next would be for the -- the

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1 appearance would be for the Bronson Mountain Farm
2 Homeowners Association. Attorney Knuff -- but I'm
3 understanding you have no -- or do you have any
4 witnesses? Do you have any prefiled --

5 MR. KNUFF: Nothing to file and no
6 witnesses --

7 COURT REPORTER: I'm sorry, you need to be
8 at a microphone.

9 MR. KNUFF: No witnesses and no other
10 exhibits other than what we've already submitted, Mr.
11 Chairman.

12 CHAIRMAN STEIN: So I guess -- therefore,
13 I guess we can't cross-examine --

14 MR. KNUFF: I'd be -- I'm -- I'm happy to
15 answer any questions that you may have, but I -- but I
16 have no experts to cross-examine.

17 CHAIRMAN STEIN: I'm told that that's it,
18 so thank you.

19 MR. KNUFF: Okay, thank you.

20 MR. LAUB: Could I -- could I just ask a
21 couple of quick -- more procedural in nature -- I just
22 want to make sure the -- the Bronson Mountain Homeowners
23 Association is how many different homes?

24 MR. KNUFF: There are five -- five

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1 properties.

2 MR. LAUB: Okay. And they're all
3 bordering the proposed -- the lot that belongs to C&M
4 Builders?

5 MR. KNUFF: I believe that two -- based
6 upon the plans that AT&T has provided there are two lots
7 I think that directly abuts, but -- well ask the question
8 again?

9 MR. LAUB: Do they -- do all the
10 properties abut the C&M Builders property?

11 MR. KNUFF: I think four out of the five
12 do --

13 MR. LAUB: Four or five --

14 MR. KNUFF: -- again, I would refer to the
15 plans that you submitted.

16 MR. LAUB: They're in relative proximity -
17 -

18 MR. KNUFF: Well --

19 MR. LAUB: -- because we know the property
20 homeowners, but we were not sure of the homeowners
21 association. That's all. That's why --

22 MR. KNUFF: Okay --

23 MR. LAUB: -- and -- and -- but they're
24 not intending on putting on an affirmative case today?

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1 MR. KNUFF: No.

2 MR. LAUB: Okay. And they -- they
3 understand they could have --

4 MR. KNUFF: Yes --

5 MR. LAUB: -- and selected not to. And as
6 far as -- and you had a question before about the inland
7 wetlands. As far you know there was no appeal of that
8 decision, correct?

9 MR. KNUFF: There was no appeal of
10 decision to my knowledge.

11 MR. LAUB: Or intervention under CEPA or
12 any other --

13 MR. KNUFF: Exactly --

14 MR. LAUB: -- mechanism that was available
15 -- okay, that's it.

16 MR. KNUFF: Okay.

17 MR. LAUB: Thank you.

18 CHAIRMAN STEIN: Thank you. We're going
19 to break for lunch, so you can all enjoy the wonderful
20 restaurants. And we'll come back at 1:00 o'clock and
21 finish up. And thank you.

22 (Whereupon, a luncheon recess was taken.)

23 CHAIRMAN STEIN: Okay, I'd like to -- I'd
24 like to call to order the continuation of the hearing.

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1 Two announcements before. One is there's
2 a set of -- a set of keys that somebody left somewhere,
3 so -- I assume they didn't get too far, but if you're
4 looking for your keys, we have them here.

5 The second, if anybody in the back is
6 concerned that they're not hearing properly, I have one
7 solution, and that is to move forward, because I heard
8 there was a concern before.

9 So we'll now go to the appearance of the
10 Town of Roxbury. So if -- First Selectman Henry, if you
11 would come up to this table again.

12 (pause)

13 CHAIRMAN STEIN: We have to go through
14 this process of swearing -- not swearing -- swearing you
15 in. And I don't know if -- and we'll have our attorney
16 do it. If you could just --

17 MS. MELANIE BACHMAN: Stand up --

18 CHAIRMAN STEIN: -- stand up.

19 MS. BACHMAN: Please raise your right
20 hand.

21 (Whereupon, Mary Barton and Barbara Henry
22 was duly sworn in.)

23 MS. BACHMAN: Thank you.

24 CHAIRMAN STEIN: And I understand that you

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1 submitted several exhibits, Roman Numeral IV-B, Items 1
2 through 4. So I'm going to go through the verification
3 process. First does anybody object to marking these
4 exhibits for identification purposes? No.

5 Do I call you First Selectman Henry or
6 Miss --

7 MS. HENRY: You can call me Barbara if
8 you'd like --

9 CHAIRMAN STEIN: Well --

10 MS. HENRY: First Selectman.

11 CHAIRMAN STEIN: Okay. First Selectman,
12 did you prepare or assist in the preparation of these
13 exhibits?

14 MS. HENRY: You know, what, I mean I don't
15 have them in front of me, so what exhibits exactly are --
16 I thought you were asking them if -- if they --

17 (pause)

18 MS. HENRY: Yes, I did.

19 CHAIRMAN STEIN: Okay. Do you have any
20 additions, clarifications, deletions, or modifications?

21 MS. HENRY: No, I don't.

22 CHAIRMAN STEIN: Are these exhibits true
23 and accurate to the best of your knowledge?

24 (pause)

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1 MS. HENRY: Yes.

2 CHAIRMAN STEIN: And do you offer these
3 exhibits as your testimony here today?

4 MS. HENRY: Yes.

5 CHAIRMAN STEIN: And do you offer them as
6 full exhibits?

7 MS. HENRY: Yes.

8 CHAIRMAN STEIN: Okay. Does any other
9 party or intervenor object to these items? Therefore,
10 they are to be admitted.

11 (Whereupon, The Town of Roxbury Exhibit
12 Nos. 1, 2, 3, and 4 were received into evidence as full
13 exhibits.)

14 CHAIRMAN STEIN: Thank you. And we'll now
15 -- cross-examination will start with staff.

16 MR. PERRONE: Is the C zoning district a
17 residential zone?

18 MS. MARY BARTON: Yes, it is.

19 MR. PERRONE: Okay. And one other zoning
20 question. In the C zoning district is a tower allowed
21 with a special permit?

22 MS. BARTON: Yes, it is.

23 MR. PERRONE: Does the town have any needs
24 to co-locate at either of the proposed sites for

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1 emergency services or are those all being currently
2 covered at the town transfer site?

3 MS. HENRY: They are currently being
4 covered. However, if the opportunity presented itself, I
5 would absolutely go on another site.

6 MR. PERRONE: Does the town have a
7 preference for either site?

8 MS. HENRY: The town's preference is that
9 the technology would be upgraded so we didn't have a need
10 for either one of those actually.

11 CHAIRMAN STEIN: A very politically
12 correct statement.

13 MR. PERRONE: Thank you. That's all I
14 have.

15 MR. TAIT: No --

16 CHAIRMAN STEIN: Professor Tait.

17 MR. TAIT: No questions.

18 CHAIRMAN STEIN: Mr. Wilensky.

19 MR. EDWARD S. WILENSKY: You know, I'm
20 sorry I didn't hear your answer. Would the town avail
21 themselves of services -- if either tower was approved by
22 this Council, would the town go on either tower?

23 MS. HENRY: They would -- we would
24 absolutely request that, yeah, we would.

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1 MR. WILENSKY: You would request that?

2 MS. HENRY: Yeah.

3 MR. WILENSKY: Is there a preference that
4 you would have for either one of the towers to go on
5 there? I think the question was asked, but --

6 CHAIRMAN STEIN: It was asked --

7 MS. HENRY: It was asked --

8 CHAIRMAN STEIN: -- and answered --

9 MR. WILENSKY: And your answer was?

10 MS. HENRY: That I wish that we didn't
11 have to --

12 CHAIRMAN STEIN: Have any towers --

13 MS. HENRY: -- you know, ask to go on
14 another tower. Really the -- I wish there were -- there
15 was not a need as they see for another tower in our
16 community. I wish that they would upgrade the technology
17 to the point that we could stay where we are. We do have
18 a tower in our community. It works well. Do we have
19 perfect coverage? No. But we have near perfect coverage
20 with it.

21 MR. WILENSKY: Thank you, First Selectman.

22 MS. HENRY: Alright.

23 CHAIRMAN STEIN: Mr. Golembiewski.

24 MR. GOLEMBIEWSKI: I have no questions,

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1 thank you.

2 CHAIRMAN STEIN: Mr. Lynch.

3 MR. LYNCH: Just one question. Madam
4 First Selectman, this morning you asked the Applicant for
5 a guarantee on development restoration and so forth. Do
6 you ask that of any other developers or contractors that
7 do work in the Town of Roxbury?

8 MS. HENRY: Developers? We don't have a
9 lot of developers. We have single, you know, family
10 homes --

11 MR. LYNCH: You understand -- any
12 contractors for doing any type of development --

13 MS. HENRY: Yeah --

14 MS. BARTON: Yes --

15 MR. LYNCH: -- in the town --

16 MS. BARTON: Yes, we would --

17 MR. LYNCH: -- and you ask for
18 guarantees?

19 MS. HENRY: Yes --

20 MS. BARTON: Yes, a bond.

21 MS. HENRY: A bond for road work,
22 etcetera, yes.

23 MR. LYNCH: Thank you. No more questions,
24 Mr. Chairman.

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1 CHAIRMAN STEIN: Mr. Ashton.

2 MR. ASHTON: I want to press you a little
3 bit on town preference. We all would like to have
4 breakfast served in bed and so forth, but that's not the
5 reality. Given the level of technology we have today, do
6 you have any preference for Site A or Site B?

7 MS. HENRY: The reality is the -- like I
8 said, it's a no win situation for me. But the reality is
9 the least disturbed area I believe is the Southbury Road
10 site as far as disturbance of town roads --

11 MR. ASHTON: Well we're looking at
12 Roxbury. You've got to look at Roxbury --

13 MS. HENRY: Right --

14 MR. ASHTON: -- and I want to focus on
15 that and get your --

16 MS. HENRY: At site -- Site A --

17 MR. ASHTON: Yeah --

18 MS. HENRY: -- is the site that we feel is
19 the least disturbance all the way around.

20 MR. ASHTON: Good. Thank you. I assume -
21 - am I correct in assuming that the Town of Roxbury plows
22 Transylvania Road? And does that disturb the road at all
23 ever?

24 MS. HENRY: Just its existence is a

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1 disturbance. It's a -- it's a dirt road that, you know,
2 we get potholes on and -- yeah, it does, it gets
3 disturbed. But plowing? No. It's pretty hard then.
4 It's almost like a paved road at that point.

5 MR. ASHTON: I'm getting at the fact that
6 any use of that road creates a measure of disturbance.
7 Is that fair to say? You drive a car up there in the
8 wintertime, you create dust, aggravate potholes, create
9 potholes. That's life. That's why you have to go back
10 and grade it and maintain it periodically --

11 MS. HENRY: We do -- that's right, we do
12 have to grade it. But I would have to say potholes are
13 from weather, rain -- it is --

14 MR. ASHTON: But that's life --

15 MS. HENRY: Yeah, I know --

16 MR. ASHTON: My point is --

17 MS. HENRY: We have 27 miles of dirt roads
18 --

19 MR. ASHTON: -- isn't it unreasonable to
20 suggest that a tower developer -- and in this case we
21 have -- is faced with a problem that any building of a
22 tower or a house is in fact going to cause some stress to
23 the road --

24 MS. HENRY: Absolutely --

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1 MR. ASHTON: -- any road.

2 MS. HENRY: Yeah.

3 MR. ASHTON: Okay, thank you. Nothing
4 further.

5 CHAIRMAN STEIN: Dr. Bell.

6 DR. BELL: Thank you, Mr. Chair. The
7 developer of Site A, is it correct that they have not
8 applied actually for a subdivision?

9 MS. BARTON: No, there's no subdivision
10 application pending. Yes.

11 DR. BELL: Thank you.

12 CHAIRMAN STEIN: Just to sort of follow
13 up, to actually construct the road I guess on Site A,
14 they have the wetlands permit, am I correct? Do they
15 need any other permit from the town to construct the
16 road?

17 MS. BARTON: They received the wetland
18 permit. And then they received the go ahead from DOT,
19 and I don't think actually they have a permit --

20 MS. HENRY: And a driveway --

21 MS. BARTON: -- and then a driveway permit
22 from the town.

23 MS. HENRY: A driveway permit from the
24 town --

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1 CHAIRMAN STEIN: A driveway permit, does
2 that go before -- is that like your engineering bureau or
3 does that have to go before a commission --

4 MS. HENRY: No, in our town -- like I
5 said, I am the driveway person, enforcement, etcetera.
6 And they have -- that's the reason why they have to go to
7 Wetlands first because they put a lot of criteria or
8 requirements that go along with the driveway. I can add
9 some myself. This is off a state road and they have to
10 get the state also. But no, it does not go before a
11 board or anything.

12 CHAIRMAN STEIN: I see. Okay, thank you.
13 Okay, now we'll next go to cross-examination by the
14 Applicant.

15 MR. LAUB: Sure. Just a -- just a couple
16 of questions, First Selectman. As per the approvals, was
17 the driveway permit issued?

18 MS. HENRY: I think the driveway -- was
19 the driveway permit issued -- for Site A?

20 MR. LAUB: For Site A. Sorry -- sorry,
21 for Site A.

22 MS. HENRY: I don't believe that it was.
23 I don't believe that they requested it yet, no.

24 MR. LAUB: Okay. I -- I thought -- I

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1 thought it -- I thought it had been, but okay --

2 MS. HENRY: Well you know what, I'm -- I'm
3 sorry because I can't -- I know it was coming in and now
4 I can't remember if it actually did.

5 MR. LAUB: Okay.

6 MS. HENRY: Sorry.

7 MR. LAUB: Do you -- do you know if the
8 approval granted by the Inland Wetlands Commission was
9 appealed?

10 MS. BARTON: It was not appealed.

11 MR. LAUB: Okay. And then you made
12 reference before to seven towers in the town?

13 MS. HENRY: Mmm-hmm.

14 MR. LAUB: Where's -- where is that from?

15 MS. HENRY: Where is that from? It may
16 not be from you, and I didn't say that it was, but I have
17 had conversations in the past with people who want to
18 purchase a tower site, etcetera. And in talking with not
19 only them -- and it's a shame that I can't come up with a
20 name -- that it was if you wanted total coverage in this
21 town, there is a need for seven towers --

22 MR. LAUB: So total coverage meaning every
23 nook and cranny --

24 MS. HENRY: That's right --

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1 MR. LAUB: -- of space of Roxbury --
2 MS. HENRY: That's right --
3 MR. LAUB: -- to be covered --
4 MS. HENRY: That's right --
5 MR. LAUB: -- in addition --
6 MS. HENRY: But honestly, I feel like it -
7 - way back in the background somewhere it came in through
8 the AT&T application at some point. That's -- sorry --
9 MR. LAUB: I remember it being mentioned
10 in the public hearings --
11 MS. HENRY: Yeah --
12 MR. LAUB: -- but I don't remember -- it
13 certainly wasn't AT&T's representation that's what we
14 were looking for --
15 MS. HENRY: Okay --
16 MR. LAUB: -- and I wanted to clarify.
17 And then as far as the tower at Lower County Road, the
18 Siting Council's database reflects that the tower height
19 there is about 180 feet. Is that accurate?
20 MS. HENRY: Correct.
21 MR. LAUB: Okay. And that's -- who -- who
22 owns that currently?
23 MS. HENRY: Wow --
24 MR. LAUB: It was Tower Co. --

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1 MS. HENRY: Yes --

2 MR. LAUB: -- I think -- is that
3 transferred to --

4 MS. HENRY: I mean it started out Nextel -
5 -

6 MR. LAUB: Right --

7 MS. HENRY: -- and it's gone through
8 several. It was Tower Co., and now I believe it did
9 change hands again.

10 MR. LAUB: Yeah. But originally it was --
11 it was a Sprint Nextel tower, correct?

12 MS. HENRY: Right.

13 MR. LAUB: And I think Sprint Nextel is at
14 the top of that tower?

15 MS. HENRY: Actually the town is at the
16 top of that tower.

17 MR. LAUB: Oh, the town is at the top --
18 yeah, whips at the top. And then -- and then Nextel is
19 next. And then is Verizon below them?

20 MS. HENRY: Yes.

21 MR. LAUB: So they're at approximately 170
22 feet?

23 MS. HENRY: Right.

24 MR. LAUB: Okay. And -- and AT&T is

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1 significantly lower than that? They're at 130 feet,
2 right?

3 MS. HENRY: Around there, yeah.

4 MR. LAUB: Around there?

5 MS. HENRY: Yep.

6 MR. LAUB: Okay. So they're at a much
7 lower height than Verizon is on that tower, okay.

8 And then lastly, just -- when we first
9 tech reported what is now Site B, which is Transylvania
10 Road, which I'm sure you remember that meeting --

11 MS. HENRY: Yes --

12 MR. LAUB: -- so do you -- do you recall
13 that one of the -- I think a request of the public and I
14 think from your office was to go find other sites, and
15 one of those sites was I believe the C&M Builders
16 property referred to -- I think it was referred to as the
17 spring property -- but I think the C&M Builders property
18 that we were asked to do --

19 MS. HENRY: I do remember that. It was
20 brought up that -- or felt that it really did not -- was
21 your due diligence really done in looking at other sites.
22 And I did mention Southbury Road because I do know a
23 homeowner, who was not C&M Builders, was looking to have
24 it at their home, actually in their yard up on a hill.

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1 And I -- I did give that name, and for some reason it
2 didn't work, but it went back over on Southbury Road to
3 other properties there.

4 MR. LAUB: Do you -- do you recall giving
5 -- providing the name of Jay Keeler to AT&T to reach out
6 to as a representative of C&M Builders?

7 MS. HENRY: I may have done that, yes.

8 MR. LAUB: Okay. That's all I have.

9 CHAIRMAN STEIN: Thank you. Okay, now
10 we'll go to Attorney Knuff for --

11 MR. KNUFF: No questions, thank you.

12 CHAIRMAN STEIN: No questions. Did
13 anybody show up from the Town of Woodbury? No. Okay,
14 thank you very much.

15 MS. HENRY: Thank you.

16 CHAIRMAN STEIN: So I guess the last -- so
17 I'll give one more chance to the Town of Woodbury. And I
18 guess they've chosen not to -- not to come.

19 So we'll now get to if there's any
20 rebuttal comments by the Applicant.

21 MR. LAUB: Only -- only for closing, Mr.
22 Chairman.

23 CHAIRMAN STEIN: Hmm?

24 MR. LAUB: For closing.

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1 CHAIRMAN STEIN: Yes.

2 MR. LAUB: Obviously it's been a -- this
3 has been a process long in coming. We started this I
4 think with the First Selectman back in 2009. I think she
5 and I had conversations even prior to that, so she's
6 probably tired of hearing from me. But obviously I think
7 what the record reflects here is AT&T has tried to work
8 through and develop two candidate sites in a difficult
9 area and difficult conditions. And we're looking for --
10 obviously to provide a site where we have no coverage at
11 this time. And -- and through various processes we're
12 just looking to move forward with one of these proposed
13 candidates. Thank you.

14 CHAIRMAN STEIN: Okay. Does -- the
15 attorney representing Bronson, did you have any redirect
16 you wanted?

17 MR. KNUFF: I do not, Mr. Chairman. Thank
18 you.

19 CHAIRMAN STEIN: Okay. Okay, thank you.
20 Before closing this hearing, the Connecticut Siting
21 Council announces that briefs and proposed findings of
22 fact may be filed with the Council by any party or
23 intervenor no later than January 7, 2013. The submission
24 of briefs or proposed findings of fact are not required

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1 by this Council, rather we leave it to the choice of the
2 parties and intervenors.

3 Anyone who has not become a party or
4 intervenor, but who desires to make his or her views
5 known to the Council, may file written statements with
6 the Council within 30 days of today. The Council will
7 issue draft findings of fact. And thereafter, the
8 parties and intervenors may identify any errors or
9 inconsistencies between the Council's draft findings of
10 fact and the record. However, no new information, no new
11 evidence, or no new argument and no reply briefs without
12 our permission will be considered by the Council.

13 Copies of the transcript of this hearing
14 will be filed at the Roxbury, Woodbury, and Southbury
15 Town Clerks Offices.

16 And I hereby declare this hearing
17 adjourned and thank you all for your participation.

18
19 (Whereupon, the hearing adjourned at 1:22
20 p.m.)

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