

**In The Matter Of:**

*Cellco Partnership d/b/a Verizon Wireless Application  
for a Certificate of Environmental Compatibility*

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*Public Hearing  
May 2, 2017*

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*BCT Reporting LLC  
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STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Docket No. 471

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 208 Kirk  
Road, Hamden, Connecticut

Public Hearing held at Memorial Town Hall,  
2372 Whitney Avenue, Hamden, Connecticut, on  
Tuesday, May 2, 2017, beginning at 3:01 p.m.

H e l d   B e f o r e :

ROBERT STEIN, Chairman

1   A p p e a r a n c e s :

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    Council Members:

4

        SENATOR JAMES J. MURPHY, JR.,

5

        Vice Chairman

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        ROBERT HANNON

7

        MICHAEL HARDER

8

        DR. MICHAEL W. KLEMENS

9

        LARRY LEVESQUE, ESQ.

10

11

    Council Staff:

12

        MELANIE BACHMAN, ESQ.

13

        Executive Director and

14

        Staff Attorney

15

16

        ROBERT MERCIER

17

        Siting Analyst

18

19

    For Cellco Partnership d/b/a Verizon

20

    Wireless:

21

        ROBINSON & COLE LLP

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        280 Trumbull Street

23

        Hartford, Connecticut 06103-3597

24

        BY: KENNETH C. BALDWIN, ESQ.

25

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

2

3            For Patricia Sorrentino:

4                    MURTHA CULLINA LLP

5                    265 Church Street

6                    P.O. Box 704

7                    New Haven, Connecticut    06503-0704

8                            BY:    BURT B. COHEN, ESQ.

9                                    BRIDGET D'ANGELO, ESQ.

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1           THE CHAIRMAN: Good afternoon, ladies  
2 and gentlemen. I'd like to call to order this  
3 hearing of the Connecticut Siting Council on  
4 Docket 471, today, Tuesday, May 2, 2017, at  
5 approximately 3 p.m. My name is Robin Stein. I'm  
6 Chairman of the Siting Council. Other members of  
7 the Council present are Senator Murphy, our Vice  
8 Chairman; Mr. Hannon, designee from the Department  
9 of Energy and Environmental Protection; Mr.  
10 Levesque, designee from the Public Utilities  
11 Regulatory Authority; Mr. Harder; Dr. Klemens;  
12 members of the staff present are Attorney Melanie  
13 Bachman, our executive director; and Robert  
14 Mercier, our siting analyst.

15           This hearing is held pursuant to the  
16 provisions of Title 16 of the Connecticut General  
17 Statutes, and of the Uniform Administrative  
18 Procedure Act upon an application from Cellco  
19 Partnership d/b/a Verizon Wireless for a  
20 Certificate of Environmental Compatibility and  
21 Public Need for the construction, maintenance, and  
22 operation of a telecommunications facility located  
23 at 208 Kirk Road in Hamden, Connecticut. This  
24 application was received by the Council on March  
25 3, 2017.

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

5           The parties and intervenors to the  
6 proceeding are as follows: Cellco Partnership/  
7 Verizon, Attorney Baldwin, Robinson & Cole;  
8 Patricia Sorrentino, Attorney Burt Cohen and  
9 Bridget D'Angelo.

10           We will proceed in accordance with the  
11 prepared agenda, copies of which are available  
12 here to my left. Also available are copies of the  
13 Council's Citizens Guide to Siting Council  
14 Procedures. At the end of this afternoon session,  
15 we will recess and resume again at 7 p.m. for the  
16 public comment session.

17           The 7 p.m. public comment session will  
18 be reserved for the public to make brief oral  
19 statements into the record. I wish to note that  
20 parties and intervenors, including their  
21 representatives and witnesses, are not allowed to  
22 participate in the public comment session. I also  
23 wish to note for those who are here, and for the  
24 benefit of your friends and neighbors who are  
25 unable to join us for the public comment session,

1 that you or they may send written statements to  
2 the Council within 30 days of the date hereof; and  
3 such written statements will be given the same  
4 weight as if spoken at the hearing. If necessary,  
5 party and intervenor presentations may continue  
6 after the public comment session, if time remains.  
7 A verbatim transcript will be made of this hearing  
8 and deposited with the Town Clerk's Office in  
9 Hamden for the convenience of the public.

10 Is there any public official that would  
11 like to speak at this time?

12 (No response.)

13 THE CHAIRMAN: We have two motions.  
14 The Council received a request from Elena  
15 Geanuracos. I apologize, and I guess apologize in  
16 the evening, too, if I mispronounce people's  
17 names. It's dated April 25, 2017, for intervenor  
18 status in this proceeding. However, this request  
19 was withdrawn yesterday.

20 Also, the applicant objected to Items 1  
21 through 4 of Ms. Sorrentino's April 6, 2017  
22 interrogatories. And Attorney Bachman may wish to  
23 comment.

24 MS. BACHMAN: Thank you, Mr. Chairman.  
25 The responses to interrogatories Number 1 to 4

1 submitted to the applicant by Ms. Sorrentino, the  
2 applicant did provide limited responses to those  
3 interrogatories that are sufficient, given the  
4 scope of the proceeding, and therefore staff  
5 recommends that the objection be sustained.

6 THE CHAIRMAN: Do I have a motion?

7 DR. KLEMENS: So moved.

8 THE CHAIRMAN: Second?

9 SENATOR MURPHY: Second.

10 THE CHAIRMAN: Any discussion?

11 All those in favor of the motion,  
12 signify by saying aye?

13 THE COUNCIL: Aye.

14 THE CHAIRMAN: Opposed? Abstention?

15 (No response.)

16 THE CHAIRMAN: The motion carries.

17 I wish to call your attention to those  
18 items shown on the hearing program marked as Roman  
19 Numeral I.D, Items 1 through 67. Does the  
20 applicant or any party or intervenor have any  
21 objection to the addition of Items 1-67 the  
22 Council has administratively noticed?

23 MR. BALDWIN: No objection,

24 Mr. Chairman.

25 MR. COHEN: No objection, Mr. Chairman.



1           THE CHAIRMAN:   Seeing none, these will  
2 be administratively noticed, as well as all the  
3 existing documents, statements, and comments.

4           SENATOR MURPHY:   Mr. Chairman, I'd like  
5 to indicate for the record that at the field  
6 review I ran into Robert LaSaracina who I've known  
7 for years.  He was a very successful CPA.

8           THE COURT REPORTER:   I'm having a  
9 little trouble hearing you.  Do you have your  
10 mike?

11          SENATOR MURPHY:   I'll start over for  
12 you.

13          THE COURT REPORTER:   Thank you.

14          SENATOR MURPHY:   At the field review  
15 today I ran into Mr. Robert LaSaracina who I have  
16 known for years who practiced accounting as a CPA  
17 in Norwich, and I was practicing law.  During that  
18 time I represented that he did work for me, and  
19 vice-versa.  I know of no instance in my  
20 recollection where we had opposition, or got  
21 involved in litigation against each other, or any  
22 reason that I feel prejudiced for or against Mr.  
23 LaSaracina.  Apparently he's a good friend of the  
24 intervenor, Patricia Sorrentino.  Notwithstanding,  
25 my personal feelings on it, I leave it to the

1 parties and the Council to determine whether or  
2 not they might feel a potential conflict and ask  
3 me to excuse myself. I'd be happy to do so. So  
4 at this point I just want it reflected in the  
5 record, Mr. Chairman.

6 THE CHAIRMAN: Thank you. Do either of  
7 the parties --

8 MR. COHEN: If I may be heard,  
9 Mr. Chairman? Mr. LaSaracina is a friend, a  
10 long-time friend of my client, and we certainly  
11 have no objection. There's nothing improper. And  
12 I commend Mr. Murphy for just disclosing that.  
13 But just a friend. Thank you.

14 THE CHAIRMAN: Okay. So since there's  
15 no objection, we'll continue.

16 Oh, Attorney Baldwin.

17 MR. BALDWIN: Thank you. I thank  
18 Senator Murphy for disclosing that information.  
19 Given our experience over the years, we believe  
20 Mr. Murphy is of the highest integrity, and we  
21 have no problem with him continuing in his role as  
22 an active Council member in this proceeding.  
23 Thank you very much for disclosing that.

24 THE CHAIRMAN: Okay. Will the  
25 applicant now, Attorney Baldwin, present your

1 witness panel for the purpose of taking the oath?

2 MR. BALDWIN: Certainly, Mr. Chairman.  
3 Good afternoon again. Kenneth Baldwin on behalf  
4 of Cellco Partnership, doing business as Verizon  
5 Wireless. Our witness panel consists of the  
6 following members: First to my left, far left, to  
7 your right, Mr. Jaime Laredo. Mr. Laredo is a  
8 radio frequency engineer with Verizon Wireless  
9 responsible for the Hamden 8 search area. To my  
10 immediate left I have Mr. Anthony Befera, manager  
11 of real estate and project implementation for  
12 Verizon Wireless. To my right is Richard Couch  
13 with Martinez Couch, a professional civil engineer  
14 working on this project. To Mr. Couch's right is  
15 Dave Weinpahl, also a professional engineer with  
16 On Air Engineering. To Mr. Weinpahl's right is  
17 Mr. Libertine, and Dean Gustafson with All-Points  
18 Technology. Mr. Libertine, as you know, is the  
19 director of siting and permitting for All-Points  
20 Technology, and is responsible for all  
21 environmental reviews. Mr. Gustafson is a senior  
22 wetland scientist, and professional soil scientist  
23 with All-Points Technology Corporation. And I  
24 offer them at this point to be sworn in,  
25 Mr. Chairman.

1 ANTHONY BEFERA,  
2 RICHARD COUCH,  
3 DEAN GUSTAFSON,  
4 JAIME LAREDO,  
5 MICHAEL LIBERTINE,  
6 DAVID WEINPAHL,

7 called as witnesses, being first duly sworn  
8 by Attorney Bachman, were examined and  
9 testified on their oaths as follows:

10 MS. BACHMAN: Thank you.

11 MR. BALDWIN: Mr. Chairman, we have  
12 eight exhibits that are listed in the hearing  
13 program under Roman II, Section B, listed as  
14 Exhibits 1 through 8. And we offer them at this  
15 time for identification purposes, only subject to  
16 verification by the witness panel. And I would  
17 also submit that these include, as Items 7 and 8,  
18 there are two exhibits that we submitted to the  
19 Council electronically yesterday, copies of which  
20 have been brought with us today and provided  
21 electronically to Attorney Cohen on behalf his  
22 client, Ms. Sorrentino. And that includes the  
23 Natural Diversity Data Base determination letter,  
24 and a plan showing the alternative access that we  
25 talked about a little bit today in the field walk.

1 DIRECT EXAMINATION

2 MR. BALDWIN: I would ask the witness  
3 panel to confirm. Did you prepare, or assist in  
4 the preparation, of the exhibits listed in the  
5 hearing program under Roman II, Section B, Items 1  
6 through 8?

7 Mr. Laredo?

8 THE WITNESS (Laredo): Yes, I did.

9 MR. BALDWIN: Mr. Befera?

10 THE WITNESS (Befera): Yes, I did.

11 MR. BALDWIN: Mr. Couch?

12 THE WITNESS (Couch): Yes, I did.

13 MR. BALDWIN: Mr. Weinpahl?

14 THE WITNESS (Weinpahl): Yes, I did.

15 MR. BALDWIN: Mr. Libertine?

16 THE WITNESS (Libertine): Yes.

17 MR. BALDWIN: Mr. Gustafson?

18 THE WITNESS (Gustafson): Yes.

19 MR. BALDWIN: Do you have any  
20 corrections, modifications, or clarifications that  
21 you'd like to make to any of those exhibits at  
22 this point?

23 Mr. Laredo?

24 THE WITNESS (Laredo): No, I don't.

25 MR. BALDWIN: Mr. Befera?

1 THE WITNESS (Befera): No, I don't.

2 MR. BALDWIN: Mr. Couch?

3 THE WITNESS (Couch): No, I don't.

4 MR. BALDWIN: Mr. Weinpahl?

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

6 MR. BALDWIN: Mr. Libertine?

7 THE WITNESS (Libertine): I do have one  
8 correction to point out to the Council. In  
9 Exhibit 6, attachment 1, which are the responses  
10 to the interrogatories by the intervenor, we took  
11 photographs, as requested, from locations within  
12 the proposed development area. Unfortunately, I  
13 happened to catch these last night when I was  
14 reviewing the photo locations that are shown on  
15 the first attachment graphic, which is the map.  
16 The photo locations are actually incorrect that  
17 are shown here. What we did in photo location 1  
18 where we are showing it, and indicating this is  
19 the proposed tower location, that's actually  
20 closer to the home than is depicted. And in  
21 actuality, it is generally in the location of the  
22 southerly-most location shown on that graphic map.  
23 So it would be essentially at the fence line of  
24 the compound. And then similarly, we would be  
25 moving even further south to about the edge of the

1 clearing of the road. So I just wanted to point  
2 that out that those photos are actually closer  
3 than what is depicted on the photo key map, but  
4 they would represent the closest locations to the  
5 clearing to the adjacent property owner.

6 MR. BALDWIN: Mr. Gustafson, any  
7 corrections or modifications?

8 THE WITNESS (Gustafson): No  
9 corrections or modifications.

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

14 Mr. Laredo?

15 THE WITNESS (Laredo): Yes.

16 MR. BALDWIN: Mr. Befera?

17 THE WITNESS (Befera): Yes.

18 MR. BALDWIN: Mr. Couch?

19 THE WITNESS (Couch): Yes.

20 MR. BALDWIN: Mr. Weinpahl?

21 THE WITNESS (Weinpahl): Yes.

22 MR. BALDWIN: Mr. Libertine?

23 THE WITNESS (Libertine): Yes.

24 MR. BALDWIN: Mr. Gustafson?

25 THE WITNESS (Gustafson): Yes.

1           MR. BALDWIN: And do you adopt the  
2 information contained in those exhibits as your  
3 testimony for this proceeding?

4           Mr. Laredo?

5           THE WITNESS (Laredo): Yes, I do.

6           MR. BALDWIN: Mr. Befera?

7           THE WITNESS (Befera): Yes.

8           MR. BALDWIN: Mr. Couch?

9           THE WITNESS (Couch): Yes, I do.

10          MR. BALDWIN: Mr. Weinpahl?

11          THE WITNESS (Weinpahl): Yes.

12          MR. BALDWIN: Mr. Libertine?

13          THE WITNESS (Libertine): Yes.

14          MR. BALDWIN: Mr. Gustafson?

15          THE WITNESS (Gustafson): Yes.

16          MR. BALDWIN: Mr. Chairman, I offer  
17 them as full exhibits.

18          THE CHAIRMAN: Does any party or  
19 intervenor --

20          MR. COHEN: Mr. Chairman, may I be  
21 heard on this? I'm sorry.

22          THE CHAIRMAN: No. Let me finish,  
23 please.

24          MR. COHEN: I'm sorry, sir.

25          THE CHAIRMAN: I'm in the middle of a



1 sentence.

2 Does any party or intervenor object to  
3 the admission of the applicant's exhibits?

4 MR. COHEN: Thank you. I'm sorry, sir.  
5 I forgot about that line. Ms. Sorrentino has a  
6 limited objection to Exhibit 8, which was filed  
7 yesterday, first of all, with respect to the  
8 timeliness of it. It certainly limits our ability  
9 to prepare for this. But most importantly,  
10 there's representations made in the cover letter  
11 in that exhibit that I'm sure would not  
12 intentionally mislead the Council, but they  
13 certainly seem to imply that this response to the  
14 concerns of Ms. Sorrentino is not the access road  
15 involved in this that is the concern of Ms.  
16 Sorrentino, it's the fact that a tower was  
17 proposed to be sited a mere several hundred feet  
18 from her property. The cover letter implies  
19 otherwise.

20 So therefore, I would ask that the  
21 sentence in the cover letter, or the cover letter,  
22 be stricken from the application and not be  
23 accepted, admitted into the record in this  
24 proceeding.

25 THE CHAIRMAN: Does Attorney Baldwin

1 wish to respond?

2 MR. BALDWIN: Yes, Mr Chairman. First  
3 of all, the exhibits themselves are the exhibits  
4 in the hearing docket in the proceeding. The  
5 cover letter is simply a transmittal.

6 The second point. I would point out  
7 that in the cover letter it says that it was  
8 intended to address some of the concerns of Ms.  
9 Sorrentino, clearly not all, and it represents  
10 that. So that's my response.

11 MR. COHEN: Your Honor, with all due  
12 respect, it does not identify which concerns. So  
13 therefore it's ambiguous, and I claim that it  
14 should be stricken from the record. Thank you.

15 THE CHAIRMAN: Okay. Thank you.  
16 First, to one of your points, we will have a  
17 continuation June 13th, so there will be ample  
18 time to review any of these filings. And I'm  
19 going to recommend that we accept these exhibits  
20 for what they're worth. And we'll continue.

21 So we're now going to go to  
22 cross-examination --

23 MR. COHEN: I have to take an exception  
24 to that just for the record, sir. Thank you very  
25 much.

1                   (Applicant's Exhibits II-B-1 through  
2 II-B-8: Received in evidence - described in  
3 index.)

4                   THE CHAIRMAN: We'll now begin with  
5 cross-examination. We'll start with Mr. Mercier.

6                   CROSS-EXAMINATION

7                   MR. MERCIER: Thank you.

8                   I'm just going to go over some of the  
9 items we talked about in the field today. While  
10 we were at the field review today, there was some  
11 red paint marks on some of the bottoms of several  
12 large trees, in addition to ribbons on trees that  
13 were marked for removal. Can anybody tell me what  
14 the red marks on the base of the large trees are?

15                   THE WITNESS (Couch): Since we walked  
16 the site, I contacted our survey department, and  
17 our survey flagged the trees, tied ribbons on the  
18 trees. We use red survey paint. And we didn't  
19 paint that red mark on the bottom of the tree. We  
20 don't have knowledge as to what that indicates.

21                   MR. MERCIER: Thank you. Now, given  
22 the new plan that was presented today, is Verizon  
23 submitting this new site driveway to the compound  
24 as a preferred route, or are there two options to  
25 get to the site at this current time?

1           THE WITNESS (Couch): It is being  
2 submitted as a preferred route.

3           MR. MERCIER: So I'll call it the  
4 southern route, the original route is no longer in  
5 consideration?

6           THE WITNESS (Couch): Yes.

7           MR. MERCIER: Thank you. I'm looking  
8 at the site plan, and I see it basically goes due  
9 north from the access road and the cul-de-sac  
10 facing a westerly track towards the compound. And  
11 in the area of a sharp hill there's a -- that's a  
12 hillside is how it was explained in the field  
13 today, you'd be lowering the road?

14          THE WITNESS (Couch): That's correct.

15          MR. MERCIER: How many feet?

16          THE WITNESS (Couch): Approximately 3  
17 feet.

18          MR. MERCIER: Three feet from the crest  
19 of the hill?

20          THE WITNESS (Couch): Yes.

21          MR. MERCIER: Do you have any idea what  
22 type of substrate is under the soil at the top of  
23 the hill?

24          THE WITNESS (Couch): There has been a  
25 test pit on that location.

1           MR. MERCIER: Assuming it's shallow  
2 bedrock, what type of procedure should be taken to  
3 remove rock that might be just below a few inches  
4 of soil to get it 3 feet below the crest of the  
5 hill?

6           THE WITNESS (Couch): There's the  
7 ability to be able to modify, I believe, the route  
8 to get to that point, or there will be eventually  
9 a change to a certain property coming up to that  
10 elevation to accommodate -- eliminate the need for  
11 blasting.

12          MR. MERCIER: Okay. So you would not  
13 do any blasting. Would there be rock chipping?

14          THE WITNESS (Couch): Yes.

15          MR. MERCIER: And I'm just looking at  
16 that cut area. It shows on either side, I  
17 believe, that's riprap. Is that stabilized with  
18 riprap?

19          THE WITNESS (Couch): On the  
20 stabilizing it's riprap, correct.

21          MR. MERCIER: And I see on the south  
22 side of the cut area there's two trees that are  
23 going to be removed.

24          THE WITNESS (Couch): Yes.

25          MR. MERCIER: And I assume there's

1 obviously small shrubbery, an understory layer,  
2 along that edge also?

3 THE WITNESS (Couch): Yes.

4 MR. MERCIER: Is it possible to shift  
5 the road a little bit north to avoid moving the  
6 two large trees from the edge of the shrub layer?

7 THE WITNESS (Couch): Yes.

8 MR. MERCIER: Kind of push it into the  
9 Christmas tree farm?

10 THE WITNESS (Couch): Yes.

11 MR. MERCIER: Now, as we proceed  
12 westerly towards the compound, at the south edge  
13 of the compound, now that you have the new  
14 accessway, there's the parking area. And I see a  
15 note for a retaining wall in the southwest corner,  
16 and that retaining wall, I believe, that covers  
17 westerly, and then due north for its distance?

18 THE WITNESS (Couch): Yes.

19 MR. MERCIER: How tall would that be --  
20 or it's sloped down, is that correct, to the left  
21 side of the lower elevation on the right?

22 THE WITNESS (Couch): As you come down  
23 the driveway in the southerly corner, where you  
24 start the retaining wall, the wall is shown as top  
25 and bottom 294. So that would be at grade. Then

1 it goes to a 4-foot high wall from the top of 294,  
2 bottom of wall 290, which is at the westerly edge  
3 of that short section.

4 MR. MERCIER: Okay.

5 THE WITNESS (Couch): And then it runs  
6 to the north, and along the northern length it  
7 maintains a 4-foot height.

8 MR. MERCIER: Okay.

9 THE WITNESS (Couch): There's both a  
10 northerly point, and it has a 90-degree easterly  
11 turn. At that point it's still approximately 4  
12 feet, 3.8 feet. And then as it takes its easterly  
13 turn for that short leg, it then comes back to  
14 flush grade at an elevation of 294.

15 MR. MERCIER: Now, on the southwest  
16 corner where it starts, there's a line on, let's  
17 say, it's probably the edge of the parking area,  
18 the south edge of the compound. Would there be  
19 trees there along that south edge of the parking  
20 area?

21 THE WITNESS (Couch): Yes.

22 MR. MERCIER: There would be?

23 THE WITNESS (Couch): Yes.

24 MR. MERCIER: And how far down would it  
25 go?

1           THE WITNESS (Couch): In the southwest  
2 corner? Oh, this is in the first one.

3           MR. MERCIER: Yes.

4           THE WITNESS (Couch): There would need  
5 to be -- now we won't need to clear the large  
6 trees that are marked there. So realistically if  
7 we were to look at that area just because the --

8           MR. MERCIER: Understood. So the three  
9 large trees that are marked south of the parking  
10 area probably would remain?

11          THE WITNESS (Couch): They would  
12 remain. That's correct. I would estimate maybe a  
13 5-foot distance from the edge of that parking  
14 area.

15          MR. MERCIER: Okay. Inside the  
16 compound there's a box with an X with a circle.  
17 I'm not sure what that notation is. I didn't see  
18 any type of identification of what that was.

19          THE WITNESS (Weinpahl): Just outside  
20 the compound or --

21          MR. MERCIER: No. Inside the compound  
22 south of the tower. It's a strange looking box.

23          THE WITNESS (Weinpahl): I believe that  
24 was the original tower location before it shifted  
25 north. That's all.



1           MR. MERCIER: Thank you. Now, looking  
2 at this plan, for the parking area I see about  
3 five or four large trees that have to be cleared  
4 and some understory. Is it possible to shift that  
5 parking area over to the east side of this  
6 compound instead of building on the south side?

7           THE WITNESS (Couch): Yes. I don't see  
8 in the face of it why that couldn't be done.

9           MR. MERCIER: Okay. Is it also  
10 possible to, now that the tower is in the  
11 northeast corner of the compound, to actually move  
12 the compound up so that the tower is now in the  
13 southeast corner, move the compound to the north  
14 basically, and keep the tower in the same  
15 location?

16          THE WITNESS (Couch): I can certainly  
17 move the compound. Where the compound would go  
18 may be a decision that goes beyond my ability to  
19 be able to design that. If somebody said that  
20 would be a good place for the compound to go, I  
21 can design it for that location.

22          MR. MERCIER: Okay. So you're saying  
23 it would be a landlord issue, or something of that  
24 nature?

25          THE WITNESS (Couch): Correct.

1           THE CHAIRMAN: Is that perhaps  
2 something you can provide since we're continuing  
3 the hearings?

4           MR. BALDWIN: Yes, Mr. Chairman. We  
5 can confirm it.

6           MR. MERCIER: On page 14 of the  
7 application it had a notation that the Sorrentino  
8 property was 240 feet to the south. So I was  
9 looking at the responses to Ms. Sorrentino's  
10 interrogatories. That was response 10 on page 7.  
11 However, I didn't see the figure 240 feet listed  
12 in any of the values given. So would you please  
13 clarify what the exact distance from the tower, as  
14 presented on this plan, is to the Sorrentino home?  
15 I'm not sure if it's 240 or 270.

16          MR. BALDWIN: I'm sorry. What was the  
17 response referenced?

18          MR. MERCIER: That was Question 10 on  
19 page 7.

20          THE WITNESS (Weinpahl): There were  
21 several setbacks that were requested, one from the  
22 tower to the home, and one from the tower to the  
23 property line. Those were estimated off aerial  
24 photos, to the best ability we had to that. So  
25 that's listed in the response, I believe. We have

1 220 feet to the property line from the tower, 270  
2 feet from the house to the tower. And there were  
3 additional distances from the compound fence to  
4 the property line, and the compound fence also to  
5 the home. Those are responded to in this filing.

6 THE WITNESS (Weinpahl): The 240-foot  
7 doesn't seem to indicate the exact dimension as to  
8 where it was taken from, so I would go with the  
9 interrogatory response in terms of the distances.

10 MR. MERCIER: Okay. Thank you. You  
11 said you used aerial photography. What type of  
12 aerial photography did you use?

13 THE WITNESS (Weinpahl): That was done  
14 with online mapping to get us the dimensions.

15 MR. MERCIER: Is that Google Earth  
16 or --

17 THE WITNESS (Weinpahl): Yes.

18 MR. MERCIER: How accurate are those  
19 dimensions do you believe?

20 THE WITNESS (Weinpahl): They're fairly  
21 accurate. I would say within, in this instance, 5  
22 feet, perhaps.

23 MR. MERCIER: How many?

24 THE WITNESS (Weinpahl): Five feet.

25 MR. MERCIER: So plus or minus 5 feet

1 for each of these?

2 THE WITNESS (Weinpahl): Yes.

3 MR. MERCIER: So there's never been a  
4 tape measure from that, or anything, just to  
5 clarify?

6 THE WITNESS (Weinpahl): No, there was  
7 not. We didn't have the benefit of a survey as  
8 well, or those could have been perhaps compiled,  
9 but for the responses we used approximate  
10 dimensions.

11 MR. MERCIER: Thank you. Now, one of  
12 the things that was discussed at the field review  
13 was the emergency power system. Now, I understand  
14 you'll have a battery and a generator on a metal  
15 frame, as presented in the application. Just so I  
16 understand, the battery will go on if the power is  
17 lost at the site and provide service. Do you know  
18 how long that battery will last under normal  
19 conditions?

20 THE WITNESS (Befera): If power is lost  
21 to the site, then the generator would kick on.  
22 The battery system is to soften the charge going  
23 to the sensitive radial equipment so that when  
24 commercial power is on, they maintain the  
25 batteries so that the site can run off the

1 battery, which is a softer current than direct AC.

2 In the event of loss of power, the  
3 generator would kick in as the alternate AC source  
4 to maintain the batteries charged so that the site  
5 can still run off of the softer power provided by  
6 the batteries to the sensitive equipment, and only  
7 in the case of lost power would the generator run.

8 MR. MERCIER: Thank you for that  
9 clarification. And it's listed as a diesel tank  
10 within the generator unit. Can you please tell me  
11 what type of protection measures are in place, if  
12 any, on the tank, or site for that matter?

13 THE WITNESS (Befera): It's a belly  
14 tank. The generator is fairly self-contained  
15 where it sits on top of it. It is a double-wall  
16 fire marshal approved tank. So it has a detection  
17 system. In that outside tank should there be a  
18 leak from the inside tank, we are notified at our  
19 switching office that there is leak detection  
20 sensed within that second tank, the outside tank  
21 being the second tank.

22 MR. MERCIER: Thank you. Some other  
23 providers used to use batteries. Does Verizon use  
24 just battery power at any of their sites; and if  
25 so, can you just use two batteries here, or some

1 larger battery to power the site instead of using  
2 the two?

3 THE WITNESS (Befera): Well, the  
4 problem just using the batteries is one set of  
5 batteries would only provide four hours of back-up  
6 power; two sets, eight hours. And depending upon  
7 how busy the site is, that those two sets of  
8 batteries providing eight hours could be, if the  
9 site gets busy during the power outage, could  
10 lessen to as little as four hours. And for a  
11 generator, a 20-kilowatt generator to be used as  
12 the substitute, you're talking about being able to  
13 run almost three days before needing a refill for  
14 that generator to maintain the site.

15 Now, in the recent storms that we've  
16 seen, whether they be Sandy or Irene, or the  
17 October snowstorm, our outages were extended, I  
18 think, for the October snowstorm some ten days  
19 throughout a lot of Connecticut. So in those  
20 instances we could have that compound filled with  
21 batteries, and we would still lose the site over  
22 an extended outage of that nature, which is not  
23 out of the realm of the weather we've seen in New  
24 England.

25 Another point about this size

1 generator. On previous applications when the  
2 equipment that ran our sites was larger and drew  
3 more power, we used to use larger generators  
4 storing more than twice the amount of diesel fuel  
5 here that's proposed. We have hundreds of these  
6 facilities backed by diesel generators of sizes  
7 ranging from 60 kW to 20 kW. We've never had a  
8 spill from a leak from a belly tank in any one of  
9 these diesel generators throughout New England  
10 that I'm aware of.

11           The other thing is, for people that use  
12 back-up generators at their home, if you're going  
13 to back up a 200 amp panel, which is consistent  
14 with the majority of electric services to homes,  
15 this is the size generator you would need if you  
16 wanted to run your home as if you still had  
17 commercial power. So it is used in residential  
18 applications for people who want to use back-up  
19 generators at their home. That's all.

20           MR. MERCIER: Thank you. Just out of  
21 curiosity, if you know, when they're filled, is  
22 there a large type of nozzle, or some type of  
23 spill features for the filling portion of the  
24 generator? I know there's tanks. But is there  
25 some other mechanism to catch any leaks, if the

1 hose is not hooked up properly, or something like  
2 that?

3 THE WITNESS (Weinpahl): I can answer  
4 that. There are spill containments at the nozzle.  
5 There's a 12 gallon, a 2-and-a-half gallon for  
6 containment also. If the nozzle is left on by  
7 accident, another alarm will go off, and it's an  
8 audible alarm, to tell the operator the diesel is  
9 running. There's numerous features of the Generac  
10 design for just that purpose.

11 MR. MERCIER: Thank you. I just have a  
12 couple questions regarding the tower visibility  
13 analysis that was conducted. First, I guess, the  
14 Council on Environmental Quality had submitted  
15 some comments recently. So if you could tell me,  
16 Mr. Libertine, if you can just please provide a  
17 response to those comments, which officially said  
18 that they were concerned about visibility from  
19 West Rock State Park during leaf-on and leaf-off  
20 conditions?

21 THE WITNESS (Libertine): Certainly. I  
22 point to behind Tab 9 where the visibility  
23 analysis is presented. As usual, we've marked a  
24 2-mile radius in black surrounding the site in the  
25 center of the map. In the western quadrant, if



1 you look at the topo map, the USGS topo map,  
2 you'll see a fairly steep ridge line about a mile  
3 and a half or so west of our location. That's  
4 essentially the West Rock State Park ridge line.

5 We did walk portions of that in the  
6 winter when we did our balloon float. There are  
7 few opportunities for eastern views. There are a  
8 few outlooks. With leaf-off conditions, we were  
9 not able to see the balloon in what I'll call that  
10 southern or central portion of West Rock Ridge.  
11 As you get up to the northern portion, photos 19  
12 and 25 are a little bit off of the ridge line  
13 itself. Well, actually 25 is at the northeastern  
14 most portion of the ridge line on one of the  
15 actual trails. We do have a shot there.

16 Essentially at any time of year if you  
17 are looking east, and you do have a view of the  
18 valley, certainly you will see all the features of  
19 development that are out there. Primarily along  
20 that ridge, though, the predominant view and  
21 viewscapes and opportunities for outlooks are  
22 primarily to the west. There are I believe two  
23 locations that do jut out and allow you to look  
24 out to the east, but again, most of them are to  
25 the west.

1           It's evident that from some of those  
2 locations that you can see eastward, if you know  
3 what you're looking for down in the valley, to be  
4 able see the tower. I'd offer that there are  
5 several man-made structures that can be seen from  
6 those locations as well.

7           THE CHAIRMAN: Dr. Klemens, I believe,  
8 has a question.

9           DR. KLEMENS: I actually have my list  
10 of questions, but it seemed an appropriate time to  
11 bring this up, having read the CEQ memo also.  
12 Looking at your topographic map with your radius  
13 on it, and if you look at point number 19, and  
14 then you go sort of south, there's a large purple  
15 area in the topo map. It looks to me like that  
16 could be a large open-pit gravel quarry. Because  
17 I'm wondering if that is what we're seeing on  
18 photograph number 25. There's two areas. Are  
19 those open-pit quarries we're looking at?

20           THE WITNESS (Libertine): In the  
21 foreground of photo number 25 that is correct.  
22 I'm not sure if it's an active quarry or not.  
23 It's private. I didn't drive all the way in  
24 there, but it certainly is cleared land, yes.

25           DR. KLEMENS: And so actually I'm

1 seeing from this viewpoint two quarries. And I'm  
2 seeing behind the quarry in the central part, I'm  
3 seeing that as the monopole you have there, the  
4 proposed monopole?

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

7 DR. KLEMENS: Okay. And this is  
8 probably just a value judgment. If you look upon  
9 the visual disruption between that quarry versus  
10 the monopole, what would you say professionally is  
11 the most visually disturbing and intrusive to the  
12 landscape?

13 THE WITNESS (Libertine): We are  
14 talking about photo 25?

15 DR. KLEMENS: Photo number 25 proposed.

16 THE WITNESS (Libertine): Well,  
17 certainly the foreground is dominated by a couple  
18 of open cleared areas. So I think those are more  
19 or less what I would consider to be the prominent  
20 portions of the viewscape from that particular  
21 location.

22 DR. KLEMENS: So it's not in that  
23 viewscape in any means. Answer one more question.  
24 What is that red thing in the picture toward the  
25 very right? I was trying to figure out what that

1 is.

2 THE WITNESS (Libertine): In the very  
3 foreground?

4 DR. KLEMENS: Yes. Is that the  
5 balloon?

6 THE WITNESS (Libertine): No. It's  
7 actually just a remnant leaf on the tree.

8 DR. KLEMENS: Okay. Thank you.  
9 Thank you, Mr. Chairman.

10 MR. MERCIER: Staying with those topo  
11 maps, we just looked at the photo simulation for  
12 number 25, which actually went to the trail maps,  
13 the Quinnipiac trail?

14 THE WITNESS (Libertine): Correct.

15 MR. MERCIER: But photo location 19 is  
16 if you go slightly southwest, there's a trail that  
17 climbs a ridge line?

18 THE WITNESS (Libertine): Correct.

19 MR. MERCIER: And it kind of extends in  
20 a switchback manner. According to the state park  
21 map issued by the DEEP, there is an overlook there  
22 that goes, it appears to be eastward. Given the  
23 similar distance to the tower and the similar  
24 height as photo 25, based on the topo map, would  
25 you expect a similar type of view, that is,

1 looking down at the tower, not something that's  
2 silhouette against the sky?

3 THE WITNESS (Libertine): You'd  
4 absolutely have a backdrop similar to this. I  
5 think it's a little bit lower in the elevation;  
6 but yes, I would offer that. That would be a very  
7 similar view, and actually almost might be the  
8 exact same elevation now that I'm looking at this  
9 topo. It's slightly closer, but a different  
10 aspect as well. So it would if you were looking  
11 at photo 25 and actually way off to the right,  
12 looking back at that, so I do believe you'd still  
13 have the backdrop similar to what you're seeing in  
14 this photograph. But it certainly would not be  
15 silhouetting against the sky.

16 MR. MERCIER: Now, looking at the  
17 aerial photograph in the visibility analysis,  
18 looking at the residential area around Country  
19 Club Drive, I didn't see any photographs taken  
20 within 1,000 foot radius along Country Club Drive.  
21 Is there any particular reason why there wasn't a  
22 closer photograph taken?

23 THE WITNESS (Libertine): Not really,  
24 just other than the fact that most of the homes  
25 within the 1,000 feet are on private property, and

1 those roads kind of skirt that 1,000-foot radius.  
2 What we will always try to do is to get as many  
3 photos that are representative of any given  
4 location. So if it's visible, we're showing it  
5 essentially. So there's no rhyme or reason to  
6 that, other than the fact that we probably just  
7 didn't have an opportunity to get within that  
8 range where we can get an actual shot, other than  
9 on the actual property owner's parcel.

10 MR. MERCIER: Now, if you would just  
11 please turn to Exhibit 6, Ms. Sorrentino's  
12 interrogatories, some the photographs we talked  
13 about earlier where some corrections were made. I  
14 guess I'm looking at the aerial photograph of  
15 Country Club Drive. Since photograph 5 was taken  
16 at the Corner of Bear Path Road and it says Hume  
17 Drive, if you'd just kind of review what you think  
18 visibility would be on some of the residences  
19 along this Country Club Drive? Obviously, you  
20 have abutters and a couple down the street as you  
21 go towards Bear Path, if you'd just review your  
22 sense of visibility.

23 THE WITNESS (Libertine): Well, I  
24 certainly think with respect to photo location  
25 number 5, when you're back at that intersection

1 where essentially Country Club Drive southern end  
2 is intersecting with Bear Path Road, when you're  
3 back a little bit, I think there are going to be  
4 some very similar views that are kind of through  
5 the trees when the leaves are off the trees. I  
6 think as you probably noticed as you drove up  
7 Country Club itself and got to the cul-de-sac,  
8 you're so close to the site that those intervening  
9 trees are actually doing a fairly good job of  
10 screening to a certain degree a direct view, so  
11 you're getting some obscure or some obstructions.  
12 Then you really have to look up through the trees  
13 and above the trees to really get a sense of the  
14 top of the tower where if you step back a bit in  
15 this neighborhood, you obviously have a little  
16 different perspective. It's lower on the horizon,  
17 so to speak.

18           So I think 5 is probably a fairly good  
19 representative shot from that general area. But  
20 as you move north towards the site, the actual  
21 height of the tower gets a little bit -- I don't  
22 want to use the word "compressed," but the  
23 perspective changes pretty dramatically, so that  
24 certainly when the leaves are on the trees, I  
25 don't think you're going to see much of that tower

1 at all from the cul-de-sac on Country Club Road.  
2 I think this time of year, and obviously when the  
3 leaves are off the trees, through the trees  
4 itself, a good portion of the tower, most of the  
5 lower portion of the tower, is really going to be  
6 the focal point, as opposed to the actual top, but  
7 again, you've got that canopy -- well, not canopy  
8 this time of year, but certainly the mast of the  
9 trees themselves are doing a fairly good job at  
10 breaking up the direct line of sight.

11 MR. MERCIER: So the abutters at the  
12 end of Country Club Drive, they'll probably see  
13 the mast of the monopole through the trees. Is  
14 that what you --

15 THE WITNESS (Libertine): I think --

16 MR. MERCIER: -- the lowest portion of  
17 the monopole?

18 THE WITNESS (Libertine): I think when  
19 the leaves are off the trees, and certainly the  
20 one at the end of the road, yes.

21 MR. MERCIER: Okay. Will there be any  
22 benefit to having a brown application paint or  
23 some other surface covering up the monopole?

24 THE WITNESS (Libertine): A surface  
25 color other than just kind of the standard steel



1 that does weather to kind of a soft gray, some  
2 sort of modeling might work. I always hesitate  
3 when we talk about brown sticks in a wooded  
4 setting, only because in New England, and in most  
5 of the deciduous forests that we have around,  
6 certainly in Connecticut, it's not just a straight  
7 brown that we tend to see. There's a lot of  
8 different types of trees. So we get kind of that  
9 gray through brown tone.

10           So to answer your question, yes, I  
11 think certainly some sort of -- I hate to use the  
12 word camouflage -- but some sort of paint other  
13 than the dull steel gray could certainly help  
14 benefit where we've got something set in the woods  
15 like this. Sure.

16           MR. MERCIER: And for the compound  
17 itself, what would your sense be on Ms.  
18 Sorrentino's home -- that's number 46,  
19 obviously -- and the one in front? I don't have  
20 the address offhand, but the one that's due east  
21 of Ms. Sorrentino's residence. So they're the two  
22 closest residences to the structure, according to  
23 this diagram. So I just want to know if you feel  
24 the compound would be visible through the trees  
25 during leaf-off conditions.

1           THE WITNESS (Libertine): I think  
2 during leaf-off with the new preferred route that  
3 we've put forward, from my perspective,  
4 aesthetically, I pushed for that just because I  
5 felt if we could minimize trees coming out, or  
6 being removed, it was obviously going to retain  
7 that kind of natural screen that's there today. I  
8 think if you know what you're looking for, and  
9 you're looking with the leaves off the trees from  
10 those two homes in their backyards, I would be  
11 remiss if I stood here and said, oh, they'd be  
12 absolutely invisible. It won't be. But I think  
13 it will be softened considerably by not removing  
14 all of those trees.

15           We have some options in terms of what  
16 we can do in terms of the -- instead of it just  
17 being a steel fence, we might want to consider  
18 either privacy slats, or maybe even a type of  
19 weave of the actual fence itself, so to kind of  
20 create a little bit more of a muted tone. The  
21 benefit now of Verizon going away from the  
22 shelters is that we have much less overt equipment  
23 in terms of bulk inside the actual compound. So  
24 we're really talking about a cabinet or two, and  
25 the monopole itself. So we don't have some of the

1 larger appurtenances that you were more or less  
2 used to seeing up until about a year ago. So that  
3 will help as well.

4 MR. MERCIER: Now, for the ground  
5 equipment that you have proposed, offhand I don't  
6 recall what the height of the canopy was, the  
7 canopy roof? Do you have that?

8 THE WITNESS (Weinpahl): I believe that  
9 will be about 10 feet, 10 foot 6 above grade.  
10 It's typically raised up on piers.

11 MR. MERCIER: And is an 8-foot fence  
12 proposed right now?

13 THE WITNESS (Weinpahl): An 8-foot  
14 fence is proposed right now.

15 MR. MERCIER: And you said you could do  
16 a weave. How about a wood-type architectural  
17 fence. Is that something that you would consider?

18 THE WITNESS (Weinpahl): CHECK reach  
19 fence type at all (Inaudible.)

20 MR. MERCIER: If it remained a weave on  
21 the fence, I would assume that's a chain-link  
22 2-inch mesh fence that's proposed?

23 THE WITNESS (Weinpahl): I think  
24 proposed right now is a 2-inch with privacy slats.  
25 The slats could come out. The fence could be

1 darkened, and the weave tightened up. It wouldn't  
2 require any privacy slats.

3 MR. MERCIER: Is the fence with the  
4 weave on it climbable? Say someone gets inside  
5 the compound. Is that easily climbed or --

6 THE WITNESS (Weinpahl): It's less  
7 easily climbed if we keep it at the tighter fence  
8 down to a one-inch where we'll lose the privacy  
9 slats, but it will be less climbable.

10 MR. MERCIER: If you did a one-inch  
11 mesh?

12 THE WITNESS (Weinpahl): Yes, we can  
13 tighten up the mesh.

14 MR. MERCIER: Could you put a weave on  
15 the one-inch mesh also?

16 THE WITNESS (Weinpahl): I'd have to  
17 confirm that, but if that will help to add to the  
18 aesthetics and block off the equipment, we can try  
19 to do that.

20 THE CHAIRMAN: Mr. Hannon has a  
21 question.

22 MR. HANNON: Thank you, Mr. Chairman.  
23 Speaking of aesthetics, are you better off going  
24 in and trying to put in a natural buffer instead  
25 of trying to figure out what slats do or don't

1 work? I mean, I know that the size of a  
2 chain-link fence can be important as far as  
3 keeping people out. But from the aesthetic, I'm  
4 just wondering if going with a natural buffer  
5 isn't better.

6 THE WITNESS (Weinpahl): I think a  
7 combination may work nicely here, especially with  
8 the adjustment to the access road and discussions  
9 of relocating the turnarounds on the eastern  
10 portion of the compound. That will free up the  
11 south end to provide evergreen plantings along  
12 that border, which previously was not available  
13 because the road was coming in that way. So I  
14 think the balance of keeping the compound safe  
15 with a difficult fence to climb over. We haven't  
16 proposed barbed wire. It's been done, but we  
17 haven't proposed it on this particular  
18 application. But those two combinations, I think,  
19 will satisfy both of those issues.

20 THE CHAIRMAN: Dr. Klemens.

21 DR. KLEMENS: To follow up on that,  
22 have you ever considered placing screening  
23 shrubbery actually inside the compound? Because  
24 when I see talking about planting shrubbery, I  
25 think about deer eating the shrubbery. And then I

1 thought, well, if you put it inside the compound,  
2 rhododendrons, or mountain laurels, things like  
3 that that are natural and thrive there, that may  
4 be the best of both worlds. You don't have to  
5 worry about the deer eating them, and you can hide  
6 your equipment. Is there enough room in the  
7 compound to put inside the fence shrubbery?

8 THE WITNESS (Weinpahl): The compound  
9 fence -- it becomes a very desired real estate  
10 over time if other carriers are to locate  
11 equipment there. This is my 28th year of  
12 designing telecommunication facilities, and I  
13 haven't -- I don't recall ever seeing someone  
14 planting, intentionally, trees in a compound to  
15 block the equipment. Usually the fence would be  
16 the first buffer to that. And certainly the tree  
17 selection to keep the deer away is going to be  
18 critical.

19 DR. KLEMENS: I'm not talking about  
20 trees. I'm talking about shrubs. I'm talking  
21 about native shrubbery, such as rhododendron, that  
22 wouldn't take up a lot of space, maybe 5 feet  
23 along the fence, that by being inside the fence  
24 would not be subject to deer browse, would make a  
25 very very good natural screen. I'm not talking

1 about trees. I'm talking about a small segment of  
2 the interior fence, maybe 5 feet, and that might  
3 achieve the goals of screening the equipment, and  
4 also get away from the whole problem of trying to  
5 -- the maintenance of trying to keep deer from  
6 browsing the shrubbery. It's not trees I'm  
7 talking about.

8 THE WITNESS (Libertine): Dr. Klemens,  
9 I can't speak to the safety and reliability issues  
10 in terms of inside the compound, but if we were  
11 going to consider that which I think has a lot of  
12 merit in terms of the screening that it could  
13 provide in terms of trying to keep the deer out,  
14 you might want to consider like a 5-foot expansion  
15 of the compound so we could still accommodate  
16 future carriers as they become interested, but at  
17 the same time establish what you're suggesting,  
18 which I think makes some good sense.

19 The other option would be to create a  
20 second fence line to protect deer, but that just  
21 seems kind of overkill for something like this.

22 DR. KLEMENS: No. And I think the  
23 second you put the second fence line, what you  
24 have then is an area that's a maintenance  
25 nightmare invasively. If it's inside the

1 compound, you can control invasive plants. And I  
2 certainly, for one, wouldn't mind seeing a bit of  
3 a bigger compound to achieve that goal. But  
4 that's my opinion.

5 THE WITNESS (Libertine): From an  
6 aesthetic standpoint. I don't know what their  
7 options are, you know, reliability, and that type  
8 of issue.

9 THE CHAIRMAN: Of course, this also  
10 argues to the Council's position that if space, as  
11 somebody said, is valuable real estate and a  
12 premium, that just as carriers have to share the  
13 tower, they would share the generator and share  
14 the tank, you wouldn't need the space.

15 SENATOR MURPHY: Let me ask the  
16 question on the compound talking about the space.  
17 The amount of leased space in these applications  
18 is always quite a bit more than the compound. So  
19 value, I assume, is based upon the square footage  
20 of the lease, not necessarily of the compound.  
21 But if you make the compound larger, you're going  
22 to get extra costs, with a few minor exceptions,  
23 some more fencing. That makes a difference. But  
24 I can't remember seeing a lease that was the same  
25 size as the compound. The compound is always



1 quite a bit smaller, what I've seen. And I  
2 assume, and you can correct me if I'm wrong, that  
3 it's the square footage of the lease and not the  
4 compound that drives the cost.

5 THE WITNESS (Libertine): I think  
6 you're absolutely right. But in this case we  
7 certainly have more room outside of the compound  
8 that has been leased. So it wouldn't really  
9 affect the lease. It doesn't matter whether we  
10 expand this compound slightly to accommodate some  
11 shrubs on a couple of sides which, again, from an  
12 aesthetic standpoint could work very well to keep  
13 the deer browse to a minimum.

14 SENATOR MURPHY: Thank you.

15 THE WITNESS (Befera): If I may, the  
16 leased area is 2,750 square feet, which is shaped  
17 55 feet by 50 feet. So that is the leased area.  
18 So the size of our compound and parking area, as  
19 it currently exists, is what size? 55 by 50. And  
20 the parking area is considered part of the access.  
21 Right?

22 THE WITNESS (Weinpahl): Yes.

23 THE WITNESS (Befera): Okay. So we've  
24 already made it the size that we technically  
25 leased for. Now, we can accomplish what you're

1 suggesting, Dr. Klemens, by planting inside the  
2 fence on that one side. Now, it's fine with us.  
3 Our stuff is still going to fit.

4 Now, if another carrier -- I know that  
5 AT&T is interested in this area. Maybe not this  
6 year but in the future they want to be here too.  
7 Now, if they can't fit in that compound, and the  
8 fence needs to be bumped out for their use, that's  
9 going to be their issue. Maybe they need to go  
10 talk to our landlord about leasing an extra 50  
11 square feet to bump that fence out, or bump one of  
12 the other sides out, if they can't fit.

13 So it's not a problem for us to take 10  
14 -- you know, to take the 5 to 7 feet in it would  
15 take to accomplish what you're suggesting. It's  
16 in the future when someone else wants to go there.  
17 It might not be a problem for the next person.  
18 The third person, I don't know. So it certainly  
19 can be accomplished. The size compound we're  
20 proposing is what we have rights under our lease  
21 agreement, which is under Tab 17 of the package.  
22 That's the only point I wanted to make, and that  
23 we could do it.

24 THE CHAIRMAN: I'm going to just make a  
25 point because this conversation -- I would like

1 for the next hearing to get a sense of what are we  
2 screening, and how important is this, the  
3 compound, to do what Dr. Klemens -- versus the  
4 tower. I mean, I'm just not sure that the  
5 compound, I understand with the 10-foot canopy,  
6 obviously how visible that is, compared to  
7 everything we're talking about, which seems to me  
8 the more we talk about it, the more complicated it  
9 is. But if you could provide that information,  
10 the Chair would appreciate that?

11 Mr. Levesque has a question.

12 MR. LEVESQUE: Dr. Klemens' suggestion,  
13 I just want to clarify that you didn't mean it has  
14 to be on all four sides, only where the most  
15 visibility is. So it may only take one side to  
16 bump out.

17 THE WITNESS (Befera): (Nodding head in  
18 the affirmative.)

19 THE WITNESS (Libertine): Well, just to  
20 Mr. Befera's point, I don't think we're in a  
21 position to bump anything out. We're going to  
22 have to plant within the confines of what we have,  
23 which is a good clarification. So we're confined  
24 by that. We're really talking about the southern  
25 side, and maybe just moving along the east and

1 west edge slightly to kind of create a little bit  
2 of a U-shape from the cul-de-sac from the screen.

3 THE CHAIRMAN: Mr. Mercier.

4 MR. MERCIER: Thank you. Going back --

5 THE CHAIRMAN: Wait a minute. Yes, Mr.  
6 Harder.

7 MR. HARDER: The Chairman's comment  
8 made me think. We have several photographs  
9 showing simulated locations of the tower. Would  
10 it not be reasonable to provide -- I assume it's  
11 technically feasible -- to provide a simulated  
12 photograph of the compound at least from the  
13 nearby residences. We keep talking and imagining  
14 things in our mind what it's going to look like  
15 with vegetation, with a fence of this color -- or  
16 a tower of that color. Why not provide at least a  
17 simulated photograph, a sketch, something that's  
18 going to look as real as you can make it so we  
19 have an idea what it looks like so the residents  
20 also --

21 THE CHAIRMAN: I think that's what I  
22 was aiming for. Can you do that for our next  
23 meeting?

24 THE WITNESS (Libertine): We certainly  
25 can. I'm not sure what we have for photos. Well,

1 I know we don't have photos that give a clear view  
2 from the cul-de-sac to the compound just because  
3 we have intervening trees. But I think we can do  
4 something that would certainly be a good  
5 representation of what we're talking about. I'm  
6 just not sure it's going to be a traditional photo  
7 simulation just because I don't know if we have  
8 that ability with the amount of trees that we have  
9 in that area.

10 THE CHAIRMAN: Which may answer the  
11 question that it's not an issue.

12 Let's go on.

13 MR. MERCIER: Thank you. I'm going to  
14 move to some of the photo simulations where you  
15 have a tree tower. The photographs are at the end  
16 of that exhibit. I was looking through the  
17 photographs, and I didn't really see any areas  
18 where the tower was well above the existing tree  
19 canopy. I just want to know what your thought was  
20 if actually a tree tower is a suitable application  
21 for this site given the photo simulations  
22 provided?

23 THE WITNESS (Libertine): Well, you're  
24 correct in that there's only a few locations, and  
25 they're fairly close to the Country Club where you

1 get a low profile against the sky without some  
2 type of backdrop or whether or not the facility is  
3 actually in the woods. So the simple answer is,  
4 yes, a faux tree here would probably work really  
5 well, yes. Not much more to say. I think it  
6 would be very effective from a lot of nearby  
7 locations certainly.

8 MR. MERCIER: Now, I understand the  
9 tower is going to be designed to support a 20-foot  
10 extension. Is that correct?

11 THE WITNESS (Libertine): I think these  
12 days that's pretty standard that the foundation is  
13 designed to be able to extend the tower 20 feet.

14 MR. MERCIER: Although no photographs  
15 were given. What's your sense of extending the  
16 tree tower by 20 feet?

17 THE WITNESS (Libertine): Well, my  
18 general rule of thumb is 10 or 15 feet, or even  
19 more in the 10 to 12 feet range doesn't usually  
20 make a big difference. Once you start pushing 20  
21 feet or above, it starts to open views up from, I  
22 guess I'll call it, a general footprint of  
23 visibility. In other words, it will probably  
24 start to expand the amount of visibility.

25 In terms of the character of those

1 views, it's going to really depend upon where you  
2 are. I think you start pushing a faux tree tower  
3 into the 170 or 180-foot range, that starts to get  
4 pretty out of scale, out of context. I always  
5 point to the Winchester tree just because that's  
6 the one that is kind of the poster child for  
7 probably the max that we'd want to do, that type  
8 of facility. At that point you might as well just  
9 do a tower because you're going to know what it is  
10 as soon as you see it.

11 MR. MERCIER: Thank you. Are there any  
12 structural challenges to the tree tower with the  
13 20-foot extension on it, or it can just be  
14 designed to support such an application?

15 THE WITNESS (Weinpahl): That could be  
16 designed for an extension.

17 MR. MERCIER: Thank you.

18 THE WITNESS (Befera): And just to be  
19 clear, we're not looking to extend this 20 feet.  
20 The 160-foot proposed is what we're looking for  
21 here.

22 MR. MERCIER: Will you just design the  
23 tower to support that then, rather than having a  
24 beefier tower and foundation?

25 THE WITNESS (Befera): Sure, we'd be

1 willing to do that, certainly.

2 MR. MERCIER: I don't have any other  
3 questions at this time.

4 THE CHAIRMAN: Thank you.

5 Senator Murphy. We'll have questions  
6 now from the Council members.

7 SENATOR MURPHY: Thank you. That  
8 surprised me. Did I hear you right that Verizon  
9 is willing to design this tower so that it would  
10 not be able to go up based upon the base that's  
11 put in there now?

12 THE WITNESS (Befera): Yes, we would be  
13 willing to design this tower so that it would not  
14 be extendable, and that the height would be capped  
15 at --

16 SENATOR MURPHY: And so if we were to  
17 approve this, and we put that in our decision that  
18 by agreement that it be capped off at this height,  
19 that would be acceptable to Verizon?

20 THE WITNESS (Befera): Yes, that would  
21 be acceptable to Verizon. We're here for 160  
22 feet. And the other carriers will just have to go  
23 below us.

24 SENATOR MURPHY: Okay. Well, we're  
25 aware that you can bump it up without us doing a



1 heck of a lot about it if you've done the base.  
2 And when Mr. Libertine mentioned disguising  
3 something at 170 and 180 feet when you're talking  
4 about 160-foot tower I was thinking whoops -- but  
5 I guess I was wrong on that. Fine. I'm sure  
6 other members of the Council wouldn't have any  
7 objection to you capping this off at 160 feet.

8 I'd like to talk about the need for  
9 this tower. You know, we haven't had any real  
10 tower carriers in quite sometime, the last, I  
11 believe, in Killingly, and out there the need, as  
12 we examined, is a lot different than here. There  
13 it was basically a coverage problem, whereas now  
14 we're running into capacity, and probably most  
15 that we see here would be capacity is the issue  
16 with the carrier as to why they need this tower.  
17 How did you decide that Verizon needed to put up  
18 this tower?

19 In the old days when I first came on  
20 here, when you came in with your propagations, I  
21 mean, you showed us where you cover, give or take,  
22 2 or 3 miles around the tower, and there were all  
23 kinds of spaces outside of that where there was no  
24 coverage, and it was very clear that it was under  
25 that umbrella, or whatever you want to call it,

1 there was a need, and we went on from there.

2 Today it's a lot different. If you look at  
3 propagation maps, everything is really covered,  
4 and it's probably covered multiples of times.

5 And in your interrogatory response to  
6 one of the questions you indicated dropped calls  
7 is one of the items you used. Is that correct?

8 THE WITNESS (Laredo): That is correct.

9 SENATOR MURPHY: And you indicate that  
10 in the Hamden 8 area, that's one of the  
11 verifications of where there's a tower that's near  
12 this one, that during April 9th of this year there  
13 were 341 dropped calls. So my question to you is,  
14 during that week how many calls did Hamden 8  
15 receive?

16 THE WITNESS (Laredo): I actually do  
17 not have the exact data for the number of calls,  
18 but I have the percentage of those that were  
19 dropped for Voice over LTE, which is 0.75 percent  
20 based on this --

21 SENATOR MURPHY: Let's say at what  
22 level of calls attempted in a given area were  
23 dropped does Verizon feel they need to do  
24 something to brace up their capacity? I know it's  
25 a give or take, it's not 13.6 or something. Give

1 me a ballpark.

2 THE WITNESS (Laredo): Basically we're  
3 following the 0.5 percent. Anything above that we  
4 consider as a problematic area. For this case  
5 it's 0.75 percent. We're basically finding a 0.95  
6 percent, on average, in most of the areas, even on  
7 a similar subscriber density similar to this  
8 specific site.

9 SENATOR MURPHY: So you have a  
10 threshold in dropped calls that you use?

11 THE WITNESS (Laredo): That's correct.  
12 Like --

13 THE COURT REPORTER: Excuse me?

14 SENATOR MURPHY: Is it possible? Can  
15 you not provide us with the statistics for the  
16 rest of the towers that will be serviced by this  
17 proposed pole to indicate how many calls they  
18 have, and how many dropped calls they have, which  
19 really, I think, should be part of these capacity  
20 applications to show to us in numerical form that  
21 here's the number of calls we get, here's what we  
22 are handling, and this is what we can't, and  
23 that's why we need this new tower. Could you give  
24 that to us as a late filing?

25 THE WITNESS (Laredo): Actually what I

1 exactly did is I identified the area where this  
2 proposed facility will be effectively serving, and  
3 take whatever issues is within that. Certainly we  
4 can provide each neighboring sector's performance,  
5 if that's the actual request. But for us to see  
6 the actual problem, we need to somehow identify  
7 where exactly we'll be solving these issues, as  
8 opposed to generally showing the statistics that  
9 combines both good service and bad service.

10 SENATOR MURPHY: I'm not really here to  
11 talk to Verizon because my experience has always  
12 been very good with Verizon. I'm really talking  
13 in terms of what I really think should be in an  
14 application that's primarily a capacity tower.  
15 And I'm thinking in terms of when AT&T shows up  
16 with something like that, and somebody else, the  
17 same type of criteria, to give us some statistical  
18 basis as to why the determination was made to  
19 spend this kind of money to put a tower on this  
20 particular location. And I'm sure you're not  
21 spending it just as a whim, but by the same token,  
22 I think that there should be -- that there is a  
23 way to try to almost codify showing us what it  
24 took for Verizon to come to that corporate  
25 decision to invest in this tower.

1           Also, you indicate in the response to  
2 the interrogatory that dropped calls is just one  
3 of the items analyzed. What else is there?

4           THE WITNESS (Befera): Now, like what  
5 we talk about in the site search summary section  
6 of the responses to the Siting Council's  
7 interrogatories talks about the facilities that we  
8 have in Hamden, where they're located, and which  
9 ones are having the problem. Now, the Hamden 8  
10 site doesn't exist, so the data that Jaime  
11 collects can only be collected from the adjacent  
12 sites. And because each site that surrounds the  
13 target area for this proposed location, each of  
14 those have three sectors each, we're able to tell  
15 the direction on where the problem is from those  
16 surrounding sites. For instance, the site that we  
17 have at Hamden 2, which is at 265 Bender Street in  
18 Hamden, the Alpha face is pointing directly  
19 towards the location that we're proposing. Now,  
20 that face is too far away to provide the quality  
21 service, and is probably one of the major  
22 contributors of the 341 dropped calls during that  
23 week tested.

24           Then we have the site that is to the  
25 east, and we call that one our Hamden North site,

1 and that one is at the Connecticut Agricultural  
2 Station at 890 Evergreen Avenue. Now, the problem  
3 with that site is the Gamma face, which is facing  
4 directly west at this proposed location, that's a  
5 capacity issue. That's a capacity issue, meaning  
6 a customer can't get on the network. It's in  
7 exhaust. It runs out of capacity. So that  
8 whether you can't make a call because you have a  
9 low signal, or you can't make a call because you  
10 can't get a channel makes no difference to the  
11 customer. They can't make a call. This is a  
12 combination of a coverage and capacity need.

13 And I could also mention two other  
14 sites that are to the southeast of this proposed  
15 location that has a coverage issue because it's in  
16 between the Alpha and Gamma. It's in the null  
17 facing this proposed location, and that null of  
18 coverage contributes to the coverage problem. And  
19 then we have one other site that is kind of  
20 southeast of this proposed location, and that's  
21 the Alpha face, again, the one that's pointing  
22 north, that one is a capacity issue, and that's  
23 approaching exhaust.

24 SENATOR MURPHY: Why is it you can't  
25 lay it out for us? And I assume that if this is

1 approved, you're going to make certain changes in  
2 your sector and your antenna. But I just think  
3 there should be a better way for you to equate or  
4 pass onto us the basis upon which Verizon made the  
5 decision to put a tower here. It used to be easy  
6 in the old days. And I understand it's hard, and  
7 things change with some developments, and  
8 population shifts, there are changes there too. I  
9 don't know if anybody else has that problem.

10 MR. BALDWIN: Senator, Murphy, perhaps  
11 I could just add --

12 SENATOR MURPHY: Go ahead.

13 MR. BALDWIN: -- that the pieces that  
14 Jaime and Tony were testifying to are in different  
15 places. And perhaps what we can do prior to the  
16 follow-up hearing is put them into one more  
17 concise document so that it's clearer for the  
18 Council as to the justification for the facility.

19 SENATOR MURPHY: Right. Thank you.  
20 And what I'm really talking about is the next time  
21 you gather together to do a capacity site, I'd  
22 like to see it.

23 MR. MERCIER: Just a follow-up on some  
24 things that were discussed. So Mr. Laredo, as you  
25 present in the application, this is a service gap

1 site, as well as it's a capacity site. Is that  
2 correct?

3 THE WITNESS (Laredo): That's correct.

4 MR. MERCIER: Does one take precedence  
5 over the other? Is there a particular site or  
6 sector that's exhausting that you need to have  
7 relief to, or is a coverage gap just as important?

8 THE WITNESS (Laredo): Actually the --  
9 well, all the issues are important, although this  
10 one was originally designed to alleviate all gaps  
11 as soon as possible. Certainly there are specific  
12 sectors that are calling for more capacity than  
13 the rest of the exhausting ones. It's worth  
14 mentioning Hamden North Connecticut Gamma sector.  
15 It's the one that really needs special attention  
16 as well.

17 MR. MERCIER: Okay. That's the one  
18 that was listed in Interrogatory 5?

19 THE WITNESS (Laredo): That's correct.

20 MR. MERCIER: And there's three others  
21 that are listed there. There's Hamden North 2,  
22 700 Beta; Hamden 700 Beta, and Hamden 2100 Beta.  
23 And those three were just listed as exhausting,  
24 but there was no time frame given. So that's  
25 information that we could have also. I don't know



1 if you have that information now or not.

2 THE WITNESS (Laredo): I can certainly  
3 prepare that for those.

4 MR. MERCIER: And also to continue on  
5 in that interrogatory response, it states that the  
6 new site proposed here today will provide "some"  
7 capacity relief to those three sectors I just  
8 listed, but it doesn't really say what "some" is.  
9 Is that a significant portion of the sector? Is  
10 it 50 percent? To have some type of qualification  
11 as to what "some" means would be helpful.

12 THE WITNESS (Laredo): I can guarantee  
13 at least 30 percent offload for the Hamden North  
14 Gamma sector, and quite a small portion of offload  
15 for the other two sectors.

16 MR. MERCIER: The other two are Hamden  
17 700, and Hamden 2100?

18 THE WITNESS (Laredo): I'm sorry?

19 MR. MERCIER: Your response said Hamden  
20 700, and Hamden 2100 in Interrogatory 5.

21 THE WITNESS (Laredo): That's correct.

22 MR. MERCIER: So I think you just gave  
23 me 30 percent for Hamden North too.

24 THE WITNESS (Laredo): That's right.

25 MR. MERCIER: So now we have the two

1 others, Hamden 700 and Hamden 2100.

2 THE WITNESS (Laredo): I cannot  
3 definitely give a specific number because it  
4 requires optimization of the site as well.

5 MR. MERCIER: Okay. Now, when you  
6 designed the site, right now you have some  
7 coverage gaps, which you outlined, and also you  
8 stated that the Hamden North Gamma sector is  
9 already exhausted, or just about to be. When you  
10 designed the site, how far into the future do you  
11 plan to provide the relief; that is, how long will  
12 this site work and keeping the Hamden North Gamma  
13 working without exhausting again? Would that be a  
14 problem if this site was built, if Hamden North  
15 Gamma exhaust again in some future time, maybe  
16 five years or --

17 THE WITNESS (Laredo): At this point  
18 it's so far in advance, but based on how the  
19 traffic trend is growing right now, it's more than  
20 enough to provide capacity for all the neighboring  
21 sectors that it intends to help in the next three  
22 to four years. Although the one thing I cannot  
23 guarantee is how traffic is being -- I mean,  
24 services are being utilized by our subscribers.  
25 Based upon what we see in the past years, it's

1 growing a little similar to exponential so --

2 MR. MERCIER: Okay. Just one other  
3 question. You provided these coverage maps. Now,  
4 by providing capacity relief to the proposed  
5 service area, would it actually be smaller than  
6 shown, you know, effective service area because if  
7 this proposed site overlaps with a good portion of  
8 Hamden North, would the actual service area of  
9 this site be smaller on this plan?

10 THE WITNESS (Laredo): That's correct.  
11 It will be somewhere in between. But of course  
12 factors like topography and the location of the  
13 proposed facility, it tends to cover more, as  
14 opposed to Hamden North's existing coverage, so it  
15 will eventually shrink as part of our  
16 optimization.

17 MR. MERCIER: It will shrink right  
18 after you turn it on and optimize it?

19 THE WITNESS (Laredo): Yes.

20 MR. MERCIER: So by saying it will  
21 provide service to 5 square miles, but really once  
22 you turn it on and optimize it, it's going to be a  
23 lot smaller, I'll just say two-and-a-half square  
24 miles, just throwing figures out there just  
25 randomly. I mean, it will shrink. So it's not

1 really servicing 5 square miles?

2 THE WITNESS (Laredo): I cannot say the  
3 majority it will shrink, but definitely there's a  
4 significant reduction, yes.

5 MR. MERCIER: Thank you.

6 SENATOR MURPHY: I have a question,  
7 Mr. Chairman.

8 THE CHAIRMAN: Mr. Harding.

9 MR. HARDER: Thank you, Mr. Chairman.  
10 I wanted to just try to pin down a couple of loose  
11 ends on the visibility issue. I know the Council  
12 on Environmental Quality had included a comment in  
13 their letter, a suggestion, I guess, that  
14 additional photographs be provided that they felt  
15 would be more meaningful. I know there's some  
16 photographs in the proposal from Country Club  
17 Road, but I believe they're further down Country  
18 Club Road. They're not right at the cul-de-sac.

19 And I know you had indicated that just  
20 generally one of the reasons why some photographs  
21 hadn't been taken closer was because to do that  
22 you'd have to go on private property. So I'm  
23 wondering, I guess, two questions: One, in any of  
24 the submissions have you provided, or could you  
25 provide, photographs that are more responsive to

1 the CEQ comment and request? And the other thing  
2 is, have you requested permission from the  
3 property owners to go on their property to take  
4 photographs that would be a little more  
5 meaningful, a little more demonstrative, I guess,  
6 of what the views would be from those properties?

7 THE WITNESS (Libertine): To answer  
8 your question, we have on some dockets, once we're  
9 into the process, gone to folks' properties. As a  
10 matter of course, we do this at the direction of  
11 Verizon. And, of course, we can't -- we really  
12 don't have an application at that point, so we  
13 really don't have a mechanism other than to really  
14 go knock on somebody's door. So we don't as a  
15 matter of right go on private property.

16 What we do try to do is to evaluate  
17 those properties as best we can basically standing  
18 at the edge of their driveway. If there's a shot  
19 that's worth taking, we will. We have lot of  
20 photos we often take that don't make it into the  
21 report that are essentially looking into the woods  
22 or into obstructed areas. That's helpful for us  
23 to go back and take look at so we can kind of  
24 characterize a view.

25 But I guess to answer your question as

1 honestly as possible, there's just no mechanism to  
2 go and request to get onto folks' properties. So  
3 what we try to do, again, is just do the best we  
4 can in terms of trying to characterize it either  
5 from the edge of our property looking back into  
6 their property, or again from the public  
7 rights-of-way, and try to make some -- get as good  
8 a factual opinion as we can as to what the views  
9 might be from those backyards.

10           So yes, we don't really -- again, we  
11 don't -- unless we're asked during the process to  
12 do it, that's about the only time we've really  
13 gone onto private properties.

14           MR. HARDER: I can see in some  
15 situations taking a photograph and doing a  
16 simulation from the driveway, or end of the  
17 driveway, might be representative, but I guess  
18 thinking specifically of the Sorrentinos, the end  
19 of the driveway really isn't representative.

20           THE WITNESS (Libertine): Absolutely.

21           MR. HARDER: The other thing is, you  
22 say you don't have a mechanism. Isn't the  
23 mechanism just knocking at the door and asking for  
24 permission?

25           THE WITNESS (Libertine): Well, we've

1 run into problems in the past with that in that  
2 there are legal issues. I'm representing Verizon  
3 to step onto somebody else's property without  
4 protection for both the property owner, as well as  
5 myself and my company. It gets a little bit  
6 sticky. So we've been doing this for about 20  
7 years. And so that's become kind of the standard  
8 procedure. It has its limitations. You bring up  
9 a good point, but they are limitations, and  
10 they're ones we have to live with. So that's kind  
11 of where we've gotten to this point.

12 SENATOR MURPHY: You should do a  
13 survey. You have statutory authority to do that.

14 THE CHAIRMAN: Dr. Klemens.

15 DR. KLEMENS: I just want to follow up  
16 on that. And I've seen the problems in the past  
17 when people have come out on private property.  
18 But that doesn't preclude the intervenor from  
19 doing a photo simulation from her driveway and  
20 submitting it to the Council.

21 THE WITNESS (Libertine): Certainly.  
22 Absolutely.

23 DR. KLEMENS: Thank you.

24 MR. HARDER: I have a couple of  
25 questions, I guess, to get to the visibility issue

1 somewhat. I understand from the petition  
2 regarding wetlands that I think the closest  
3 wetland to the tower location is about 600 feet.  
4 Is that -- or is it 300? I recall a couple  
5 different numbers.

6 THE WITNESS (Gustafson): It's  
7 approximately 280 feet off the property to the  
8 south is the closest wetland resource.

9 MR. HARDER: So there's no wetland on  
10 the property itself?

11 THE WITNESS (Gustafson): That's  
12 correct. There are no wetlands on the subject  
13 property or in close proximity to the proposed  
14 tower along the property boundary.

15 MR. HARDER: So I guess I'm wondering  
16 just in general thinking of wetlands or other  
17 issues, one question, are there any residences or  
18 structures, residential structures, I guess, on  
19 the property immediately to the north of the  
20 subject property?

21 THE WITNESS (Libertine): No, that's  
22 undeveloped wooded land.

23 MR. HARDER: So I'm wondering, I think  
24 you addressed a point raised by Mr. Mercier  
25 earlier about the possibility of moving the



1 facility slightly north. Would anything be gained  
2 by moving it east, north and then east, so it's  
3 further from the properties on Country Club? The  
4 visibility from there isn't as much of an issue.  
5 That's why I was wondering was there any  
6 residences on the northerly property, does it  
7 raise or bring up any issues related to wetlands  
8 on those properties, visibility from those  
9 properties, or anything else?

10 THE WITNESS (Libertine): We certainly  
11 are not constrained moving to the north, or the  
12 northeast, by any kind of a wetland resource, or  
13 any natural feature, nor do we push it really  
14 towards any residences, or much closer to any  
15 residences because, again, we have some buffer to  
16 the north.

17 This site has kind of a long history in  
18 that AT&T was interested in this particular  
19 property years back, and this is essentially the  
20 same exact location that the property owner had  
21 executed a lease with AT&T at that time. So now  
22 we fast forward, AT&T, for whatever reason, still  
23 has a need in this area, but it wasn't in their  
24 build plan, they stepped out, and Verizon came in.  
25 And the property owner said, well, here's where we

1 were, why don't we just do this. So that's kind  
2 of basically how we got here.

3           To your point, from my perspective,  
4 aesthetically, moving the compound and tower to  
5 the northeast to get it essentially along the wood  
6 edge into the field so we're not really disturbing  
7 a lot of trees, solely from my perspective,  
8 aesthetically, that's a win/win, because we're  
9 maintaining the buffer. We are impacting the  
10 property owners operation. I think that's  
11 probably his main reason for wanting to kind of  
12 just push it into the woods slightly. But  
13 certainly from an aesthetic standpoint for the  
14 neighbors to the south, there is certainly an  
15 advantage to consider that type of a shift. We  
16 certainly have no other constraints.

17           MR. HARDER: Thank you. No more  
18 questions.

19           THE CHAIRMAN: Dr. Klemens.

20           DR. KLEMENS: Following up on that  
21 question, I was amazed when we went on the site  
22 today, and we walked up the hill, and then we  
23 walked down to what I call the monopole in the  
24 hole, and it just seems to me that it's terribly  
25 inefficient. Let me back up. What is the

1 elevation where the current compound is being  
2 ground ASL?

3           So where I'm going with this is I'm  
4 going to ask you what the ASL is on the basalt  
5 ridge to the north behind the residence of the  
6 house and what the difference in feet is.

7           THE WITNESS (Libertine): I'm going to  
8 have to defer to the site plan here.

9           DR. KLEMENS: Let me tell you where I'm  
10 going with this. I'd like to get the figures. I  
11 mean, we walked out down the second alternative.  
12 We walked up what is basically a basalt ridge.  
13 Amazing you see Christmas trees blasted into  
14 little holes growing into that basalt ridge. And  
15 it occurred to me is how many feet of this tower  
16 would we save if we put it up on that ridge? I  
17 mean, I just looked at it. I think it would  
18 probably cut 20, 30 feet off the tower, just my --  
19 and then I looked who would be impacted most, and  
20 there was a gray house. And I realize now looking  
21 at your application that that's the leaseholder's  
22 house. So that to me seems a logical place to put  
23 a tower. It makes the tower shorter. It obviates  
24 the need for a massive road that goes through  
25 woodland, and it just seems a much more sensible

1 place to put a tower. And yes, you've cut down a  
2 few stunted Christmas trees which are struggling  
3 to grow in the traprock there. It just seems so  
4 silly to see what we're doing.

5 THE WITNESS (Libertine): Dr. Klemens,  
6 since we're coming back, and this is going to  
7 require probably everyone at this table's input,  
8 could we maybe table that, and come back to that  
9 when we come back on the 13th?

10 DR. KLEMENS: Sure.

11 THE WITNESS (Libertine): We can have a  
12 more comprehensive answer. I think you're putting  
13 a lot of us on the spot. I'm not sure we have the  
14 exact elevation. I know Jaime would have to look  
15 at it. And I don't want to speak for him, but my  
16 understanding typically it's not just a matter of  
17 if you had an X value here, and we gain 20 feet  
18 here, we could drop 20 feet. But your point is a  
19 valid one, and we should look at that, and come  
20 back with an educated answer for you.

21 DR. KLEMENS: I mean, to me just from  
22 my layman's perspective, you should try to put  
23 your tower at a higher spot nearby, and not a  
24 lower spot and make up for it in the structure.  
25 That's just my -- I'd like you to look into that.

1 I'd also like you to not have to take down all  
2 those trees.

3 THE WITNESS (Libertine): It's a good  
4 point.

5 DR. KLEMENS: To me you've got a field  
6 there, and it seems logical to put it in a field,  
7 as opposed to putting it in a known forest.

8 THE WITNESS (Befera): And that's  
9 certainly something, Dr. Klemens, that we would  
10 have to discuss with the owner of the property  
11 too.

12 DR. KLEMENS: I could see the owner  
13 might like to like it as far away from his house  
14 as possible. I can understand, but I'd like you  
15 to at least consider that, because I think that,  
16 to me, looked like a logical place.

17 Let's get to capacity because I  
18 struggle with the same thing that Senator Murphy  
19 did is, I looked at the propagation maps and saw  
20 except for the 2100 megahertz that really it's a  
21 capacity issue. And I struggle with the same  
22 thing. You're supposed to determine need, and yet  
23 how do you -- you really don't have any data,  
24 comparative data, to determine need. You say you  
25 have X number of dropped calls as a percentage,

1 but that's such a huge part of the state. I have  
2 no idea what that means in terms of the overall  
3 number of calls that are happening. You're in a  
4 very densely populated part of the state. It  
5 doesn't seem like that many dropped calls, but  
6 that's just, again, my perspective. But I don't  
7 know how we can measure need.

8           And I come from part of the state where  
9 I can drive down my road -- and I'm a Verizon  
10 customer -- and I have dropped calls two or three  
11 times by the time I get to the end of my road. So  
12 I guess what I see is we're building capacity in  
13 the dense parts of the state. We're doing very  
14 little to improve basic voice service in rural  
15 parts of the state. That's just a comment.

16           Monopole collapse. Do you have any  
17 data on monopole collapse? We keep hearing about  
18 having to put the pole a certain distance from a  
19 house because the pole can collapse. Do we have  
20 any data, have monopoles collapsed?

21           THE WITNESS (Befera): There's very  
22 limited data on it because it is something that  
23 really doesn't happen. The way that monopoles are  
24 designed, you notice they taper as they go higher  
25 up. The reason for that is in the case of serious

1 weather, and designs and standards vary based on  
2 counties, based on average wind speeds. So a  
3 design for a coastal county would have to be much  
4 more substantial than a design for say an inland  
5 county, for example. Meaning that the coastal  
6 tower would have to be more fortified to hold the  
7 same amount of equipment than the inland one  
8 would. Right.

9           Now, they're tapered like that because  
10 should there be something beyond the normal  
11 hurricane, tornado, they're designed -- the  
12 highest winds are higher up typically -- they're  
13 designed to bend and fall into themselves, not to  
14 fall over from the base. That's why you don't  
15 hear about towers falling over from the base. You  
16 might hear about a failure towards the upper  
17 portion where it's tapering, and it just bends  
18 into itself, but still remains upright.

19           DR. KLEMENS: So one of the  
20 intervenor's concerns is that the proximity and  
21 was it 220 feet from the property line, 270 feet  
22 from her home, that if a tower were to collapse,  
23 or partially collapse, that would also set off  
24 potentially trees collapsing toward her house. Do  
25 you have any data on such an event happening?

1 THE WITNESS (Befera): No, sir. No,  
2 sir. I have no data on any of our towers  
3 collapsing, not even bending over. I mean, we  
4 stress these things out for a minimum of four  
5 carriers, and we make sure that our towers are  
6 well fortified.

7 DR. KLEMENS: So this tower is going to  
8 be 160 feet tall?

9 THE WITNESS (Befera): As the proposal  
10 stands, yes.

11 DR. KLEMENS: And her property is 220  
12 and 270. So even if it were to fall over  
13 completely, which you say has never happened, it  
14 still would not reach her property?

15 THE WITNESS (Befera): That's correct.

16 DR. KLEMENS: Has there ever been a  
17 monopole bent over collapsed in Connecticut?

18 THE WITNESS (Befera): I'm not aware of  
19 any, sir.

20 DR. KLEMENS: Could you look to see if  
21 it's happened? Because we hear about this a lot.  
22 People bring this up. And I'd like to know if  
23 there's been any data on that where if you could  
24 for the next hearing see if there's any  
25 information on that because it just would be



1 helpful to me.

2 THE WITNESS (Befera): Okay. I only  
3 know that none of ours have ever, but we'll see if  
4 we can find something. You know, maybe in the  
5 midwest where they get a lot of tornadoes,  
6 something like that. I don't know.

7 DR. KLEMENS: Well, I'm more interested  
8 in right in this region. I mean, I lived in  
9 Florida for a time, and I see how they reinforce  
10 them in Florida. It's different than here because  
11 of hurricanes. But I'd like to know here, here,  
12 if you have information here from New England of  
13 any of this happening.

14 THE WITNESS (Befera): Should we limit  
15 our search to the State of Connecticut?

16 DR. KLEMENS: Connecticut,  
17 Massachusetts, New England. I mean, within our  
18 region. There's no reason to go down. I'm just  
19 curious if there's ever been any instance of it,  
20 because we hear about it all the time as a reason  
21 to move it away from residences, and people don't  
22 want it near their residence. I'd just like to  
23 get some information, if it exists. Thank you. I  
24 think I've covered pretty much --

25 The trees that you propose to take down

1 are primarily red oaks, I presume. Is that  
2 correct?

3 THE WITNESS (Gustafson): That is  
4 correct. It's predominantly an oak-beech dominant  
5 forest. So the majority of trees to be removed  
6 are oak, red and black oak.

7 DR. KLEMENS: Do you have any sense of  
8 the age of those trees, and how long it took them  
9 to get to that size? It's, I presume, a  
10 second-growth forest?

11 THE WITNESS (Gustafson): It certainly  
12 is a second-growth forest. There are a lot of  
13 factors that go into determining tree age without  
14 actual sampling. Some of that area is pretty thin  
15 soiled. So the larger trees are probably older  
16 than trees that would be in a comparable forest  
17 that had more rich soils. But I would probably  
18 estimate that some of those trees are 60, 80 years  
19 old, maybe a little bit older, but probably in  
20 that range, but definitely it's a second-growth  
21 forest.

22 DR. KLEMENS: Would you  
23 characterize this -- we'll get to the box turtle.  
24 Would you characterize this as a fragmented  
25 suburban habitat, or more of an intact forest

1 habitat?

2 THE WITNESS (Gustafson): Essentially  
3 there's -- including the subject property and then  
4 properties to the north -- there's a small core  
5 forest that's probably classified as a small core  
6 forest habitat that's been heavily fragmented  
7 along the margins by the golf course, and then  
8 residential developments that essentially surround  
9 that area. So it's not a large intact forest  
10 block. It's probably a small fragmented core  
11 forest.

12 DR. KLEMENS: Can you just again for  
13 the next hearing give us a sense of what the size  
14 of that forest block is, if it's more than 500  
15 acres, or more than 1,000 acres?

16 THE WITNESS (Gustafson): Yes, we'll  
17 provide that information.

18 DR. KLEMENS: Thank you.

19 THE WITNESS (Gustafson): You're  
20 welcome.

21 DR. KLEMENS: No further questions, Mr.  
22 Chairman.

23 THE CHAIRMAN: Mr. Hannon.

24 MR. HANNON: Thank you, Mr. Chairman.  
25 To follow up on the wetlands and the mapping, Tab

1 11 shows the wetlands, and they're delineated as  
2 Connecticut DEEP wetlands. Was there any specific  
3 soil testing done on the site?

4 THE WITNESS (Gustafson): There was  
5 soil testing done on the subject property. We did  
6 a thorough investigation of the property,  
7 particularly in locations within 200 feet of the  
8 proposed development activities. No wetland soils  
9 were identified on the subject property. So we,  
10 in order to try to identify the nearest wetland  
11 resource to the proposed project, we relied on the  
12 state wetland data provided by DEEP.

13 MR. HANNON: Thank you.

14 THE WITNESS (Gustafson): You're  
15 welcome.

16 MR. HANNON: Actually in the  
17 introduction, the executive summary on page 22,  
18 are the estimated cost and schedule. The first  
19 item is the overall scheduling. It looks like  
20 you're saying roughly 8 to 12 weeks after the D&M  
21 plan would be submitted to the Council and  
22 approved. Is that correct?

23 MR. BALDWIN: Can you give us that page  
24 reference again? I'm sorry.

25 MR. HANNON: Page 22.

1 MR. BALDWIN: Of the application?

2 THE WITNESS (Libertine): Executive  
3 summary.

4 MR. HANNON: It's actually under  
5 Connecticut State Historic Preservation Officer.  
6 And I don't understand why it's there, but it's  
7 dealing with the overall scheduling, capital D1.

8 THE WITNESS (Befera): Yes, that's  
9 accurate. Yes.

10 MR. HANNON: And that is after the --  
11 assuming this gets approved and the D&M plan comes  
12 in, it's roughly two to three months after the  
13 approval of the D&M plan?

14 THE WITNESS (Befera): Yes. There  
15 might be a gap there up to 30 days to obtain the  
16 actual building permit because we can't apply for  
17 the building permit without the approved D&M. And  
18 building inspectors have up to 30 days once  
19 they're in receipt of all materials requested to  
20 issue that.

21 MR. HANNON: That's fine. Thank you.  
22 Going between C-2 and C-2, meaning the old map and  
23 the new map. The old map was submitted in the  
24 original application. There was a line of silt  
25 fence that was proposed to the southwest portion

1 of the drive, and there was also a level spreader.  
2 In looking at the map that was just recently done  
3 relocating the road to the north, none of that  
4 seems to have also been incorporated in the plan.  
5 And I'm assuming, based on the topography that  
6 I've seen on the original submittal, is that you  
7 are going to need to put in a level spreader  
8 there, and you probably still need to do the silt  
9 fence as a precautionary measure. But is that  
10 something you can go back and make sure that that  
11 is addressed for the next meeting?

12 THE WITNESS (Couch): Yes, sir. The  
13 alternate plan is shown -- or we'd like to be able  
14 to provide an alternate. It's not being proposed  
15 as at that time was the final design solution. So  
16 the silt fence, to the extent that grading, the  
17 sedimentation erosion control, and the storm  
18 drainage measures around it still need to be  
19 addressed to be able to accommodate that driveway,  
20 and however that compound and that driveway  
21 interacts with the compound. So yes.

22 MR. HANNON: Understood.

23 MR. BALDWIN: I mean, we've got some  
24 time to do that now. And we'll take care of that  
25 between now and the 13th.

1           MR. HANNON: That's fine. I just want  
2 to make sure that's addressed. And the numbers  
3 probably changed. You may not have had a chance  
4 to look at this. I had asked the question out at  
5 the site as far as what was the net fill volume,  
6 net material that needed to be brought into the  
7 site. That was given the original load location.  
8 I'm just wondering if you by any chance worked out  
9 the numbers in terms of the amount of material,  
10 amount of fill that has to be brought to the site,  
11 if you're using the northern-most route proposed.

12           THE WITNESS (Couch): Yes. With the  
13 joys of texting, I contacted the office, and they  
14 told me through text that the original was 330  
15 cubic yards, and the alternate was 410 cubic  
16 yards.

17           MR. HANNON: 400 what?

18           THE WITNESS (Couch): 410.

19           MR. HANNON: Thank you.

20           Also, it looks like -- another question  
21 I had out at the site was at approximately station  
22 zero plus 80. It looked like there was a drainage  
23 swale out there. It looks as though the road, by  
24 relocating it to the north, it may circumvent a  
25 large portion of that area, but that's something

1 that could be looked at. You can see by the  
2 grading that's out there, the current topography,  
3 being out on the site, you can see it actually  
4 draining from the northeast towards the southwest.  
5 And I just want to make sure that what's being  
6 done, both in terms of the drainage that may be  
7 picked up by the fill that's going in on the  
8 roadway, is not going to have an adverse impact on  
9 any property to the south?

10 THE WITNESS (Couch): Yes, that would  
11 be looked at, absolutely.

12 MR. HANNON: Actually some of my other  
13 questions have been asked and answered, so I  
14 actually believe that is about it. Thank you.

15 THE CHAIRMAN: Mr. Levesque.

16 MR. LEVESQUE: If Verizon acquires  
17 Cellco, what kind changes would result in some of  
18 the facilities? Has Verizon acquired any  
19 equipment?

20 THE WITNESS (Befera): I'm sorry. I  
21 didn't catch that.

22 MR. LEVESQUE: Do you have a proposed  
23 acquisition of another company?

24 THE WITNESS (Befera): Our proposed  
25 acquisition -- oh, in the media you may have heard



1 of something that we're looking at, Yahoo.

2 MR. LEVESQUE: Right.

3 THE WITNESS (Befera): Well, that would  
4 be so that we could expand the service that we  
5 provide to a whole new set of customers, perhaps,  
6 or expand the services that we provide to our  
7 existing customers. I mean, we need to --  
8 everybody who wants a cell phone these days has a  
9 cell phone pretty much. Right? So other than  
10 taking customers from T-Mobile, or T-Mobile taking  
11 customers from us, for the company to continue to  
12 grow and be profitable, we need to expand our  
13 areas of business. That's why you might have  
14 heard about them talking about Disney, you heard  
15 them talking about Yahoo, different types of media  
16 that I'm sure the company wants to get into  
17 because the company needs to continue to grow.

18 MR. LEVESQUE: Would there be more  
19 equipment that would have to be installed at  
20 antenna sites?

21 THE WITNESS (Befera): That's really  
22 hard to say at this point. What we are familiar  
23 with is the next generation of wireless, and it's  
24 the 5G, and I think that's taken on as it has  
25 evolved from the original days of wireless

1 technology. Everything seems to be getting a  
2 little smaller. It doesn't necessarily mean that  
3 the structure is going to get shorter, but in some  
4 instances that could be the case if you have, you  
5 know, different types of frequencies, or different  
6 types of services, if we were to add additional  
7 types of services that we don't currently offer as  
8 a result of an acquisition, it might be an  
9 additional equipment on the ground, it might be an  
10 additional or substitution of the equipment on the  
11 existing structures. Those are the only forms it  
12 really could take, if it's going to be delivered  
13 in a wireless fashion.

14 MR. LEVESQUE: Thank you. And as far  
15 as when you do your analysis of loading or  
16 failure, isn't the biggest danger in New England  
17 ice on the facility and a wind storm where there's  
18 ice on it?

19 THE WITNESS (Befera): They are  
20 designed with assuming it is coated in so much of  
21 an inch of radial ice around the whole thing.  
22 That's all worked into the conservative design.  
23 And those standards are very conservative.

24 MR. LEVESQUE: And actually they might  
25 be more resistant to ice, wind storm, than lattice

1 towers?

2 THE WITNESS (Befera): Once again, I  
3 think it all depends on what it's designed for  
4 because there are lattice towers out there that  
5 are designed to hold a whole lot more than  
6 monopoles and vice-versa. It depends on the  
7 design. The difference with the monopole versus  
8 the lattice tower in terms of structural integrity  
9 is when you get to the point where you're at 90  
10 percent of the tower's capacity, it's a lot easier  
11 to beef up a lattice tower's capacity than it is a  
12 monopole's capacity.

13 MR. LEVESQUE: Thank you. On the  
14 generator you have, you know, a 4 cylinder diesel  
15 generator. And you fairly stated that some of the  
16 homeowners have other brands generators also. Is  
17 there a generator model or type that you could  
18 choose that would be quieter?

19 THE WITNESS (Befera): I'm not aware of  
20 a different model or type of generator that would  
21 run quieter. What we do know is that we get, in  
22 applications like this, we get the -- they have  
23 different grades of muffler systems. Whether it  
24 be in a commercial area, or residential area, or  
25 industrial area, they have different grades of

1 sound attenuating enclosures that go over these  
2 units. And what we do on all of ours, regardless  
3 of where they go, is we get the best sound  
4 attenuating enclosure that they call the  
5 residential, we get the residential muffler on it,  
6 so that sound is minimized. And these units, as  
7 you've seen many applications of ours in the past,  
8 are one-third of the size of units we've got in  
9 hundreds of locations throughout the State of  
10 Connecticut.

11 MR. LEVESQUE: So if approved, you'd  
12 make efforts to get the best cabinets, and the  
13 latest model that's quieter?

14 THE WITNESS (Befera): We do. We do  
15 that. And we also have when it comes to the  
16 concern for the tank systems and the double wall  
17 nature of the fire marshal approved double wall  
18 tank systems and belly tanks. Right? We also  
19 have a program that we replace our older  
20 generators every year. Every year we allocate,  
21 let's call it, a million dollars in the State of  
22 Connecticut for us to look at the statistics, the  
23 servicing statistics of each and every unit from  
24 the operations team, and those generators that  
25 required the most amount of service calls in the

1 prior calendar year, in addition to those that  
2 have been in service for the longest length of  
3 time, we target those each and every year to be  
4 replaced with new units. So we have an ongoing  
5 generator maintenance program and replacement plan  
6 so that we don't have units out there for longer  
7 than they should be.

8 MR. LEVESQUE: Okay. Thank you.

9 THE CHAIRMAN: We're going to recess  
10 now. We'll resume deliberations at 7 p.m., at  
11 which time we'll commence the public comment  
12 session.

13 MR. COHEN: Mr. Chairman --

14 THE CHAIRMAN: I haven't even gotten my  
15 chance to go yet.

16 MR. COHEN: Mr. Chairman, may I ask a  
17 procedural question? With respect to the  
18 continued hearing, which is a term that I use  
19 anyway, June 13th, there were a lot of great  
20 questions that the Council members and staff asked  
21 today, generated. My cross-examination could be  
22 very lengthy. My suggestion is if the Council is  
23 amenable, I'm happy to send a supplemental set of  
24 interrogatories, and perhaps minimize that cross.  
25 But I don't want to do that without your

1 permission.

2 THE CHAIRMAN: We'll develop the  
3 schedule. And we appreciate that.

4 MR. COHEN: Thank you.

5 THE CHAIRMAN: We'll provide the  
6 procedure on when --

7 MR. COHEN: It would also be helpful,  
8 respectfully, if we could get the responses that  
9 the applicant was asked to provide today a little  
10 bit earlier than the day before the hearing. I  
11 don't mean to be facetious, but the sooner we can  
12 get that --

13 THE CHAIRMAN: There will be a  
14 schedule.

15 MR. COHEN: Thank you.

16 (Whereupon, the witnesses were excused  
17 and the above proceedings were adjourned at 5:06  
18 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 93 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the Public Hearing in Re: DOCKET NO. 471, 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 208 KIRK ROAD, HAMDEN, CONNECTICUT, which was held before ROBERT STEIN, CHAIRMAN, at Memorial Town Hall, 2372 Whitney Avenue, Hamden, Connecticut, May 2, 2017.

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

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I N D E X

WITNESSES ANTHONY BEFERA PAGE 11

RICHARD COUCH

DEAN GUSTAFSON

JAIME LAREDO

MICHAEL LIBERTINE

DAVID WEINPAHL

EXAMINERS:

Mr. Baldwin

Mr. Mercier

Mr. Murphy

Mr. Klemens

Mr. Levesque

Mr. Harder

Mr. Hannon

APPLICANT'S EXHIBITS

(Received in evidence)

EXHIBIT	DESCRIPTION	PAGE
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II-B-1	Application and bulk file	18
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Exhibits A-E

II-B-2	Applicant's affidavit of	18
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publication, dated March 13, 2017



## 1 APPLICANT'S EXHIBITS (Cont'd):

2

3 EXHIBIT DESCRIPTION PAGE

4 II-B-3 Applicant's responses to 18

5 Council's interrogatories, dated

6 April 6, 2017

7 II-B-4 Applicant's sign posting 18

8 affidavit, dated April 21, 2017

9 II-B-5 Applicant's pre-hearing 18

10 submission, dated April 24, 2017

11 II-B-6 Applicant's responses to 18

12 Patricia Sorrentino's pre-hearing

13 interrogatories, dated April 24, 2017

14 II-B-7 Letter from Dawn M. McKay, 18

15 Dept. of Energy and Environmental

16 Protection to Dean Gustafson,

17 All-Points Technology Corporation,

18 Re: Natural Diversity Data Base

19 Determination and Turtle Protection

20 Plan, dated April 27, 2017

21 II-B-8 Applicant's Alternate access 18

22 road site plan (Sheet C-2)

23

24

25