

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF THE TOWERS LLC (A JOINT
VENTURE BETWEEN VERTICAL BRIDGE REIT,
LLC AND CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS) FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION,
MAINTENANCE, AND OPERATION OF A
TELECOMMUNICATIONS FACILITY AT 90
ROUTE 171 (WOODSTOCK AVENUE WEST),
WOODSTOCK, CONNECTICUT

:
:
DOCKET NO. 534
:
:
:
:
:
:
:
August 14, 2025

APPLICANT'S POST-HEARING BRIEF

Respectfully Submitted,



Lucia Chiocchio, Esq.
Daniel Patrick, Esq.
Cuddy & Feder LLP
Hamilton Avenue
14th Floor
White Plains, NY 10601
(914) 761-1300

PRELIMINARY STATEMENT

The Towers LLC, a joint venture between Vertical Bridge REIT, LLC (“VB”) and Cellco Partnership d/b/a Verizon Wireless (“Cellco”), collectively (the “Applicant”), by their attorneys Cuddy & Feder LLP, respectfully submits this post-hearing brief in support of their application (“Application”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) in Docket No. 534. This Application addresses the public need for a new tower facility in southern Woodstock as well as portions of nearby towns of Pomfret, Putnam, and Thompson and enables Cellco to provide reliable communication services to residents and visitors in these areas. The need for infrastructure in this part of Woodstock has been identified by both VB and Cellco, including the significant coverage deficiency in the existing Cellco wireless communications network along the nearby roadways and the neighboring commercial/business and residential areas.

The Applicant presented detailed RF analyses and data demonstrating the existing need for additional coverage and capacity in this area, including the challenges faced in meeting those coverage needs caused by the varying terrain and lack of existing tall structures to address those needs. The property at 90 Route 171 presents an ideal location which allows the installation of the proposed tower facility upon a commercial property that results in minimal environmental impacts, including the removal of only 1 tree, no direct impacts on wetlands/watercourses, and minimal visibility which is largely limited to the subject property and areas to the east primarily over open fields. The proposed tower facility will include a monopole that will stand 150’ above grade level (AGL) and will include a hinge point at an elevation of 69’ AGL in the unlikely event of a tower collapse. This hinge point is intended to ensure that the tower setback radius would remain outside of the existing paved parking areas.

The Applicant’s professionals demonstrated with competent testimony that the location of the proposed Facility does not present significant adverse environmental impacts on any federal or state resources identified in the Siting Council’s enabling legislation. The record

demonstrates that the tower facility complies with state and federal MPE standards. The Applicant showed through empirical evidence that the proposed tower facility will address a critical public need for a tower to provide reliable wireless service in this part of the state with minimal or no overall environmental effects. As such, the Applicant submits that the project meets the statutory criteria set forth in Section 16-50p of the Connecticut General Statutes (“C.G.S.”) for approval and are requesting a Certificate for the proposed tower facility to meet the public need for wireless services in this area of the State.

STATEMENT OF FACTS

I. Cellco’s Consumer Mobile Wireless Network Needs

Cellco’s radiofrequency (“RF”) engineers establish site search areas where new wireless facilities are needed to address the public’s inability to reliably access its wireless network. In this case, Cellco experiences gaps in coverage in Woodstock along Route 171 as well as other roads in the area and the surrounding neighborhood. *Applicant’s Ex. 1, Attach. 1; Applicant’s Ex. 3, A19 – A33*. A deficiency in Cellco’s coverage is evidenced by the inability to adequately and reliably transmit/receive quality calls and/or utilize data services offered by the network. *Applicant’s Ex. 1, Attach. 1*. The proposed facility would also offset demand at nearby Cellco facilities which are currently experiencing exhaustion, including Cellco’s current site in Putnam, CT. *Applicant’s Ex. 3, A20; Tr. 7/17/25, Pages 18-19*.

While no municipal agencies or emergency response agencies have approached the Applicant about co-location, the proposed facility is designed to accommodate the typical equipment of same, and the Applicant remains open to providing space to such agencies. *Applicant’s Ex. 3, A11; Tr. 7/17/25, Page 51, Para. 1-13 & Page 55, Para. 10-16*.

II. Site Search

Cellco and VB have been engaged in site searches in Woodstock and the surrounding area dating back to 2015. *Applicant’s Ex. 3, A4; Applicant’s Ex. 1, Attach. 2*. The site search included

the review of 21 locations, including a combination of municipal- and private-owned properties. *Applicant's Ex. 1, Attach. 2.* Except for the proposed Site, the other locations evaluated were eliminated from further consideration due to topographical issues, wetlands, non-responsive property owners, and technical inadequacies to satisfy Cellco's needs. The Applicant also considered 6 existing tower structures in the area, none of which could adequately address Cellco's needs. *Applicant's Ex. 1, Page 13 & Attach. 1.*

III. Technical Consultation

Connecticut General Statutes § 16-50l(g) governs the municipal consultation for telecommunications towers, as defined by C.G.S. § 16-50i(6)(a). This includes the requirement that an applicant consult with the municipality in which a new tower may be located for a period of 90 days prior to filing any application with the Siting Council. With respect to the proposed facility, a Technical Report was filed with the Town of Woodstock on December 9, 2024, with copies also sent to the Towns of Thompson and Putnam given the proximity of the proposed tower within 2,500' of those town boundaries.

On February 20, 2025, a public information meeting was held in person at the Town of Woodstock Town Hall which included a presentation by the Applicant and during which comments were received from Town officials, Town staff, and members of the public and addressed by the Applicant team. Comments were also received in advance of the public information meeting. The Applicant did not receive any additional comments from the Towns of Woodstock, Thompson, or Putnam after the public information meeting and prior to the Application filing.

The Towns of Woodstock, Thompson, and/or Putnam did not request party or intervenor status in this Docket, nor did any Towns present any location preferences pursuant to C.G.S. § 16-50gg. *Applicant's Ex. 1, Page 25-26; Applicant's Ex. 3, A3.*

IV. Certificate Application

On March 31, 2025, the Applicant submitted an Application to the Siting Council for a Certificate to construct, maintain, and operate a wireless facility at 90 Route 171. As proposed in the Applicant's March 31, 2025 Application, the proposed Facility consists of a new self-supporting monopole that is 150' AGL. The monopole will be located within a 3,600 square-foot (s.f.) fenced equipment compound located within the 5,400 s.f. lease area in the central portion of the host parcel, directly adjacent to the paved outdoor storage area used by the landowner's commercial business. Cellco's antennas would be installed at an antenna centerline height of approximately 145' AGL on the monopole, with an equipment cabinet, and emergency back-up diesel generator located within the fenced equipment compound. The equipment compound will be enclosed with an 8' tall chain link fence. The monopole tower and fenced equipment compound are designed to support the antennas and equipment of other FCC licensed wireless carriers as well as potential collocation by fire, police, public works, and EMS services agencies, if interested. Vehicle access to the Facility would be provided from Route 171 over an existing paved driveway. A new 12'-wide, approximately 265' gravel access drive will connect the Facility to the existing paved driveway area. Utility connections would be routed from an existing utility pole to a proposed utility pole in the Route 171 right-of-way and then underground to the compound. *Applicant's Ex. 1, Page 14 & Attach. 4; Tr. 7/17/25, Page 37.*

V. Pre-Hearing Filings

The Applicant submitted an Affidavit of Publication of the Legal Notice evidencing the notice published in the Woodstock Villager noticing the Applicant's intent to file its application for a Certificate of Environmental Compatibility and Public Need and a Sign Posting Affidavit evidencing the sign posted at the Site informing the public of the Council hearing on the Application. *Applicant's Ex. 2 & Ex. 5.* The Applicant also provided responses to Siting Council Interrogatories on July 9, 2025. *Applicant's Ex. 3.* The Applicant submitted Pre-Hearing

Information on July 9, 2025, and on May 12, 2025, submitted a Motion for Protective Order Related to Disclosure of the Exact Monthly Rent in the Lease Agreement. *Applicant's Ex. 4 & Ex. 6.*

VI. Public Hearings

Pursuant to C.G.S. § 16-50m and Public Act No. 22-3, the Siting Council scheduled a public hearing via Zoom remote conferencing for July 17, 2025. At the July 17, 2025 public evidentiary hearing, the Siting Council heard comprehensive testimony from the Applicant's panel of witnesses on the need for the Facility, the investigation of sites, and any environmental effects associated with construction of the Facility. The duly noticed public hearing session was conducted via Zoom remote conferencing on the evening of July 17, 2025.

At the July 17, 2025 evidentiary hearing, the Siting Council granted the Applicant's Motion for Protective Order Related to Disclosure of the Exact Monthly Rent in the Lease Agreement.

The evidentiary record and hearing were closed on July 17, 2025 after the Applicant and public were given a full and fair opportunity to present evidence and comment.

POINT I

A PUBLIC NEED CLEARLY EXISTS

FOR A NEW TOWER FACILITY IN SOUTHERN WOODSTOCK

Pursuant to C.G.S. § 16-50p, the Siting Council is required to find and determine as part of any Certificate application, "a public need for the proposed facility and the basis for that need." C.G.S. § 16-50p(a)(1). In this Docket, Cellco provided coverage analyses, data, and expert testimony that clearly demonstrate the need for a new tower facility to provide reliable wireless services in southern Woodstock to homes, business uses, public safety agencies, and the traveling public. *Applicant's Ex. 1, Attach. 1; Applicant's Ex. 3, A19 – A33; Tr. 7/17/25, Page 21, Para. 5-17.*

Indeed, the Application materials and Cellco's expert witness testimony demonstrate that a new tower facility at a minimum height of 150' AGL is required at the proposed site to provide reliable wireless telecommunications services to the public. *Applicant's Ex. 1, Attach. 1; Applicant's Ex. 3, A27*. In addition to expert testimony, Cellco's analysis includes modeling and statistics showing that a new tower facility is needed to provide wireless services to an area of the state that experiences significant gaps in both emergency communications and reliable wireless services. *Applicant's Ex. 1, Attach. 1; Applicant's Ex. 3, A19 – A33*.

Cellco's evidence and expert testimony in this proceeding clearly establish that no other alternative technologies, such as distributed antenna systems ("DAS") or small cells would reliably address the coverage needs in this area of Connecticut given the size of the identified coverage gap. *Applicant's Ex. 1, Pages 12-13; Applicant's Ex. 3, A8*. This area of Woodstock and nearby Thompson, Putnam, and Pomfret simply do not have the appropriate density, usage patterns, and geography like more urban areas of the State, where Cellco is deploying small cells for capacity and very limited coverage. Cellco established that it appropriately designed its network in Woodstock to provide reliable wireless service over a wide geographic area based on the characteristics of where services are needed. *Applicant's Ex. 1, Attach. 1*.

POINT II

THERE ARE NO EXISTING STRUCTURES OR OTHER VIABLE ALTERNATIVE SITES FOR SITING THE PROPOSED WIRELESS FACILITY

The Applicant submitted significant evidence demonstrating that there are no existing structures or viable alternative tower sites for providing reliable wireless service to this area of Woodstock or the nearby towns. The Applicant determined that no tall, non-tower structures were located within the identified area of need that were available for leasing due to the fact that the area consists of mainly single-story commercial structures within the search area which are

inadequate in height. *Applicant's Ex. 1, Attach. 2.* None of these existing facility sites are feasible alternatives.

Cellco has been engaged in site searches in this area since 2015 and began collaborating with VB in 2023. *Applicant's Ex. 3, A5.* The site search included evaluation of 6 existing tower facilities within approximately 4 miles of the site search area as well as the review of 21 locations for new tower construction, including a combination of municipal- and private-owned properties. *Applicant's Ex. 1, Attach. 2.*

Based on the comprehensive investigation of alternative sites, the Applicant submits that there are no better known sites for a tower to serve this area of Woodstock and nearby Thompson, Putnam, and Pomfret.

POINT III

THE PROPOSED TOWER FACILITY PRESENTS NO SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS

Pursuant to C.G.S. § 16-50p, the Council is required to find and determine as part of a Certificate application any probable environmental impacts of a facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity, fish and wildlife, schools and commercial child daycare centers¹, or otherwise due to the facility design. The Applicant respectfully submits that while some impacts are associated with the proposed Facility, such impacts will have no significant environmental effects on the resources listed in C.G.S. § 16-50p and clearly do not outweigh the public need for the Facility as proposed in this Docket.

¹ Distance to schools and commercial day care facilities are evaluated in the context of significant visual impacts.

I. Potential Visual Effects

The Applicant respectfully submits that the evidence and testimony in this proceeding, as summarized below, demonstrates that the visibility of the proposed Facility will not result in an overall significant adverse visual impact. The Applicant's comprehensive Visibility Analysis demonstrates that areas from where the Facility would be visible year-round comprise up to 130 +/- acres of the 8,042-acre study area and is generally limited to within 0.25 mile of the Site. Seasonal visibility (when leaves are off the trees) is estimated to comprise approximately 426 +/- acres. Together, this represents approximately 5.3% of the 8,042-acre study area. The majority of visibility occurs within the Town of Woodstock. Seasonal views may extend east along Route 171 as far as the Woodstock-Thompson border to the east, and over open fields in Pomfret to the south, respectively. Only one residence, located approximately 0.5 mile northwest of the proposed Site, will have year-round views. However, as testified, this location will also experience "quite a bit of non-visible views". *Tr 7/17/25, pg. 66.*

No schools or commercial child-care centers are located within 250' of the Site. Woodstock Middle School is located approximately 0.58-mile southwest of the Site. *Applicant's Ex. 1, Attach. 5.*

The evidence demonstrates that the proposed Facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood or community.

II. Potential Impacts to the Natural Environment

The Applicant's evidence and expert testimony clearly established that potential impacts to the natural environment from the proposed Facility are not significant.

a. Wetlands, Drainage, and Other Environmental Factors

As set forth in the Wetland Investigation Report in the Application, the proposed Facility will not result in direct impacts to on-site wetlands. *Applicant's Ex. 1, Attach. 8.* A wetland delineation was conducted at the Site and identified Little River, Peake Brook, bordering wetlands, and a vernal pool consisting of 2 freshwater wetlands, and a vernal pool associated with

wetland 1. With respect to the wetlands resources, no direct or secondary impacts are associated with the proposed Facility. The proposed fenced compound will be located approximately 183' from the nearest wetlands boundary, wetland 2. The proposed Facility will be located approximately 320' west of the west bank of the Little River. The attached analysis reveals that the vernal pool is classified as a Tier II pool, which is not considered a high priority for conservation. To promote protection of these resources during construction, the Towers will implement erosion control measures in accordance with the 2024 Connecticut Guidelines for Soil Erosion and Sediment Control. In addition, a Resource Protection Plan, as detailed in the enclosed analysis, will be implemented during construction that includes an environmental monitor. The implementation of these protective measures will mitigate any adverse impacts to these resources. *Applicant's Ex. 1, Page 25 & Attach. 8.*

Flood zones are present on the Parcel. The proposed Facility will be located outside of the 100-year flood zone. A small section of the gravel access drive where it intersects with the existing paved driveway is located within the 100-year flood zone. The remaining portion of the gravel access drive and a small corner of the northern edge of the compound are located within the 500-year flood zone. The proposed Facility is located above the 100-year and 500-year base flood elevations. Thus, it is anticipated that the proposed Facility will not adversely impact the flood plain or downstream areas. In addition, given that the proposed Facility will be located above the base flood elevation, no flooding impacts to the proposed Facility are expected. *Tr. 7/17/25, Page 25, Para. 22-25 & Page 26, Para. 1-5 & Page 28, Para. 14-29 & Pages 71-83.*

The Applicant demonstrated through data, analyses, and expert testimony that the design of the proposed Facility in combination with the protection measures and construction monitoring will not result in a significant adverse impact.

b. Clearing and Grading

The total area of disturbance, including grading and clearing required for the proposed Facility, is approximately 18,500 s.f. and only 1 tree with a greater than 6" dbh will need to be removed. *Applicant's Ex. 1, Attach. 3; Applicant's Ex. 1, Attach. 4.*

The proposed Facility location on the Site utilizes the currently developed and disturbed areas of the Site to the greatest extent to reduce any potential impacts related to clearing or grading. *Applicant's Ex. 1, Attach. 4; Tr. 7/17/25, Page 25, Para. 4-9.*

The proposed Facility is unmanned and is monitored remotely. Thus, unlike the surrounding commercial uses and single-family homes, after construction, there is very little vehicle activity associated with the facility. Maintenance is limited to approximately once per month by Celco using a light duty van or truck. *Applicant's Ex. 1, Page 18.*

Utility connections would be routed from an existing utility pole on Route 171 to a proposed utility pole in the Route 171 (Woodstock Avenue West) right-of-way then underground to the compound. *Applicant's Ex. 1, Page 14.*

The record demonstrates that the grading and clearing required for the proposed Facility will not result in significant adverse impacts.

c. Habitat Assessment and Wildlife

The proposed Facility and Site are not located within a DEEP Natural Diversity Data Base ("NDDB") buffer zone. *Applicant's Ex. 1, Attach. 6.* Thus, in accordance with DEEP review policy, consultation is not required. An evaluation of federally-listed threatened, endangered, or special concern species was also conducted. Based on a review of the USFWS Information, Planning and Conservation System ("IPaC"), the monarch butterfly is known to occur in the vicinity of the Site. The Towers conducted an evaluation of the potential impact of the proposed Facility on the monarch butterfly and concluded that the proposed Facility is not anticipated to result in a "may affect" determination associated with the monarch butterfly. *Applicant's Ex. 1, Attach. 6.*

The record shows that the proposed Facility will comply with the U.S. Fish and Wildlife Service (“USFWS”) guideline for minimizing impacts to bird species. *Applicant’s Ex. 1, Attach. 6.*

III. Other Environmental & Neighborhood Considerations

The proposed Facility will comply with all public health and safety requirements. *Applicant’s Ex. 1, Attach. 7.* Additionally, since the proposed Facility will be unmanned, there will be no substantial impacts from traffic on area roadways, sanitary waste, or material impact on air emissions.

Consultation with the State Historic Preservation Office (“SHPO”) will be conducted to confirm the Applicant’s findings that the proposed Facility will have no effect on historic resources, including any listed or eligible for listing on the National Register of Historic Places. *Applicant’s Ex. 1, Page 16 & Attach. 6; Applicant’s Ex. 3, A53.* While the Premises is located within the Last Green Valley National Heritage Corridor, the Applicant does not anticipate any adverse impacts to the corridor which incorporates 35 towns in Northeast Connecticut and Southcentral Massachusetts. Specifically, there are more than a hundred telecommunications towers within the corridor, so the proposed facility is not uncommon. *Tr. 7/17/25, Pages 66-67.* In addition, while Prime Farmland Soils and/or Statewide Important Farmland Soils are located upon the Parcel, there is minimal disturbance proposed to same. Only 0.3 acres of Prime Farmland Soil and 0.2 acres of Statewide Important Farmland Soils are proposed to be disturbed. *Applicant’s Ex. 3, A60.*

Given the foregoing, the Siting Council should find and determine that the proposed Facility will not have any significant environmental, historic, cultural, or visual impacts on the neighborhood.

CONCLUSION

The Applicant demonstrated a critical public need for a new tower structure and a lack of any significant adverse environmental effects associated with the proposed Facility. The Applicant demonstrated the importance of this proposed tower Facility which is needed to serve the public

and provide reliable communications services. The Applicant's evidence, based on data and expert analyses and testimony, reveals that there are no known practical or feasible alternatives to the proposed Facility at 90 Route 171 to remedy gaps in wireless service and to provide wireless services to the public.

We submit that when the Siting Council reviews this Docket, the Applicant have demonstrated:

- An existing gap in reliable wireless service exists and can only be remedied by a new tower facility.
- A comprehensive site search yielded no viable alternative locations.
- No other rational technical or location alternatives exist for providing critical mobile communications services to the public.
- The environmental effects are limited and mitigated to the greatest extent.

Based on all of the foregoing, and upon balancing of the probable environmental effects associated with the proposed Facility, the Applicant respectfully submits the public need for the tower facility for reliable communications far outweighs any adverse environmental effects associated with the project. For the reasons set forth in this brief and as more fully evidenced by the record, the Applicant submits that the standards and criteria set forth in C.G.S. § 16-50p for approval of tower facilities by the Siting Council have been met and fully warrant issuance of a Certificate for the proposed Facility in Docket No. 534.

CERTIFICATE OF SERVICE

I hereby certify that on this day, one original and fifteen (15) hard copies of the foregoing were sent via overnight Federal Express and electronically to the Connecticut Siting Council in accordance with the Connecticut Siting Council directives.

Dated: August 14, 2025

A handwritten signature in blue ink that reads "Lucia Chiocchio". The signature is fluid and cursive, with the first name "Lucia" and last name "Chiocchio" clearly distinguishable.

Lucia Chiocchio, Esq.
Daniel Patrick, Esq.
Cuddy & Feder LLP
445 Hamilton Ave, 14th Floor
White Plains, NY 10601
(914)-761-1300

cc: Vertical Bridge REIT, LLC
Cellco Partnership d/b/a Verizon Wireless
APT