

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

DOCKET NO. 535 – Application of The Towers, LLC for a Certificate of Environmental Compatibility and Public Need for a Telecommunications Facility, Woodstock, Connecticut

FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW

Submitted by Intervenor: Paska Nayden, Founder CT4RTPMA

I. Introduction

Pursuant to the Connecticut Siting Council’s procedural schedule and General Statutes §§ 16-50p and 22a-19, Intervenor Paska Nayden respectfully submits these Final Findings of Fact and Conclusions of Law in Docket No. 535. These findings are drawn from the evidentiary record, including the Applicant’s filings, responses to Council and Intervenor interrogatories, oral testimony, and admissions during the September 9, 2025 hearing.

II. Public Need

1. The Applicant admitted that no drive test was conducted to measure existing service levels in the proposed coverage area.
 - a. Without empirical field data, the Applicant has not demonstrated a “significant gap” in service.
 - b. Federal precedent (*Sprint Spectrum v. Willoth*, 176 F.3d 630 (2d Cir. 1999); *T-Mobile v. Ramapo*, 701 F. Supp. 2d 446 (S.D.N.Y. 2009)) requires proof of both a substantial gap and that the facility is the least intrusive means of remedying that gap.
 - c. Absent such evidence, the Applicant fails to meet the burden of proof under C.G.S. § 16-50p(a)(3)(A).
2. Despite repeated interrogatories, the Applicant did not provide key performance indicators (RSRP/RSRQ/SINR, VoLTE call-setup success, dropped/blocked call rates, throughput) or busy-hour capacity data from nearby Verizon sites to substantiate any deficiency in service. Without those datasets, no record basis exists to show either unmet demand or inadequate coverage.
3. The Applicant’s own October 9, 2025 “Letter in Lieu of Post-Hearing Brief” offers no additional data beyond prior assertions and therefore does not cure the absence of objective field measurements demonstrating a significant gap in service.

III. Environmental Compatibility

3. The Applicant acknowledged that no Spill Prevention, Control, and Countermeasure (SPCC) Plan has been prepared, despite the design including multiple 100-gallon diesel generators and 500-gallon fuel tanks on land draining directly to the Little River, which supplies roughly 80 percent of Putnam’s public drinking water.
 - a. Comparable diesel-fuel spills from school and municipal generator systems elsewhere in Connecticut — including incidents in Ansonia (≈ 450 gallons released at a high-school generator site) and Rocky Hill (≈ 350 gallons from fueling equipment) — have required emergency containment to protect nearby reservoirs and stormwater systems. These examples illustrate a credible risk of groundwater and wetland contamination when large above-ground tanks are sited near sensitive drainage areas such as the Little River watershed.
 - b. Without an SPCC Plan, flood-event procedures, or hydrologic modeling, the Applicant has not proven environmental compatibility as required by C.G.S. § 16-50p(a)(3)(B) and CEPA § 22a-19.
 - c. No disclosure was made of insurance coverage or environmental indemnity protecting the Town or State from spills, fires, or structural failure.

IV-A. Deficient Environmental and Historical Documentation

4. The Applicant’s Wetlands Inspection report (APT Project No. CT754200, Nov. 22 2024) covers only a 200-foot study area, identifies a single “Wetland 1,” and defers impact evaluation pending future site-plan detail. The report itself states that the delineation is “a brief summary” and that “APT is available to provide a more comprehensive wetland impact analysis upon receipt of site plans.”
 - a. No comprehensive hydrologic modeling, vernal-pool inventory, or storm-water management analysis was submitted, despite the site’s location within the Little River watershed—a CEPA-protected drinking-water resource.
 - b. No DEEP Construction Stormwater GP, SWPPP, or Erosion & Sediment Control Plan was filed, and no confirmation was provided regarding U.S. Army Corps or DEEP authorization for wetland or watercourse crossings.
 - c. By accepting a partial field sketch rather than a full wetland delineation, the record fails to establish the Council’s statutory finding of “environmental compatibility” under C.G.S. § 16-50p(a)(3)(B).
5. **The Historic Resources Evaluation (APT Feb. 18 2025)** identifies only one historic property—the Woodstock Hill Historic District—located “0.8 mile south, outside the Area of Potential Effect (APE).”
 - a. The consultant admits the review is preliminary, limited to a 0.5-mile APE, and that a formal NEPA submission to SHPO will occur after Council review.
 - b. This omission excludes numerous cultural and archaeological assets along the Route 169 National Scenic Byway and within the Woodstock Hill and Plaine Hill historic areas, contrary to the Council’s responsibility to evaluate cumulative scenic and cultural effects

before issuing a Certificate.

c. The Woodstock sites are located within the visual setting of multiple historic resources documented by *Preservation Connecticut's Historic Barns of Connecticut* project and listed on State and National Registers along Route 169 (a federally designated National Scenic Byway).

d. Reliance on future SHPO correspondence—rather than a completed historic-resource determination—renders the record incomplete.

6. Despite repeated interrogatories, the Applicant did not respond to requests for:
 - CT DEEP NDDB clearance or time-of-year restrictions;
 - FEMA flood-zone data, base-flood elevations, and freeboard for the compound and access road;
 - visual simulations from Route 169, lakes, and ponds;
 - a landscape screening plan identifying species, spacing, and maintenance schedules; or
 - confirmation of generator noise compliance under CT RCSA § 22a-69.

IV-B. Unanswered or Incomplete Record Requests

7. Numerous interrogatories entered into the record remain unanswered or incomplete, including:
 - a. **Wetlands & Source Water:** lack of flagged wetland survey, soil logs, or source-water protection clearance from Putnam WPCA; no trenchless-utility design or floodproofing detail.
 - b. **Fuel & Fire Safety:** no SPCC Plan, containment verification, or emergency shutdown protocol during flood or fire events.
 - c. **RF Compliance:** no cumulative OET-65 modeling including Docket 534 or adjacent carriers; no post-activation verification plan.
 - d. **Public Safety and Insurance:** no disclosure of liability coverage for generator, fuel, or fire hazards affecting neighboring parcels.
 - e. **Visual/Scenic Resources:** no balloon/crane test documentation, photomontages, or leaf-on/leaf-off visibility analysis from lakes, ponds, or public recreation areas.

Because the Applicant's own consultant reports defer detailed analysis of wetland, wildlife, and historic-resource impacts to future submittals, and because key interrogatories remain unanswered, the record before the Council remains incomplete. Federal and state regulations alike require review of cumulative and cultural impacts prior to authorization, not post-construction. This omission prevents the Council from making the statutory findings required under C.G.S. § 16-50p(a)(3)(B) and CEPA § 22a-19.

V. Alternatives and Incomplete Record

8. The Applicant summarily rejected small-cell and distributed-antenna alternatives without producing coverage maps, capacity analyses, or cost/feasibility data.
9. The Applicant withheld lease-payment terms under Protective Order, concealing private financial benefit versus public need, contrary to the transparency required in public-interest siting decisions.
10. Key environmental and operational issues—including noise, stormwater management, hydrology, and floodplain elevation—were deferred to the post-approval Development & Management Plan stage. This leaves the administrative record materially incomplete and precludes the statutory findings mandated by § 16-50p(a).

VI. Conclusions of Law

Based on the foregoing Findings of Fact, the Applicant has not satisfied the dual statutory standards of public need and environmental compatibility under C.G.S. § 16-50p. The record demonstrates:

- No drive test ⇒ failure to prove a significant gap in coverage;
- No SPCC Plan ⇒ failure to protect a primary public drinking-water source;
- No alternatives analysis ⇒ failure to document the least intrusive means;
- No cumulative impact analysis ⇒ failure to assess combined effects in light of the approved tower under Docket 534 and the other macro towers and small wireless facilities in the surrounding area;
- Minimal wetland and historic impact analysis ⇒ failure to consider the full Route 169 Federal Historic Corridor and the adjacent lakes and beaches that define Woodstock's scenic and cultural identity;
- No disclosure was made of insurance coverage or environmental indemnity protecting the Town or State from spills, fires, or structural failure.

Accordingly, the Council cannot lawfully grant a Certificate of Environmental Compatibility and Public Need for the proposed facility. The record further shows that the proposed facility lies within the visual setting of multiple State- and National-Register properties documented through *Preservation Connecticut's Historic Barns of Connecticut* project and the Route 169 National Scenic Byway, magnifying the cumulative scenic and cultural impact of siting a 175-foot monopole within this corridor.

This submission is offered in the spirit of civic responsibility and environmental stewardship, with trust that the Council will take a careful and balanced view consistent with its statutory obligations under C.G.S. § 16-50p(a)(3)(B).

The Applicant's October 9, 2025 Letter in Lieu of Post-Hearing Brief further confirms that essential elements of review remain incomplete. The Applicant again relies on generalized statements of "unrefuted evidence" without providing the empirical drive-test or capacity data requested through Council and Intervenor interrogatories. The letter also acknowledges that the required submission to the State Historic Preservation Office (SHPO) will occur *after* Council approval, underscoring that the record before the Council remains incomplete under C.G.S. § 16-50p(a)(3)(B) and CEPA § 22a-19. Assertions that no adverse impacts exist are therefore unsupported by verified measurements, and the Applicant's characterizations of intervenor participation are not relevant to the Council's statutory duty to ensure a complete and balanced environmental record.

Although my early submissions were framed in general environmental terms, they have consistently addressed matters protected under the Connecticut Environmental Protection Act (C.G.S. § 22a-19), which I now invoke expressly for clarity of record.

I respectfully preserve my right to continue participating in this matter, and to seek review under C.G.S. §§ 22a-19 and 4-183 if necessary to protect the public interest and the natural resources we all share. This participation, grounded in the First Amendment and Connecticut's own Bill of Rights, reflects the public's constitutional right to petition government for the protection of shared environmental and community interests, consistent with the Connecticut Siting Council's statutory authority under C.G.S. § 16-50p and the Connecticut Environmental Protection Act (§ 22a-19).

Respectfully submitted,

/s/ Paska Nayden Intervenor, Docket No. 535
Founder CT4RTPMA
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Date: October 9, 2025

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Findings of Fact and Conclusions of Law was served by electronic mail on October 9, 2025 to the following:

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