

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

: DOCKET NO. 538

**APPLICATION OF THE TOWERS, LLC
FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND
OPERATION OF A WIRELESS
TELECOMMUNICATIONS FACILITY
AT 1022 TRUMBULL HIGHWAY,
LEBANON, CONNECTICUT**

: APRIL 23, 2026

**INTERVENORS GREGORY ROY AND NATALIE ROY'S
COMMENTS ON THE SITING COUNCIL'S DRAFT FINDINGS OF FACT**

Draft Finding of Fact No. 22 states that field reviews are not “an integral part of the public hearing process.” The cited caselaw does not support this assertion. While Intervenor's concede that the Siting Council is not required by statute to perform an in-person field review, the assertion that it is not integral or important is unsupported by the record.

Draft Finding of Fact No. 24 misrepresents the “virtual” field review of the site. Site documentation pursuant to the Siting Council’s Interrogatory No. 53 to the Applicant was to include “a. wetlands, watercourses and vernal pools; b. forest/forest edge areas; c. agricultural soil areas; d. sloping terrain; e. proposed stormwater control features; f. nearest residences; g. Site access and interior access road(s); h. tower location/compound; i. clearing limits/property lines; j. mitigation areas; and k. any other noteworthy features relative to the Project.” The response provided by Applicant had only photos of the proposed access locations, and aerial GIS views of the proposed site. No stormwater

control features, nearby residences, proposed mitigation of disturbance of the existing wetlands, or even identification of the existing wetlands was included in Applicant's answer (Record, Applicant 4, Question 53).

Draft Finding of Fact No. 26 asserts that the September 3, 2025 installation of a sign in the vicinity of the access drive prior to the September 11, 2025 public hearing was done in compliance with RCSA §16-50j-21. RCSA §16-50j-21(3) requires the Applicant's sign to be posted at least ten (10) days prior to the public hearing. The Applicant was not in compliance with this provision.

Draft Finding of Fact No. 35 states that the Siting Council "denied Roy's request for postponement of the public hearing." This assertion is incomplete. The Siting Council reiterated in the September 12, 2025 memo that "[t]he Request for Postponement of the September 11, 2025 hearing was denied on the basis that a continued evidentiary hearing has been scheduled for December 16, 2025, which is 96 days from the September 11, 2025 hearing" (Record, Memo 9/12/2025, 1). During the continued evidentiary hearing, the Intervenors, Roy, and Party, Arons, were barred from cross examining the Applicant on all existing exhibits. "[T]he cross-examination for this afternoon is limited to the exhibits that were filed in accordance with the evidentiary hearing memo" (12/15/25 Tr. 38, *John Morissette, Vice Chair*). The original reason cited and voted on by the Siting Council insinuated that the motion for continuance was moot due to the length of time between the September 11, 2025 hearing and December 16, 2025 hearing, however the Vice Chair for the Siting Council refused to entertain cross-examination on the original application.

Draft Finding of Fact No. 45 asserts that the Intervenor’s Motion for Continuance dated November 17, 2025 was filed “in order to consult with experts.” The Intervenor’s Motion for Continuance dated November 17, 2025 states “[t]o date, **the Applicant has not submitted additional information regarding the new location, nor has it confirmed a final site. As a result, the Intervenors are unable to submit meaningful interrogatories without knowing the precise location or proximity to their adjacent parcel.** The Intervenors are consulting with several experts to assess the proposed location's impact on contiguous wetlands, water tables, property values, and related matters. However, they cannot retain these experts or proceed with analysis until the final site is confirmed” (emphasis added, Record, Intervenor’s Mtn. for Cont. 11/17/25, 1).

Draft Finding of Fact No. 58 asserts that on January 14, 2026, The Towers, LLC submitted a post-hearing brief. The Towers, LLC did not submit a brief, instead submitting a Letter in Lieu of Brief (Record).

Draft Finding of Fact No. 79 asserts that the Town of Lebanon’s “Plan of Conservation and Development does not identify telecommunications facilities as a land use consistent or inconsistent with the general planning and conservation principles or policies of the Town.” This omits that the Town of Lebanon’s Zoning Regulations already codifies telecommunications facilities as a land use in Zoning Regulations § 4.3.1 Wireless Telecommunication Facilities, “(b) The purpose of this section is to encourage the use of nonresidential buildings and structures such as water storage tanks, encourage joint use/co-location of new or existing towers, facilities and sites, avoid potential damage to adjacent properties from tower failure, accommodate the need for wireless

communication towers and antennas while regulating their location and number, protect historic and residential areas from potential adverse impacts of wireless communication facilities, encourage suitable siting measures, minimize adverse visual effects of wireless communication facilities, and reduce the numbers of towers and/or antennas needed in the future.”

Draft Finding of Fact No. 84 identifies coverage deficiencies in its wireless communication network in the northeast portions of Lebanon and western portions of Franklin. As a true study has not been conducted, data is not quantifiable in terms of dropped calls, or for travelers vs residents. Local residents do not report an increase in dropped calls in the specified target area.

Draft Finding of Fact No. 88 identifies a tower location at the Scots EarthGro Inc. Plant. There is no current tower located at the Scots EarthGro Inc. Plant.

Draft Finding of Fact No. 94 asserts that “Cellco currently experiences intermittent service gaps for approximately 4 miles on Route 87, 4.3 miles on Route 207 and approximately 3.7 miles on Route 32, based on network signal level thresholds.” The Applicant has failed to provide any evidence of real-time call data, and relies solely on coverage maps. This assertion of “experience” is not supported by the record.

Draft Finding of Fact No. 95 includes a table where “the proposed site would provide reliable wireless service.” The table includes Route 87, however, when asked whether the proposed facility would provide coverage along Route 87, Mr. Kip DiVito acknowledged that it would not, stating that “[t]o fill that north area, I guess, on Route 87 you would need another site.” (Hrg. Tr., 9/11/2025, 29).

Draft Finding of Fact No. 96 asserts “the proposed facility would benefit Celco customers living, working, and/or traveling within the proposed service area.” There is insufficient information in the record to support this assertion without call data, and testimony that directly contradicts the benefit along Route 87 (Hrg. Tr., 9/11/2025, 29).

Draft Finding of Fact No. 135 includes a list of year-round and seasonal views of the wireless facility. It fails to include the extensive year-round and seasonal views from the Historic Lebanon Town Green (listed on the National Register of Historic Places) and surrounding historical properties (Applicant Attachment 9, Intervenor Exhibit A).

Draft Finding of Fact No. 202 states “[t]he existing farm road would be upgraded by applying gravel and widening it to consist 12 foot-wide travel surface, resulting in approximately 940 square feet of permanent wetland impact and 700 square feet of temporary impact.” The existing farm road does not currently traverse the wetlands (Hrg. Tr., 9/11/2025, 57). The statement by the Siting Council does not identify that any and all of the 940 square feet of permanent wetland impact and 700 square feet of temporary impact are *new* impacts outside of the existing farm road.

Draft Finding of Fact Nos. 212 and 213 identify 26 trees over 6 inches in diameter at breast height to be removed from the host parcel for the entire project. The Siting Council omits that for the access road alone, there would be a total of “seventy (70) trees that needed to be removed” (Hrg. Tr. 9/11/25, 34). In addition to the deforestation for construction of the wireless facility.

Dated at Willimantic, Connecticut this 23rd day of April, 2026

GREGORY ROY & NATALIE ROY

By: /s/ 413055

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CERTIFICATION

In accordance with Connecticut General Statutes § 4-177a (b), 16-50n, 16-50o, 22a-120, and/or 22a-163j, and/or RSA 16-50j-15a through 17, I hereby certify that a copy of the above application for intervenor status was mailed or electronically delivered on April 23, 2026 to all counsel and pro se parties of record and that written consent for electronic delivery was received from all counsel and pro se parties of record who were electronically served, as follows:

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