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May 28, 2026

Via Electronic Mail and Hand Delivery

Melanie A. Bachman
Acting Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051


Re: **Docket No. 543 – Application The Towers, 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 Wireless Telecommunications Facility Located at 17 Warren Road, Washington (New Preston), Connecticut**

Dear Attorney Bachman:

Enclosed please find an original and fifteen (15) copies of Applicant's Post-Hearing Brief regarding the above-referenced docket. Electronic copies of this Post-Hearing Brief have been sent to the Council, parties and intervenor participating in the docket today.

If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,



Kenneth C. Baldwin

Enclosure

CONNECTICUT SITING COUNCIL
DOCKET NO. 543

IN THE MATTER OF:

APPLICATION OF THE TOWERS 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 WIRELESS
TELECOMMUNICATIONS FACILITY IN WASHINGTON, CONNECTICUT

APPLICANT'S POST-HEARING BRIEF

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May 28, 2026

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EXECUTIVE SUMMARY

On July 30, 2025, The Towers LLC (“the Towers”) in cooperation with Cellco Partnership d/b/a Verizon Wireless (“Cellco”) (collectively the “Applicant”) filed an application with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Capability and Public Need (“Certificate”) to construct a wireless telecommunications facility on a 13.64-acre parcel at 17 Warren Road in Washington, Connecticut (the “Property”). The Property is owned by Alfred H. Stevens (the “Owner”).

Proposed Wireless Facility

The Applicant proposes to construct a 140-foot tall “monopole” telecommunications tower in a 50-foot by 50-foot fenced compound (100-foot by 100-foot leased area) in the northerly portion of the Property (the “Facility”). Cellco would install its antennas and remote radio heads at the 135-foot level on the tower. Equipment associated with Cellco’s antennas and a diesel-fueled backup generator, would be installed within the Facility compound. Access to the Facility would extend from Warren Road along a new gravel access driveway.

Public Need

The record contains ample and unrefuted evidence to support a finding by the Council that Cellco has established a “public need” for the Facility. In particular, the Facility will fill significant gaps in reliable wireless service and improve overall network performance in northeast Washington and southeast Warren, Connecticut particularly along portions of Routes 202 and 341, Couch Road, Valley Road, Romford Road, Old Mt. Tom Road, and Rabbitt Hill Road, as well as the surrounding commercial, residential and recreational parcels. The proposed Facility will provide wireless service to an overall area of 14.6 square miles where no service exists today.

Cellco's coverage objective in northeast Washington and southeast Warren cannot be satisfied by installing a series of small cell antennas and remote radio heads on existing utility poles along Route 202. As discussed in the Application and throughout the evidentiary hearing process, Cellco's coverage objectives in the area extend well beyond this approximately four-mile portion of the Route 202 corridor.

In addition to satisfying Cellco's need for service, the proposed Facility will be capable of supporting antennas and related equipment of additional commercial wireless service providers and emergency service entities including the Town of Warren Ambulance and Fire Departments, the Town of Washington Police and Fire Departments and Litchfield County Dispatch, a county-wide emergency services communications provider, each of whom expressed an interest in sharing the Facility.

Parties and Intervenors

In addition to the Applicant, the Council granted Party Status to the Towns of Washington and Warren, CEPA intervenor status to the Steep Rock Association Inc., a nonprofit land conservation organization, Intervenor and CEPA intervenor status to the Washington Montessori School, an abutting landowner and Intervenor and CEPA Intervenor status to four residents living near the Property.

Site Search

Historically, efforts to build new wireless facilities and improve wireless in Litchfield County Connecticut has been a challenge. The Applicant investigated the potential use of forty-two (42) alternative cell site locations, before signing a lease for use of the Property. With the exception of the Property, each of the other alternative sites were rejected because the property owners approached were unwilling to lease land for a new tower site, the land was not available

due to title or deed restrictions, or the location of the alternative parcel would not satisfy Cellco's wireless service objectives. Notwithstanding these extraordinary site search efforts, the intervenors and parties opposing the Facility suggest that the Applicant still needs to find another more suitable alternative site for the tower but never identified exactly where that more suitable site might be. Just not here, at 17 Warren Road.

Nature of Probable Impacts

The record contains ample evidence to support a finding by the Council that the Facility would not have a significant adverse impact on the environment of the Property or the surrounding area.

- Development of the Facility will result in only 267 square feet of permanent wetland impacts and 170 square feet of temporary wetland impacts. All of the temporary wetland impacts will be properly restored, and a 9,000 square foot wetland enhancement area will be created to mitigate the permanent impacts.
- There are no vernal pools located on the Property;
- Development associated with the Facility compound and access driveway will impact only 0.12 acres of Core Forest;
- The Facility will not impact resources listed on the National Register of Historic Places or State Register of Historic Places. No such resources exist within one-half mile of the proposed Facility;
- The Facility will not affect scenic and recreational resources in the area;
- The Facility will not adversely impact federal or State listed, threatened or endangered species or State species of special concern;
- The Facility will not impact migratory birds and will meet the USFWS guidelines for

telecommunications towers;

- The Facility will not have an adverse impact on prime agricultural land;
- The Facility tower will not be an obstruction or hazard to air navigation and, therefore, will not require any FAA marking or lighting; and
- The Facility will operate well within safety limits established by the FCC for radio frequency emissions.
- Due to the dense tree cover on and around the Property and the overall distance between the Facility and the nearest residence, the visual impact of the Facility on the closest neighboring properties and more distant parcels would be minimal.

Municipal Consultation and Public Input

On March 19, 2025, the Applicant provided Town officials in Washington, Warren and Litchfield with technical information about the Facility. During the ninety (90) day municipal consultation process, the Applicant did not receive any comments, questions or inquiries about the tower proposal, of any kind from any municipal officials or employees.

The Application was filed with the Council and sent to municipal officials on July 30, 2025. In early August 2025, the Applicant received calls and questions from two neighbors, including the Washington Montessori School. On August 26, 2025, that the Applicant received a call from the Washington Land Use Administrator, Shelly White, who had questions about the Siting Council's jurisdiction and process. The Applicant reached out to the Town of Washington again in mid-September of 2025 and spoke with the First Selectman on September 26, 2025. The Applicant was invited to attend a virtual Board of Selectman meeting on October 9, 2025 to present the tower proposal.

Conclusion

The evidence in record demonstrates that there is a significant need for improved Cellco wireless service and emergency communications service throughout Litchfield County and more particularly in northeast Washington and southeast Warren Connecticut. The evidence is also clear that the proposed 140-foot tower at the Property will satisfy that need. The evidence in the record also supports a finding that the environmental effects associated with the Facility would be minimal and do not outweigh the need for the Facility. The Applicant respectfully requests the Council approve the Application.

I. INTRODUCTION

On July 30, 2025, the Applicant filed an application with the Connecticut Siting Council (“Council”) (the “Application”) for a certificate of environmental compatibility and public need (“Certificate”), pursuant to Sections 16-50g et seq. of the Connecticut General Statutes (“Conn. Gen. Stat.”), for the construction, maintenance and operation of a wireless telecommunications facility (the “Facility”) in the northwest portion of an approximately 13.64-acre parcel at 17 Warren Road in Washington, Connecticut (the “Property”). The Property is owned by Alfred H. Stevens. (Applicant 1 pp. 1-3). As described in the Application, the Facility is needed in order for Cellco to fill significant gaps in reliable wireless service in Washington, Warren and portions of Litchfield where no service exists today. (Applicant 1, pp. 5-8, Tab 1, Tab 6).

As is often the case in Litchfield County, the Applicant’s tower proposal is being opposed by four (4) residents who live near the Property (the “Area Residents Group” or “ARG”) (ARG 1), the Washington Montessori School (“WMS”), an abutting landowner to the west of the Property (WMS 1), and the Steep Rock Association (“SRA”), a non-profit land conservation organization and the owner of approximately 650 acres of land, the closest of which is more than a mile to the west of the Property, (the Macricostas Preserved) (SRA 1). The Towns of Washington and Warren also participated in the Docket No. 543 proceedings as Parties, generally opposed to the tower Application. (Admin. Record).

II. PROCEDURAL BACKGROUND

On December 4, 2025, the Council conducted an evidentiary hearing and an evening public hearing on the Application. The evidentiary hearing process continued for four additional hearings on January 13, 2026, February 24, 2026, April 14, 2026, and April 28, 2026. (Admin. Record). This Post-Hearing Brief is filed on behalf of the Applicant pursuant to Section 16-50j-

31 of the Regulations of Connecticut State Agencies (“R.C.S.A.”). The brief evaluates the Application in light of the Council’s review criteria, as set forth in Conn. Gen. Stat. Section 16-50p and addresses other issues raised throughout the course of this proceeding.

III. FACTUAL BACKGROUND

A. Pre-Application History

The Town of Washington, hosts only two commercial wireless telecommunication towers. There are no commercial wireless telecommunications towers in the entirety of the Town of Warren. What limited Cellco wireless service does exist in each town comes from Cellco’s existing facilities in Washington, Litchfield, Goshen, New Milford or Kent. The lack of reliable commercial wireless and emergency service communications throughout both Washington and Warren, Connecticut presents a real and significant problem for residents, business owners, schools, visitors and those in need of emergency services. (Applicant 1, pp. 5-8, Tab 6; Applicant 4 Q26; 4.14.28 Tr. 72-74).

Starting in 2022, the Applicant began searching for a cell site location that would satisfy its need for service along portions of State Routes 202 and 341 as well as local roads, and the surrounding land in northeast Washington and southeast Warren. The Applicant investigated forty-two (42) alternative sites in an area located in both Washington and Warren. Except for the Property, each of the alternate sites was rejected because it didn’t satisfy Cellco’s wireless service objectives, the parcel was not available due to title deed restrictions, or the property owner was unwilling to lease land to the Applicant. (Applicant 1, Tabs 1 and 8). Notwithstanding the Applicant’s exhaustive site search effort, the ARG, WMS and SRA all insist that the Applicant explore “other more appropriate alternative locations”. At no time, however, did the parties and intervenors identify exactly where these other alternative locations might be. (SRA 3; 4.14.26 Tr.

pp.101-103).

B. Municipal Consultation

The Applicant commenced its 90-day municipal consultation process on March 19, 2025, with the submission of Technical Information to municipal officials in Washington, Warren and Litchfield. At no point during the 90-day pre-application process did the host or any of the adjacent municipalities reach out to the Applicant to express any concerns with the proposed tower proposal. It wasn't until August 26, 2025, that the Applicant heard from any municipal official and when they did, the conversation focused on the Council's jurisdiction and process. (Applicant 1 p.18; Applicant 4, Q2).

On September 25, 2025, the Town Washington First Selectman and the Applicant spoke about the proposed tower site. The Applicant attended the Washington Board of Selectman's meeting on October 9, 2025 and discussed the proposal with the Board of Selectman. Representatives of the Town of Warren and Litchfield never reached out to the Applicant about the Application. The Town of Warren and Washington both participated in the Council proceeding and confirmed that the proposed tower would benefit their respective emergency service providers. (Interrogs Set 1 Q2 and Comments; (Applicant 1.a. and Tab 8; Applicant 4 Q2).

C. Tower Sharing

The Applicant will design the proposed Facility to be shared by Cellco, three (3) additional commercial wireless carriers and Washington and Warren municipal emergency service providers and Litchfield Country Dispatch. This type of tower sharing arrangement would reduce, if not eliminate, the need for a new tower in the area in the future. (Applicant 1, p. 11; Washington 1 and 2; Warren 1 and 2).

D. The Facility Proposal

The Facility would consist of the installation of a 140-foot self-supporting monopole tower. Vehicular access to the site would extend from Warren Road over a new gravel access driveway on the Property. Utilities would also extend from existing service along Warren Road to the Facility compound. Cellco will install antennas and remote radio heads on a platform at the 135-foot level on the tower. Cellco will also install equipment cabinets and a diesel-fueled back-up generator within a secure fenced compound near the base of the tower. (Applicant 1, pp. 1-2 and 7, Tab 1; Project Plans; Applicant 9 LFE 1).

IV. THE APPLICATION SATISFIES THE CRITERIA OF CONN GEN. STAT. § 16-50p FOR ISSUANCE OF A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED

Section 16-50p of the Public Utility Environmental Standards Act (“PUESA”), Conn. Gen. Stat. § 16-50g *et seq.*, sets forth the criteria for Council decisions in Certificate proceedings and states, in pertinent part:

In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine: (A) . . . a public need for the facility and the basis of the need; (B) The nature of the probable environmental impact . . . including a specification of every significant adverse effect . . . whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish . . . and wildlife; (C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application

Conn. Gen. Stat. § 16-50p(a).

Under Section 16-50p, the Applicant must satisfy two key criteria in order for the Application to be granted and for a Certificate to issue. First, the Applicant must demonstrate that there is a “public need for the facility.” Conn. Gen. Stat. § 16-50p(a)(3)(A). Second, the Applicant must identify “the nature of the probable environmental impact” of the Facility¹ through review of the numerous elements specified in Conn. Gen. Stat. § 16-50p(a)(3)(B) and then demonstrate that these impacts “are not sufficient reason to deny the application.” Conn. Gen. Stat. § 16-50p(a)(3)(C). The evidence in the record for this docket establishes that the above criteria have been satisfied and that the Applicant is entitled to a Certificate.

A. A Public Need Exists for the Facility

1. There is a Significant Need for Improved Cellco Wireless Service in Washington and Warren

As noted in the Application, the FCC in its Report and Order released on May 4, 1981 (FCC Docket No. 79-318) recognized a public need on a national basis for technical improvement, wide area coverage, high quality and a degree of competition in mobile telephone service. The Federal Telecommunications Act of 1996 (the “Telecommunications Act”) emphasized and expanded on these aspects of the FCC’s 1981 decision. (Pub. L. No. 104-104, 140 Stat. 56). Among other things, the Telecommunications Act recognized an important nationwide public need for high quality wireless telecommunications services of all varieties. The Telecommunications Act also expressly promotes competition and seeks to reduce regulation in all aspects of the telecommunications industry to foster lower prices for consumers and to encourage the rapid deployment of new telecommunications technologies. (Council Adm. Notice 4).

¹ The Council’s project evaluation criteria do not include the consideration of property values.

In 2009, President Obama issued Presidential Proclamation 8460, in which “cellular phone towers” were identified as critical infrastructure vital to national security. (Council Adm. Notice 13). The same year, the United States Congress directed the FCC to develop a national broadband plan to ensure that every American has access to (wireless) broadband capability. The FCC released Connecting America: The National Broadband Plan (the “Broadband Plan”) a year later, which recognized broadband as a “foundation for economic growth, job creation, global competitiveness and a better way of life.” One of the Plan’s goals for 2020 is for the United States to “lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.” (Council Adm. Notice 12 and 22, 24 and 25).

The Facility would be part of Cellco’s expanding wireless telecommunications network envisioned by the Telecommunications Act and the Broadband Plan and has been developed to help meet these nationwide goals. In particular, Cellco’s system has been designed, and the proposed Facility has been selected, to maximize the geographical coverage, improve network capacity and improve the overall quality of wireless service to allow for efficient and reliable use of Cellco’s network. Cellco holds licenses to provide wireless services throughout the State of Connecticut and is eager to provide this service in the Towns of Washington and Warren. (Applicant 1, pp.5-11).

The record contains ample, written evidence and extensive testimony from Radio Frequency Design Engineers representing Cellco, that placing antennas at a height of 140 feet AGL at the Facility would allow Cellco to satisfy its wireless service objectives. The Facility would provide wireless service to an overall area of 14.6 square mile, filling significant gaps in wireless service, particularly along State Routes 202 and 341, Old Mt. Town Road, Garland Road, Rabbitt Hill Road,

Couch Road and other roads in the area, the WMS campus to the west, portions of Mt. Tom State Park and the SRA's Macricostas Preserve where reliable wireless service does not exist today. The need for wireless service in this area is undisputed. Coverage plots, interrogatory responses and testimony from the Applicant's RF Engineer clearly demonstrate that Cellco customers living, working, hiking, shopping and traveling through northeast Washington and southeast Warren are, at best, underserved in all of Cellco's operating frequencies. (Applicant 1, pp. 2 and 5-11, Tab 6; Applicant 4 Q16 and Q3; 12.4.25 Tr. pp. 29-44, 85-86).

2. The Need Cannot be Satisfied by Cellco's Existing Tower Sites in Litchfield, Washington or Warren

As mentioned consistently in the Application, in the Applicant's responses to more than 134 interrogatories and during the five days of evidentiary hearings, the closest existing towers that Cellco shares are located in southwest Litchfield (Litchfield SW Facility) and northwest Washington (Washington North Facility). Neither of these existing facilities can satisfy Cellco's need for service in the area around the Property. Simply said, there is no existing tower option available. (Applicant 1, pp. 8-11, Tab 6).

3. Cellco's Need for Wireless Service in Northeast Washington and Southeast Warren Cannot be Satisfied by Small Cells

The Council has substantial experience evaluating the feasibility of small cells as alternatives to macro-cell towers and has admitted a substantial amount of evidence on the topic in a number of contested cases over the past several years.² The Council has also made numerous findings of fact regarding the feasibility of small cells as alternatives to macro-cell towers. In fact, in a prior contested case regarding a proposed tower very similarly situated to the proposed Facility,

² See, e.g., Council Docket Nos. 445, 448, 534, 535, and 536.

the Council found that:

Alternative telecommunications technologies such as repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means of providing service to the large area, with low density of usage, that AT&T is seeking to cover from the proposed site. Docket No. 445, Findings of Fact No. 76 (emphasis added).³

Small cells are used to complement service from existing macro-cell (tower) locations and provide targeted solutions that provide limited coverage and more often capacity relief to a wireless network. The Council has ample evidence in the record to make this same finding in this docket.

The Facility would provide reliable wireless service to an overall area of 14.6 square miles covering all area roadways, commercial and residential areas, the WMS property, portions of Mt. Tom State Park, and significant portions of the Macricostas Preserve, an area with tens of thousands of passive recreation visitors annually. (Applicant 1pp. 8, Tab 6; Applicant 4 Q7; Applicant 11 Q5, Q8, Q9, Q10, Q15).

Installing small cells on utility poles along an approximately four-mile portion of Route 202 would provide coverage along the Route 202 corridor, and depending upon adjacent topography, small areas on either side of the roadway. SRA's witness has claimed that the installation of ten (10) small cells along Route 202 would satisfy Cellco's wireless service objective in the area. This

³ Interestingly enough, Michael Lawton was an expert witness in Docket No. 445 on behalf of AT&T (see 2.24.26 Tr. p. 112), who sought to build a macro tower, and provided the following testimony: MR. MARTIN: All right. Okay. And could you explain why DAS and other similar alternative wireless technologies may or may not be feasible to provide the service that would be possible from the proposed tower? THE WITNESS (Lawton): I think we're talking about a really large, you know, a significantly large area. DAS, our typically intended DAS, outdoor DAS which we use as well as small -- small-cell technologies are typically intended to provide service to a very defined coverage area of high density of usage, which is not at all what we have here. We have a larger area, a very large area with lesser density of usage than someplace, an outdoor DAS installation that would be something that would make sense would be something like Yankee Stadium, or something where you'd have hundreds of thousands of people in a very confined area with a very specific footprint that you could bring a lot of capacity to bear in a -- in a small area. Where what we're trying to do here is more of a -- is a very large area that's currently unserved, or underserved. And capacity is not as much of a concern as coverage. Docket No. 445, April 24, 2014 Evidentiary Hearing Transcript. This position aligns directly with the Applicants testimony in Docket No. 453.

conclusion fails to recognize the additional need for wireless service along Route 341, Couch Road, Valley Road, Romford Road, Old Mt. Tom Road, and Rabbitt Hill Road or large developed and open land within the Facility's 14-6 square mile coverage footprint, including the Washington Montessori School parcel, the Macricostas Preserve and portions of Mt. Tom State Park. Small cells in this portion of Litchfield County are, similar to Kent and Ridgefield tower proposals previously approved by the Council, simply are not a practicable or feasible means of addressing the significant wireless service deficiencies in this area. (Applicant 1pp. 8, Tab 6; Applicant 4 Q7; Applicant 11 Q5, Q8, Q9, Q10, Q15).

B. Nature of Probable Impacts

The second step in the statutory review procedure addresses the probable environmental impacts of the Facility. The Applicant submits that, based on the statutory factors listed below, the Facility will not have a significant adverse effect on the environment.

1. Natural Environment and Ecological Balance

The proposed development of the Facility by the Applicant has eliminated, to the extent possible, impacts on the natural environment. The Facility improvements would be located within a 2,500 square foot fenced compound in the northwest portion of the Property and at the highest available ground elevation, allowing for the construction of the shortest tower possible. Access to the Facility would extend from Warren Road over a new gravel access to the Facility compound. The proposed driveway is relatively flat (1.5% grade) from Warren Road for approximately 323 feet and then extends up the hill at a grade 21.5% for 637 feet then 5.0% for the 133 feet and 6.27% for 50 feet to the compound with necessary grading the total limits of disturbance associated with the Facility and access driveway will be 67,065 square feet. (Applicant 9, LFE 1).

2. Public Health and Safety

The Applicant has considered several factors in determining that the nature and extent of potential public health and safety impacts resulting from installation of the Facility would be minimal or nonexistent.

First, the potential for the Facility tower to fall does not pose an unreasonable risk to health and safety. The approved tower would be designed and built to meet the appropriate standards for structures and development of this kind, including all appropriate wind speeds as designated by the Connecticut State Building Code. (Applicant 1; Applicant 4, Q20, Q22, Q38). The closest off-site residence is located more than 300 feet to the northwest at 270 Woodville Road in Warren, Connecticut. The closest property line to the tower is 104 feet to the west, adjacent to property owned by the WMS. There are no structures located within the full 140-foot fall radius of the tower. The Applicant has also committed to include a yield point in the tower design at the appropriate height, thereby eliminating any chance that the tower would fail and impact any adjacent parcels. (Applicant 1, Tab 1 Project Plans; Applicant 9; Applicant 4, Q 47).

Second, worst-case potential public exposure to Radio Frequency (“RF”) emissions from the Facility for Cellco’s antennas would be 2.8% of the FCC Safety Standards. (Applicant 1, pp. 15-16, Tab 14).

Third, the proposed driveway access from Warren Road (State Route 341) would require the Applicant to apply for and receive a Highway Encroachment Permit for the driveway from the State Department of Transportation (“CTDOT”) District 4 Maintenance Manager. During construction of the Facility, traffic control measures, approved as a part of the CTDOT permitting process, will be maintained along Warren Road. These measures will include a combination of advanced signage, channelizing devices (cones and barricades), proper lighting, and, when necessary, flaggers or law

enforcement.

After site construction is complete, site access will be limited to cell site technicians utilizing passenger and single-unit vehicles (pick-up trucks and sports utility vehicles) visiting the Facility only when required to service the equipment. These site maintenance visits occur infrequently and result in traffic movements at a frequency far less than the existing residences along Warren Road. (Applicant 9, LFE 2).

As discussed extensively during the evidentiary hearing, the proposed driveway access will not meet the required sight-line requirements for Passenger or Single-Unit vehicles primarily because travelers along Route 341 in the area regularly exceed the posted speed limit on this roadway. To reflect the unique operational usage of the proposed access driveway, the Applicant, as a part of the encroachment permit process, will request a “design exception” from the CTDOT to allow it to maintain a driveway entrance with less than optimal sight lines along Warran Road. In its evaluation of the “design exception” request, the CTDOT may consider the low driveway usage and other factors unique to this permitting process, in making its determination. (Applicant 9; Applicant 13, Q2, Q3, Q5-Q10; 4.14.26 Tr. pp. 32-40; 4.28.26 Tr. 117-120).

Overall, the nature and extent of potential, adverse public health and safety impacts resulting from construction and installation of the Facility would be minimal or nonexistent. The public safety benefits, however, would be substantial as the Facility would provide enhanced wireless service and emergency communications services where it does not exist today.⁴

⁴ As described by the First Selectmen of Washington and Warren, the two town’s police, fire and ambulance services would all benefit from the proposed Facility. Litchfield County Dispatch, which services 22 towns in Litchfield County, has also expressed an interest in sharing the proposed Facility to enhance its emergency service communications network.

3. Core Forest

The proposed Facility compound and modified access driveway has limited impacts to a very small portion of the Core Forest patch (approximately 0.12 acres) within the north and west limits of the Property. The Property primarily consists of Edge Forest (approximately 67 acres) with a small Core Forest patch (approximately 4 acres) occupying the central-west portion of the Property. The small Core Forest patch is the result of developments (e.g., State highways, residences and WMS) that surround the Property. This surrounding development has perforated the forest habitat causing much of the forest on and adjacent to the Property to be classified as Edge Forest. Therefore, the proposed Facility will impact only 5, 227 square feet (0.12 acres) of core forest on the Property. (Applicant 4, Q 58; Applicant 8, Q. 63; Applicant 9 LFE 4; 12.4.26 Tr. pp. 57-68; 1.13.26 Tr. pp. 19-22; 2.24.26 Tr. pp.129-130; 4.14.26 Tr. pp. 26-30).

4. Scenic Quality

Pursuant to CGS §16-50p(b), the Council must examine whether the proposed Facility would be located in an area of the state which the Council, in consultation with DEEP and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance and that the latest facility design helps to minimize aesthetic and environmental impacts. No comments were received from the Towns of Washington or Warren or the Department of Energy and Environmental Protection (DEEP) regarding impacts to scenic quality or resources in the area. The Applicant respectfully submits then, that the Facility would not be in an area that possesses scenic quality of local, regional or state-wide significance and would not substantially affect the scenic quality of its location or the surrounding neighborhood.

No visibility of the proposed tower is anticipated from any portions of any state-designated scenic roadways within the two-mile Study Area. (Applicant 1 Tab 9).

Views of the Facility tower from area roadways are limited to locations within 0.7 miles of the Facility and occur only along portions of Jack Corner Road, Woodville Road (State Route 341), and Litchfield Turnpike (Route 202). (See Applicant 1, Tab 9, Photo locations 2, 9, 11, 15, and 22). Near-range views of the Facility are limited to parts of State Route 341 and Wilbur Road adjacent to the Property (See also Applicant 1, Tab 9, Photo locations 16, 17, and 19).

The Facility will not be visible from the Rye House, or the Mount Tom State Park look-out tower, the only two resources in the area that appear on the National Register of Historic Places (“NRHP”). The proposed tower would not be visible from Couch Road, and only marginally visible from the northerly portion of Romford Road, both locally designated scenic roads. No visibility of the proposed tower is anticipated from any portions of any state-designated scenic roadways within two miles of the Facility. (Applicant 1, Tab 9 Photo locations 5 and 25; 12.4.26 pp. 33-38).

Year-round visibility, where a portion of the tower may be visible above the tree line, will occur over approximately 20 acres within the two-mile radius (8,042 acre) Study Area. Seasonal visibility, when leaves are off the deciduous trees, is predicted to extend to over an additional 138 acres. The combined 158 acres of predicted year-round and seasonal visibility represents less than two percent of the 8,042-acre Study Area. The area terrain and dense tree cover aid in minimizing the visibility associated with the proposed Facility. (Applicant 1, Tab 9; 12.4.25 Tr. pp. 33-38, 69-70, 96-110; 1.13.26 Tr. pp. 53-62, 84-87).

Direct visual impact to residences within the two-mile radius Study Area is limited to one residence with year-round views (only), 22 residences with possible seasonal views and 14 residences with combined seasonal and year-round views (including the host parcel). Visibility

of the proposed tower from locations on the WMS campus would be limited and variable depending on viewer location and season. Hiking trails located east of the access drive have the potential for intermittent seasonal visibility; however, any such views would likely be obscured or obstructed due to the density of intervening mature forest and steep topography. (Applicant 8, Q61).

Approximately 300 feet of forest separates the proposed tower from the southeast property line of 270 Woodville Road. Visibility of the proposed tower and associated compound from the residence would be primarily seasonal in nature and likely obstructed/obscured by the density of the intervening trees. Finally, the tower would not be visible from the hiking trails on the SRA property to the west (the Macricostas Preserve). (Applicant 1 pp 12-13; Applicant 4 Q49; Applicant 8 Q61).

5. Historical Values

The Applicant's team accessed and reviewed publicly available information on the NRHP and an independent database developed directly from the Connecticut State Historic Preservation Office ("SHPO") files to identify listed sites and sites potentially eligible for listing, within 0.5-mile of the proposed Facility. The purpose of conducting the preliminary review is to assess potential visual effects on historic properties within 0.5-mile of the proposed tower site. The 0.5-mile distance was established in the Federal Communications Commission's Nationwide Programmatic Agreement ("NPA") in cooperation with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers, as the Area of Potential Effect ("APE") for towers less than 200 feet tall. Combined, these sources provide a reasonable level of due diligence in adherence to review criteria established in the NPA and consistent with Council protocol and procedures. These resources include the following records:

- Properties listed in the National Register;
- Properties formally determined eligible for listing by the Keeper of the National Register;
- Properties that the SHPO certifies are in the process of being nominated to the National Register;
- Properties previously determined eligible as part of a consensus determination of -3- eligibility between the SHPO and a Federal Agency or local government representing the Department of Housing and Urban Development; and
- Properties listed in the SHPO Inventory that the SHPO has previously evaluated and found to meet the National Register criteria, and that are identified accordingly in the SHPO Inventory.

Regardless of the opinions offered by witnesses testifying on behalf of the ARG, there are no listed resources located within the 0.5-mile or the Facility. (Applicant 1 p. 15, Tab 12; Applicant 11 Q2-Q6). The simple fact of the matter is that the properties identified by ARG as having some historical significance, do not currently appear on the NRHP or the State Register of Historic Places (SRHP). Additionally, none of these properties are currently recommended for inclusion on the NRHP in the Historic and Architectural Resource Survey of Washington prepared by Cunningham Preservation Associates, LLC for the CT State Historic Preservation Office in 2000; the principal source of documentation cited in the ARG. (Applicant 11 Q2-Q6).

6. Agriculture

According to the National Cooperative Soil Survey (U.S. Department of Agriculture, Natural Resources Conservation Service), the proposed Facility compound is not located on Prime

Farmland Soils or Statewide Important Farmland Soils. A portion of the proposed access driveway closest to Warren Road will cross through Prime Farmland Soil. (Applicant 1 p. 15, Tab 13; Applicant 9 LFE 1).

7. Recreational Values

There are no recreational activities or facilities on or near the Property that would be adversely impacted by development of the Facility. Mt. Tom State Park, which includes hiking trails, a pond, and a boat launch is located approximately one mile to the southeast. The Macricostas Reserve, a private parcel owned by SRA, which included hiking trails, is located approximately 1.5 miles to the west of the Facility. According to the VA, no year-round or seasonal views of the tower will occur from either Mount Tom State Park or the Macricostas Preserve. (Applicant 1, p. 10 Tab 9).

8. Forests and Parks

There are no State or local forests or parks that will be adversely impacted by the development of the Facility. The southernmost portion of 4,000+ acre Wyantnock State Forest is located approximately 1,000 feet north of the Property and extends northward. As mentioned above, Mount Tom State Park is located approximately one mile to the southeast. No year-round or seasonal views of the tower will occur from these areas (Applicant 1, pp. 12-16; Tab 9).

9. Air and Water Quality

a. Air Quality.

Under normal operating conditions, Cellco's equipment at the Facility would generate no air emissions. During power outage events and periodically for maintenance purposes, Cellco would utilize a diesel-fueled generator to provide emergency back-up power to its equipment. (Applicant 1, pp. 12-16 and 19).

b. Water Quality and Wetlands.

First, it is important to reiterate that the Facility would not utilize water, nor would it discharge substances into any surface water, groundwater, or public or private wastewater disposal system.

Second, the Applicant's consultant conducted multiple field investigations and completed a Wetland Assessment of the Facility including the proposed (new) access driveway. The access driveway will cross the southern end of the isolated wetland within a narrow area that primarily consists of a seasonal intermittent watercourse channel. The proposed crossing will use a 4-foot-wide precast concrete box culvert that will be embedded 12-inches below the existing watercourse channel elevation and filled with natural stream materials excavated at the proposed crossing. Existing stream channel inverts at the box culvert in both upstream and downstream locations will be maintained to avoid any hydrology impacts while allowing for small wildlife movements through the structure's wide opening. The proposed wetland crossing will result in only 267 square feet of permanent wetland impacts and 170 square feet of temporary wetland impacts. As noted in the Wetland Mitigation Plan, all of the temporary wetland impacts will be properly restored, and a 9,000 square foot wetland enhancement area will be created, which will more than compensate for the unavoidable permanent wetland impacts and activities proximate to this wetland area. (Applicant 1, Tab 11; Applicant 9, LFE 1, Plan Sheet Z-3.4; 12.4.26 Tr. pp. 38, 81-90; 1.13.26 Tr. pp. 48-52).

Finally, according to the Wetland Assessment and based on physical inspections of the wetland system on the Property, initially in October of 2024 and again in April of 2026, the Applicant determined that Wetland 1 does not support vernal pool habitat. (Applicant 1 Tab 11; Applicant 4 Q5, Q52, Q60; Applicant 9 LFE 1; 1.13.26 Tr. pp 48-52; 2.24.26 Tr. 50-52; 4.14.26

Tr. pp. 60-61).

10. Fish and Wildlife

According to the evidence in the record, the Facility will not have a significant effect on listed or proposed, threatened and endangered species, their designated habitat or migratory birds. According to the May 1, 2025 USFWS & NDDDB Compliance determination, four (4) federally listed species are known to occur in the vicinity of the Property documented as the Northern Long-Eared Bat (endangered), Tricolored Bat (proposed endangered), Bog Turtle (threatened) and the Monarch Butterfly (proposed threatened). With appropriate seasonal tree clearing restrictions, the evidence in the record demonstrates that neither the Northern Long-Eared Bat nor the Tri-Color Bat would be impacted by the construction and use of the Facility. (Applicant 1, p. 14, Tab 10).

The proposed Washington North 2 Facility would also comply with the USFWS recommended guidelines for reducing impacts to migratory birds. Finally, no known areas of State listed species exist on the most recent DEEP/NDDDB maps in the location of the proposed cell site. (Applicant 1, Tab 10; Applicant 9 LFE 1, LFE 3, and LFE 7).

C. The Application Should Be Approved Because the Public Need for the Facility Far Outweigh any Potential Environmental Impacts

Following a determination of the probable environmental impacts of the Facility, Conn. Gen. Stat. § 16-50p requires that the Applicant demonstrate why these impacts “are not sufficient reason to deny the Application.” Conn. Gen. Stat. § 16-50p(a)(3). The record establishes that the impacts associated with the proposal would be limited and outweighed by the benefits to the public from the Facility and, therefore, requires that the Council approve the Application.


Unlike many other types of development, telecommunications facilities do not cause indirect environmental impacts, such as increased traffic and related pollution. The limited aesthetic and environmental impacts of the Facility can be further mitigated by the sharing of the proposed tower. The Applicant intends to design the tower so that it could be shared by other wireless carriers, and the Town for emergency service providers.

In sum, the potential environmental impacts from the Facility would be minimal when considered against the benefits to the public. These impacts are insufficient to deny the Application. The site, therefore, satisfies the criteria for a Certificate pursuant to Conn. Gen. Stat. § 16-50p, and the Applicant's request for a Certificate should be granted.

V. CONCLUSION

Based on the evidence in the record, the Applicant has established that there is a need for the Facility and that the environmental impacts associated with the Application would be limited and outweighed by the benefits to the public from the Facility and, therefore, requires that the Council approve the Application. Therefore, the Council should approve the Application as submitted.

Respectfully submitted,
THE TOWERS, LLC and CELLCO
PARTNERSHIP d/b/a VERIZON
WIRELESS

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CERTIFICATION OF SERVICE

I hereby certify that on this 28th day of May, 2026, a copy of the foregoing was sent via electronic mail, to the following:

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